

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: April 3, 2013



Item

7:30 PM **1.0 Call to Order**

7:31 PM **2.0 Pledge of Allegiance**

7:32 PM **3.0 Adopt Agenda**

7:33 PM **4.0 Public Forum**

7:55 PM **5.0 Consent Agenda**

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration

- Page 7-11 A. Approve Bills
- Page 12-25 B. Meeting Minutes, March 6, 2013, Regular Meeting
- Page 26-36 C. Meeting Minutes, March 6, 2013 Work Meeting
- Page 37-51 D. Meeting Minutes, March 20, 2013 Regular Meeting
- E. Meeting Minutes, March 20, 2013 Work Meeting
- Page 52-57 F. Approve Proposal from Dascom Systems Group for Assistive Listening System for Council Chambers
- Page 58 G. Declare Surplus Equipment John Deere Tractor
- H. Equipment Purchases for Public Works
- Page 59-65 I. Pay Estimate #20, Phase 1, Project 1, Utilities
- Page 66-67 J. Pay Estimate #1, Viking Blvd. Turn Lane, S.R. Weidema

New Business

6.0 Commission, Association and Task Force Reports

- A. EDA Commission
- B. Planning Commission
- 8:15 PM C. Park Commission
 - Page 68-77 1. Meeting Minutes, March 13, 2013
 - Page 78-80 2. Old School House
- 8:17 PM D. Road Commission
 - Page 81-87 1. Meeting Minutes, March 12, 2013

7.0 Department Reports

- A. Community Development
- 8:20 PM B. Engineer
- C. Attorney
- D. Finance
- E. Public Works
- F. Fire Department
- 8:30 PM G. City Administrator
 - Page 88-97 1. Water Park Request for Proposals (RFP)
 - Page 98-114 2. Water & Sewer Ordinance

	8.0	Other
8:45 PM		A. Staff Reports
8:50 PM		B. Council Reports
		C. Other
9:00 PM	9.0	Adjourn



City of East Bethel City Council Agenda Information

Date:

April 3, 2013

Agenda Item Number:

Item 5.0 A-J

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, March 6, 2013, City Council Regular Meeting

Meeting minutes from the March 6, 2013 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, March 6, City Council Work Meeting

Meeting minutes from the March 6, 2013 City Council Work Meeting are attached for your review and approval.

Item D

Meeting Minutes, March 20, 2013, City Council Regular Meeting

Meeting minutes from the March 20, 2013 Regular City Council Meeting are attached for your review and approval

Item E

Meeting Minutes, March 20, 2013, City Council Work Meeting

Meeting minutes from the March 20, 2013 City Council Work Meeting are attached for your review and approval.

Item F

Approve Proposal from Dascom Systems Group for Assistive Listening System for Council Chambers

City Council and staff have had complaints from residents and others that have hearing disabilities that they cannot hear the City Council when attending meetings. The assistive listening system that Dascom is proposing would provide four sets of headphones that could be used by anyone with a hearing disability in the City Council Chambers to better hear any meeting when the microphones are turned on. Dascom is the current vendor for our AV system in the Council Chambers.

Staff has discussed using the headphones with several residents and they have indicated that they would use them if they were available.

Staff is recommending City Council approve the proposal from Dascom Systems Group for the Assistive Listening System for the Council Chambers in an amount not to exceed \$1,873.52.

Item G

Resolution 2013-16, Declaring John Deere 6400 Tractor Surplus Equipment

The 1997 John Deere 6400 Tractor has outlived its useful life. With 7,000 operational hours and often requiring numerous repairs, the cost to maintain the vehicle has exceeded its value. This is a scheduled replacement and budgeted for in the Equipment Replacement Fund.

Staff recommends adoption of Resolution 2013-16, Declaring JD 6400 Surplus Equipment and directing the equipment to be used as trade-in value.

Item H

Equipment Replacement for Public Works

Purchase Tractor-Equipment Replacement Schedule

As part of the City's Equipment Replacement Program, the 1997 John Deere 6400 tractor is scheduled for replacement in 2013. This is a regular replacement for this item. This piece of equipment is one of the oldest units in our fleet and has reached the stage in its service life where the maintenance costs of this tractor are becoming excessive and are approaching the value of the machine. Due to higher maintenance costs, increased down time and lower productivity of this machine, City staff recommends that we replace the John Deere 6400 tractor.

The existing tractor was purchased with a rotary roadside mowing attachment and front end loader attachment. The new tractor would only require the rotary roadside mowing attachment.

Staff has checked state contracts for tractors with minimum specifications of 95 horsepower and operator cab. This is consistent with our needs and similar to the replaced tractor. From a review of the State Contracts for this type of equipment, we have identified the John Deere 6115M as the unit that best matches our requirements.

Funds for this acquisition are provided for in the Equipment Replacement Fund. Funding was budgeted at \$88,000 for replacement of this tractor. The salvage/trade in value of the 1997 John Deere 6400 along with the attachments is \$14,000. The cost for the new 6115M is \$77,262 on the state contract. The total cost for this machine less the trade in of \$14,000 is \$63,262 and with the addition of sales tax the total cost of the new unit is \$67,611.

The roadside mowing attachment is also priced on state contract and staff has identified the Diamond mower as the unit that best matches our requirements. Funding was budgeted at \$11,000 for the roadside mowing attachment. The cost for the new rotary mower attachment is \$13,418 plus an additional \$2500 for mounting and freight. The total cost with the addition of sales tax would be approximately \$17,012.

Total funding for this machine and attachments provided for in the equipment replacement fund is \$99,000. With the recommended items and attachments the total cost would be approximately \$84,623.

Staff recommends the purchase of the John Deere 6115M tractor and Diamond rotary cutter attachment. This equipment will meet our current and future needs and have a projected service life of 15 years.

Purchase Excavator/Backhoe- Equipment Replacement Schedule

As part of the City’s Equipment Replacement Schedule, \$70,000 has been budgeted for the purchase of an excavator/backhoe. The Public Works Department currently uses a small skid steer attachment for minor excavation requirements and grave digging. The limited size, strength, digging depth, swing radius, and efficiency make this attachment insufficient for the Department’s requirements. With an increase in requirements for storm water system maintenance and the addition of city water and sewer lines, staff requires equipment with a larger handling capacity and dig depth. Items such as culvert replacement that were previously contracted out can be handled in-house at significant savings.

Staff has identified mini-excavators as the best piece of equipment to meet our needs. Staff has researched and tested models from different manufacturers, discussed equipment with other municipalities, and researched pricing on State Contracts and as a result, has identified the Caterpillar 305ECR as the unit that best matches our requirements.

Total cost for this machine under the 2013 State Contract plus sales tax is \$74,505. The price includes a bucket for excavation and a ditch cleaning bucket for larger capacities of less dense material.

Staff recommends the purchase of the Caterpillar 305ECR. This equipment will meet our current and future needs and have a projected service life of 15 to 20 years.

Purchase Vehicle Lift-Equipment Replacement Schedule

As part of the City’s Equipment Replacement Schedule, \$15,000 has been budgeted for the purchase of a vehicle lift for servicing City vehicles in the Public Works Maintenance building. Currently staff uses floor jacks, jack stands and creepers to service the City’s fleet. The League of MN Cities representatives have identified this as an area of high concern when they performed their safety audit in 2012. They have recommended a vehicle lift to reduce the potential for work related injuries common to this type of work.

Staff has researched different styles and brand of lifts and has identified that a 15,000 lb two-post lift would provide the adequate power needed to service all city vehicles up to the 1.5 ton trucks.

Staff has received three quotes for this equipment that includes installation and recommends the low quote of \$12,200 for a Rotary 15,000 lb 2 post lift including installation and a 2 year warranty.

Item I

Pay Estimate #20 for the Phase 1, Project 1 Utility Improvements

This item includes Pay Estimate #20 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include muck excavation and backfill, dewatering, traffic control and sanitary sewer, forcemain and watermain construction along Viking Boulevard. Two separate payments will be made. One payment will be to S.R. Weidema and the other will be to the escrow account established at TCF Bank. Staff recommends partial payment of \$1,315,769.88. A summary of the recommended payment breakdown is as follows:

Contractor Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$6,774,018.36	\$6,135,838.57	\$638,179.79
City	\$4,172,645.90	\$4,028,266.88	\$144,379.02
County	\$1,789,303.32	\$1,321,880.74	\$467,422.58
Total	\$12,735,967.58	\$11,485,986.19	\$1,249,981.39

Escrow Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$356,527.28	\$322,938.87	\$33,588.41
City	\$219,612.94	\$212,014.05	\$7,598.89
County	\$94,173.86	\$69,572.67	\$24,601.19
Total	\$670,314.08	\$604,525.59	\$65,788.49

The payment includes \$1,249,981.39 to S.R. Weidema and \$65,788.49 to the escrow account for a total of \$1,315,769.88. Payment for this project will be financed from the bond proceeds and County proceeds in accordance with the Joint Powers Agreement. Funds, as noted above, are available and appropriate for this project. A copy of the Pay Estimate is attached.

Item J

Pay Estimate #1 for the Viking Boulevard Turn Lane Construction

This item includes Pay Estimate #1 to S.R. Weidema for subgrade correction of the right turn lane on the north side of Viking Boulevard. This pay estimate includes payment for permit costs, muck excavation and granular backfill less a 5 percent retainage. Staff recommends partial payment of \$51,347.50. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 54,050.00
Retainage	<u>\$ 2,702.50</u>
Total payment	\$ 51,347.50

Payment for this project will be financed 100 percent by East Bethel Properties, LLC. A copy of Pay Estimate #1 is attached.

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval April 3, 2013

Bills to be Approved for Payment	\$90,996.28
Electronic Payments	\$23,157.11
Payroll City Staff - March 28, 2013	\$28,330.99
Total to be Approved for Payment	\$142,484.38

City of East Bethel

April 3, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
215-221st East 65 Service Rd	Architect/Engineering Fees	31339	Hakanson Anderson Assoc. Inc.	402	43125	2,813.54
Arena Operations	Gas Utilities	361949390	Xcel Energy	615	49851	3,266.22
Arena Operations	Refuse Removal	290572	Walters Recycling, Inc.	615	49851	164.92
Arena Operations	Repairs/Maint Machinery/Equip	2579558	Dalco	615	49851	49.16
Building Inspection	Motor Fuels	2177611	Lubricant Technologies, Inc.	101	42410	255.97
Building Inspection	Motor Fuels	2182591	Lubricant Technologies, Inc.	101	42410	145.55
Building Inspection	Professional Services Fees	032713	Kevin Tramm Construction, Inc.	101	42410	172.30
Building Inspection	Telephone	332373310-136	Nextel Communications	101	42410	21.73
Central Services/Supplies	Cleaning Supplies	650460095001	Office Depot	101	48150	26.71
Central Services/Supplies	Office Equipment Rental	5896486-MR13	Pitney Bowes	101	48150	137.10
Central Services/Supplies	Office Supplies	647975472001	Office Depot	101	48150	7.47
Central Services/Supplies	Office Supplies	647975560001	Office Depot	101	48150	43.44
Central Services/Supplies	Office Supplies	650460095001	Office Depot	101	48150	38.60
Central Services/Supplies	Postage/Delivery	5527-01	Do-Good.Biz	101	48150	992.44
Central Services/Supplies	Printing and Duplicating	81306	Catalyst Graphics, Inc.	101	48150	625.43
Central Services/Supplies	Telephone	10715608	Integra Telecom	101	48150	228.07
City Administration	Telephone	332373310-136	Nextel Communications	101	41320	9.21
City Administration	Travel Expenses	032713	Jack Davis	101	41320	130.52
Engineering	Architect/Engineering Fees	31345	Hakanson Anderson Assoc. Inc.	101	43110	1,847.01
Fire Department	Dues and Subscriptions	032613	MN State Fire Chiefs Assoc.	101	42210	222.00
Fire Department	Employer Paid Expenses	1681	MN Fire Serv Cert Board	231	42210	85.00
Fire Department	Gas Utilities	361949390	Xcel Energy	101	42210	1,806.33
Fire Department	Motor Fuels	2177611	Lubricant Technologies, Inc.	101	42210	407.19
Fire Department	Motor Fuels	2177612	Lubricant Technologies, Inc.	101	42210	470.96
Fire Department	Motor Fuels	2182591	Lubricant Technologies, Inc.	101	42210	231.54
Fire Department	Motor Fuels	2182592	Lubricant Technologies, Inc.	101	42210	521.07
Fire Department	Motor Vehicles Parts	23432	Alex Air Apparatus, Inc.	101	42210	136.33
Fire Department	Professional Services Fees	031913	City of East Bethel	231	42210	1,666.67
Fire Department	Refuse Removal	290572	Walters Recycling, Inc.	101	42210	39.83
Fire Department	Repairs/Maint Machinery/Equip	21207103	A DYNAMIC Door Co., Inc.	101	42210	709.56
Fire Department	Repairs/Maint Machinery/Equip	23428	Alex Air Apparatus, Inc.	101	42210	735.00
Fire Department	Repairs/Maint Machinery/Equip	33164	Emedded Systems, Inc.	101	42210	274.81
Fire Department	Small Tools and Minor Equip	403981	Ham Lake Hardware	101	42210	32.05
Fire Department	Small Tools and Minor Equip	404595	Ham Lake Hardware	101	42210	31.16
Fire Department	Telephone	10715608	Integra Telecom	101	42210	142.56
Fire Department	Telephone	332373310-136	Nextel Communications	101	42210	107.39
General Govt Buildings/Plant	Gas Utilities	361949390	Xcel Energy	101	41940	806.16
General Govt Buildings/Plant	Refuse Removal	290572	Walters Recycling, Inc.	101	41940	31.89
Jackson MSA Street Project	Architect/Engineering Fees	31338	Hakanson Anderson Assoc. Inc.	402	40326	2,518.26
Park Maintenance	Clothing & Personal Equipment	1182392963	G&K Services - St. Paul	101	43201	19.56
Park Maintenance	Clothing & Personal Equipment	1182404132	G&K Services - St. Paul	101	43201	19.56
Park Maintenance	Clothing & Personal Equipment	1182415230	G&K Services - St. Paul	101	43201	19.56
Park Maintenance	Clothing & Personal Equipment	1182426264	G&K Services - St. Paul	101	43201	19.56
Park Maintenance	Conferences/Meetings	4413	University of MN	101	43201	190.00
Park Maintenance	Motor Fuels	2177611	Lubricant Technologies, Inc.	101	43201	349.02
Park Maintenance	Motor Fuels	2177612	Lubricant Technologies, Inc.	101	43201	905.71
Park Maintenance	Motor Fuels	2182591	Lubricant Technologies, Inc.	101	43201	198.46

City of East Bethel

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Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Motor Fuels	2182592	Lubricant Technologies, Inc.	101	43201	1,002.07
Park Maintenance	Other Equipment Rentals	61941	Jimmy's Johnnys, Inc.	101	43201	52.86
Park Maintenance	Personnel Advertising	IP00836304	ECM Publishers, Inc.	101	43201	125.00
Park Maintenance	Telephone	10715608	Integra Telecom	101	43201	52.26
Park Maintenance	Telephone	332373310-136	Nextel Communications	101	43201	70.73
Payroll	Garnishment	568237	Gurstel Chargo PA	101		2,228.29
Payroll	Insurance Premium	04 2013	Dearborn National Life Ins Co.	101		1,105.97
Payroll	Insurance Premium	5088199	Delta Dental	101		880.25
Payroll	Insurance Premium	30741278	Medica Health Plans	101		10,041.47
Planning and Zoning	Architect/Engineering Fees	31356	Hakanson Anderson Assoc. Inc.	943		709.63
Planning and Zoning	Escrow Reimbursement	032713	Randall E. Johnson	939		10,000.00
Planning and Zoning	Telephone	332373310-136	Nextel Communications	101	41910	64.51
Recycling Operations	Bldg/Facility Repair Supplies	17966	Menards Cambridge	226	43235	291.61
Recycling Operations	Gas Utilities	361949390	Xcel Energy	226	43235	256.08
Recycling Operations	Other Advertising	5527-01	Do-Good.Biz	226	43235	90.22
Recycling Operations	Other Equipment Rentals	61941	Jimmy's Johnnys, Inc.	226	43235	52.87
Recycling Operations	Refuse Removal	290572	Walters Recycling, Inc.	226	43235	249.98
Sewer Operations	Bldgs/Facilities Repair/Maint	3655	North Star Pump Service	602	49451	2,547.15
Sewer Operations	Chemicals and Chem Products	3444941 RI	Hawkins, Inc	602	49451	3,491.61
Sewer Utility Capital Projects	Architect/Engineering Fees	31343	Hakanson Anderson Assoc. Inc.	434	49455	616.62
Sewer Utility Capital Projects	Architect/Engineering Fees	31344	Hakanson Anderson Assoc. Inc.	434	49455	12,347.24
Street Capital Projects	Architect/Engineering Fees	31340	Hakanson Anderson Assoc. Inc.	406	40600	71.25
Street Maintenance	Bldgs/Facilities Repair/Maint	1182392963	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	1182404132	G&K Services - St. Paul	101	43220	9.80
Street Maintenance	Bldgs/Facilities Repair/Maint	1182415230	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	1182426264	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Clothing & Personal Equipment	1182392963	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Clothing & Personal Equipment	1182404132	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Clothing & Personal Equipment	1182415230	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Clothing & Personal Equipment	1182426264	G&K Services - St. Paul	101	43220	33.46
Street Maintenance	Clothing & Personal Equipment	1182957772	G&K Services - St. Paul	101	43220	(81.00)
Street Maintenance	Equipment Parts	4041014722	BlueTarp Financial, Inc.	101	43220	84.52
Street Maintenance	Equipment Parts	4042062061	BlueTarp Financial, Inc.	101	43220	129.87
Street Maintenance	Equipment Parts	4042063200	BlueTarp Financial, Inc.	101	43220	12.16
Street Maintenance	Equipment Parts	FP150394	Crysteel Truck Equipment	101	43220	32.06
Street Maintenance	Gas Utilities	361949390	Xcel Energy	101	43220	994.27
Street Maintenance	General Operating Supplies	21430	Menards - Forest Lake	101	43220	4.05
Street Maintenance	Lubricants and Additives	1539-203240	O'Reilly Auto Stores Inc.	101	43220	7.25
Street Maintenance	Motor Fuels	2177611	Lubricant Technologies, Inc.	101	43220	151.24
Street Maintenance	Motor Fuels	2177612	Lubricant Technologies, Inc.	101	43220	2,246.17
Street Maintenance	Motor Fuels	2182591	Lubricant Technologies, Inc.	101	43220	86.00
Street Maintenance	Motor Fuels	2182592	Lubricant Technologies, Inc.	101	43220	2,485.16
Street Maintenance	Motor Vehicle Services (Lic d)	19274	Central Truck Service, Inc	101	43220	680.79
Street Maintenance	Motor Vehicles Parts	3173754	Auto Nation SSC	101	43220	1,252.91
Street Maintenance	Motor Vehicles Parts	3141	Hydraulics Plus & Consulting	101	43220	285.22
Street Maintenance	Motor Vehicles Parts	3143	Hydraulics Plus & Consulting	101	43220	227.25
Street Maintenance	Motor Vehicles Parts	249719	Libson Twin City	101	43220	176.34

City of East Bethel

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Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Motor Vehicles Parts	1539-203236	O'Reilly Auto Stores Inc.	101	43220	257.15
Street Maintenance	Motor Vehicles Parts	1539-205085	O'Reilly Auto Stores Inc.	101	43220	23.09
Street Maintenance	Office Supplies	647975560001	Office Depot	101	43220	58.87
Street Maintenance	Other Equipment Rentals	1-539624	Isanti Rental	101	43220	34.63
Street Maintenance	Refuse Removal	290572	Walters Recycling, Inc.	101	43220	249.98
Street Maintenance	Repairs/Maint Machinery/Equip	42148	SLP Machine, Inc.	101	43220	106.88
Street Maintenance	Shop Supplies	253110	S & S Industrial Supply	101	43220	46.01
Street Maintenance	Shop Supplies	253126	S & S Industrial Supply	101	43220	50.45
Street Maintenance	Small Tools and Minor Equip	18162	Menards Cambridge	101	43220	59.71
Street Maintenance	Street Maint Materials	70956144	North American Salt Co.	101	43220	8,686.23
Street Maintenance	Telephone	10715608	Integra Telecom	101	43220	52.26
Street Maintenance	Telephone	332373310-136	Nextel Communications	101	43220	175.38
Street Maintenance	Welding Supplies	9907686716	Airgas North Central	101	43220	161.92
Water Utility Capital Projects	Architect/Engineering Fees	31341	Hakanson Anderson Assoc. Inc.	433	49405	324.96
Water Utility Capital Projects	Architect/Engineering Fees	31342	Hakanson Anderson Assoc. Inc.	433	49405	548.48
Water Utility Capital Projects	Architect/Engineering Fees	31343	Hakanson Anderson Assoc. Inc.	433	49405	616.63
Water Utility Operations	Bldg/Facility Repair Supplies	032813	Dama Company	651	49401	221.67
Water Utility Operations	Cleaning Supplies	20376	Menards - Forest Lake	601	49401	113.36
Water Utility Operations	Gas Utilities	031813	CenterPoint Energy	651	49401	139.84
Water Utility Operations	Gas Utilities	031813	CenterPoint Energy	601	49401	170.50
						\$90,996.28

City of East Bethel

April 3, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Electronic Payments						
Payroll	PERA					\$5,466.55
Payroll	Federal Withholding					\$5,189.67
Payroll	Medicare Withholding					\$1,340.78
Payroll	FICA Tax Withholding					\$5,733.12
Payroll	State Withholding					\$2,199.03
Payroll	MSRS					\$3,227.96
						\$23,157.11

EAST BETHEL CITY COUNCIL MEETING

March 6, 2013

The East Bethel City Council met on March 6, 2013 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Richard Lawrence
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

Call to Order **The March 6, 2013 City Council meeting was called to order by Mayor Law at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the March 6, 2013 City Council Agenda. DeRoche, I would like to add 7.0 G.4 MCES Castle Towers Whispering Aspen Foremain Project.” Moegerle, “And I would like to add a Closed Session to Discuss Litigation Strategy under 8.0 D.” Ronning seconded, all in favor, motion carries.**

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. Calvin Bahr, East Bethel Resident representative for the Upper Rum River Watershed Management Organization (URRWMO), “I was at my first meeting last night. They discussed the 2014 budget. I made copies of our proposed budget (Calvin handed those copies out to Council).” Davis, “The information that Calvin is handing out, we just got in an e-mail today. Traditionally we bring this to a Council meeting in March. But since he is here and probably the first WMO member that has been a citizen appointee that has ever come back and brought a report to Council, we certainly welcome his comments and input on the budget information.”

Barh, “So you will see there are four highlights on the budget I handed out. These are items that could still be cut. Some of us that are sitting on the board are asking City Council to make further cuts on these. On the left hand side two \$1,000 pieces, 1st one just sits in a savings account, hidden away that the county uses that the waterboard never sees. And the 2nd \$1,000 they want is just in case something comes up they can get matching grant money. The \$25 for copies and postage they don’t need because everyone is doing everything by e-mail but you could leave that in there. And, the secretarial services, they did give her a raise last night, but that has been running \$700 to \$750 a year, so that could easily be cut to \$1,000 a year. So that is what we are recommending. Next year there will be some state mandatory things that are done every other year, so next year’s budget will automatically need to be \$2,500 larger. Plus the largest expense on here was the \$4,500 and that is just for the collections, we are not getting reports because he cut his price to not write the reports. Next year it will be another \$4,500 to just collect the data, plus \$1,000 to write the report.”

Moegerle, “What is it that the URRWMO does for us? I understand that they are required by state law. But how do they benefit East Bethel directly for their \$3,298? What do we get for that?” Bahr, “The mandatory stuff for the state that says you will monitor this, this and this. And some of the low lands monitoring stuff that is in here, that is one thing you will benefit from. If someone wants to come in and build anything and there is the possibility of it being a wetland, that’s what you can use and then if there is any question of it being a wetland you can just check there for a matter of two or three weeks in one spot or any of their other spots they have available to reference off of. And then you can declare whether it is or isn’t a wetland. The big expenses on here are the ones required by state and then the high school bio-monitoring is something that

is in there by-laws that they will do. I don't really have an understanding of it other than they are monitoring to see if something extra comes up."

Moegerle, "Is this a high school project and we just reimburse them?" Bahr, "Similar to that but we do watch their costs and they looking for the bacteria's in there. Good bacteria's are what you want there and bad ones you don't. So that is what they are actually monitoring,. Most of these are done with volunteers. The lake levels are done with volunteers. The \$1,000 is for the county to go out in the spring and set all the monitors out and then pick them up in the fall. The monitoring is done by homeowners."

Edward Reynoso, East Bethel appointed Met Council representative, "I haven't met Council Members Ronning and Koller. I offer you both congratulations and condolences. There is a lot of work to do, and public service is a tough job to do. I commend you for stepping up and taking on that battle because it is not an easy thing to do these days. I wish for the Met Council and East Bethel City Council to work together on issues and continue to make this region a better place to live. And then at the end of our terms we can hand it off to somebody else that takes it in the same spirit. If you would like to receive a regular e-mail update from us, it is easy to do. Just go to MetCouncil.org and it will give you a printout on what we are doing. This month it talks about the potential transit growth to the sales tax increase that is before the Governor to sign. Someone brought this to my attention, but in the map of potential build out along Highway 65 it does not list East Bethel. I will get this corrected. If there is anything we can do to assist, we are there with you. We are willing to offer our staff to assist with drafting language for SAC charges, we do this all the time, or any way we can help with that."

Lawrence, "How is your water treatment plant coming?" Reynoso, "Last I heard, we are doing better. We certainly aren't faced with the problems we had last year like the ground not freezing and from my understanding we are progressing. Being a Ham Lake resident, I can tell you, I have sometimes redirected by not being able to go down Viking Boulevard. It is always funny in Minnesota, everyone complains when the road is bad, but everyone seems to complain when they are fixing them too. I think it is going better and again, we are happy to partner with you guys on it." Ronning, "This morning they were digging on the north side of Viking." Reynoso, "Doing better this year. I don't get updates on a daily basis or even a weekly basis. I am looking forward to the completion of the project."

Moegerle, "Are you familiar with the Legacy Funds and access of them. My understanding is the legislature allocates the Greater Minnesota monies to the DNR to be distributed, but they are allocated to the Met Council to determine the distribution of within the metro, is that correct?"

Reynoso, "I know there are some funds, but I am not sure what the process is. That is one of the areas I have not learned everything about. I have been a Council Member for two years now. And every day I am learning, there are so many different aspects. The depth is so big. I can have someone get in touch with you about that." Moegerle, "An e-mail with attachments would be great." Reynoso, "Always feel free to reach out to me. Residents, Council Members, if you have questions about Met Council issues. Just go to the Met Council website and my e-mail address and contact information is on there. And if I don't know the answer I will find it out and get back to you."

DeRoche, "They did discuss that legacy yesterday in legislature in natural resources and there was a representative from northern Minnesota that wants to change the way those funds are doled out. Even though those funds are for rural areas, they are just not getting there, so I have a feeling by the tone of the meeting that whole thing is going to change." Reynoso, "You are absolutely right, there is a lot of discussion going on about the divvying up of the money and about rural Minnesota getting their share of the money. That is certainly something the legislature is going to decide and I don't believe we have taken a position on that. I can tell you there is a lot of stuff going on at the legislature. My day job I am the political director for the Teamsters Union. And

there are a lot of ideas being thrown around all over the place at the capital.”

DeRoche, “One thing that rang my ears is the focus is a lot on the metro train going out, not the trails themselves, but a lot more money going out on the train they want to go all the way out. Think the percentage was 10% on Legacy (have to check on that) and the rest was on the other. Until it comes up for the vote you don’t know what is going to happen.” Reynoso, “Quite frankly until it gets signed by the Governor, you don’t know for certain. There are a lot of ideas being thrown out, whether it is expansion of transit or ulterior motives of transit. Whether it is a BRT or buses itself and where it should go and how it should take place.” DeRoche, “Does Met Council have any say or interest on the extra lane on 35 and how they want to make it a pay lane?” Reynoso, “We have been part of the discussion but MnDOT has more of the decision making on that.”

There were no comments so the Public Forum was closed.

Consent
Agenda

DeRoche, “I want to pull Item J) Approve Hire of Building Inspector.” Moegerle, “I want to pull Item H) Resolution 2013-12 Acknowledging Ken and Janette Langmade for their Adoption of Whispering Aspen Park.

Lawrence made a motion to approve the consent agenda including: A) Approve Bills; B) Meeting Minutes, February 20, 2013, Regular Meeting; C) Meeting Minutes, February 13, 2013 Work Meeting; D) Resolution 2013-11 Approving Application for Raffle Permit for Cedar Creek Community School; E) Tammy & Mark Gimpl – 22359 Bataan St. NE – Kennel License Renewal; F) Pay Estimate 19, S.R. Weidema, Phase 1, Project 1, Utilities; G) Approve Advertisement and Hire for Seasonal Public Works Positions; H) Resolution 2013-12 Acknowledging Ken & Janette Langmade for their Adoption of Whispering Aspen Park; I) Set City Council Working Meeting Date; J) Approve Hire of Building Inspector. DeRoche seconded; all in favor, motion carries.

Item H)
Resolution
2013-12
Acknowledging
Ken &
Janette
Langmade for
Adoption of
Whispering
Aspen Park

Moegerle, “I just wanted to do a call out to Ken and Janette Langmade for adopting Whispering Aspen Park. That does involve some work in keeping the park maintained and Ken is a volunteer and we all know his work on the Park Commission. And so just a shout out to say thanks.”

Moegerle made a motion to adopt Resolution 2013-12 Acknowledging Ken & Janette Langmade for their Adoption of Whispering Aspen Park. Koller seconded; all in favor, motion carries.

Item J)
Approve Hire
of Building
Inspector

DeRoche, “Starting at pay grade 7, step C, \$52,062, what is the pay with benefits, and what is the top of the pay grade?” Davis, “The step 7 goes up to \$58,000, this is a union contract job. There are probably four more steps and then he wouldn’t be eligible for any more step increases.” DeRoche, “The steps are they after he completes probation and then he goes up?” Davis, “The steps increases go into effect after the probationary period is passed and approved by City Council.” DeRoche, “So, with benefits any idea?” Davis, “Benefits run about \$15, 000 a year.” Lawrence, “Does this salary reflect the benefits?” Davis, “This is an hourly position and a union position.” DeRoche, “Did we budget this position in the 2013 budget?” Davis, “Yes we did.”

DeRoche, “What made him stand out over the other candidates? Out of curiosity, how many people applied?” Davis, “We went through this process back in January we advertised for this position, we had 27 applicants. It was bid more for a building official. It was slanted more towards people who had the credentials of building officials although it was for an

inspector's position. We had 27 applicants, we interviewed seven, felt one was qualified and offered him the position. He notified us he accepted a position with another city. So, we readvertised this slanted more toward a building inspector and added a provision in there that if they didn't have their ISTS certification and had to have passed all the course work they could complete all the inspection qualifications while on the job here. We had seven applicants and we interviewed three. The thing that made this gentleman stand out the most was that he was very knowledgeable, possessed the expertise, we felt he had the people skills to deal with the job. He also had 22 years of experience and had excellent recommendations from the City of Ramsey. City manager said he would rehire him.

DeRoche made a motion to approve Item J) Approve Hire of Building Inspector. Moegerle seconded; all in favor, motion carries.

Amend EDA
Bylaws

Davis explained that at the regularly held EDA meeting on February 25, 2013 the EDA Board made the following recommendations to the EDA bylaws, to amend Section 3.2 Regular Meetings. The Board shall hold regular meetings the third Monday of each month or at such other time as the Board may determine and set.

And in addition, the EDA recommended the deletion of Sections 4.2 Treasurer's Bond; 4.3 Checks; 4.8 Services; 4.9 Supplies, Purchasing, Facilities, and Services; and 4.10 Execution of Contracts. These relate to the authority to write checks, issue contracts, etc., when the Council has never given authority to the Authority those powers. This would eliminate the powers of the EDA and place the control solely with City Council which it does now, but it would eliminate any confusion by deleting these from the by-laws. This was sent to the City Attorney's office and reviewed and they said it was consistent.

Staff is recommending the approval of these amendments the first one for changing the meeting date is reflected in Resolution 2013-13 and all this does is sets the meeting dates.

Lawrence made a motion to amend the EDA By-Laws Section 3.2 changing the meeting dates to the third Monday and adopt Resolution 2013-13 Setting EDA Meeting Dates for 2013. Moegerle seconded; all in favor, motion carries.

Davis, "The commission did vote to amend these other changes that I had mentioned, Section 4.2, 4.3, 4.8, 4.9, and 4.10. I think in discussion with other Council Members there may be some other changes that may need to be reflected. So this is something we may need to take a look at and table until the next meeting."

DeRoche made a motion to table the EDA By-Law Amendments and have staff bring it back for consideration with the additional changes. Lawrence seconded; all in favor, motion carries.

Paul Tremml –
IUP Horses –
19928 Polk St.
NE

Mr. Tremml is requesting an IUP for the purpose of owning and caring for up to four (4) horses on the 9.7 acre parcel he owns in East Bethel.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 9.7-acre parcel is not located within a platted subdivision. Also, City Code has a limit on the number of horses per parcel and requires one (1) grazable acre per horse. For the keeping of up to four (4) horses, Mr. Tremml will be required to have a minimum of four (4) grazable acres of fenced

pasture. Mr. Treml is currently working on fencing the appropriate acres. Also, Mr. Treml has received a building permit for the structure where the horses will be sheltered.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of horses.

Requirements set forth by City Code shall be met prior to the City issuing the Interim Use Permit to Mr. Treml.

Planning Commission recommends approval to the City Council of an IUP for the keeping of up to four (4) horses for Mr. Paul Treml, located at 19928 Polk Street NE, East Bethel, PIN 19 33 23 41 0004 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the applicant and the City.
2. Applicants must comply with City Code Section 10. Article V. Farm Animals providing adequate fencing and shelter for the horses.
3. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
4. Property owner shall have thirty (30) days to remove horses upon expiration of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Foals over the age of six (6) months that remain on the parcel will be counted towards the number of horses allowed in the IUP.

DeRoche made a motion to approve the request of Paul Treml for an Interim Use Permit (IUP) for the keeping of up to four (4) horses located at 19928 Polk Street NE, East Bethel (PIN 19 33 23 41 0004) with the following conditions: 1) An Interim Use Permit Agreement must be signed and executed by the applicant and the City; 2) Applicants must comply with City Code Section 10. Article V. Farm Animals providing adequate fencing and shelter for the horses; 3) Permit shall expire when: a. The property is sold, or b. Non-compliance of IUP conditions; 4) Property owner shall have thirty (30) days to remove horses upon expiration of the IUP; 5) Property will be inspected and evaluated annually by city staff; 6) Foals over the age of six (6) months that remain on the parcel will be counted towards the number of horses allowed in the IUP. Ronning seconded; all in favor, motion carries.

Park Meeting Minutes Draft meeting minutes from the February 13, 2013 Park Commission are provided for your information and review.

Road Meeting Minutes Draft meeting minutes from the February 12, 2013 Road Commission are provided for your information and review.

Change Order #10, Phase 1, Project 1, Utilities Jochum explained that since a portion of this project will be assessed the total contract amount cannot exceed 25% of the original contract amount. The total allowable additions to this contract are \$2,921,617.05. Over 89% of the contract additions to this project are a result of the additional work added to the contract to reconstruct Viking Boulevard which is being financed 100% by Anoka County.

To provide provisions for future contract additions, if required, the City Council approved eliminating Change Order No. 8 from the contract at the February 20, 2013 council meeting.

Change Order No. 8, which is paid 100% by East Bethel Properties, LLC, is in the amount of \$54,245.25. Change Order No. 10 documents eliminating this work from the contract.

The Metropolitan Council of Environmental Services (MCES) is requesting that the contract addition of \$10,826.04 associated with this change order be considered for approval. This contract addition is 100% MCES costs. As you are aware the pilings for this contract were eliminated with Change Order No. 7. Municipal Builders, Inc. was the subcontractor to S.R. Weidema for the piling installation. In preparation for the piling construction Municipal Builders, Inc. prepared the shop drawings, phasing and forming plans, rebar layout design, and other submittals. Change Order No. 10 provides payment for the work product that was completed prior to eliminating the piling work.

In summary this change order results in a decrease in the contract of \$54,245.25 and an increase in the contract of \$10,826.04, or a net decrease of \$43,419.21, to the S.R. Weidema contract. This change order will allow for up to \$49,541.79 for future contract additions, if necessary. MCES is responsible for paying all increased costs associated with this Change Order.

Change Order No. 10 results in a decrease in the contract of \$54,245.25 and an increase in the contract of \$10,826.04, or a net decrease of \$43,419.21, to the S.R. Weidema contract.

Staff recommends Council consider approval of Change Order No. 10 to S.R. Weidema with a total net decrease in the contract to S.R. Weidema for this project of \$43,419.21. The contract increase per Change Order No. 10 will be paid 100% by MCES.

Lawrence, "So this is a decrease in the contract then." Jochum, "Correct. It provides us with around \$49,000 under the 25%. The only new thing is the \$10,826.04 to MBI."

Moegerle made a motion to approve Change Order No. 10 to S.R. Weidema with a total net decrease in the amount of \$43,419.21 which will be paid 100% by MCES. Lawrence seconded. Ronning, "I grumbled about these change orders for a year and a half or more. And not to put words in Ron's mouth, but he noticed something that, he saw that this guy charged us \$29,000 for traffic control signs. There are six beat up, run down, two on the west end, and now there are four, there were two on the east end. That is a lot of change for some crappy old signs like that. I don't like this guy and when I see this stuff, I don't like him any better. And I didn't see it, Ron pointed it out." Jochum, "The traffic control, I don't remember those exact numbers." Koller, "I think it was about \$25,000." Ronning, "It was \$29,000." Jochum, "It also includes the detour and everything. And a lot of those costs were negotiated with the County. So the City didn't have much input if any on that." Ronning, "I am going to ask to go through what he submitted. I am curious how many times he submitted for those signs, one time or many times. If it is more than one, I hope somebody says something." Lawrence, "This is more than one contractor, correct? The one he is doing with Anoka County and the Met Council?" Jochum, "Well it was added to this contract. But the negotiations were with the County and S.R. Weidema and Met Council." Koller, "It is still the taxpayer's money." Lawrence, "Yes, it sure is." **All in favor, motion carries.**

Ord. 43,
Second Series,
Amending
Chapter 2,
Administration,

Davis explained that this proposed Ordinance amendment would amend Sections 2-261 through 2-266 of the Code of Ordinances of the City of East Bethel. These changes are necessary to clean up various inconsistencies in the Ordinance that pertain to the City Administrator.

Article V.
Officers and
Employees

Staff recommends City Council consider the approval of the amendments to Chapter 2, Article V, Sections 2-261 through 2-266 of the City Code as presented in the attachment, adoption of Ordinance 43, Second Series and direction to publish.

Moegerle made a motion to adopt Ordinance 43, Second Series, Amending Chapter 2, Administration, Article V. Officers and Employees with direction to publish. Lawrence seconded.

DeRoche, "Understandably, Jack is on his own contract. When he is done whatever we take out of here is gone. Dealing with things such as removal and responsibilities, I am wondering why we are taking this out?" Vierling, "Because we don't want to duplicate within the ordinance and a contract. You have gone principally to a contract for your control device relative to your employment device for your city administrator. If Jack would ever leave the position, you would have another contract with another city administrator which would be negotiated which would have those terms in it as well. Which we don't want is provisions in both locations that might be inconsistent with one another. We want them in one spot. We would much prefer it we are going to have contracts. Which I think is best and most flexible from a Council perspective, I would much rather have those details in the contract than in the ordinance." Lawrence, "Have you reviewed this ordinance change?" Vierling, "Yes and I am comfortable with it." DeRoche, "So if someone new comes in, we have to negotiate all new terms? There will not be anything in the city code saying what there is."

DeRoche, "What if we have an interim city administrator?" Vierling, "Last time when we did have an interim city administrator we had them under the same terms and contract that you succeeded to. So, if that would happen we would certainly do the same type of thing. Again, we are finding that almost uniformly in the metropolitan area whenever you are dealing with city administrators current or new it is a process of negotiations. You will find the vast bulk of terms and provisions are in their contracts." Ronning, "Conditions of employment, every new person is a new day." Vierling, "Yes, but contracts don't vary much but the numbers such as vacation. There is a pecking order you will see in almost all of those contracts." DeRoche, "2.65, Duties and responsibilities. I haven't seen the new contract, so I don't know if those are in there or not." Vierling, "We certainly have duties in the contract. But you also have statutory duties that city clerk's or city administrators, often they are high breed city administrators, city managers, city clerks, they take over some of those duties as well. Wendy takes over a fair amount here, but those are also being drawn in here also. I have no problem with what you are doing with the duties and responsibilities because it is not inconsistent with the contract."

DeRoche, "We are doing kind of the same things we did with the liquor laws. The City Administrator *shall* do this or we are taking those out. Such as the City Administrator shall have the authority to sign purchase orders. The City Administrator shall act as the purchasing agent. The City Administrator shall coordinate city activities. I don't recall that being detailed in the contract, but you are telling me that stuff is still in there, correct?" Vierling, "There are a number of duties that are being retained in the ordinance and we are just changing out the language. But the duties are being retained." DeRoche, "This is not a reflection on Jack. When we came in, we saw some contracts that were negotiated over the last three council meetings. And there were some things that went on that I don't ever want to see happen again. And, Jack is not going to be here forever." Ronning, "If you read these, I don't see any real change in the meaning." Vierling, "It is just cleaning up of the text." DeRoche, "I was looking more because when we had the discussion about the liquor ordinance the shall and the may were a real big discussion. We wanted discretion to be able to do things so we took out the shall and put in the may." **All in favor, motion carries.**

Set Town Hall

Davis explained that the Spring Town Hall Meeting has been held since 2005. The meeting is

Meeting

generally held in April and is designed to be scheduled on a date that doesn't conflict with any other municipal or school district meetings. The only meeting of this type that might pose a conflict is the ISD # 15 Parent Conference on Thursday, April 25, 2013. ISD #831 doesn't list any meetings in April that would pose any scheduling problems for the City Town Hall meeting.

In the past the Question and Answer/Public Forum presentation in Council Chambers has been shaped by citizen questions. While the number of participants for this part of the program has declined since 2010, it still presents a valuable opportunity for residents to express concerns and present questions to City Council. We will be discussing ways to improve the format of this session of the meeting in subsequent meetings.

We need to set the date of the meeting tonight so we can place the notice for the meeting in our Spring Newsletter. The newsletter will be sent to the printer on March 7, 2013 and be distributed to City residents by the end of March.

Staff is requesting that City Council set a date in April for the Spring Town Hall Meeting.

DeRoche, "In April Thursdays and Mondays aren't going to be good for me, I am teaching Firearm Safety." Planning, Road and Park meeting dates were discussed.

Moegerle made a motion to hold the Spring Town Hall meeting on Tuesday, April 16, 2013. Ronning seconded; all in favor, motion carries.

Moegerle, "When will this next come up? Because I was wondering if we can get more participation by community groups in the session we have out in the senior center with displays?" Davis, "We could discuss it at the next Council meeting or the work meeting." Lawrence, "Do we get notice out to all the businesses in East Bethel?" Davis, "We will be sending notices out to all the businesses and I will let Colleen address that." Colleen Winter, Community Development Director, "We will be holding a Sunrise Business Breakfast on April 3, which is a Wednesday at 7:30 a.m. at Route 65 Pub & Grub. We will be sending a notice to all the business members, and the Council Members, EDA and Planning Commission will be invited to attend." Moegerle, "Who will be setting the agenda for that meeting? Will that be Council?" Winter, "It is going to an introduction of myself. An update on the sewer and water project, tax statement 101 and hoping to have a legislative update. Keeping it very simple and wanting it to be a networking opportunity." Lawrence, "Have we checked with other businesses to hold it?" Winter, "We have and they have generously offered to hold this." .

Council and
Commission
Minutes

Davis explained that the subject of changing the format of City Council minutes from a "verbatim" transcription to a summary minute report was discussed at the City Council Retreat on February 16, 2013. At that meeting it was the general consensus of the group that they may favor changing the manner in which we present the minutes report in the City Council agendas.

The reasoning behind considering the change is the inordinate amount of staff time that is required to prepare transcription minutes. It is estimated that it can take up to 20-30 hours of the clerk's per month time to prepare the minutes for the Council meetings. If our unwritten policy of providing transcribed minutes were changed to a summary minute presentation, we could reduce the clerk's time for this duty by at least 50 %. This time savings could be applied to the increased demands of updating and maintaining the new website or other areas that require the time of this position.

The EDA and the Planning Commission, at their respective February meetings, voted in favor of changing the format of their minutes to summaries. I have attached a sample of summary minutes from the City of Forest Lake as an example of how this type of change could appear. Should this change be implemented by Council, it would follow our standard agenda outline with any modifications that Council feels necessary.

All meetings are recorded on DVD's and would be available to the general public for viewing at City Hall with an appointment. The recordings are also archived on the City Website as well as being offered for sale for the cost of reproduction. If summary minutes are approved as Council's choice, Councilpersons could request transcription of individual items if needed.

Staff is requesting that Council consider changing the format of City Council Minutes from transcriptions to summaries.

Moegerle made a motion to change policy from detail Council minutes from transcriptions to summaries. Lawrence seconded.

DeRoche, "I respectfully disagree with that. The first thing is I didn't get a consensus out of that work meeting that this was something we wanted to do. And if there was a consensus, who was the consensus?" Ronning, "In addition to that, I was going to bring the agenda for that meeting, but I forgot it at home. There was no agenda item for that particular item. And I am absolutely opposed to it myself. The minutes are the official recording of the meeting. The minutes have an index so you go to a page instead of getting a couple DVDs and trying to find something that really bothers you. I am absolutely against it." Koller, "I have been doing a lot of reading through all the old minutes and I am finding a lot of information I didn't know. I would like the detail." Moegerle, "But the continued detail? I go through these and do the capitalization and punctuation and read them all. I think there is an emotional attachment I have to reading the document. This is something I can hold in my hand. But, we have entered the electronic age as witnessed by our website and it is nice to be able to watch as to read and do those kinds of things and I think the detailed minutes shown to us done by Forest Lake gave a good summary of what was going on. I am persuaded that summary minutes are the way to go."

Ronning, "Who will summarize in their view and opinion what was done and said?" Moegerle, "The deputy clerk who has a totally independent opinion." Davis, "Wendy would and then I would review them." Ronning, "If they are summarized you don't know what is in there, what is between the lines." DeRoche, "Talking to some people when I was running, important things were transparency and communication. We have a lot of aging seniors, some don't have internet, some don't have DVD players, so they use the minutes so they can read it. We have some people that have a hard time hearing the meeting. From a transparency point, I don't care if every period is where it belongs. We found out how important the minutes were with the Great River Energy issue. You can't just go through a DVD and pick a spot." Moegerle, "My concern is the time it takes the clerk to do the minutes. When it comes to priority of what we are trying to do as a city, it is a good use of time to go to summary minutes and rely on electronic record as they official record. Finally I have heard from Martha Weaver about how important for the minutes and all things to be presented in a professional way. If we aren't going to be presented in a professional way then we look unsophisticated. If we look unsophisticated at City Hall, that is something that will be detected by businesses that are going to come to East Bethel, or consider coming to East Bethel and I don't think we need that additional black mark against us. I do appreciate the emotional attachment to the written detail."

Ronning, "I could care less about the emotional part. I want to look at the index and say page 84 this is what we talked about. I have had to go back and look a couple times."

DeRoche, "For the record, the packets are online." Davis, "For what is worth, the City of East Bethel is one of the last remaining cities that presents their minutes in this manner. It is not a good use of staff time, but I also appreciate the instant accessibility of the word on it."

DeRoche, Koller, Lawrence, Ronning, nay; Moegerle, aye; motion carries.

MCES Castle
Towers/Whispering
Cost
Share
Agreement

Davis explained that the bid results for the MCES Force Main Project (Viking Boulevard to 229th Avenue) were originally received by the City on November 26, 2012. Those bids were higher than anticipated by the City and were as follows:

1. LaTour Construction - \$11,758,141.30
2. S.R. Weidema - \$11,844,051.93
3. Ames Construction - \$13,166,637.30
4. S.M. Hentges - \$13,362,753.20
5. Lametti - \$14,737,700.00
6. S.J. Louis - \$16,149,000.00.

Based on those bids and our share of the costs, 29.6 % on shared items and 25% on dewatering, the City's cost would have been \$3,496,000 which is approximately \$900,000 more than we had anticipated.

Staff and Jason Peterson, MCES project engineer, met on Tuesday, December 3rd to discuss the bids and their implications for our participation in the project. At the time it was explained to MCES that unless we can negotiate reductions in the shared costs, our proposal to be a partner in the project was in jeopardy. We estimated that it will cost approximately \$2,000,000 to \$2,500,000 to complete the connection between 229th Avenue and the collection system that serves Castle Towers/Whispering Aspens (CT/WA). This cost coupled with the cost for the shared extension with MCES of a minimum of \$3,496,000 would probably exceed our remaining bond fund balance of 5.5 million dollars. The 5.5 million dollar balance is part of the original bond sale of 18.8 million dollars for the project and must be spent on infrastructure. Unfortunately, these funds cannot be used to pay down the indebtedness.

The matter of reduction of our cost share percentages was discussed and negotiated with Bryce Pickart, MCES Assistant General Manager of Technical Services. As a result of these discussions, MCES decided to reject the bids for this project. The City began working with MCES to determine line item costs that may be eliminated from our share of the project and to explore the possibility of the removing our section of line from their contract between Klondike and 215th Avenue as part of a the project re-bid. The removal of this section eliminated our cost share participation of two road crossings and approximately 1,000 ft. of street restoration. These items represent a significant cost reduction and were eliminated from the MCES contract and added to our responsibility for the connection from 229th to 241st Avenue.

The MCES Force Main Project (Viking Boulevard to 229th Avenue) was re-bid by the MET Council and the bids were opened on February 12, 2013. Included in the re-bid were a number of deducts and an alignment change in the location of the City's force main between Klondike Drive and 215th Ave City staff provided MCES.

The re-bids for the MCES Force Main Project to connect the Rapid Infiltration Basins behind the Ice Arena and the site at 229th Avenue and Hwy. 65 were as follows:

Weidema - \$8,423,076.44
LaTour - \$8,668,082.95
Hentges - \$8,588,125.92
S.J. - \$9,454,255

The previous bids were:

LaTour Construction - \$11,758,141.30
S.R. Weidema - \$11,844,051.93
Ames Construction - \$13,166,637.30
S.M. Hentges - \$13,362,753.20
Lametti - \$14,737,700.00
Louis - \$16,149,000.00

In order for this project to be feasible for City participation, our share cannot exceed 3 million dollars. In addition to our share of this project, the City will also have to bid the remainder of the project that won't be included in the MCES work. This involves the extension of the force main from 229th Avenue to the Castle Towers Treatment Plant and an additional segment between Klondike Avenue and Sims Road. The estimated cost of this portion of the work is 2,000,000 to 2,500,000 dollars. Currently we have \$5.5 million in excess bond funds as the funding source to pay for this project.

The City's share of the project based on the original bids in November 2012 was \$3.9 million.

Based on the re-bid and the finalizing of the cost share, the City's share of the MCES project, based on the preliminary information supplied by the MCES on February 20, 2013, was 1,966,377. That cost included \$140,000 for design, \$53,000 for additional easement costs and \$1,773,377 for construction and contingencies

We have received the MCES final bid breakdowns for the project. The following letter is the official notification of the City's share of the cost for the Force Main Project. The cost has been reduced from the estimate of \$ 1,966,377 that was provided on February 20, 2013 to the new total of \$1,964,502.19. The portion of the project that is the sole responsibility of the City, 229th to 241st Avenue and Klondike Drive to Sims Road, can be ready for bid by April. Both of these projects can be conducted simultaneously and we hope to be substantially complete by the end of this year.

The decommissioning of the Castle Towers Waste Water Treatment Plant with the extension of force main sewer service is a crucial goal for the City. Completion of this project will permit the City to save approximately \$4 to 4.5 million dollars over the next 30 years with the alternative sewer service to Castle Towers/Whispering Aspens and provide selected sewer service at developable commercial intersections north of Viking Boulevard to 241st Avenue.

Staff recommends approval of the cost share amount of \$1,964,502.19 with MCES for the Castle Towers/Whispering Aspens Force Main Project, Agreement No. 10I027.

Lawrence made a motion to approve the cost share amount of \$1,964,502.19 with MCES for the Castle Towers/Whispering Aspens Forcemain Project, Agreement No. 10I027. Moegerle seconded.

Moegerle, "I just wanted to point out but for Richard, Bob and I coming in and insisting that water being tested, we would not have that money available to do this and get out of the Castle Tower/Whisper Aspen debacle. It is hard won, that 4.4 million dollars, but good to know it will go to a good use." Koller, "This is a little confusing. It is talking about the Castle Towers project and then talking about the forcemain project." Lawrence, "We are going to connect Castle Towers to the wastewater treatment plant." Davis, "The Met Council part of the project is the forcemain project and it will connect the sewer district in the south and the wastewater treatment facility to the rapid infiltration basins." Koller, "So we are not paying for that?" Davis, "We are going to participate in sharing their trench. That is where the \$1.9 million comes in. Now, that project stops at 229th Avenue and to connect to Castle Towers to we have to run it north and we have to finish the portion from Klondike to Sims."

Moegerle, "Can you explain why that is?" Davis, "That was originally planned to be part of the cost sharing agreement. We took that out because they have two road crossings and those are in the neighborhood of \$600,000 to \$700,000. Also the Met Council project is going up Ulysses Street and tearing up about 1,000 feet of street. So we would be paying a portion of those reconstruction costs. What we will be doing is using Met Council's trench from Viking to Klondike, Met Council will cross the road from the west side to the east side to get to the infiltration basin on behind the ice arena. And then they will continue up the east side to Sims. While they are doing that we will stay on the west side to Sims and then on up north and then we eliminate two cost sharing's. And also the reconstruction of Ulysses Street." DeRoche, "What are we looking at to go from there to Castle Towers?" Jochum, "2.5 million." DeRoche, "How much of a plus or minus?" Davis, "With those numbers we have about a million." Davis, "We have 5.5 million in excess bond funds." DeRoche, "We also need to look at what it is going to cost us to decommission that and clean it up. And I am looking at change orders too." Davis, "We could bid that separately, but probably, \$100,000." DeRoche, "You could come in and lowball the contract and then put in change orders and bring it back up." Davis, "If we don't do this, we are going to have to spend at least a million to renovate the Castle Towers Treatment Plant. Our flows have gone down because the usage has decreased. The revenues have gone down up there. The change orders have to be good claims." Koller, "Did anyone ever explain why they built the reclamation plant in the southwest corner of the city? If they would have put it closer to the drainfields it would have saved millions." DeRoche, "Have we covered ourselves going up? Because that is not the only wet spot in East Bethel? Make sure we don't have change orders, the ground is soft and we can't do anything with it." Vierling, "If we are just tagging along with Met Council, I would prefer to see that they are taking the cost sharing for the soil corrections."
All in favor, motion carries.

Staff Report

Davis, "The reader board is scheduled to be installed the last week of March/first week of April. Hopefully operating before the Town Hall meeting. I also would like to call an ordinance committee meeting on the water and sewer ordinances."

Council Reports – DeRoche

DeRoche, "I think the city did a bang up job of getting snow off the roads. I measured about ten inches. I got wind there is a little more meth moving in. It comes and goes. I am sure the law enforcement is dealing with that. I am a little fuzzy on who directs staff on what to do. Personally, I think that it is not a Council person's job to micromanage things and to direct staff

to do anything. I think that should come from Council as a whole before projects come up and things get out of hand. Then it comes up here and battling back and forth and put staff under pressure they don't need. My understanding is us five have ideas of what we think the direction the city should go. Jack brings up ideas, brainstorms them, public safety, health issues, any issues, and puts them on the agenda and we discuss them. If we have ideas we throw them at Jack. If we have an inquiry maybe call Colleen or the building inspector, and say, "Hey what do you think of this?" But, I don't think it is our role to delegate any work to them. I think that is what the city administrator job is. I think that has to happen or things get blown out of proportion. I appreciate the people on the commissions. Once in the while there are some things that are contentious, things that come up. But at the end of the day, us five up here have to make the decisions. You get as much information as you can and you decide that way. I sometimes see that line getting blurred and I think we have to stay on track with that. Staff does a lot, I know they do, that is why I don't bother staff. I call Jack and ask him to send me things. If I didn't think staff was doing their job, I would say, "Jack, we need to have a meeting in the back and either look at discipline or getting rid of the person, because they are just not doing it." For anyone to come in with what has been going on in the last few years and take it on, that is admiral. With East Bethel we have had to take on a lot of things, like taking on a Sims game and put it together and try to make it work and try not to tax people. If you go out on ice, wear a life jacket."

Council
Reports –
Koller

Koller, "At fire department, having a problem with house fires. Oak groves fire truck broke down, East Bethel had to take over. Had one fire fighter injured, severely injured his ankle. Training and discussing where they do call other fire departments and who is in charge and procedures to make sure all fire fighters are out of the house. They are keeping pretty busy." DeRoche, "Isn't that part of Emergency Management?" Davis, "Even though you have aid agreement, important to know chain of command."

Council
Reports-
Moegerle

Moegerle, "In the past week, my primary activity was with the EDA. Had interesting conversations with where the city needs to be as far as build out of infrastructure. I do think as far as concerns/questions of what the role of the EDA is. Whether it is to generate ideas to present to Council saying we've looked at this and we think this is something viable and we suggest you take a look at that. Or just what I the purpose. Is it merely to be responsive to the Council, that is not what we have been doing the last year. It would be well worth our time to have a work meeting with the EDA to address what is the role of the EDA and in East Bethel at this time when we are looking to get infrastructure engaged and up to speed. Continuing reading on economic authority type issues. Reading "Smart Communities". Talks about importance to have a strategic plan, vision, what kind of businesses are going to come in, architectural structure, we haven't had a conversation of this type. Until we get these matters resolved we are sitting pigeons."

Council
Reports –
Ronning

Ronning, "Has anyone ever been asked a question, and you think how can I answer this without insulting someone? Go to these commission meetings and someone comes up and asks, "What do you think?" They have a lot of knowledge, dedication, good ideas. Planning Commission had someone that wanted to put a business in but the building codes aren't right for it. They just knew that. I am way behind on the zoning code. They are hardworking people."

Council
Reports –
Lawrence

Lawrence, "Thank Ed Reynoso for being here, appreciate your time. And, Colleen Winter for attending. I have been getting e-mails from citizens and they are great, but when I respond back and ask for meeting or call, please respond back. That way we can get the issue resolved. Otherwise it can be hard to get your issue resolved, because sometimes the emails can be hard to decipher what you are looking for. Give phone numbers."

Closed session
– 13.D.05

Vierling, "Council is about to go into closed session pursuant to Minnesota Statute 13.D.05 subd. B & D dealing with Attorney Client Privilege to review matters of potential litigation

subd. B & D,
potential
litigation and
security

and also Security with regard to the City Facilities. The Council will come back into session and announce any action that has been taken.”

DeRoche made a motion to go into closed session to discuss potential litigation and security at city facilities. Lawrence seconded; all in favor, motion carries.

Vierling, “For the benefit of the record and the public the City Council concluded the closed session. The Council received an update from the Fire Chief and gave direction to the staff and City Attorney on the matter. The session was attended by all City Council members, the city administrator, Jack Davis, the fire chief, Mark DuCharme and myself. Other than that no specific motions were taken.”

Adjourn

DeRoche made a motion to adjourn at 9:43PM. Ronning seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

EAST BETHEL CITY COUNCIL WORK MEETING

March 6, 2013

The East Bethel City Council met on March 6, 2013 at 7:30 PM for a special meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Richard Lawrence
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator

Call to Order **The January 16, 2013 City Council special meeting was called to order by Acting Mayor Moegerle 6:00 PM.**

Adopt Agenda **Moegerle made a motion to adopt the March 6, 2013 City Council work meeting agenda. Koller seconded.**

Ronning made a motion to amend the agenda to reverse the order of the agenda and address the Revolving Loan Program for City SAC & WAC Charges and then the Potential Waterpark Project. DeRoche seconded the amendment. DeRoche, Koller, Ronning, aye; Moegerle, nay; motion carries.

The vote is now on the agenda as amended. All in favor, motion carries. Mayor Lawrence arrived.

Revolving Loan Program for City SAC & WAC Charges Staff is seeking Council input regarding this program. In order to minimize the impact of City SAC (Sewer Access Charge) and WAC (Water Access Charge) charges to existing businesses in the sewer district, Staff is proposing the creation of a City SAC and WAC Revolving Loan Program. This program would provide loan funds to these businesses to assist them in paying their City SAC and WAC charges in the event other resources are not available or they could not qualify for a bank loan for this purpose. This could provide an alternative and a last means option of financing to those businesses that would be affected by the mandatory SAC and WAC fees.

The basic framework of the program would be as follows:

- The City HRA by resolution would loan the City \$XXX,XXX as seed money to create the loan fund. The city would repay the HRA as loan repayments were collected. The loan could be no interest or at a rate established by Council.
- Businesses that met the requirements of the loan policy could finance up to 10 SAC and WAC assigned units over a period of five years. The loan would subject to an upfront payment of 20% of the charges and at an interest rate to be determined by Council.
- Businesses would be required to apply for the loan, meet loan policy requirements and pay an application fee to be determined. The application fee would cover the cost of staff time for processing the loan and discourage those that did not have a legitimate interest in the program. The loan would be approved by Council based on requirements of eligibility.
- The program could be utilized for other businesses as utilities are extended through the Hwy. 65 Corridor.
- The owner of record would need to execute an agreement and waiver wherein the amount of the loan shall be recorded and assessable to the property in the event of default according to the terms of the agreement and payment of all property taxes or any other fees owed to the City must be current.
- This program would not be available to the construction of single family homes.

For 2013 the City SAC and WAC fee for each ERU (Equivalent Residential Unit) is \$5,600. If the Revolving Loan Program (RLP) is approved, a business that is assigned a single (1) ERU rating could borrow this money from the fund to pay this charge. The City would receive the money upfront to escrow for bond payments and the business would pay \$1,120 (20%) as the down payment cost and pay annual installments of \$989.10 for five years if the interest rate were 4%. These payments would be used to pay down the HRA Loan.

As to the case described above, the City would make \$465.50 in interest which could be applied to Municipal Utilities Project or applied to the HRA loan debt to accelerate the pay off. A preliminary estimate for initial fund needs could be \$251,000. This estimate is based on the assumption that 80% of the customers in the sewer district (14 customers and 56 ERU's) would use the program. As we are loaning money to ourselves, the capital amount could be adjusted as required. We would also incorporate appropriate measures to secure the loan and include means of collection in the event of default.

This program has been discussed with EDA on numerous occasions and the Authority, at their meeting on February 25, 2012, voted to recommend that City Council consider adopting the Revolving Loan Fund Program to include the necessary and appropriate details for the application and administration of the fund.

Staff is seeking Council input regarding this program. We are at the stage now where we need some direction from you as to how we are to proceed with this.

DeRoche, "After looking at the paperwork, I contacted the City of Anoka, spent about an hour on the phone with a gentleman. The City of Anoka has a couple different programs. One is dealt with through the HRA and one is through the EDA. The HRA one they actually did a \$25,000 match, but the person also had to get part of it loaned through the bank. The City of Anoka did not want to be a bank themselves. And, just to put things in perspective, the City of Anoka is seven square miles and 18,000 people. So, what worked for them, might not work for us. I would suggest that there is a work meeting between the Council and the EDA. I don't want the EDA to sit down and figure this out and then we get it and have to vote on it. I think to save some time, there has to be some back and forth with the ideas and see how everything fits in before it gets to that. Because this is a pretty big deal and I have heard comments that the HRA will just borrow the money to the EDA and EDA will just pay them back. Can that work? Sure. But in downloading the HRA statutes I don't know if a loan is possible, but I do know what the guidelines are and there are certain things that HRA money has to be used for."

Vierling, "There are certainly limitations to HRA funding, certain projects. But we would have to take a look at which vehicle you would want to use as a funding source for this. Without doubt either the city itself or the HRA or EDA would be able to go into a loan program if you wish to do so. We would take a look at which of the entities if you so desire to go forward, which would be the best funding place for that." Davis, "Actually, it is probably a misnomer to call this a Revolving Loan Fund Program, especially if the monies come from the HRA. Because this wouldn't be seed money that actually stayed with the program. There would be a time limit on this and if we are looking at a five year payback. You could set it up a number of different ways. You could set it up that it has to be paid back to the HRA in five years. And that is certainly doable. Also, if nobody borrowed the money, there would be no need to make the loan. And, it probably wouldn't be a loan; it would be more of an internal transfer. The precedent has been set twice for this.

DeRoche, "Also, primarily with Anoka's HRA Loan that was done to rehab buildings, storefronts on Main Street. They were concerned with them getting to the point where they would have to be torn down or low income situations. The EDA WAC and SAC was set up primarily to draw new businesses in. And so we can't really use their example for what we are trying to do, because we are trying to work with the businesses that are currently here." Davis, "I don't think the framework that is attached here makes any difference as far as to size. What we are trying to do with the framework is just set up the terms for the loan and set up the basis for provision for collection for default. Just term agreements. This loan could also be used to attract new businesses. We thought that it might be best to limit it initially to the existing business in the sewer area, but those that are impacted by this through no decision of their own. It is one of the few things we can do. We tried discussing reducing ERUs, that wasn't feasible from an economic standpoint. They may not all use it and the example I gave of 80% using it, is probably high. I would rather go in with a high number than a low number. If the theatre and the bank didn't use it, then it would only be 25 ERUs available."

DeRoche, "If I remember right, two years ago when the three of us came in, we discussed using HRA funds to help the businesses come in and remove blight and making it place that you might want to move your business to." Davis, "You could do a storefront renovation loan program on that. I would rather not tie it in with this one." DeRoche, "Along with that, we had discussed working with them to hook them up. That was why the stubs were run across the highway. And, I think one of the first business meetings we had at Route 65 that was discussed." Davis, "There have been discussions on that. We can create a loan program to address anything. This loan is probably going to be for higher risk. The storefront renovations are even riskier loans. The thing with this is they would have to sign an agreement that we could assess it to their property taxes in the case of default. We have talked to the banks and they are interested in making some of these loans. They are not really excited about it. In most case these would be \$6,000 to \$12,000. For the purpose of this, it would be cleaner to keep the SAC & WAC and storefront separate."

Moegerle, "At the EDA meeting we discussed the possibility of having two additional loan funds because of the additional \$750,000 in the HRA. So, this \$251,000 would be the first of one or two possible loan programs. I want to make sure the record is clear that this is not in lieu of another option; this is one of a couple options we are looking at as the EDA. This was the one that was presented at the EDA and is now ready for presentation to the Council."

Lawrence, "Well just for conversation sake, do we have interest on the Council to help small businesses with a loan with the water and sewer project?" DeRoche, "I do as long as it is a collaborative effort with Council and the EDA. Because to have the EDA to come up with this and then bring it to Council and say here it is, vote it up or down." Lawrence, "I think at the EDA we should bang out a rough draft. And then invite the Council in. Otherwise the EDA will be spinning their wheels just to get a draft done." Moegerle, "My concern is what we have before us is a rough draft, with the blanks left open. You were unable to attend that meeting. But, this was what we agreed to and we were reluctant to specify any additional information because that would impinge upon the prerogative of the Council. As far as going back to the EDA, while it is nice to do that, it will not produce any additional information than we have before us."

Davis, "I think what the EDA has done is their duty. They have recommended we consider this type of loan program. It is up to staff to develop the details based on your direction if we

want to do that and then provide that to you for your consideration. What we have given you is just a sample agreement. What we would do based on your direction is refine that agreement, submit it to the City Attorney for his comments and then bring it back to the City Council for any additional discussion. However they wanted to act on it.

Ronning, "What authority do the commissions have to dispense or spend funds?" Davis, "None." Moegerle, "And neither does the EDA which is not a commission. It is an authority." Ronning, "What kinds of thoughts have been given to default and legal expense?" Davis, "The basic consideration for default is that it would be assessed back against the property taxes. Personal guarantees are another way you can do it, but sometimes personal guarantees are only worth the paper they are written on."

Ronning, "Before it went back to the EDA, would it be reasonable to look at a window of expense?" Davis, "Yes, there could be an application cost that would cover the servicing of the loan. What we are asking for is instead of details now, is direction is this something we want to pursue? If it is, then the next step is to start bringing details to Council. As far as the EDA goes, I don't see any reason to take it back to them. I think this is solely a Council consideration from this point on." Ronning, "I share Bob's concerns, I get a finished document and then vote up or down and are you opposed to helping the community? Then why did you vote against it?" Moegerle, "That is why you have the microphone to speak into that. I don't understand, please explain." Ronning, "If it is all said except for us signing the bottom line, that is too far down for us to get involved in it. You want to get involved in it earlier so you have time to get some guidance, direction." Moegerle, "Isn't that this opportunity?" Ronning, "Opportunity is one thing. A finished product is another thing." Davis, "This is just a first step in the opportunity and if you tell us you want to proceed we can have another work meeting. If you tell us you don't want to proceed with it we will just drop it."

DeRoche, "I think we already have the consensus. We have to do something. We have this project and we have businesses that were told they wouldn't have to hook-up and they do. And some of them can't just pull the money out of their pocket, so it is up to us to help them with it. I do think it is a good idea to start on this, but I don't like to just say go ahead, EDA draft something and bring it back and we will vote it up or down." Davis, "Are you saying you want more EDA input? Or you want Council to strictly work on this now?" DeRoche, "This is a pretty big issue. To discuss this in an hour and all we got was this paper from the City of Anoka. And, unless you dig into it and talk to people who have done this and where they have found bad problems I don't feel comfortable telling them to go ahead and do it. Then bringing it back and hearing, you don't like the community because you voted it down? I feel the community has to have input. Staff looks at it. That is why I suggested the Council and the EDA sit down in a work session and say, "Okay, what do you think of this suggestion."

Moegerle, "The EDA did review this. We talked about the pros and cons. We have a well-qualified City Administrator and Community Development Director. Over the course of the past 28 months certainly the three of us have gone through this and we are all responsible to know what is going on in the City, not only at Council, but also at EDA. We have gone through the Ady Voltedge marketing and branding process. This concept of doing a loan is nothing new. There are always risks, pros and cons of doing this. However, the risks of doing nothing are usually greater than doing something. What we do have is information here that there are ways of protecting the city; we are in the position of loaning these funds and the loan program we are looking at is a loan program of last resort. We would not be

expecting to finance a great majority of the businesses. We have in place an application fee which would eliminate casual applications from businesses that would not actually be able to qualify for the loan. We have in place a way to check the credit worthiness and stability of the business within our borders. Those things are in place and discussed at the EDA. While I understand there may be a desire to pick the brain further of the EDA, this is really the limits of their desire to indicate to the Council specificities of what this loan should be. Engaging more of the public is a valuable thing, but as far as meaningful dialogue to flush this out anymore, this is really where the discussion ended as this is where they were satisfied with.”

Ronning, “From that explanation it sounds like it is done, where is the pen? I agree with the comments about the City Administrator and the planner, but how many votes do they have?” Davis, “We are not recommending you approve this. All I want to know is if you want us to move forward with this and get the information you need to make a decision.” Ronning, “Unless I am mistaken, a concept is one thing, but when it is pretty well laid out, step by step, by step, that train is already moving.” Davis, “No because you have the control and the vote over anything here.” Ronning, “Absolutely.”

Lawrence, “Where are the EDA on this format?” Winter, “They had the revolving loan presented to them three times. Jack discussed it a Council meeting in October or November. Since I have been here, we have had two discussions with the EDA. What I need to understand from Council is the EDA is just a recommending body to Council. They are saying this is sort of what makes sense. They are not in any way saying this is what we should adopt. They are giving you their input. If there are specific concerns we can address as part of the program, I would be happy to address those concerns.” DeRoche, “Whenever there is a disagreement or a discussion about an issue, it is don’t you trust the city administrator, don’t you trust city staff? And you know what; if we didn’t trust them we wouldn’t have them here. Heidi just brought up the fact, not even here it is, it was this is the proposal from the EDA and we are saying, this is a work meeting and I have looked at the EDA minutes and I haven’t got all this stuff out of it for whatever reason. I don’t go to their meetings, but you should be able to draw that out of their minutes. Correct?”

Lawrence, “When you read this did you see something you wanted to change in there?” DeRoche, “Yes, what I will suggest I will sit down and put it on paper and I will give it to Colleen.” Ronning, “Wouldn’t it be wise to have the two groups together? They can give a presentation of what they have looked at that we don’t know? You get rid of the messenger.” Koller, “I agree it would be nice to have a work meeting with the EDA. You said they have to have a credit check, what is the fail it? We are forcing them to hook-up, what if they are going through bankruptcy? If they can’t afford to repay it?” Davis, “Think we have to have some favorable indication they are going to be able to repay.” Koller, “But they are being forced to hook-up.” DeRoche, “Which to me is why a work meeting, more than before a Council Meeting. Put the questions out there and get the answers.” Moegerle, “What questions are there? I want to know if the questions have been asked and answered before. I want to know what type of questions there are and if they are questions that are within the knowledge of the group since I am the president of the group? I don’t want to waste my time at another meeting.”

DeRoche, “Being the president of the EDA, how many other cities were researched to find out how they did it, whether they had good luck, bad luck and were they comparable to East Bethel?” Davis, “There are no comparable cities to East Bethel. I did some research and Ehlers sent us some information. This agreement was probably pretty standard and

framework to start from. I am getting a sense you want to have a meeting with the EDA and the City Council to get some questions answered.” Lawrence, “You have questions, and you have questions, as a group we should present our questions to staff so they can make sure we can get the answers for your questions and have our joint meeting and it will be resolved.” Moegerle, “Not knowing the nature of the questions.” Ronning, “Don’t know how we are going to generate a how lot of questions about what we don’t know. I would suggest they tell us where they are. And we just ask questions. I have no clue about what Moegerle is defensive about. Seems strange that we don’t want to advance the knowledge.” Moegerle, “I am not sure that individual EDA members are going to have answers to your questions that staff members and the attorney aren’t going to already have from attending those meetings. I also think we have bond counsel, we have our own attorney.” Ronning, “Why don’t you want us to ask them questions?” Moegerle, “Because I don’t know what questions you are going to ask. We all go to so many meetings and if the questions you ask are not within their knowledge then they are just going to say, “I don’t know, ask Jack and Colleen.” Then it is just another night away from home that I would rather not spend with you lovely folks.” Lawrence, “Now is the time for the input, the best situation would be to submit your questions so we can get them answered.”

Moegerle, “Let’s talk about the questions.” DeRoche, “To begin with, why was only one City or if there were other cities researched where the data is for that. I learned coming in here that there was not enough research done. Now I want information and if it is not there, I am going to ask for it.” Moegerle, “These kinds of loans are not unusual methods of handling this. This is one of the tools in the toolbox. Not every city is in a comparable situation as us. You could ask the city attorney, Jack and Colleen their experience on this. What concerns you about this? Being in the banking situation on this?”

DeRoche, “I have Googled this to find out what other cities do this and not a lot of information comes up. Maybe you could download it or send us links.” Lawrence, “Maybe you need to expand to what cities do revolving loans for businesses. We are in a very unique situation where we have a very large system with no users. And we have users that are going to have to hook-up whether they like it or not.” DeRoche, “When I first contacted the City of Anoka, it came out that it was mainly on new stuff coming in. That doesn’t fit on anything that we are doing. I was looking for something that we can compare with. It is our attempt to help people stay here. I think all this stuff needs to be discussed.” Moegerle, “I think there is going to be extremely limited information on SAC and WAC charges for loans.”

DeRoche, “Staff knows we are interested in this program. This is good framework. Council Members need more information.” Ronning, “You mentioned there were several hundreds of thousands that came up when you googled this. Can you name a few?” Moegerle, “Mankato, Stewartville, Lake City, looked at so many I couldn’t tell you. Most of them have been in articles of Economic Development I couldn’t tell you.” Davis, “The Chamber of Commerce of Ham Lake runs a little revolving loan fund. I would not limit this to the size of the city. It is the framework and what best suits our particular needs. I don’t think we are going to find anything right off the shelf.” Lawrence, “I think the city size might be important. However, you might want to look at cities under 5,000 with quite an industrial park, like Montevideo.”

Moegerle, “Understanding of question, if we are forcing them to hookup and we deny them loan is there any legal recourse.” Vierling, “With any city program, you have to treat them alike. Programs have to be based with objective criteria. Review of credit worthiness.

Establishing criteria and making sure those are observed.” Davis, “We have a good sense of what you would like to look at and can bring that to you.” DeRoche, “Where do we stand with these businesses all being told they wouldn’t have to hook-up and now we tell them they do? Are we morally bound or legally bound?” Vierling, “I don’t think there is any such thing as morally bound. Obviously you have different administrations. Your rules and ordinances are what they are. If your ordinances require connection, that is the law. If that is what the previous Council was thinking, you are not bound by that.” Davis, “We have existing ordinances that state that if the services are available, you are required to connect.”

Potential Waterpark Project

Davis explained that at the at the Economic Development Authority meeting on February 25, 2013 there was a lengthy discussion regarding a waterpark development and the level of interest in this type of facility in East Bethel. The EDA reviewed and examined the waterpark proposal and the geographic advantages and amenities of East Bethel as a potential recreation destination for Anoka County. The EDA did not take any action on the presentation.

The waterpark idea originated as a recreational amenity that was identified in a Booster Day/needs assessment survey that was conducted in July 2012 and has since evolved into an image that includes a vision of the City becoming a recreation destination for the North Metro Area. The concept is a bold an innovative proposal that creates as many questions as it does opportunities for our economic development options and initiatives. The conceptual phase of this proposition has evolved into a plan that proposes to attract a private developer to construct a hotel with convention facilities and an attached indoor waterpark as the central focus of the project. It would also require the spin-off development of additional recreational and commercial facilities as peripheral attractions that are needed to provide the secondary support activities and services necessary for a development of this scale. Even though this type of facility would need to be located along the Hwy. 65 Corridor, no specific site has been recommended for this project and any discussions regarding potential site locations should remain confidential at this time.

Projects of this magnitude can have a tremendous economic impact and serve as the magnet/anchor to attract additional development. This proposed project is still in the discussion stage and has reached the point that requires Council advice as to the direction staff should follow concerning the advancement of the proposal.

The basic question regarding this project is one of marketability and the potential for attraction that would appeal to a private developer. That is the issue with this proposal and until we can provide that answer, the status of this proposal is indeterminate. As in the case of these matters, it may require a financial commitment to proceed with the determination of feasibility.

One of the next steps for consideration is a feasibility study to provide the City necessary data that will be required to establish the practicality of this venture. The costs to perform a feasibility study could vary widely, with basic costs estimated to range between \$8,000 to \$20,000, depending on the depth of analysis that is requested. As such and should authorization be considered and approved, it would be advisable to put this out as a Request for Proposal (RFP) for a Waterpark Feasibility Study. The feasibility study would provide the marketing information required for making a sound business decision on this proposal. The development of the RFP would require minimal staff time and incidental costs for office supplies, postage and other materials necessary for preparation. Staff would submit any RFP to Council for review prior to any submissions for proposals.

The purpose of the discussion before Council is not a referendum on a waterpark project/recreation destination area but rather a means for Council to guide staff on the direction to proceed on this matter. Regardless of the direction we proceed with this proposal at this time, this, along with any other potential economic development project, will always be open for deliberation and on our menu of options.

We have reached a point in the research of this matter that involves consideration of expenditures for marketing consultant services to assist in determining the feasibility of this proposal and Council input. This decision concerning expenditures is beyond the staff level and requires Council approval to proceed or provide alternate recommendations to advance and promote the proposal.

Attached is information that relates to the concept of this project and its relation to our economic development plan.

Staff is requesting direction from City Council as to the preferred course of action concerning the next phase of this project.

Moegerle, "I did some additional research about this proposal. As you saw in your packet was the data from Booster Day desirability's for the development of East Bethel. And, Waterpark hit the highest response with 40. Clearly there was interest with having more recreational activities in East Bethel. East Bethel residents also want to keep East Bethel rural. What has come through from the information in the packet anything we do should be a low impact on the environment. Mr. Coy from Rochester is information I found when I Googled Waterparks. I feel this is a very reliable source. One of the things they talk about is Waterparks draw from a 200 mile radius. So that makes this a little more doable than a Target. One other thing that factors into this is that this has to be a year-round facility; it has an indoor/outdoor facility. Has to be a facility that can meet the needs Cedar Creek is projecting for symposiums and those kinds of things. It has to meet the requirements of having businesses and dances and activities that will support it or nobody's going to come. The question is are those entities out there that would come this far north of the Twin Cities knowing there are certain amenities within relatively quick distance and time to go to a stadium and so forth. So, that is something that we as a Council can understand pragmatically, but what is needed is a feasibility study. I know Tom and Ron are coming a little late to the info on economic development. I have read many articles, read many books, and attended many conferences from the LMC and consistently they have said that an Economic Development Authority in difficult situations has to be bold in their decision making as far as exploring opportunities and possibilities. So, at this point, the EDA said at their last meeting they were interested in this. A feasibility study cost money, but the preparation of an RFP does not. And so this may be the first of many types of possibilities the Council may want to consider getting an RFP for a feasibility study."

Ronning, "I am familiar with one of these places; I have stayed there several times. Wisconsin Dells, a large portion of their business comes from Chicago. They have a pro golf course. And have river sports as well." Moegerle, "We may be looking at something where skiing is the attraction. We have an area where launching snowmobiles trips north is ideal. Leave wife and kids at waterpark and fathers and sons go north and go snowmobiling or go south and go to sports games. Not intended to make East Bethel the new Wisconsin Dells. This is not Dollywood. We have a bed and breakfast on Viking Blvd that does quilting retreats that takes up to 15 weekend residents. We have a strong basis of recreation, hunting

and others.”

Ronning, “Is the EDA behind this? Have they contacted any of the convention centers in Minnesota?” Moegerle, “We spoke with individuals from the Nationals Sports Center and they are associated with a tourism association out of Ham Lake or Anoka County. The tourism organization has beds, hotel beds, motel beds, came to speak to Jack and Colleen and I. WE also got an e-mail from someone in Cleveland. There are always going to be questions. Is this a reasonable avenue for East Bethel to explore?” Ronning, “Has the question of what is their occupancy been asked?” Moegerle, “It is really the question of what is the success of the Waterparks. We have the one at Bunker Lake, Mall of America; Waterparks in general are successful if they are scaled appropriately for the community and the destination.”

DeRoche, “The other recreational sporting goods had 39, this one had 40. A City with 11,450 people to have 40 people say that, it just doesn’t generate that kind of excitement in me. When we are looking at most communities, whether Maplewood or Shoreview, they have their City Center, Community Center and have a Waterpark inside.” Moegerle, “I researched the community Waterparks and I talked to the city administrator of Andover and I said, “I really admire your community center you have over there.” And he said, “You shouldn’t. Cities shouldn’t get into that business. They never pay for themselves.” I have chatted with various people and that tends to be the consensus, is don’t get into the business of community centers, they don’t pay for themselves. I think at the LGO meeting at Columbia Heights there was emphasis on that. We are never going to be able to scientifically poll every resident and find out what they want. And, ultimately, we are the leaders and have to make the decisions. My point is that what are we supposed to do, we have information. What is the EDA supposed to do to come up with ideas? If that is not an idea you want to pursue, I would ask that the Council give the EDA criteria; do we need 45, 75 or 105 before this is something we are going to pursue? Or does some background research into the opportunity say we need to get more information?” DeRoche, “I don’t want to get into a build it and they will come. We have a sewer and water district that we need to get going on. We need to focus on certain things. I would like to see the EDA focus on developing the sewer area. And I don’t think a Waterpark is part of that. And, I don’t think putting \$8,000 to \$12,000 into a RFP is prudent at this time” Moegerle, “We are not at that decision yet. The decision to be made today is whether staff should develop RFP on feasibility costs. We need additional information on whether or not to invest the \$8,000 to \$20,000 on a feasibility study.”

DeRoche, “I would have liked to have had Council give direction to staff to even look into this to begin with.” Ronning, This Booster Day, in the packet it says 40 people. .03% of the population at a picnic. We can’t base something like this on .03%.” Moegerle, “Getting individuals into one place where they will tell us what they want to do is like pulling teeth. As a practical matter there is no way to survey every single person. You are new to this and I remember those days. We had the opportunities at Booster Days.” Ronning, “Is 40 out of 11,000 a good sample?” Moegerle, “It is a good sample out of East Bethel people. That is frightening and to me I am appalled.” Ronning, “I wouldn’t want to put my future into the hands of 40 people that are just passing time.” Moegerle, “The future is put into five people who are just passing time.” Ronning, “We are supposed to make decisions on spending money.”

Moegerle, “The decision here is not to spend money. It is whether to invest time in exploring the possibility of whether it is worthwhile to proceed on this.” Lawrence, “What is the cost

of an RFP?" Davis, "It would take about ½ day, day at the most to develop the RFP. Then send it out to consultants." Ronning, "What is the staff time that has been spent on this package?" Davis, "Not a lot of time. But, now we are here asking for advice if we should take it any further." Ronning, "We already have some investment in staff time."

DeRoche, "It is my understanding that Council does not direct staff. It is up to us to say, City Administrator, how can we get it done and he goes to staff and gets it done before there is any commitment made, correct?" Davis, "And that is why I am here tonight, I am asking you. But if I have to come to you every time and ask you. We are at the point where we need direction from Council." Moegerle, "I think it is worthwhile to do the RFP." Koller, "I think it is okay to look into it, but like Tom said, I wouldn't make it a priority."

Moegerle,

"We don't have enough time, but I think we need to talk about the role of the EDA. It seems to me that I am hearing some confusion over that."

Lawrence, "When the commissions have ideas, they go to staff for information or data."

Davis, "Everything goes through staff and then to Council. We present a lot to them."

Lawrence, "There is a fair amount of work that goes to staff before it comes to us." Davis, "We deal with a lot of issues that have to be vetted before we bring them to Council so you have the information." Ronning, "To what extent do you research questions?" Davis, "You wouldn't believe the amount of time we spend answering questions. As with anything that comes up with the ERUs anything is fair game. If we think it has merit, we will bring it to Council." Lawrence, "You are thinking about a days' worth of work to put this together?" Davis, "Yes, and then as with anything, we will bring it to Council and see what you want to do with it."

Colleen Winter, "The trick is going to be finding who to send the RFPs to. Not a lot of companies that do this specific kind of marketing. That is going what will take the kind of time." Davis, "We don't want to spend time on things that Council doesn't want us working on. That is why we are here; we have reached the point to take it to the next step so we want direction." DeRoche, "Confused because I hear how taxed our staff is working on current things. But apparently not if we can just start chasing things like this." Davis, "Our staff is very taxed, they work very hard. I get here at 5:00 a.m. and leave at 6:00 – 7:00 p.m. Colleen gets here early and works hard. Everybody here works hard. We do spend a lot of time. There are things that we have to do as part of our job to investigate things that come up. But, when we reach a certain point, that is when you kick in." DeRoche, "Nobody said you don't work hard, don't even put those words out there. I said it is always how much our staff has to do we got to hire more people because we have all this stuff going on. To me this Waterpark would be great down the road somewhere, but I think we have more pressing issues at this time that need to be dealt with before a Waterpark idea. Because 40 people on a survey of 11,000 thought that might be a good idea."

Moegerle, "One person thought having Aggressive Hydraulics was a good idea in East Bethel. It is not the number of the idea; it is the quality of the idea. I thought part of it was to get away from if you build it we will come so we all sit back here with our hands in our laps and say, "You have infrastructure, come on in." I thought our role was going to be was to shake the trees to see what business would come to our small community and thrive and give us workers, give us jobs, give us security on the infrastructure. I thought that was what our job was to be. Apparently my position disagrees with yours. I need to be redirected in this. I thought we were supposed to shake the trees and find a good fit for East Bethel within the parameters of keeping it rural and limiting impact on residents."

DeRoche, "I put a lot more faith in the residents, I get out and ask the people, "What do you want, what do you think?" I don't represent just me up here. I represent what I hear people saying." Moegerle, "I don't represent just me. I am taking valid information that we have that there are 40 people out there that feel we should have a waterpark. You can go to any bar on any Friday night and get every kind of opinion you want in the world. But what I know is on Booster Day, the people there, concerned about East Bethel that were sober who had some ideas they wanted to present to us. Forty is a lot more than you get anecdotally at the Pub and Grub or Hunters, or anywhere else on a snowmobile trail. You have them all together, that has more merit than anecdotally here and there." DeRoche, "What a statement. You have no clue what I do with my life, who I talk to and where I talk to them. I think we are spending our taxpayer's money incorrectly doing this, but so be it."

Lawrence, "What do you want to do?" Ronning, "I don't think we have enough information." Koller, "And I agree." Moegerle, "What more information do you want?" Koller, "How big of a waterpark would work here." Moegerle, "That would be part of the feasibility study. To know what kind of size would depend on the market research, but we would need the RFP. Koller, "I guess we can have staff look into it, but I don't think it is the right time."

Davis, "We would develop a set of criteria for a market study." Ronning, "We can go ahead with the RFP."

Adjourn

Moegerle made a motion to adjourn at 7:30 PM. Lawrence seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

EAST BETHEL CITY COUNCIL MEETING

March 20, 2013

The East Bethel City Council met on March 20, 2013 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Heidi Moegerle
 Tom Ronning

MEMBERS EXCUSED: Richard Lawrence

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

Call to Order **The March 20, 2013 City Council meeting was called to order by Acting Mayor Moegerle at 7:30 PM.**

Adopt Agenda **DeRoche made a motion to adopt the March 20, 2013 City Council agenda. Koller seconded; all in favor, motion carries.**

Presentation – Troy Ferguson Assistant Director for Community Education from ISD #15. I want to thank Jack and Heidi for contacting me initially to see how we can work together. ISD #15 – ISD #15 covers 165 square miles. We educate about 5,000 students in eight cities/townships. We have 800 employees. Our High School is located in St. Francis. Middle school is grade 6-8. Cedar Creek Community School is in East Bethel and also East Bethel Community School. Sandhill Center for the Arts in Bethel. We have repurposed that building for the seniors. Transition 15 Program training program for 18 to 21 year olds.

Ways we try to community is our website, ISD15.org. We publish a monthly newspaper, the Courier which goes into about 14,000 homes. We have school outreach. And if you choice to, we are on Facebook and Twitter. At the end of the trimester our kids have an art show, we would like to facilitate rotating some things through here.

Technology in the classroom, we are using over 900 I-Pads at every level. 150 smart boards. We have live video conference capabilities. We are working towards using I-Pads in special education.

STEM Program. 2012-2013 introduced to all 4th grade students. Trained our 5th grade teachers. Beginning this school year we started offering all day, every day kindergarten. We don't charge for that. Tremendous feedback from teachers. Francis Middle School, qualified to be a celebration school. Our high school has some real world skills, 21st century school. Partnering with home school families. Teaching staff, we have what is called a teacher academy. System of professional development. Teachers get trained in different kinds of classes. This year 11 classes and 4 study groups. 3rd school district in state to be approved for CEU comp. Our professional development is different than other places. A huge hit. Community Education, we have serves lifelong learning needs. Early childhood learning programs. Early childhood special education. District wide youth education. Trap club. Ski club, karate, youth rep program. Kid's connection, our daycare program, housed in St. Francis Elementary and Lifelong Learning Center. Adult Enrichment and Rec. Adult Basic Education. Sandhill Center for the Arts in Bethel, have

exercise program there, lunch and learn once a month where a guest speaker comes in, does a show once a month, and we have offices in there for the City of Bethel. Courier and sometimes we help outside organizations with their printing needs as well. Community Leadership, seven member school board, working on Pioneer Days. Wanted to say hi and thank you for letting me come.

Ronning, "This is probably just a secondhand rumor. But I heard they are not teaching cursive in school anymore." Ferguson, "That is probably true. With the new technology, you can just talk and it will type for you." DeRoche, "From a math standpoint, it is kind of disheartening when you go in a store and someone can't figure out change." Ferguson, "That is not being taken out."

Sheriff's Report

Lt. Orlando gave the February 2013 report as follows:

DWI Arrests: There were 4 DWI arrests in the month of February. Two of the arrests occurred as the result of traffic crashes. One of the crashes involved a vehicle striking another vehicle. That driver had a bac level of .21. The second crash involved an intoxicated driver rear-ending a left turning vehicle. One DWI arrest was the result of a juvenile male driving on Coon Lake, getting his vehicle stuck and believing that he was falling through the ice (which he was not). The last DWI was the result of traffic violations.

Thefts: There were 7 thefts reported for the month. There was one identity theft reported. The victim found out that several credit cards had been opened in his name in Florida. It is unknown how this occurred. There was a snowmobile and trailer stolen out of a yard. There are no suspects and the victim did not have the snowmobile or trailer registered in his name and he did not have any VIN or serial numbers for the items. There was a theft of a handgun reported, where a relative is the suspect. There was an iPod theft where the victim suspects her daughter's friends may have taken it. One theft report involved cash missing from a residence. The victim does not believe the house was burglarized as expensive items and guns were not taken. The last theft report is a theft of license plates. The victim had recycled his old license plates without destroying them first. He learned that the plates were stolen when he received a court summons to appear for a handicap parking violation, involving his old plates.

Burglaries: There was one reported burglary. This burglary involved a shed being broken into. Tools and ice fishing equipment were taken. There are no suspects or leads.

Terroristic Threats: Deputies were called to a residence by a process server who reported a male pointing a rifle at him after telling him to get off the property. The male was arrested after deciding to cooperate with the deputy's request to come out of the house. The rifle turned out to be a bb gun.

Damage to Property: There was one report of property damaged involving an ex-girlfriend who threw a flower pot through a door. The ex-girlfriend was intoxicated and charges are pending, as the house belonged to the boyfriend's parents.

Assaults: There was one arrest for a misdemeanor assault involving juvenile females. A juvenile female went over to the victim's house and began punching her in the head. The victim reported she and the suspect do not like each other and things have been building for years. The suspect was charged with the misdemeanor assault. Two other juvenile females who were with the suspect were also charged.

Controlled Substance: Deputies were called to a suspicious vehicle report. Upon arriving in the area, the deputy located the vehicle which was occupied. The deputy identified the male driver, who has a history of drug use. In conducting a search of the vehicle, methamphetamine was located. The male was taken into custody and charged with the 5th degree possession of a controlled substance.

Moegerle, "Are you seeing more meth in the area?" Lt. Orlando, "Back ten years ago, we had labs everywhere. We do see meth sometimes, but not labs" DeRoche, "How about heroin?" Lt. Orlando, "We do see heroin, it does seem to be the drug of choice." DeRoche, "I heard the state issued 400 DWIs over St. Patrick's. How many did we get?" Lt. Orlando, "I am not sure, I think there were three or four in our area. But they weren't all East Bethel. I have seen that people have gotten a lot smarter about drinking and driving with having the DWI task force out. You go by the bars the next day and there are a ton of cars in the parking lots." DeRoche, "I read about a speeding enforcement where they will be coming down on people in the county who are speeding?" Lt. Orlando, "Yes that is the entire Towards Zero Death grant. All the law enforcement in the county work together and part is the DWI Enforcement, part is the speed enforcement and part is the seat belt enforcement. May be groups of 10-12 squads doing saturation." DeRoche, "Did you notice any more problems on 22?" Lt. Orlando, "No." DeRoche, "Is it because people got tickets?" Lt. Orlando, "I don't think so. My second report, I looked at crashes in the last three years. What areas are they happening in?"

The Sheriff's Office has had 228 reported crashes in East Bethel from January 2010 to date. Hwy 65 has had the most, with 107 crashes being reported.

Hwy 65/Viking as had the most with 18 crashes at that intersection. 11 were the result of vehicles being rear-ended while stopped at the lights. One was the result of a driver running the red light.

Hwy 65/221st is the next high with 14. There was one crash as the result of running the red light (however lights were just put at this intersection this past year). 3 crashes were the result of rear-end collisions. 6 were the result of vehicles either trying to cross the highway or pulling out in front of other vehicles. One was the result of icy road conditions.

Hwy 65/187 had 13 crashes. 8 of these were the result of drivers pulling out in front of other traffic (there are no traffic lights at this intersection). 2 were the results of icy road conditions. One was the result of a rear-end collision.

Hwy 65/237 had 13 reported crashes. 5 of these crashes were the result of rear-end collisions. 5 crashes were the result of icy roads. There was one red light run and one fail to yield to on-coming traffic.

Hwy 65/Sims had 9 crashes. 3 were rear-end collisions. 2 were vehicles sideswiping other vehicles. 2 were the result of vehicles pulling out into traffic. 1 was the result of running the red light. 1 was the result of an illegal lane change crossing from the right turn lane to the left turn lane in front of traffic.

Hwy 65/181 had 7 crashes. 2 were the result of hit and run collisions, one with an intoxicated driver. 3 were the result of vehicles pulling out of the cross over in front of on-coming traffic.

Viking Blvd going west to east had 26 crashes. There were three different areas that had 3 crashes reported in each.

Viking Blvd/East Bethel Blvd reported 2 rear-end collisions and one vehicle turning into on-coming traffic.

Viking Blvd/N Coon Creek had three crashes. Two were the result of driver inattention-rear end collisions. One was the result of a vehicle traveling in the right turn lane but going straight through the intersection. A vehicle waiting to turn onto Viking Blvd thought the driver was turning right and pulled out in front.

4825 Viking Blvd also had three crash reports. One was the result of a rear-end collision. One was the result of a hit and run in the parking lot. The last was a delayed report from a person advising he had been backed into while walking through the lot.

Viking Blvd/ Jackson St had 2 crashes. One was the result of an intoxicated driver running a stop sign and striking a vehicle. The second was a vehicle pulling out in front of a motorcycle causing a personal injury crash.

3500 Block of Viking Blvd also had 2 crashes reported. One involved a vehicle unsafely passing, where a motorist ended up going into the ditch to avoid a head on collision. The second involved a vehicle illegally passing on the shoulder, that ended up getting “sucked” into the ditch.

Coon Lake Beach Area had 7 crashes reported. No two were at the same location. There was one distracted driver who was trying to reach a box of cupcakes that had fallen who crashed into a parked vehicle, which sent the parked vehicle forward, hitting a second parked vehicle. There was one report of a male backing out of his driveway being struck by a vehicle passing on the roadway.

Laurel Rd / Longfellow Rd – male not familiar with the roadway, came too fast into the curve, taking it wide so he struck another vehicle head on.

Lincoln Dr / South Lakeshore Dr – vehicle ran off road in icy/snowy conditions hit trees.

221st Ave has had 14 crashes. 2 crashes occurred at 221st/Luan Dr in the curve. Surprisingly both crashes involved intoxicated drivers who were unable to navigate the curve. 2 crashes in different locations on 221st were the results of vehicles sliding through intersections.

2 crashes at two different locations on 221st were the result of drivers passing vehicles that happened to be turning left, causing the collisions. Two crashes were also the result of drivers pulling out in front of on-coming vehicles from side streets.

As you can see, driver inattention and distraction is a leading cause of crashes on the roadways. Making sure you are not following too closely will alleviate not being able to stop in time. Making sure you are not going too fast for conditions, especially when it is icy or snowy. Taking your time and making sure that there is not any on-coming traffic, when pulling out of a median or taking a turn will also lower the number of crashes. Of course, not driving while drinking goes without saying....

Public Forum Moegerle opened the Public Forum for any comments or concerns that were not listed on the agenda.

Harley Hanson, "First like to thank you for correcting the problem with the cable channel. I will pass on the credit, it should go to Wendy. I saw that Aggressive Hydraulics hit the Minneapolis Paper. Nice article about them in the Star Tribune. I like to get an update on the sewer pipe installation to Castle Towers. Is the pipe staying on the east side or west side all the way up?" Davis, "Met Council pipe is on the east side from Klondike to Sims and then they cross back to the west side. The cities portion stays totally on the west side." Hanson, "Is that pipe considered a lateral line?" Davis, "No, that will be a forcemain and connection will be limited to where a large pump station can be put in. You cannot do individual connections to it. That is because it is under pressure." Hanson, "Is it still possible for someone to put another station in to it?" Davis, "If somebody wanted to develop the property say at Sims and Hwy. 65, they would have to put another pump station in there. You couldn't just tap the line and access it." Hanson, "You would be taping it." Davis, "No you would be putting in a pump station from the north so the forcemain coming down the north would empty. So you could put either another gravity system there or a forcemain connection there. We do anticipate it will be developer driven to serve whoever it is going to serve.

Hanson, "Have we got a current Comprehensive Plan update for the sewer system?" Davis, "As far as the sewer system goes, it is covered by the current plan we have. It will be covered by being developer driven." Hanson, "I think you covered my question. So a developer takes on a project and it would be developer driven. Would it be subject for the people in between? If a line was run down to City Hall, would the people in between have to hookup? This affects me if I want to sell my property or buy property." Davis, "In your situation, the economics of running a sewer line from Castle Tower to City Hall are not economical." Ronning, "Would it be correct to say there is not the density to support something like that?" Davis, "Yes, that is correct. There is no way we would have the density to support this."

Dan Butler at 20332 Austin Street NE, "I want to thank Council. I sent an e-mail out to Council and actually got a response back from everyone. I also want to thank everyone for the time you all put in. The e-mail I sent out had to do with a subject that was covered at the last Council meeting. It had to do with summary versus verbatim minutes. I know that there is a lot of consternation about this. My thought on it is this; I think we produce well over 75 pages of reading material with the meetings we hold every month. If you want to be transparent, if with verbatim minutes you could condense that to 15 pages, or 20 pages instead of 75 pages, it certainly would be a lot more economical. I know that the Planning Commission and the EDA both recommended to the Council to use summary minutes versus verbatim minutes. And, I also think our City Attorney also stated that we are the only city that uses verbatim minutes that he is aware of.

Vierling, "No there are others. But, by far and away, more probably do not." Butler, "So would you say 80-90% of the cities don't use verbatim minutes?" Vierling, "I wouldn't even say that high. It would be a pure guess. I would say 65% or 2/3 probably do not and 1/3 probably does." Butler, "What my point was is we are in the minority using verbatim minutes versus summary minutes. Second we are spending well over \$5,000 of city resources to do verbatim minutes if in fact there aren't many corrections or additions or

subtractions. So, I am asking Council to maybe reconsider that point and look at it again. Maybe look at some other cities that have summary minutes again.”

DeRoche, “Just to touch on that like I replied to you. I am not at the EDA meetings. I am not at the Planning Commission meetings and I have three other liaison positions I take on. For me to get a summary of what was voted on and who voted what, it doesn’t give me enough information. And, I am not going to sit and watch every meeting, Park, Planning, EDA; I don’t have that kind of time. And, part of my reason is transparency. Some of the residents don’t have cable. So, they do read the minutes, and for them to read verbatim minutes at least they get an idea of who is saying what. Summary minutes all they know is there is an agenda, this item is here and Parks, Planning, EDA; I don’t have that kind of time. Part of my reason is transparency and they do read the minutes. For them to read verbatim minutes, at least they know who is saying what. We are kind of at a point now where hopefully the trust is coming back in people. I understand what you are saying but maybe down the road that would be something.

Butler, “I appreciate that, but I am looking at transparency being the other side of it. Not having to weed through 20 pages to get to something. And, I know about being misquoted at a public meeting and looked at it in the minutes, you have no opportunity to change that or make any adjustments. I know that happened to you.” DeRoche, “To answer your question, do we read them? I call Jack and ask what does this mean?” Ronning, “I think what you are saying is not unreasonable at all. We have had some things happen in the last three years that are contentious, to say the least. Once things are more open sailing, I would really like to know what is going on myself.” Butler, “Like I said in my e-mail, I think the integrity of our Council is the highest it has been in a long time and I thank you for that.” There were no more comments so the Public Forum was closed.

Consent
Agenda

Moegerle would like to pull E) Fire Fighter Recommendations. DeRoche would like to pull B) Recycling Grant.

Moegerle made a motion to approve A) Approve Bills; B) Recycling Grant; C) Employee Benefits RFP; D) Castle Towers/Whispering Aspen Forcemain Project Bid Authorization; E) Fire Fighter Recommendations. Koller seconded; all in favor, motion carries.

B) Recycling
Grant

DeRoche, “The recycling grant is one of the things I was trying to read through today. I called Jack and tried to figure this out; the County says you have to enforce recycling material. And some of it goes off in the garbage, some of it who knows where it winds up. But yet we are given this number of tons to get of recycling to get some money back from the County. I didn’t understand it, but maybe Jack can explain it so that if someone thinks about recycling into the containers provided.” Davis, “The recycling grant that comes through the county is a requirement that everyone in the metro participates in this. The County has a program where they assign east city recycling goals to meet and it is based on population and an average amount of waste per household. East Bethels goal is 1050 tons. We attempt to meet these goals by implementing the Spring and Falls recycling days at the arena and Coon Lake Beach. And other programs that we are looking at implementing to acquire some additional grant funds. There are no penalties if we don’t meet the goals. This is a way to encourage cities to be more involved in recycling and do other things than just the door-to-door pick up.”

DeRoche made a motion to approve Item B) Recycling Grant. Moegerle seconded; all

in favor, motion carries.

Item E) Fire
Fighter
Recommendations

Moegerle, "I wanted to recognize the appointment of the following probationary fire fighters: Adam Hemsley, Timothy Jungwirth, James Rogers, Chad Tagmeir & Benjamin Uden as recommended by the Fire Chief."

Moegerle made a motion to approve Item E) Fire Fighter Recommendations. DeRoche seconded; all in favor, motion carries.

Planning
Minutes

Davis explained that the Planning Commission minutes are provided for your review and information.

Acceptance of
Bids and
Submittal of
Final Bid
Quantities for
2013 JPA
Street Maint.
Projects

Davis explained that the following projects were recommended to bid as part of the 2013 JPA Street Maintenance program. These projects have been identified in the 2013-2017 Street Capital Improvement Plan (CIP).

1. Seal coat 65,000 sq yds of City streets including Breezy Point Dr, Edmar Lane, Vickers St, Yalta St & 189th Ave, 191st Ave, East Front Blvd & 195th Ave, Jamestown St & 196th Ave, Staples St, and Waconia St.
2. Crack-seal 100,000 LF as part of the annual street maintenance program. Crack sealing will be performed prior to any seal coating applications.
3. 55,000 LF of striping to be determined.

Bidding these items did not obligate the City to accept the bid. The bid for individual items can be rejected or amended as to quantities to accommodate the project budget.

The estimated budget for seal coating, crack sealing and striping the above listed projects was \$230,300. These projects will be funded from the Street Capital Fund as identified in the 2013-2017 Capital Improvement Plan and the 2013 Street Maintenance Budget.

The bids for the East Bethel Projects were as follows:

Aggregate, 65,000 SY @ \$0.58/SY	\$37,700.00
CRS-2 Oil, 18,200 Gals @ \$2.55/Gal	\$46,410.00
Crack Sealing, 100,000' @ \$0.63/LF	\$63,000.00
Striping, 55,000' @ \$0.052/LF	\$ 3,317.19
Contingency (5%)	\$ 7,521.35
Tax (6.875%)	\$10,858.95
Administrative Cost (1.5%)	<u>\$ 2,547.10</u>
Total Project Cost	\$172,354.59

The bid was \$57,946 below cost estimates for the projects listed above.

With the consideration that bids for our portion of the project were significantly lower than the estimates and in order to keep up with street maintenance needs, staff and the Roads Commission recommend that an additional 150,000 linear feet of crack-sealing be added to the above quantities at an additional cost of \$31,500.

An additional item staff and the Road Commission recommend is the contracting of

inspection services for the seal coat portion of the contract. Most of the member cities have already taken advantage of this service for a number of years and staff feels the cost is well justified in the final product. The inspection services are provided by WSB Engineering and are based on an hourly rate. The cost of this service is not expected to exceed \$2,500.00.

Funds for these projects are available in and were approved for 2013 Street Capital Improvement Plan. Approval of the bids and recommended additions would total \$206,354 and be \$23,946 under the estimated amount for this work.

Staff and the Road Commission have reviewed the bids and recommend acceptance of the 2013 JPA Street Maintenance Agreement bids and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in these projects. Staff and the Road Commission also recommend increasing the crack sealing quantities of the contract to 150,000 linear feet and the contracting of seal coat inspection services for a total project cost of approximately \$206,354.

Moegerle made a motion to approve the bids for 2013 JPA Street Maintenance bids and increasing the crack sealing quantities of the contract to 150,000 linear feet and the contracting of seal coat inspection services and authorize the submittal of a letter of concurrence to the City of Coon Rapids indicating our participation in these projects for a total project cost of approximately \$206,354. Koller seconded.

Ronning, "If anyone has any complaints, our roads are going to heck. It is nice to see this action being taken by the city. **All in favor, motion carries.**"

Building Official's Report

Davis explained that included in your packet was the Building Department reports for February 2013 your review. Total amounts billed for the Oak Grove Building Official and Inspections Services through the end of February 2013 are \$15,517.32. Total fees for this service for 2013 from Oak Grove are projected to be \$60,000. We are currently at 25.9% of that amount and if the trend of the first two months of the year continues we are on pace to collect \$93,104 for these services.

Fees collected in February for the City of East Bethel's permits totaled \$5,311.57 and through the end of February we have collected \$10,932.07. Total fees for Building Department Services within the City for 2013 are projected to be \$87,700 and we are currently on pace to collect \$65,592. It is anticipated that our permit revenues will increase once we encounter weather more favorable for construction activities.

DeRoche, "It is nice that we are 25.9% ahead. But to think that we are actually going to hit the \$93,000 mark, is that just really good optimism?" Davis, "That is a straight line project of where we are now. We anticipate that it will continue at this pace. We do expect the rate of our permits to increase once we the weather gets better. One thing I would like to point out is Oak Grove has had a lot of issuance of new home construction. One of the things that has held us back in East Bethel is we have a very limited supply of platted lots that are available. This is one of the reasons we are seeing slower growth in new home construction then in some of our neighboring communities." DeRoche, "If the fees we collected were \$5,000 and then at the end of February were \$10,000 what was the other \$5,000?" Davis, "That was for January." Ronning, "It's a good sign, something is happening up here." DeRoche, "On the report itself, Code Violations resolved were seven, and only one in February?" Davis, "No there was more than one in February. There are others that are pending and being worked on." Moegerle, "It would be much appreciated if this report was printed all in the same direction. If we could turn it the other way it would be more user

friendly.”

Sunrise River
WMO Budget

Davis explained that the Joint Powers Agreement between the City and the SRWMO requires the submission of the budget to all of the members for ratification. Their budget is implemented only after ratification by all parties to the Agreement.

East Bethel received the draft 2014 budget on March 6, 2013. The City has 60 days to respond to the SRWMO regarding the 2014 budget. Failure of the City to act within 60 days shall constitute approval of the budget.

The SRWMO will meet on May 2, 2013 to approve their final budget. Should the City Council desire to recommend changes in the SRWMO budget, they should submit these recommendations by no later than April 3, 2013 or they can approve the budget as presented at this time. The SRWMO budget is proposed to increase from \$47,895 to \$48,765 or 1.8%. The SRWMO budget in 2012 was \$54,595.

Mr. Leon Mager, the East Bethel Citizen Representative to the SRWMO, is present to answer any questions concerning the SRWMO proposed budget.

Staff is seeking direction from Council on the SRWMO budget.

Leon Mager, “Just a brief note on where this is at, the other three communities have signed off on this budget. So, I asked Jack to schedule this so we could get it approved.”
Moegerle, “At our last Council meeting Cal came from the Upper Rum River WMO, but he indicated that there is one line item that just sits around in the bank account of Anoka for just in case. Does that ring a bell for you?” Mager, “We have a fund and I believe it is around \$6,000. It is the Shared Grant, for any of the lakeshore owners that want to do anything with their lakeshore, rain gardens or buffer zone. If they do qualify we put in a best management type of solution. 50/50 type of thing. We set aside about \$2,000 a year. We haven’t had any takers from Coon Lake for about three years now. We had one on Linwood last year and one on Martin two years ago. Only one I am aware of that has not been completely spent.”

DeRoche, “Percentages of different cities, how are those calculated?” Mager, “Weighted average between two different types of solutions. One solution is the percentage of what each of the four cities have as far as taxable base within the watersheds. The other is based on what the cities have for taxable land area in the watershed. So someone like Columbus that has a lot of land but very low taxable properties within the Sunrise, they would prefer the second factor. East Bethel that has a lot of taxable income would prefer the other direction. So, it is a compromise between the four cities. And, the Upper Rum River WMO is also doing it this way.” DeRoche, “Some of the fees that went up, is that normal? Like administrator?” Mager, “That is Anoka Conservation District, and we did overspend by that much last year. We kept asking them to do things. They charge us \$73 for unplanned things. We are trying to keep that down. Like manning a booth at Linwood Days, preparing for the booth, sometimes they man the booth. Arbor Days. Here at East Bethel I man the booth.”

DeRoche “What is that lakeshore landscape marketing for? Went from \$700 to \$1810.”
Mager, “Education, providing articles and pamphlets to the cities and working with the lake associations.” Moegerle, “Coon Lake, it looks like the watershed plan is \$1,917, but estimate is \$3,200.” Mager, “In previous years they have only done east basin. We have no

data on west basin. The two basins are two different lakes. So I have asked them to start monitoring the west basin also.” DeRoche, “What is the difference between the Watershed Plan and the estimate?” Mager, “The 2014 Watershed Plan is a 10 year plan. About three years ago we came in high on our expenses on a 10 year plan.”

Ronning, “How long have you been doing this?” Mager, “Probably four or five years. But, I have been working with lake associations for 15 years.” DeRoche, “Coon Lake Stormwater Retrofit Installation?” Mager, “Finished on Martin Lake two years ago. Did a mini study on Coon Lake. Entry points that feed the lake and looking at surface areas that feed the lakes, rooftops, asphalt, determining sediment of what those entry points are. The looking at what we can do to reduce the sediment at those entry points. We are trying to get the study done enough to go after the grant by August of this coming summer.”

DeRoche, “Couple of my concerns on that are in the summer time, especially off of Forest and Cedar, people don’t necessarily want to use the DNR Landings. Either there is no parking or they don’t want to get their boat checked. I am really getting very concerned, because there was never any weeds out in front of my house and not there is a lot of milfoil starting to accumulate. If we start creating these rain gardens and what not that water is going to evaporate off before it even has a chance to get in the lake. Now, I have been blowing the snow up in my yard hoping when it melts off it is going to try to fill back up. At the end of last year out of 150 feet of dock, 60 feet was dry dock.” Mager, “Rain Gardens are not intended to catch all the rain. They are intended to get first one inch, phosphorus.” DeRoche, “Has anyone approached the people at the community center? They cut the grass into the lake?” Mager, “That will be something when we get the grant we will look at.” DeRoche, “There has to be something we can do to say you can’t run your lawnmower in the lake.” Moegerle, “We could do an ordinance. Would that help you?” Mager, “When we just briefly looked at this over there, we found out it was as bad over there as we had pictured it to be. We figured it to be really bad because there is really little green there, all impervious surfaces. There is only 264 acres of watershed because you go up the hill and it goes the other way. There is very little that is actually going down into the lake from that area. In that brief study, they identified four entry points that they thought they could do something with. That would be in addition to putting some sort of restriction of what you can do along the shoreline. That information will be available coming this fall.” Moegerle, “Will that be available in a flyer we mail to all the homeowners or property owners? How will that be given out? Would you like to be at our Open House in the fall?” Mager, “The open house will be great. It will depend on how far along we are.”

Major, “We have two lakes in the state that are listed as impaired, three counting Coon but that is for the mercury problem. These are for the phosphorus problem, Martin and Typo are impaired lakes and they get special attention and that is why we have been spending all our time on them. We have Coon, Fawn and another that we do monitoring for chemical analysis. Some we monitor every third year and some every other year.” Moegerle, “How can we help you with education? In your mission?” Mager, “Would probably have Jamie from ACD and board members talk to you about what they are doing for education.” Moegerle, “And if you have any ideas about proposed ordinances.” Mager, “I was involved with the MIDS and that was what they were doing, putting best management in place.”

DeRoche made a motion to adopt the Sunrise River Management Watershed Organization budget as presented. Koller seconded; all in favor, motion carries.

Davis explained that at the last URRWMO meeting, the organization reviewed the 2014 Budget for the organization and directed it be distributed to member cities for review and comment. A copy of that proposal is attached with this agenda item.

The proposal represents an increase of \$683 to East Bethel from a 2013 budget of \$2,615 to \$3,298 for 2014 or a 26% increase.

The Joint Powers Agreement requires the submission of the budget to all of the members for ratification. The budget is implemented only after approval by all parties to the Agreement.

East Bethel received the draft 2014 budget on March 6, 2013. The City has 60 days to respond to the URRWMO regarding the 2014 budget. Failure of the City to act within 60 days shall constitute approval of the budget.

Calvin Bahr, the City appointed citizen representative to the URRWMO, presented a report to Council at the March 6, 2013 meeting that recommended reductions in the proposed budget. This recommendation included a reduction of \$1,000 in a Matching Fund for Future Grants in the Water Quality Improvement Projects, a \$1,000 reduction in the Water Quality Cost Share Grant Fund and a \$200 reduction in Secretarial Service.

Staff discussed these reductions with Jamie Schurbon and he stated that the board was attempting to reduce their budget by \$2,000 and the cuts that Mr. Bahr presented to Council did not affect any functions of the URRWMO that are statutorily required.

Mr. Schurbon, the contract program administrator for the URRWMO and the Water Resource Specialist for Anoka Conservation District, has requested that the budget line item for administrative assistance be increased from \$0 to \$876. This line item proposed for 2014 would be utilized to pay for 12 hours of his assistance to the WMO. To date, he's been helping them at no charge and the work has included assistance in budget preparation, watershed plan amendments, public notices, and answering phone calls from the public, answering board member emails, and providing guidance to the Board. Mr. Schurbon also stated that regulation revisions currently being considered will require that the WMO will be required to have this kind of point person. Mr. Schurbon is requesting restoration of the above amount for these tasks. This is a line item that is currently proposed for funding within the SRWMO Budget.

Mr. Schurbon indicates that he feels someone needs to provide administrative assistance to the URRWMO. The recording secretary can only do so much and certain matters require technical staff, city staff, Mr. Schurbon, or a consultant. It doesn't matter to Mr. Schurbon who performs this work, only that they can fulfill the functions required of the position. Mr. Schurbon requests this activity be considered for reinstatement in the budget recommendations to the URRWMO Board.

The recommendations that have been presented to Council are as follows:

- 1.) Eliminate \$1,000 for the Water Quality Cost Share Grant Fund;
- 2.) Eliminate \$1,000 for the Matching Funds for Future Grants;
- 3.) Eliminate \$200 from Secretarial Services;
- 4.) Restore \$876 to Administration Expense; and/or
- 5.) Other recommendations as deemed appropriate by Council.

The URRWMO will consider these budget recommendations at their May 7, 2013 meeting.

City staff is seeking direction as to a response to the URRWMO budget request.

Koller, "I was at the meeting and we cut a lot out of the budget because it was higher and they are pretty much down to the basics. I agree Jamie puts in a lot of time and research. Attends all the meetings for the watersheds. He works hard." DeRoche, "I am concerned about taking all this money off for the Water Quality Cost Share Grant Fund, Matching Grant Funds, and then he wants to be paid \$876." Moegerle, "So basically he is getting paid for an hour a month at 12 hours." Koller, "He prepares all these budgets." DeRoche, "The whole idea of these things is if they are matching grant, you have to have money to do it. If we are going to be taking a \$1,000 away from this on and that one, and \$200 from the secretarial we are eliminating things that must have been necessary at some point." Davis, "According to Calvin when he made his presentation at the last meeting, the two \$1,000 eliminations that were discussed hadn't been used in a while. They are totally dependent on if grants become available. If they become available, this could be resubmitted to the City Council's at a later date to come up with these additional funds if required. They may not even be used it just depends on what grants are available." DeRoche, "These organizations, I am totally against bigger government and part of that was the Coon Lake Improvement Association was formed. People that owned property were the only ones assessed and it was like \$300 a year and in a couple years they took in \$250,000 a year and then the DNR took control and told them what they can do. And now it is \$25 a year and the money still sits there. There is no means of controlling access to the lake. They say there is no way to monitor the trailer and boats. Now being a landowner on the lake, it concerns me, we are paying taxes anyway."

Moegerle, "But Jamie is part of the Anoka Conservation District and Coon Lake is not part of the Upper Rum River Water Management Organization (URRWMO). And CLID is completely different from URRWMO." Davis, "The City of East Bethel is in two watersheds. Sunrise River and Upper Rum River Watersheds. What Jamie is requesting is he does a lot of extra work that is not in their contract. He does a really good job and is very professional. If you want to consider reinstating that and deleting these others, they can always come back and request the City Council's reinstate those grant funds."

Koller made a motion to approve the Upper Rum River Watershed Management Organization budget as written. Moegerle seconded. DeRoche, "I hope next year he doesn't come back and ask for more." DeRoche, nay; Koller, Moegerle, and Ronning, aye; motion carries.

Fire Dept.
Report

Davis explained that the fire department reports are for your review and information. DeRoche, "We were going to see if there were patterns of calls or repetitive calls for medicals to the same addresses. I speak from experience. If it gets to the point where they are constantly calling East Bethel Fire, maybe we need to get someone else involved. I don't think we bill for ambulance. Emergency stuff I understand." Moegerle, "When will we get a response back from the Chief about this? But that costs money to scramble these people." DeRoche, "Most are EMS calls." Davis, "We will have that information on the next fire department report." Koller, "Fire trucks should be coming soon. I heard around July." Ronning, "This looks like it comes from an Excel spreadsheet, think the Chief could go back and sort this pretty easy."

Ord. 44,
Second
Series,
Chapter 74,
Utilities,
Article V,
Regulating
Waterworks
and Sanitary
Sewer

Moegerle made a motion to table Ordinance 44, Second Series, Chapter 74, Utilities, Article V, Regulating Waterworks and Sanitary Sewer until we get changes that happened during the work meeting. DeRoche seconded with the amendment there may be other changes coming. Moegerle accepted the amendment. All in favor, motion carries.

Staff Report –
Spring Road
Restrictions

Davis, “Spring road restrictions went into effect at 12:01 a.m. last Friday night. So that means all East Bethel City streets are limited to 5 tons per axle. This will be in effect for anywhere from four to eight weeks depending on weather and how quick the frost leaves the ground.”

Water &
Sewer Project

Davis, “I am extremely pleased to report the last piece of pipe on the water and sewer project was connected today. Flushing and testing will be started tomorrow. The water system should be operational by March 31st. There will be some cleanup activities for the contractor to do.”

Finance
Committee

Davis, “We need to consider a finance committee meeting. Maybe March the 27th.”

Minimal
Impact
Design
(MIDS)
Update

Davis, “Just a brief update on the MIDS project. The city received technical assistance from the U of M to do a minimal impact design study. The purpose of this is to have ordinances prepared recommend changes in the way we do things. Like Leon mentioned to take care of issues around lakes to take care of infiltration. Also address storm water runoff. This could have some impact on design densities. At this time it does appear favorable. The Planning Commission is going to have another work meeting on Tuesday, April 16. If anyone wants to come, let me know so I can notice if there will be three council members there. After that meeting, the Planning Commission will request a joint work meeting with Council.

DeRoche, “I have several concerns after reading the minutes. It is something we have to stay on top of and be careful with. Again bigger government monitoring what we do. We have big areas that we need to watch out for, Cedar Creek, Allison Savannah, all that we are taking off the tax rolls and so we only have so much area we can develop. I don’t think there is anybody out to hurt the land, but again we are not comparing apples to apples here. They have only done studies in the metro area and I am not sure that anyone on the Planning Commission has a degree in ecology and understands stormwater management. But we don’t want to get in a position where we are ordinances to death and we can’t do anything. Sometimes it is done in good intent but sometimes it can hurt us. But something we have to keep an eye on.” Moegerle, “We had a discussion at the EDA about expert opinions. Are staff experts. Do we hire PhDs? This is one of those things we can continue to look for experts. But at some point you have to say, this makes the most sense, because I certainly don’t have a degree in hydrology either. Yes, we have to be careful. Promise of the whole project is how to maximize productivity of soil and maximize it. I think the joint meeting will be a revelation.” DeRoche, “You and I could go to the same college and study the same things and come away with two completely different ideas. If you are looking at getting grant money. I did read all the minutes that are there. Lorraine had asked, once the soil is smashed down will it ever loosen up again.” Moegerle, “I am going to respectfully disagree about everyone thinking their land is unique. It is something to be

looked at.”

Davis, “The fire chief is ready to present his emergency plan to Council. I want to know when you would like to schedule to hear that.” DeRoche, “Are we looking at a quick overview? Or are we doing the FEMA training? At last three Council Members are supposed to have been through it. If a crisis hits the City, what is the plan to deal with that?” Davis, “Just schedule the concept of it and if we need to do more then we can schedule a longer meeting.” DeRoche, “I can go out to the FEMA website and look at what is needed. And if an emergency happens, the Mayor is in charge, not the Fire Chief.” Davis, “That is in statute.” Moegerle, “April 3rd, next meeting.”

Council
Member
Report –
DeRoche

DeRoche, “Kathy Paavola was at the Road Commission meeting and said she was at the Community Center and people seem to be storing a lot more stuff in their yards. I talked to Nick and he is at a loss of what to do. Her concern that there is a lot more junky yards. Front doors are hanging off. If a fire starts in that neighborhood, it is gone. Shacks are all off the lake. We had a good Road Commission meeting.”

Council
Member
Report –
Koller

Koller, “I talked with the Fire Chief and it has been pretty slow. One small chimney fire. The officers had incident command training. They have a new camera system paid for with grant funds and they are getting new pagers for a lot of the officers. Some of the new fire fighters already have EMT training. 15 or 16 fire fighters will EMT training.”

Council
Member
Report –
Ronning

Ronning, “The Planning Commission had two meetings regarding MIDS. One was last night. There are four pilot communities. It is a pretty detailed thing, started at 7:00 and were here until 10:00 p.m. last night. Minnesota with all our clean lakes have 40% of our waters impaired. Different elements of impairment. It was suprising to hear that kind of information. The baseline is 1.1 inches. Impacts is 1.1 inch and take the size of this building impervious surface and times x 1.1 and that is the water you want to contain. There is pervious blacktop that absorbs the water. Sucks it up and leaks out the sides. Seems they are helping you manage your properties and runoff that will clean the water and the water stays useable.” DeRoche, “Understand that except when you are trying to develop now you come up with more fees, more permits.” Ronning, “I was asking that myself. And the response has been that it has been cost neutral. Or cost advantage to do some of these natural types of things. Mundle didn’t really see anything wrong with it the way it has been explained.” DeRoche, “The problem can lie where and how you can develop.”

Council
Member
Report –
Moegerle

Moegerle, “Last Friday I thought I had my appointment requested by Senator Michelle Bensen. I didn’t but Jack was in a meeting with Met Council Parks division regarding Legacy Funds. He had some interesting information in the update about how Anoka County is required to request those funds and operates those trails. East Bethel would have to be part of Anoka County’s Master Trails Plan which I guess we aren’t. If we wanted to turn our comp plan on parks and trails, we would have to be part of the Anoka County Master Trails Plan. Which according to the Met Council people, we are not. So, when my appointment really was, the following day with Senator Michelle Benson I asked about that and about the RZED Bond and sequestration and rebates. She knows someone in Michele Bachmann’s office and will bring that to her attention. She asked me if there were other ordinances we would be interested in. A council a majority, who had been removed from office but were still seated, could pass a \$14 million dollar infrastructure project 16 days before their term expired. The project was passed and that now we are wrestling with this. We had an interesting discussion about that. Don’t know how you could prepare a State

Statute like that. The EDA met on Monday. We talked about the vision. Not brainstorming, but went around the table and said what they felt about a vision. We didn't come away with a single vision, but we are making progress. When are we going to have a Website Committee meeting?"

Davis, "Wendy and I discussed the necessity of that meeting today and we will try to get something out to meeting again shortly." Ronning "How is Viking going? Jochum, "They have some mucking to do. S.R. Weidema will be out of there soon and then the county's contractor can get started. I assume they will be starting over by University in May." Davis, "I think the projection for the completion in late May or early June still holds."

Adjourn **Moegerle made a motion to adjourn at 9:38 PM. Ronning seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

Proposal



Date Proposed: 3/8/2013
Proposal Valid Until: 5/7/2013
Payment Terms: Net 10
Proposal Number: QTE21937

Bill To:
 City of East Bethel
 2241 221st Ave NE
 East Bethel, MN 55011

Ship To:
 City of East Bethel
 2241 221st Ave NE
 East Bethel, MN 55011
 USA

QTY	UoFM	ITEM	DESCRIPTION	UNIT PRICE	EXT. PRICE
Hearing Assist					
1.00	EA	*PPA 377 00	William Sound- Pro FM Assistive Listening System	877.00	877.00
4.00	EA	HED 021	William Sound-Head Phones	14.00	56.00
1.00	EA	*ANT 029	William Sound-Remote Antenna Kit	81.00	81.00
1.00	EA	*WCA 008-50	William Sound-Antenna Cable 60'	79.00	79.00
1.00			SALES TAX	120.52	120.52
				SUB-TOTAL	\$1,213.52
1.00			Miscellaneous Materials	35.00	35.00
1.00			Freight	25.00	25.00
1.00			Engineering	95.00	95.00
1.00			Programming & Training	80.00	80.00
1.00			Installation & Integration	425.00	425.00
				SUB-TOTAL	\$660.00
				TOTAL	\$1,873.52

Submitted by:

Bill, Gorham
 Dascom Systems Group, LLC
 2415 Ventura Drive
 Woodbury, MN 55125

Phone: 651-789-4466
 Fax: 651-578-2555
 Email: bgorham@dascom-systems.com
 Web Site: www.dascom-systems.com

Attached general terms & conditions are an integral part of this proposal.

Warranty: Manufacturer's Depot unless indicated above
 Freight: FOB Origin
 Sales Tax: Not Included

Accepted by:

Authorized Signature: _____
 Printed Name: _____
 Title: _____ Date: _____
 P.O. Number: _____

PPA 377 PRO

Personal PA® FM Listening System



The Personal PA® 377 PRO ensures people in your facility receive direct, clear communication of your message. Offers the same great features as the PPA 377 plus the convenience of a coaxial cable and rack panel kit for professional installation. Push-button menu controls make the system easy to set up and use. With professional sound features and an operating range of up to 1000 feet, the PPA 377 PRO is ideal for large venues where superior coverage is essential. This complete turnkey solution includes four PPA Select receivers (PPA R37), each featuring seek-button channel selection with access to 17 pre-set wideband frequencies between 72-76 MHz. The system is expandable, accommodating any number of listeners. This system complies with 2010 ADA guidelines for hearing assistance and is covered by a Lifetime PLUS Limited Warranty.

System Includes:

- (1) PPA T35 Transmitter
 - (1) ANT 025 Whip Antenna
 - (1) WCA 013 Audio Cable
 - (1) TFP 016 Power Supply
- (4) PPA SELECT PPA (R37) Receivers
 - (4) EAR 013 single mini earbuds
 - (8) BAT 001 AA Alkaline Batteries
- (2) NKL 001 neckloops
- (1) ANT 005 Coaxial Antenna
- (1) RPK 005 Rack Panel Kit
- (1) IDP 008 Wall Plaque

Optional 8-channel receivers (PPA R35-8N) are available for multi-channel applications.

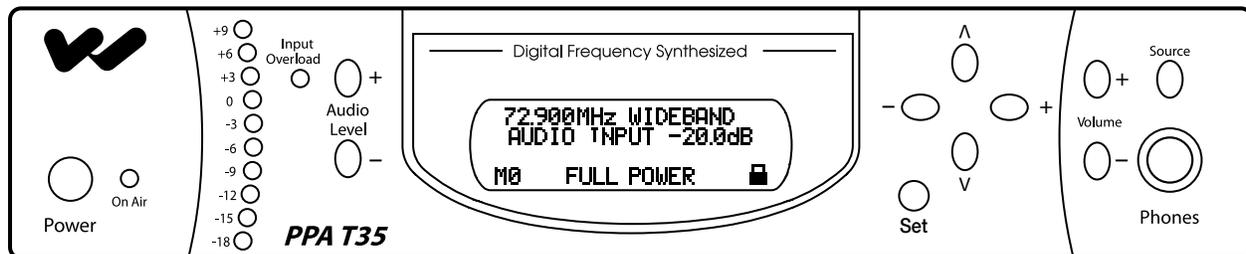
*90 days on accessories.

Personal PA[®] FM Listening System

PPA T35 Transmitter:

Dimensions, Weight:	8.45" (21.5 cm) W x 8.18" (20.8 cm) D x 1.72" (4.4 cm) H, 3.1 lbs (1.4 kg)
Color:	Black with white legends
Rack Mount:	One EIA rack space high, 1/2 space wide 1-2 units can be mounted in a single rack space with optional RPK 005 (single) or RPK 006 (double) Rack Mount Kits
Power:	Wall mount Class II transformer (TFP 016) Input: 120 VAC, 60 Hz, 17 W Output: 24 VAC, 500 mA with 3-pin Molex [®] plug Approvals: UL, CSA listed
Temperature Range:	Operating: 0° C to 40° C (+32° F to +104° F) Storage: -20° C to 70° C (-4° F to +158° F)
Operating Freqs:	72.1-75.9 MHz*, 17 wideband channels (selectable), 72.025-75.975 MHz, 77 narrowband channels (selectable)
Frequency Accuracy:	±.005% stability, 0-50° C
Deviation:	Wideband: ± 75 kHz maximum. Narrowband: ± 5 kHz maximum.
Pre-Emphasis:	Wideband: 75 µsec. Narrowband: 300 µsec
RF Field Strength:	Does not exceed 80 mV/m at 3 m
Nominal Range:	Up to 1000 ft (304 m) Note: Maximum transmitter range is achieved using the ANT 005 coaxial antenna
Audio Proc. Functions:	Reduced or Normal Compressor Gain Compression Slope Control High Pass and Low Pass Filter Frequency control
Frequency Response:	22 – 16000 Hz, +1, -3 dB (adjustable)
Signal-to-Noise Ratio:	74 dB transmitted

T35 Front Panel:



A150

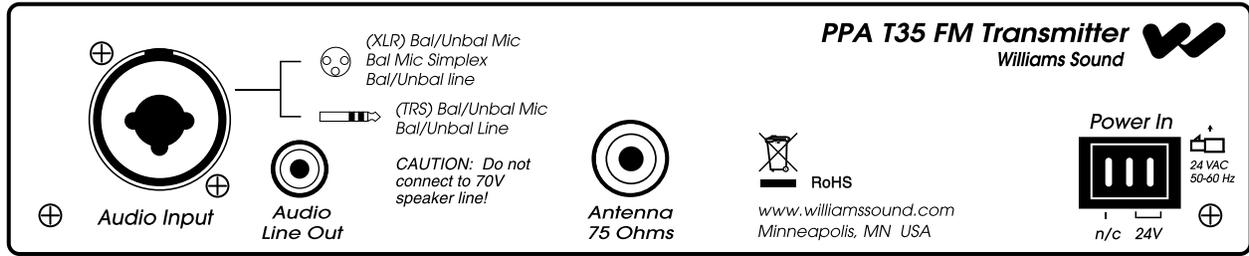
Audio Level Control:	Push-button audio level controls, adjustable to 0 to -50 dB
Audio Level Indicators:	10 LED array that reads +9 to -18 at 3 dB intervals
Power On Indicator:	Green LED indicates power on
Phones Output:	Mono signal, 1/4" TRS stereo jack, 67 mW, maximum in 50 ohms (adjustable 0 to -40 dB)
Audio Input:	Combination 3-pin XLR, 1/4" TRS jack
Line Output:	RCA jack, -10 dBV (.32 VRMS) output, impedance 100 Ω
LCD Menu Controls:	Applications Presets (Music, Voice, Hearing Assist)
(Push-Button Selection)	Bandwidth, Frequency, Audio Input Source (Microphone, Line, Simplex), High Pass Filter, Low Pass Filter, Compressor Slope, Compressor Gain, RF Output Power

***DISCLAIMER: FCC RULES LIMIT USE OF THIS EQUIPMENT TO AUDITORY ASSISTANCE.**

NOTE: SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

Personal PA[®] FM Listening System

T35 Rear Panel:



A151

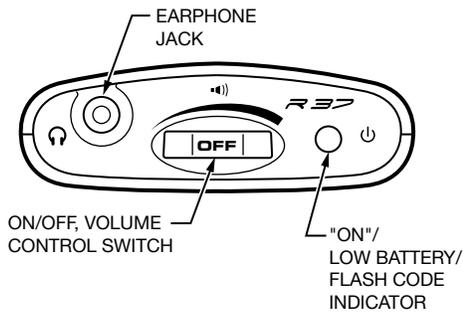
Input Levels (Bal or Unbal):	Nominal (1st Amber LED)	Maximum (Input Overload LED)	Absolute Maximum Ratings**
Microphone Simplex-Mic:	-60dBV (1 mV RMS)	-20 dBV (100 mV RMS)	+20dBV (10.0 V RMS)
Line:	-8dBV (400 mV RMS)	+16 dBV (6.3 V RMS)	+20 dB V (10.0 V RMS)
Simplex Mode:	12 volts simplex power (DIN 45596) on the 3-pin XLR connector		
RF "Off" Timer:	Turns off RF signal after 1 hour of no audio activity		
Common Mode Rejection:	> 57 dB @ 1 kHz, Mic or Line		
Total Harmonic Distortion:	< 0.25% @ -10 dB V audio line output, 1 kHz		
Approvals:	FCC, RoHS, WEEE		
Warranty:	Lifetime PLUS Limited Warranty, 90 Days on most accessories.		

****Note: Stresses above these ratings may cause permanent damage. Exposure for extended periods may degrade reliability.**

NOTE: SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

Personal PA® FM Listening System

PPA R37 Receiver:



Dimensions:	4.1" L x 2.85" W x 1.38" D (104 mm x 72 mm x 35 mm)
Weight:	4.6 oz (130 g) with batteries, 2.6 oz w/o batteries (73g)
Color:	Black
Battery Type:	Two (2) AA non-rechargeable alkaline batteries (BAT 001), approx. 48 hours battery life, or Two (2) AA rechargeable NiMH batteries (BAT 026), 1600 mAh, approx 30 hours battery life
Current Consumption:	Nominal 52 mA
Operating Freq.:	17 channels: 72.1, 72.2, 72.3, 72.4, 72.5, 72.6, 72.7, 72.8, 72.9, 74.7, 75.3, 75.4, 75.5, 75.6, 75.7, 75.8 or 75.9 MHz*.
FM Deviation:	+75 kHz
De-Emphasis:	75 µS
LED Indicator:	Power: Bright Green. Low Battery: Flashes.
Sensitivity:	2 µV at 12 dB Sinad with squelch defeated
Input Overload:	100 mV
Frequency Response:	200 Hz to 15 kHz, ± 3 dB
Signal-to-Noise Ratio:	65 dB at 100 µV
Receiver Antenna:	Integral with earphone/headphone cord
Audio Output:	35 mW, max. 16 ohm load
Output Connector:	3.5 mm stereo phone jack, accepts either stereo or mono plug
Approvals:	FCC, Industrie Canada, RoHS, WEEE
Warranty:	Lifetime PLUS Limited Warranty, 90 Days on most accessories.

***DISCLAIMER: FCC RULES LIMIT USE OF THIS EQUIPMENT TO "AUDITORY ASSISTANCE FOR THE HANDICAPPED."**

This device complies to "RSS-Gen Issue 2 June 2007" for Industry Canada and FCC part 15.105(b) for the United States.

Operation is subject to the following two conditions: (1) this device may not cause interference, and (2) this device must accept any interference, including interference that may cause undesired operation of the device.

This device complies with ICES-003 class B. Test data is available from the manufacturer on request.

NOTE: SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

Personal PA[®] FM Listening System

Architectural and Engineering Specifications

PPA T35 Transmitter

The PPA T35 transmitter shall be microprocessor controlled with push button configuration. It shall have an operating range of up to 1000 feet. It shall have 17 wideband channels operating on 72.1–75.9 MHz. It shall have 77 narrowband channels operating on 72.025–75.975 MHz.

Front Panel:

The PPA T35 shall have a push button controlled LCD digital display. There shall be three pre-configured (selectable) application presets: Hearing Assist, Music and Voice. Configurations for Bandwidth, Frequency, Audio Input Source (Microphone, Line, Simplex), High Pass Filter, Low Pass Filter, Compressor Slope, Compressor Gain and RF Output Power shall be push button controlled. The audio level shall be adjustable by push button control. There shall be a 10 LED array showing audio level from +9 to -18 at 3dB intervals. The PPA T35 shall have a 1/4" phone jack with push button volume control. It shall have push button control for monitoring source audio or transmitted audio. It shall have an input overload indicator. It shall have an "on" indicator and power button.

Rear Panel:

The PPA T35 shall be powered by 24 VAC power supply via a 3-pin Molex[®] connector. It shall have a 75 ohm F-connector antenna. It shall have an ANT 025 whip antenna on the top panel directly connected to the circuit board. The transmitter shall have an RCA line output jack. It shall have a combination 1/4" phone/XLR audio input jack. It shall have an RF "Off" timer that turns off RF signal after 1 hour of no audio activity.

The PPA T35 shall have FCC, be compliant with RoHS and WEEE regulations and be powered by UL and CSA power supply. It shall have a Lifetime PLUS Limited Warranty. It shall be compatible with Williams Sound FM equipment operating on 72-76 MHz. The transmitter shall be a Williams Sound model number PPA T35.

***90 Days on most accessories.**

NOTE: SPECIFICATIONS SUBJECT TO CHANGE WITHOUT NOTICE.

PPA R37 Receiver:

The PPA R37 receiver shall be encased in black, PC/ABS impact-resistant plastic with a hinged battery door. The receiver shall be a body-pack style and include a detachable belt-clip for hands-free operation. Receiver shall have a 3.5mm stereo/mono jack to accommodate stereo or mono low impedance earphones, headphones and neckloops. Receiver shall have a combination volume control with power on/off rotary dial. It shall have a green LED indicating battery and system status codes. The PPA R37 shall have access to 17 wideband channels between 72-76MHz. Channel selection shall be made by pushing the seek button inside the battery compartment. Receiver shall have channel-lock capability.

Receiver shall have a slide switch inside the battery compartment to select Alkaline or rechargeable NiMH rechargeable battery operation. It shall have charger contacts on the bottom of the receiver for use with Williams Sound drop-in chargers CHG 3512 and CHG 3502. The PPA R37 shall operate up to 48 hrs with two AA Alkaline batteries, and up to 30 hrs with two AA NiMH rechargeable batteries (BAT 026).

Receiver shall provide a maximum out of 35mW at 16 ohms with an earbud-type earphone. The system's audio frequency response shall be 200Hz to 15kHz \pm 3dB and the signal-to-noise ratio shall be 65dB min. The receiver sensitivity shall be 2 μ V or better at 12dB Sinad with squelch defeated. The PPA R37 shall accept up to \pm 75kHz FM deviation and have a 75 μ s de-emphasis time constant.

The PPA R37 shall have FCC, Industrie Canada approvals and be compliant with RoHS and WEEE regulations. The receiver shall be covered by a Lifetime PLUS Limited Warranty*.

This receiver model shall be the Williams Sound model PPA R37.

Domestic Sales

Williams Sound
10300 Valley View Rd.
Eden Prairie, MN 55344
Ph: 800-328-6190 / 952-943-2252
FAX: 952-943-2174
Email: info@williamssound.com
Web: www.williamssound.com

International Sales

International Sales Department
Williams Sound
10300 Valley View Rd.
Eden Prairie, MN 55344 USA
Phone: +1 952 943 2252
Fax: +1 952 943 2174
Email: info@williamssound.com
Web: www.williamssound.com



WILLIAMS SOUND[®]
HELPING PEOPLE HEAR

800.843.3544 / info@williamssound.com / www.williamssound.com

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-16

RESOLUTION DESIGNATING SURPLUS PROPERTY

WHEREAS, the City of East Bethel owns and operates a fleet of trucks and equipment for the purposes of maintaining its city streets and parks; and

WHEREAS, the City of East Bethel has adopted a plan for the replacement of trucks and equipment; and

WHEREAS, the 1997 John Deere 6400 tractor has come to the end of its useful service life as a reliable and dependable piece of equipment; and

WHEREAS, the City Council of East Bethel has approved the purchase of replacement equipment pursuant to the Equipment Replacement Schedule; and

WHEREAS, the City of East Bethel has been offered a \$14,000 in trade value for 1997 John Deere 6400 tractor.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the 1997 John Deere 6400 tractor is hereby declared as surplus property and direction to dispose of the property is hereby authorized.

Adopted this 3rd day of April, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

CONTRACTOR'S PAY REQUEST	DISTRIBUTION:
East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project	CONTRACTOR (1)
CITY OF EAST BETHEL, MN	OWNER (1)
PROJECT NO. C12.100028	ENGINEER (1)
Pay Estimate No. 20	BONDING CO. (1)
TOTAL AMOUNT BID	\$11,686,468.20
CHANGE ORDER NO. 1 (REVISED)	\$324,949.43
CHANGE ORDER NO. 2	\$43,536.10
CHANGE ORDER NO. 3	-\$9,078.08
CHANGE ORDER NO. 4	\$18,823.65
CHANGE ORDER NO. 5	\$0.00
CHANGE ORDER NO. 6	-\$137,342.33
CHANGE ORDER NO. 7	\$2,414,658.18
CHANGE ORDER NO. 8	\$54,245.25
CHANGE ORDER NO. 9	\$193,092.02
CHANGE ORDER NO. 10	-\$43,419.21
EXTRA WORK	\$12,610.25
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS	\$14,558,543.46
MCES STORED MATERIALS TO DATE	\$1,294,983.05
EAST BETHEL STORED MATERIALS TO DATE	\$948,118.25
TOTAL, STORED MATERIALS TO DATE	\$2,243,101.30
DEDUCTION FOR MCES STORED MATERIALS USED IN WORK COMPLETED	\$1,272,584.87
DEDUCTION FOR EAST BETHEL STORED MATERIALS USED IN WORK COMPLETED	\$921,848.57
TOTAL DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED	\$2,194,433.44
TOTAL DUE MCES STORED MATERIALS TO DATE	\$22,398.18
TOTAL DUE EAST BETHEL STORED MATERIALS TO DATE	\$26,269.68
TOTAL DUE, STORED MATERIALS TO DATE	\$48,667.86
TOTAL, MCES COMPLETED WORK TO DATE	\$7,108,147.47
TOTAL, EAST BETHEL COMPLETED WORK TO DATE	\$4,365,989.16
TOTAL, COUNTY COMPLETED WORK TO DATE	\$1,883,477.18
TOTAL, COMPLETED WORK TO DATE	\$13,357,613.80
TOTAL, COMPLETED MCES WORK & STORED MATERIALS	\$7,130,545.65
TOTAL, COMPLETED EAST BETHEL WORK & STORED MATERIALS	\$4,392,258.84
TOTAL, COUNTY COMPLETED WORK TO DATE	\$1,883,477.18
TOTAL, COMPLETED WORK & STORED MATERIALS	\$13,406,281.66
MCES RETAINED PERCENTAGE (5%)	\$356,527.28
EAST BETHEL RETAINED PERCENTAGE (5%)	\$219,612.94
COUNTY RETAINED PERCENTAGE (5%)	\$94,173.86
TOTAL RETAINED PERCENTAGE (5%)	\$670,314.08

STORED MATERIALS

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

PAY ESTIMATE NO. 20

	Invoice Unit Price	MCES		CITY		MCES		CITY		CURRENT STORED MATERIALS ON HAND	MCES STORED MATERIALS ON HAND	CITY STORED MATERIALS ON HAND
		TOTAL STORED MATERIALS		TOTAL STORED MATERIALS		MATERIALS USED IN PROJECT		MATERIALS USED IN PROJECT				
		Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount			
SUMMARY OF STORED MATERIALS:												
PAYMENT FOR APPROVED MATERIALS STORED ON SITE:												
8" PVC SEWER PIPE SDR 35	\$ 2.84	\$ -	1232 LF	\$ 3,498.88	\$ -	1232 LF	\$ 3,498.88	\$ -	\$ -	\$ -	\$ -	\$ -
8" PVC SEWER PIPE SDR 26	\$ 3.79	\$ -	2940 LF	\$ 11,142.60	\$ -	2940 LF	\$ 11,142.60	\$ -	\$ -	\$ -	\$ -	\$ -
12" PVC SEWER PIPE SDR 26	\$ 8.74	\$ -	672 LF	\$ 5,873.28	\$ -	672 LF	\$ 5,873.28	\$ -	\$ -	\$ -	\$ -	\$ -
15" PVC SEWER PIPE SDR 26	\$ 12.92	\$ -	168 LF	\$ 2,170.56	\$ -	168 LF	\$ 2,170.56	\$ -	\$ -	\$ -	\$ -	\$ -
15" PVC SEWER PIPE SDR 35	\$ 9.53	\$ -	1428 LF	\$ 13,608.84	\$ -	1428 LF	\$ 13,608.84	\$ -	\$ -	\$ -	\$ -	\$ -
24" PVC SEWER PIPE SDR 26	\$ 34.77	3500 LF	\$ 121,695.00	322 LF	\$ 11,195.94	3471 LF	\$ 120,686.67	322 LF	\$ 11,195.94	\$ 1,008.33	\$ 1,008.33	\$ -
24" PVC SEWER PIPE PS46	\$ 25.22	560 LF	\$ 14,123.20	\$ -	560 LF	\$ 14,123.20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
6" PVC SEWER PIPE SDR 26	\$ 2.42	\$ -	854 LF	\$ 2,066.68	\$ -	854 LF	\$ 2,066.68	\$ -	\$ -	\$ -	\$ -	\$ -
60" SN72/PN25 GRAVITY SEWER PIPE WFWC	\$ 255.00	1187.65 LF	\$ 302,850.75	\$ -	1187.65 LF	\$ 302,850.75	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
24" PVC C905 DR 21 WM	\$ 49.02	\$ -	1780 LF	\$ 87,255.60	\$ -	1780 LF	\$ 87,255.60	\$ -	\$ -	\$ -	\$ -	\$ -
12" PVC C900 DR 18 WM	\$ 13.17	\$ -	820 LF	\$ 10,799.40	\$ -	820 LF	\$ 10,799.40	\$ -	\$ -	\$ -	\$ -	\$ -
8" PVC C900 DR 25 WM	\$ 4.45	\$ -	2400 LF	\$ 10,680.00	\$ -	2400 LF	\$ 10,680.00	\$ -	\$ -	\$ -	\$ -	\$ -
16" PVC C905 PIPE DR 21 WM	\$ 19.61	\$ -	4220 LF	\$ 82,754.20	\$ -	3691.5 LF	\$ 72,390.32	\$ -	\$ -	\$ 10,363.89	\$ -	\$ 10,363.89
4" GATE VALVE	\$ 411.05	\$ -	17 EA	\$ 6,987.85	\$ -	17 EA	\$ 6,987.85	\$ -	\$ -	\$ -	\$ -	\$ -
6" GATE VALVE	\$ 524.88	\$ -	23 EA	\$ 12,072.24	\$ -	23 EA	\$ 12,072.24	\$ -	\$ -	\$ -	\$ -	\$ -
8" GATE VALVE	\$ 835.46	\$ -	10 EA	\$ 8,354.60	\$ -	10 EA	\$ 8,354.60	\$ -	\$ -	\$ -	\$ -	\$ -
HYDRANT	\$ 2,544.46	\$ -	23 EA	\$ 58,522.58	\$ -	23 EA	\$ 58,522.58	\$ -	\$ -	\$ -	\$ -	\$ -
16" PVC C905 DR 14 DISCHARGE PIPING	\$ 44.46	4060 LF	\$ 180,507.60	\$ -	3716.5 LF	\$ 165,235.59	\$ -	\$ -	\$ 15,272.01	\$ 15,272.01	\$ -	\$ -
42" / 72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 113.00	2123.2 LF	\$ 239,921.60	\$ -	2123.2 LF	\$ 239,921.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
48" / 72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 136.00	20.15 LF	\$ 2,740.40	\$ -	20.15 LF	\$ 2,740.40	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
42" / 100 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 125.00	481.8 LF	\$ 60,225.00	\$ -	481.8 LF	\$ 60,225.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
42" / 46 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 100.00	882.7 LF	\$ 88,270.00	\$ -	882.7 LF	\$ 88,270.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
36" / 72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 96.00	\$ -	400.5 LF	\$ 38,448.00	\$ -	400.5 LF	\$ 38,448.00	\$ -	\$ -	\$ -	\$ -	\$ -
21.6" OD HDPE DR 7 DIPS DISCHARGE PIPING	\$ 84.97	3350 LF	\$ 284,649.50	\$ -	3278 LF	\$ 278,531.66	\$ -	\$ -	\$ 6,117.84	\$ 6,117.84	\$ -	\$ -
19.5" OD HDPE DR 11 DIPS WATERMAIN	\$ 46.75	\$ -	1350 LF	\$ 63,112.50	\$ -	1313 LF	\$ 61,382.75	\$ -	\$ 1,729.75	\$ -	\$ -	\$ 1,729.75
32" OD HDPE DR 11 DIPS WATERMAIN	\$ 128.29	\$ -	4050 LF	\$ 519,574.50	\$ -	3939.5 LF	\$ 505,398.46	\$ -	\$ 14,176.05	\$ -	\$ -	\$ 14,176.05
		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL:		\$ 1,294,983.05	\$ 948,118.25	\$ 1,272,584.87	\$ 921,848.57	\$ 48,667.86	\$ 22,398.18	\$ 26,269.68	\$ 2,194,433.44	\$ 48,667.86	\$ 26,269.68	\$ 48,667.86

CITY BOND SPLIT CALCULATIONS

SECTION	SUBTOTALS	SEWER	WATER	DESCRIPTION	CHECK TOTALS
MOBILIZATION	\$205,842.58	\$92,565.08	\$113,277.50	Apportioned	
REMOVALS	\$84,886.61	\$38,172.55	\$46,714.06	Apportioned	
DISCHARGE PIPING	\$0.00	\$0.00	\$0.00	Apportioned	
STREET & STORM SEWER	\$349,541.20	\$157,184.72	\$192,356.48	Apportioned	
EROSION CONTROL & RESTORATION	\$61,031.18	\$27,445.03	\$33,586.15	Apportioned	
OPTION 1 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
OPTION 2 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
CHANGE ORDERS	\$406,997.14	\$203,498.57	\$203,498.57	50%	
STORED MATERIALS	\$ 26,269.68	\$ -	\$ 26,269.68	By Type	
	\$ -				
SANITARY SEWER	\$1,464,946.54	\$1,464,946.54			
WATERMAIN	\$1,792,743.90		\$1,792,743.90		\$26,269.68
					\$4,365,989.16
TOTALS		\$1,983,812.49	\$2,408,446.34		\$4,392,258.84
Total - Retainage		\$1,884,621.87	\$2,288,024.03		\$4,172,645.90
PREVIOUS ESTIMATE 1		\$69,994.94	\$50,473.59		\$120,468.53
PREVIOUS ESTIMATE 2		\$286,687.28	\$276,737.92		\$563,425.20
PREVIOUS ESTIMATE 3		\$44,077.24	\$84,713.16		\$128,790.40
PREVIOUS ESTIMATE 4		\$191,282.62	\$235,041.58		\$426,324.20
PREVIOUS ESTIMATE 5		\$313,878.85	\$148,606.65		\$462,485.49
PREVIOUS ESTIMATE 6		\$181,701.39	\$102,733.31		\$284,434.70
PREVIOUS ESTIMATE 7		\$66,939.64	\$49,857.34		\$116,796.99
PREVIOUS ESTIMATE 8		\$305,900.74	\$0.00		\$305,900.74
PREVIOUS ESTIMATE 9		\$1,385.27	\$10,042.23		\$11,427.50
PREVIOUS ESTIMATE 10		\$52,826.63	\$136,304.28		\$189,130.91
PREVIOUS ESTIMATE 11		\$68,744.47	\$671,388.44		\$740,132.90
PREVIOUS ESTIMATE 12		\$210,686.86	\$170,005.16		\$380,692.02
PREVIOUS ESTIMATE 13		\$1,113.60	\$99,315.77		\$100,429.38
PREVIOUS ESTIMATE 14		\$21,933.72	\$54,886.92		\$76,820.64
PREVIOUS ESTIMATE 15		\$49,773.93	\$59,307.56		\$109,081.49
PREVIOUS ESTIMATE 16		\$630.94	\$654.24		\$1,285.18
PREVIOUS ESTIMATE 17		\$0.00	\$0.00		\$0.00
PREVIOUS ESTIMATE 18		\$5,042.56	\$5,228.74		\$10,271.30
PREVIOUS ESTIMATE 19		\$181.31	\$188.00		\$369.31
THIS ESTIMATE		\$11,839.89	\$132,539.13		\$144,379.01
		Sewer	Water		Check
		Total	Total		Total



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172

Phone (952) 448-8838 • Fax (952) 448-8805

www.bolton-menk.com

March 25, 2013

City of East Bethel
Attn: Mr. Jack Davis
2241 221st Avenue NE
East Bethel, MN 55011

RE: Phase I, Project 1 Utility Improvements
& East Bethel Gravity Interceptor & Discharge

Honorable Mayor and City Council Members:

Enclosed is Pay Estimate No. 20 from S.R. Weidema for work completed on the above referenced project from February 23, 2013 through March 20, 2013.

The work associated with this estimate includes Viking Boulevard muck excavation and backfill, traffic control, dewatering, sanitary sewer, forcemain and watermain construction, as well as field office, mobilization, and traffic control items associated with the utility project. Change Order 10 is also included in this estimate.

As of this estimate, the muck excavation and backfill on Viking is approximately 95% complete, and all pipe is now installed.

The City costs associated with this estimate include quantities paid for watermain, field office, mobilization, and traffic control items that are part of the original utility project. None of the costs associated with the Viking reconstruction work are included in the City apportionment.

We have reviewed the estimate, verified the quantities and recommend payment in the amount of \$1,249,981.39 to S.R. Weidema.

The total amount due above is apportioned as follows:

MCES:	\$ 638,179.79
County:	\$ 467,422.58
<u>City:</u>	
Sewer:	\$ 11,839.89
Water:	<u>\$ 132,539.13</u>
City Total:	\$ 144,379.01
Total Due:	\$1,249,981.39

Respectfully Submitted,

John K. Swanson
BOLTON & MENK, INC.

**PAY ESTIMATE #1
CITY OF EAST BETHEL
Viking Boulevard Turn Lane Construction**

March 27, 2013

Honorable Mayor & City Council
City of East Bethel
2241 - 221st Avenue N.E.
East Bethel, MN 55011-9631

RE: Viking Boulevard Turn Lane Construction
Contractor: S.R. Weidema
Contract Amount: \$54,245.25

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by S.R. Weidema

Change Order No. 8 Quantities

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	MUCK EXCAVATION (EV)	3,250	CU YD	\$7.67	\$ 24,927.50	3,250	\$ 24,927.50
2	GRANULAR BACKFILL (CV)	3,250	CU YD	\$8.73	\$ 28,372.50	3,250	\$ 28,372.50
3	SEEDING	0.11	ACRE	\$1,775.00	\$ 195.25		\$ -
4	PERMITS	1	LUMP SUM	\$750.00	\$ 750.00	1	\$ 750.00

TOTAL WORK COMPLETED TO DATE	\$ 54,050.00
LESS 5% RETAINAGE:	\$ 2,702.50
WE RECOMMEND PAYMENT OF:	\$ 51,347.50

APPROVALS:

CONTRACTOR: S.R. WEIDEMA

Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: _____

Title: _____ Date _____

ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed: _____

Title: _____ Date _____

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____

EAST BETHEL PARK COMMISSION MEETING

March 13, 2013

The East Bethel Parks Commission met on March 13, 2013 at 6:05 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Stacy Voelker Bonnie Harvey Denise Lachinski
Kermit Kirkevold Sue Jefferson

MEMBERS EXCUSED: Tim Hoffman

ALSO PRESENT: Nate Ayshford, Public Works Manager
Heidi Moegerle, City Council Member

Adopt Agenda **Lachinski motioned to adopt the agenda as submitted. Kirkevold seconded; all in favor, motion carries unanimously.**

Approve – February 13, 2013 Meeting Minutes
Moegerle had four changes –
Page 2 bottom paragraph, John Open Space Memorial Park, John E Anderson
Mark Riverblood stated that, after said, on the fifth line, 2 per linear foot, it would be better to strike that sentence. Strike those three sentences.

Page 4 council reports other business – fifth line, Denise also said something about the Fire Department having some interest. She had mentioned that they needed some form of location, like a mile marker, if there is an accident so they have something they can use to locate the site. They being the Fire Department.

Page 5 top of the first line, she is not necessarily involved with. She speaks with the Eco System Science Reserve.

Lachinski wanted to know if we needed to clarify what MOU is. Moegerle said Memorandum of Understanding.

Lachinski made a motion to approve the February 13, 2012 minutes amended with changes. Jefferson seconded; all in favor, motion carries unanimously.

Parks Financial Information
The operations budget has not had many deductions made so far this year because not a lot has happened in the Parks. It will start to pick up as they weather turns warmer. There has been overtime out of the budget for snowplowing. It still is fully funded.

Capitol funds the only change from last time was finishing the payment for the fencing in Booster Park. There still is a carryover balance of \$58,000 and there will be a transfer of \$75,000 this year.

Trails and Park Acquisition and Development funds are still the same.

Develop plan
for future of
Booster East
School House

The school building at Booster East Park was moved from its previous location on East Bethel Blvd to Booster East Park in September 2010. Approximately \$21,000 was spent to move the building and set it on a permanent foundation. There has been no City funds budgeted for additional improvements or renovations to the building. To date \$2,850.00 has been donated for the renovation of the school house. A portion of that money was used to purchase windows and doors so that the building could be secured, but have not been installed at this time. The Park Commission recommended that the building be used during community events to replicate what a one room school house looked like near the turn of the 20th century and a possible meeting room.

The Building Official was asked to inspect the building and recommend what repairs were needed and if the building was suitable for renovation. His conclusion was that in its current state, the building is unsafe for use and presents a liability to the City. The repairs required are extensive and would leave very little of the original structure intact.

Staff has contacted numerous contractors for estimates on what the cost of renovation would be but have been unable to get any solid figures. Contractors are reluctant to provide estimates due to the unknowns involved in the project and because there is no dedicated funding for the renovation.

Staff will provide a slide show presentation of the building at the Park Commission meeting.

He has also attached the letter the Building Official has sent to the City Administrator and Council.

Lachinski asked about the funds we currently have. Can we use them for something else? Ayshford said they would probably have to return them to the donators. Lachinski asked if we could sell the windows. Davis said before we do anything we would have to contact the donors. If no improvements are going forward on this building, we could donate the materials to the Habitat for Humanity for their use. We won't get a whole lot of out the materials if they were offered for sale. If we do get to the point to where we don't do anything, we would need to contact the donors and see what they want done with the donations or materials.

Davis said we need to do something with this building. In its current condition it is unsafe. Something needs to be done in the relatively near future, to renovate it, fix it up, sell it or demolish it. If we don't do anything immediately we will have to cordon it off. We need to put our heads together to figure out what to do with this project. There is a sentimental attachment to this building for those that went to school here. It is falling apart right before our eyes. Kirkevold asked why was it moved if it is in such bad shape? It cost \$14,000 to move the building and \$7,000 to set it on the pad. He speculates there probably wasn't enough investigation done.

Moegerle wanted to know if the wood was valuable for artisans. Could we also do a marker where the schoolhouse would have been? Lachinski said the wood is full of lead paint. Davis said the building had to be wrapped when it was moved due to the lead paint.

Ayshford said there are a lot of beams that are split and also dry rot on the frame. Lachinski said we looked at it two years ago. More water has leaked in side, and it is weathered. Davis said the pace of deterioration geometrically deteriorates. There hasn't been any renovation. Lachinski asked what Langmade thought about it. Langmade said some seniors thought about having it set up so people can walk by and see what the inside looks like. This is the whole school that some of us went to. They can tell their children and grandchildren this is where they went. Lachinski wanted to know what it would cost to put on a new roof and a deck. Ayshford said he has had three roofers out there, and no one came back with any quotes. There was one who quoted \$5,000, but wouldn't commit due to all the issues. Voelker asked how close you could get without it being a liability issue. Davis said you would have to do other things to reinforce the structure and make it safe. He said the ramp and deck would also have to be ADA compliant. He believes it will cost at least \$20,000 probably more. Kirkevold said it is a huge liability. No matter what you do, the liability will still be there. If you put anything around it, even a fence, you have a liability. The building is falling apart.

Cory Carlson - 19240 Isetta Street. The City would have to have the lead paint abated. He was thinking, it is going to cost so much money just from the lead part. It is rotted and cracked. How many more years will it stand? Maybe you could get old pictures people have, and place pictures at City hall to commemorate the schoolhouse. It is a big piece of history.

Harvey said when we were told about the schoolhouse. We were not made aware it was going to cost what it cost to move it and to place it. When it was first was set, we were appalled at the amount of dry rot. **Harvey motioned to demolition the schoolhouse.**

Lachinski asked what would happen if we have an unused warming house, could we use it as a tribute there? Davis said that could be a consideration. Lachinski said if we could use the buildings we have in a different way. In five to ten years we will have a building not being used. Davis said it would be very small, so it wouldn't really accommodate. Moegerle asked if you could put the stuff in the warming house and put plexi-glass for a window so people can look in. There would be pictures and the murals people can look at. Like Lincoln's bedroom, where it is cordoned off. Davis said the warming house has been vandalized a few times in the winter. If we put anything in there, it might be an attraction for more vandalism. Moegerle said just because they want to destroy antiques.

Lachinski said we had talked about upgrading the cameras in the parks. We do have an upgraded security system in the Parks where it might decrease vandalism. Davis said we did put up new cameras and they cut the lines for the cameras. The groups we are dealing with are sophisticated. Davis said you have a certain group of kids that are prone to destroying things, but once they start driving they are no longer causing this sort of damage. They are on to other things.

Kirkevold seconded.

Jefferson asked of Langmade, how it would be demolished. Maybe the seniors could come and give input on what they want done with it, if anything. Langmade said he has talked with people that went to school there. Jefferson said maybe they would have suggestions on what they would want to see, remnants or photos, or come to the demolition. Kirkevold

said the building is stripped of anything. Ayshford said the desks are being stored elsewhere. Lachinski said everything has been brought in for Boosters day and brought back out. Voelker said she likes the idea of a marker. Moegerle asked if Langmade attended the school. Langmade said he didn't. Moegerle said it has been moved two times. It was used as a school, then as a home, then as a school. It was moved an additional time, so it can't be a historical marker. Ayshford said they did contact the City of Nowthen to see if they had any interest in it for their Threshing Day display. Davis said they asked for a photograph of the building. Once they get it would be costly to renovate, but also costly to move.

There are no plans for the pad it is sitting on. It could be used for another shelter or picnic tables. We would hopefully find a use for it. Moegerle was wondering if it was a slab. Ayshford said yes.

Staff showed pictures of the building. Moegerle asked if those are recent pictures. Ayshford said yes, the pictures are from a few days ago. The building official is very concerned about the floor. Moegerle wondered who would destroy it. Davis said we would have to check on the lead paint issue.

All in favor of the motion; unanimously approved.

Lachinski stated we should figure out a way to make a historical marker with the funds. Davis said the donations were for renovation. The people who donated may be sympathetic to the issue. We will contact the donators.

Harvey said maybe we could put the markers up and maybe we could put up pictures at the markers. There are some really cool pictures from the era. Ayshford said maybe the warming house might be a good place, if there is a kiosk there.

**Whispering
Aspen
Community
Center
Roofing
Quotes**

As part of the 2013 Parks Capital Improvement Plan, the Park Commission and staff have planned for the replacement of the asphalt shingle roof at the Whispering Aspen Community Center. Staff has received quotes from four contractors and the results are summarized attachment 7.1.

The budgeted amount for this project was \$28,000. The two lowest bids were \$13,900 and \$15,650 which would provide a surplus in excess of \$12,000. The surplus funds could remain in the Park Capital Fund for use on future projects in subsequent years or be used for other improvements in 2013. Two possible options include replacement of the ceiling tiles in the Whispering Aspen Community Center which are believed to be the original tiles and installing a sign for the community center in front of the building. The estimated cost for the ceiling tile replacement is \$3,500 and the estimated cost for the sign is \$2,500.

Staff recommends accepting the low bid for the replacement of the roof at the Whispering Aspen Community Center.

The low bid was D and S Construction, an East Bethel company. Lachinski wondered if the building was constructed by BDM Construction? Davis isn't sure who built it. He believes it may have been there before BDM bought the building. Ayshford said the ceiling tiles have had some damage and they believe the musty odor could be from the

tiles.

Harvey was wondering about the sign. Could we have a sign done by the Scouts? Lachinski said there are three or four coming up for Eagle Scouts. That would save us some money. Voelker said it would be consistent to be the same with signs.

Harvey asked if it is on the website. Voelker asked about the business in that building. Is that a City owned building. Davis said that is part of the developer's agreement. They retain the office space until the development is built out. Voelker asked when it would be completed. Davis said there is not an end date. Voelker asked if we have used D and S construction before. Ayshford said the City has not, but he knows other people have used them. Davis said we could submit a warranty claim on the shingles, but it will be insignificant. Langmade said he gets nervous when you look at bids. Sometimes you look at the low and high bids and get nervous.

Harvey motioned to accept the low bid for the replacement of the roof at the Whispering Aspen Community Center, replace the ceiling tiles and leave the sign to be worked on by the Scouts. Voelker seconded; all in favor, motion carries.

Voelker wanted to know what the vision of the building is. Ayshford said if you are a resident it is free of charge. We are seeing more use of it now - the Scouts are using it. There is firearms safety in there every Tuesday night.

2014-2018 Parks CIP

The Parks Commission prepares a Capital Improvement Plan annually which updates projected projects, evaluates priorities and establishes funding for these works for the coming year and for each of the subsequent years for a five year period. This plan is presented to City Council for their approval and use for preparing the coming year's budget.

Attached is the 2013-2017 Parks CIP. We will discuss those projects that are listed for 2014 and determine if they need to stay in their current funding year or be rearranged to reflect any changes in our park priorities. Other projects can be added and existing ones can be deleted if there is a need for restructuring the schedule.

We need to complete this work by our April 2013 meeting.

The total amount of projects scheduled for 2014 is \$100,000 plus any park and/or trail dedication fees from new development.

Park Acquisition and Development Fund. There won't be much money coming into this fund. The projects that we were looking at in 2014, were converting the fields from soccer to a baseball field. He would make a recommendation to push this back another year.

Moegerle asked about the Park Dedication Funds that were listed. Is this based on the Bolton Menk recommendation? Ayshford said it is based on previous years plans for development. Davis said those were previous projections he prepared. It was what we anticipated happening. If they don't occur, we just push it back a year. Harvey wanted to know if we put new equipment at Carlisle. Ayshford said no, not recently. Harvey said she would like to see that pushed to the top of the pile. Ayshford asked when the fitness apparatus was added. Davis said it is relatively new, probably put in 7 or 8 years ago.

Ayshford said there is a newer part. There is also an older modular piece. It is the same piece in Booster East. It is the same as the one replaced at Norsland Manor. Harvey said to strike her request.

Lachinski asked if there was any update for North Metro to use our soccer field. Ayshford said no, they would be using the ones in Oak Grove. They just got a new sprinkler systems in theirs parks around their City Hall. Lachinski said the representative from North Metro was really interested in having soccer in East Bethel.

Ayshford said this fund and the Parks Capitol fund are similar. On this plan, we are still going with the \$100,000 transfer from the fund. That is something else to keep in mind that may get changed during the budgeting process. It is just a way of prioritizing the projects we want to take care of. Ayshford asked if there was anything the commission wanted added. Lachinski said the regulation field would be a large coup. Of course North Metro Soccer said we talked about creating soccer complex at Bonde, but they don't seem interested now.

Kirkevold was wondering if a motion was needed. Ayshford said no, right now we are just talking about it, and then it will come back at our next meeting.

Lachinski said there are lacrosse fields in Andover. Maybe we want to create lacrosse fields. Andover is the closest school to play at. But if we want to use some forward thinking, we could look at how we can use all of our fields every which way.

Ayshford said for 2014, the big project was the baseball field. Lachinski asked if SAA was going to help pay for it? Ayshford said yes, they stated they were looking for projects to help pay for and were in need of additional regulation baseball fields. Harvey said they don't have the funding. Gambling is where they originally got a lot of their funding. Lachinski said they joined forces with the Blaine traveling. Harvey said they don't have the money that they use to have. Ayshford said from his recollection, they wanted to help out with a regulation field. He said the local team, the East Bethel Bandits, might be able to help out also. Lachinski said we should meet with them both to find out what they could help out with.

Lachinski said some cities are doing improvements with the skateboard parks. Is that something we should be looking at? Ayshford asked if there is a lot of use of the skateboard park in the evening. That is an age group where there isn't much for them to do. Lachinski said she hears them over there every day. When she first came on the board, Tony Hawk had a foundation where we could look for funds from a foundation. There are kids that do BMX, no one use that park. Sometimes the skateboard parks and BMX parks are used together.

Moegerle asked if there was a practice area for disc golf. Harvey said we talked about that in the past. Ayshford said we prefer not to compete with a local business. A practice course with a couple of baskets probably would work and wouldn't compete.

Moegerle asked what is St. Louis Park doing in their park and recreation? Voelker said they have updated our skateboard parks, aquatic parks, and increased the park equipment. It was their theory to give that age group, something to do. Kirkevold presumed with all the parks, none of them are sponsored by an organization. Ayshford said they are not

sponsored by a group, but we have an adopt-a- park program. Kirkvold said Coon Rapids has a Lions Park and they also have other parks dedicated. If you have Lions here, has anyone approached them for a specific park? Ayshford said the Lion's helped with donations for parks. Harvey wondered if the Lions have charitable gambling in East Bethel. Davis said no. Kirkevold asked if it is done at the post. Ayshford said he was unsure. Langmade said the VFW would have theirs. Davis said the only charitable gambling is Route 65, Chopps, is organization in Minneapolis. The Coon Lake Beach Community Center has it also. The Lions don't do it anymore. The Lions assist us in our recycling programs. We could approach them to see if they are interested. Harvey said the Lions donated to the Coon Lake Beach Club.

Moegerle asked if the gambling tax could go to the Parks? Davis said the can opt for 3% of the proceeds after expenses; it can go in the general funds. If you go the 10%, it is for fire and police activities and also civic events and club sponsors. There may be some instances where it could be used for development purposes. 10% the uses are much more restrictive.

Moegerle said if you Parks wanted to do a day in the park, is that something the funds could be used for. Davis would have to look into that.

Ayshford said he would look into lacrosse and soccer use. He will also talk to SAA to find out what their contribution would be.

Ayshford asked if Lachinski was thinking an expansion to the skateboard park. She said yes. At Sand Creek Park it is maintained inside a hockey rink. It is something we could look at. Maybe we could cordon it. Ayshford said the City of Andover just put in a big one by the High School. Voelker said that ties into the trail system.

That is a good starting point for the planning process.

**Council
Report and
Other
Business**

Moegerle said regarding the legacy fund issue. She looked at how we would get the funds. The funds are appropriated through the legislature, to Met Council or the DNR. On Friday, Colleen Winter will be meeting with a gentleman from Met Council to find out about accessing those funds.

That also was part of the discussion; she sent an email to the Met Council representative, and East Bethel's State Senator and Representatives due to the information we received in the mail. She wrote to them regarding the transportation development in Metro and how it doesn't show East Bethel and how a ¼ percent sales tax in the East Bethel is wrong. As a result, he called her right back and he did promise me that he would provide to how to connect to the legacy funds.

The EDA is continuing forward, they approved a plan for which the staff would prepare a request for proposal that businesses would prepare a feasibility study for a very large water park. This moved forward based on the survey. We had 157 respondents to the survey and 40 of them said they were interested in a water park. The first step was to see about a feasibility study. Council approved it and we would see what it would cost to get a feasibility study.

Moegerle talked about the regional trail plan. Obviously a trail solely in East Bethel cannot be a regional trail. A regional trail would include the cities of Linwood, Ham Lake, etc. Davis said in order to qualify as a regional trail it has to connect to a regional park. There is a regional park in Linwood – Linwood Martin Regional Park. The trail could go from Linwood, south on Lexington, and then it could either connect with Bunker Lake or Lino Lakes. Moegerle said we need to see if there is interest on that. There are hard feelings on the Council about Met Council.

The legacy funds are monitored by the Legislature. She recently saw a Met Council document that indicated allocation of legacy funds for parks is down. If you have ideas on how to get arts in the park, that could be added in to. This is limited only by our imagination. What is our vision? Obviously we are just developing that corridor on Hwy 65 and we need our trails to connect with it.

Moegerle asked the Commission what they see with regard to City sponsored events in the park? Should the Commission be a Park and Recreation Commission? What is your vision? Is it just going to be maintaining the parks? She is interested in the commission's vision? Do you have ideas or dreams? Or places we can start in the future?

Harvey asked if the hot air balloon was pursued. Moegerle said yes. They indicated they were in the business of putting on hot air balloon festivals that also has a secondary draw to a primary event. They pay for a ride. This would be a tethered balloon ride. If we wanted to pursue it, when we have another event planned that would have a large draw. The cost was \$1500 for one tethered balloon event. He also gave prices of a larger event, such as a balloon race. The gentleman was from Kentucky. He said he knows the people at Stillwater that would be a good contact. It doesn't make good economic sense for him to come back when there is a good business in Stillwater that does it. Ayshford asked what the tethered balloon was ride. Moegerle said it is a tethered balloon you go up in. It takes about ten volunteers and also need other things also. She was wondering if we do a kite day in the park. Or something else. If we want to do other things in the parks, we maybe should look at the higher gambling tax. Lachinski asked where would the money come from and where would you get the volunteers. Getting volunteers is difficult at best. Moegerle said a kite day doesn't take many volunteers. If you are going to have a horseshoe tournament, you need horseshoe pits and prizes. Is that something that would get people to our parks? Or is East Bethel not there yet? She doesn't think you will have the idea on this today. But email her your thoughts. We need to pull together to see if there is that interest.

Lachinski said we were going to have a horseshoe tournament for Boosters Day, but it didn't happen last year. She has all the contacts. Harvey said one thing use to be successful, the Fireman use to do a softball tournament and it was huge. It was a big tournament and it just went away. Lachinski said the Relief Association would have organized it. Harvey said we shunned them out, by asking them to come with a million dollar policy. It was a real fun event. Harvey said she believes it was a two-day tournament. Kirkevold said that Coon Rapids has a theater in the park. Lachinski said we do that here. Kirkevold said they do a carnival in the parks. Lachinski said the City of Coon Rapids hire that out with the Lions and that costs a lot. Moegerle said theater in the park, costs \$1,500-\$2,000 per movie per night. Lachinski said we are currently competing with St. Francis on that also. Moegerle said that gets pretty costly quickly. If there is an interest in that, we could use the gambling tax on. Kirkevold said you need to look at

gambling situations not a tax. You will have a lot of people for it. If you are looking at funds coming out of the City you will have angry people. Moegerle said the gambling tax is just a tax and only affects people who gamble. Lachinski said we would need to find outside people to volunteer. Moegerle asked where do we find the volunteers. We need more volunteers.

Kirkevold wanted to know how many surveys we have done. Cory said he does Scouts over in Linwood. People don't respond. Lachinski said she has contacted people in the past and they don't contact her back. Kirkevold said he has a big sign up at the recycling and he doesn't get them. Moegerle said do you ask them to volunteer for a specific day. Voelker said yes, you need to tap in to their passion.

Langmade said having different things go on in the park; we could get suggestions from the community. We do have increased capability due to the website. That is a source. We also will have the reader board up by the end of March. Davis said they already have the frame in there.

Jefferson asked about the feasibility study. Moegerle said the approval for the RFP to be created. Davis said we are doing the RFP now; it will be brought back to Council for their review and submittal. It doesn't cost anything for submission. Jefferson asked who would pay for it. Davis said it would come from Parks funds. There hasn't been any cost yet. Moegerle said the cost comes when it comes back. Lachinski said what area are we looking at. Davis said this would be to bring in a developer to work on this. Here again this would be if a developer would be interested in this, they would figure out that area. Jefferson said they wouldn't consider doing the ice arena. Davis said it would have to be bigger of a much larger area. Such as a hotel, huge complex, etc. If there is interest in the private developers market. Is it feasible for here?

Moegerle said it was very interesting. Her and Jack were at a meeting. The National Sports Center contacted her on how to get tourism here. So they came to see us also. Then she got an email from a company in Cleveland Ohio. It is word of mouth is just amazing. That organization is interested in our RFP. Just word of mouth. The email was cheap and easy. Word of mouth is very effective. It is not impossible. Voelker asked if there is a list we are going to send it to. Davis said we hope to send it to a dozen firms. We are not holding our breathe on this, but it does offer a lot of potential. We will never know unless we explore it.

Voelker asked about the community center here if it is available for other groups use. Davis said it is a senior center/community center. This section was build with CDA funds for a senior center. The senior group bought everything in the building and they are in charge of the building. The seniors have exclusive first rights for the building, and they have the rights to rent it out. Voelker said she believes it is misleading in saying it is a community center if it isn't. Davis said they have never denied the use of the facility in the past. They have been very cooperative in there, if they aren't using it.

Harvey said Coon Lake also has a community center. Voelker asked if it is City owned. As a member of the Scout group and a resident, we haven't had a good relationship for use of the senior center. Davis said he talked with Langmade about this in detail prior to the meeting and there are things being done to resolve the issue. He has also had discussions with the Paul Kobe. They lost one of their meeting nights. Hopefully we can come up

with a solution for options on their facility. Harvey said we use to have the Boy Scouts out at the Coon Lake community center. Davis said we don't charge them for Whispering Aspen. Davis said if you would like to discuss it further, he would sit down with Voelker. Voelker said all these people come to these facilities, are people who would come and use our other facilities. Davis said, this building was built with strings attached. Voelker said maybe it should be re-titled as a senior center. Moegerle said could you please email me with information on what you think should be on the description of the facility. Lachinski said Davis probably knows more about that.

Adjourn **Jefferson motioned to adjourn the March 13, 2013 meeting at 8:50 p.m. Harvey seconded; all in favor, motion carries unanimously.**

Respectfully submitted by:

Jill Anderson
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

April 3, 2013

Agenda Item Number:

Item 6.0 C.2

Agenda Item:

Old School House

Requested Action:

Consider recommendation from Park Commission to designate the old school house in Booster Park East as surplus property and provide direction for removal or disposition

Background Information:

The school building at Booster East Park was moved from its previous location on East Bethel Blvd to Booster East Park in September 2010. Approximately \$21,000 was spent to move the building and set it on a permanent foundation. There have been no City funds budgeted for additional improvements or renovations to the building. To date \$2,850.00 has been donated for the renovation of the school house. A portion of that money was used to purchase windows and doors so that the building could be secured, but have not been installed at this time. There is currently a balance of \$1,855 remaining in the donation account.

The City Building Official was asked to inspect the building and recommend what repairs were needed and if the building was safe for occupancy. His conclusion was that in its current state, the building is unsafe for use and presents a liability to the City. The repairs required are extensive and any attempts at renovation would leave very little of the original structure intact.

Staff has contacted numerous contractors for estimates concerning the cost of renovation but has been unsuccessful in getting contractors to quote the project. Contractors are reluctant to provide estimates due to the unknowns involved in the project and because they are aware that there is no dedicated funding for the renovation.

At their March 13, 2013 Park Commission meeting, the commission discussed what the requirements were for repairing and renovating the structure to make it safe and attractive as a public building in our park system. The commission was sensitive to the significance of the building and the local personal connections but after reviewing a slide show of the building, reading the memo provided by the building official and a description of the repair requirements, they passed a motion recommending the building be removed from the park. The commission also expressed an interest to provide a commemorative display or kiosk at City Hall or in Booster Park that reflected what life was like attending a one room school house in the area.

If removal is approved by City Council, the next step would be to declare, by resolution, the building as surplus property. The building could then be advertised for sale. The sale price of the

building could be set at \$1.00 or offered as a donation with the cost of removal and transport being the responsibility of the buyer or recipient. Should a sale or donation not be concluded within 30 days of advertisement on the City's and the League of Minnesota City's Website it would be necessary to consider demolition and transport to an off-site disposal facility as a means of removing the structure from the property. The floor joists of the building are large wooden beams that, although split, could be salvaged and repurposed for commemorative uses.

Donations for the renovation would be returned to the donors. The doors and windows that have been purchased with monies raised for the renovation could be donated to the Habitat for Humanity or sold and returned to the contributors with the decision for the refund pending their choice of options.

The City of Nowthen expressed an interest in the building, but upon inspection, deemed the structure uneconomical to renovate and coupled with the moving costs associated with transporting the structure, reported that they had no further interest in the building. Staff is obtaining quotes for the demolition costs of the structure should this be the final alternative for removal and should this be an approved by City Council.

Attachments

- 1. Building Official memo

Fiscal Impact:

As noted above

Recommendation(s): Staff and the Park Commission recommend the old school house in Booster Park East be declared surplus property and offered up for sale for a 30 day period, upon which time if no offers are made the building would be removed and disposed in the most appropriate manner.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Memorandum

To: Mayor Lawrence and City Council Members
cc: Jack Davis, City Administrator and
Colleen Winter, Community Development Director
From: Nick Schmitz, Building Official
Date: 3/29/2013
Re: Old School House



On Thursday March 7, 2013, I inspected the old school house in Booster Park. The entire building has damage throughout. The roof has been leaking for some time and there is water damage to the roof, ceiling, walls and floor. The walls are finished so it's unknown how much water damage there might be to the walls. The siding is also in need of repair. The entire floor is weak and has a hole in it. I also inspected under the floor and found that many of the floor joists were broken beyond repair. It is my understanding that the paint used on the building is lead based and is peeling off.

Most of the structure would have to be replaced to repair the building, leaving very little of the existing building intact. To do nothing to the building and leave it as is would be a liability to the city if someone got hurt.

It is my opinion that the building is beyond repair and should be demolished. It is my recommendation that the City demolish the old building before someone gets hurt.

EAST BETHEL ROAD COMMISSION MEETING

March 12, 2013

The East Bethel Road Commission met on March 12, 2013 at 6:30 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Deny Murphy Kathy Paavola Jeff Jensen Tim Harrington
Lori Pierson-Kolodzienski

MEMBERS EXCUSED: Roger Virta Al Thunberg

ALSO PRESENT: Nate Ayshford, Public Works Manager
Bob DeRoche, City Council Member

Adopt Agenda Pierson-Kolodzienski motioned to adopt the agenda as submitted. Murphy seconded; all in favor, motion carries.

Approve – February 12, 2013 Meeting Minutes

DeRoche had the following changes.

Page 4, last paragraph, We couldn't get the east side completed should be changed to we couldn't get the easements to start the project. We the Council decided to put the application in, really was not a Council decision, it was the Administrator and the City Engineer that put it in.

Page 5, sixth paragraph down, last sentence, he had some discussions with Commissioners today, add in Anoka County in there. The whole conversation was talking about the Anoka County commissioners.

Page 6, sixth paragraph last sentence is confusing. Jensen said do you want to strike it. Sentence was stricken.

Jensen had one on the very front of the page, right after the election, Hanson should be changed to Jensen. He has been the chair a couple of times.

Paavola motioned to approve the February 12, 2013 minutes with changes. Pierson-Kolodzienski seconded; all in favor, motion carries.

Roads Financial Information

Operations budget, Ayshford asked if anyone have any questions. We have had a few overtime plow operations. There is not a lot of money budgeted for that. It was asked if we are still good on the salt and sand? Ayshford said we have just taken our last shipment, and our shed is full. The truck bid date was pushed backed to May 1. It will be a tight fit getting it in by the end of the year. We have a quote from Towmaster, Aspen and J Craft.

Ayshford asked what does Fridley go with? The last five or six have been Towmaster. They are real heavy duty. They cost is a little bit more, but they are built better.

Street capitol funds Ayshford advised not a lot has gone on this year, there is not much to report in there also.

2013 Joint Powers Agreement (JPA) Street Maintenance Projects

Consider approving and recommending to City Council the street maintenance quantities based on summary of bids for the 2013 JPA Street Maintenance Projects as part of the North Metro Street Maintenance Program

Background Information:

The following projects were recommended to bid as part of the 2013 JPA Street Maintenance program. These projects have been identified in the 2013-2017 Street Capital Improvement Plan (CIP).

1. Seal coat 65,000 sq yds of City streets including Breezy Point Dr, Edmar Lane, Vickers St, Yalta St & 189th Ave, 191st Ave, East Front Blvd & 195th Ave, Jamestown St & 196th Ave, Staples St, and Waconia St.
2. Crack-seal 100,000 LF as part of the annual street maintenance program. Crack sealing will be performed prior to any seal coating applications.
3. 55,000 LF of striping to be determined.

The estimated budget for seal coating, crack sealing and striping the above listed streets was \$230,300. These projects will be funded from the Street Capital Fund as identified in the 2013-2017 Capital Improvement Plan and the 2013 Street Maintenance Budget.

The awarded bids were as follows:

Aggregate, 65,000 SY @ \$0.58/SY	\$37,700.00
CRS-2 Oil, 18,200 Gals @ \$2.55/Gal	\$46,410.00
Crack Sealing, 100,000' @ \$0.63/LF	\$63,000.00
Striping, 55,000' @ \$0.052/LF	\$ 3,317.19
Contingency (5%)	\$ 7,521.35
Tax (6.875%)	\$10,858.95
Administrative Cost (1.5%)	<u>\$ 2,547.10</u>
Total Project Cost	\$172,354.59

The total project cost will provide an estimated surplus of \$57,946.

The surplus money could remain in the Street Capital Improvement Fund and used in subsequent years or the project quantities can be increased for 2013. If project quantities were to be increased staff recommends increasing the crack-sealing portion to 150,000 linear feet. The cost of this increase would be approximately \$31,500.

Another item staff recommends is the contracting of inspection services for the seal coat portion of the contract. Most of the member cities already use this service and staff feels the cost is well justified in the final product. The inspection services are provided by WSB Engineering and are based on an hourly rate. The cost of this service is not expected to exceed \$2,500.00.

Right now we have some our staff out there, but they are pulled away. This inspector in the past has been very knowledgeable on the topic and isn't afraid to shut them down. If the same inspector is on the job, it would be well worth it. Ayshford did talk to Ham Lake and they spent \$1,800 last year on the service. It is based on an hourly rate and is about two days worth of work.

Jensen asked if the extra monies would be left in the Road Capitol. Ayshford said yes, we did 100,000 linear feet of crack sealing last year, and 150,000 linear feet would get us in good shape.

Jensen motioned to accept the bid prices and recommends the addition of 50,000 LF of crack sealing and the contracting of inspection services for the seal coating portion of the contract and taking the remaining funds and putting it in the street capital fund. Pierson-Kolodzienski seconded; all in favor, motion carries unanimously.

2013 Class V Projects

The following streets were resurfaced as Class V projects in 2012:

- 1.) 241st Ave and London St 2,500'
- 2.) Durant St 1,975'
- 3.) 217th Ave 2,475'
- 4.) 218th Ave 2,825'
- 5.) Terrace Rd (Circle) 2,600'

The 2012 roads were the start of a new cycle of gravel road resurfacing. The initial cycle was completed in 6 years, however, with the increase in material and trucking costs and a budget that has remained the same over that timeframe, the next cycle may need to be extended out to 7-8 years.

The recommended roads for 2013 Class V resurfacing includes:

- 1.) Buchanan St 3,540'
- 2.) Quincy St 3,198'
- 3.) 216th Ave 2,424'
- 4.) 241st and London St (second) 2,500'
- 5.) 245th Ave 1,881'

\$35,000 has been budgeted in 2013 for gravel road maintenance. The costs for these projects are for material and delivery. The City conducts the grading, compaction and finishing of this material. Prior to the placement of any new class 5 material, staff will reclaim the shoulders and reshape the existing road surface.

Ayshford showed the Commission the maps showing what roads have been done. With the way the bids came in, some roads were removed from last year, and added on to this year. Quincy is a long residential street serving a lot of houses. Due to the price increase on materials all the roads were not completed as planned in 2012.

We might want to consider having some chloride application for this year. Klondike is a great example of that. Jensen asked about the millings on Klondike. What is nice about that is they hold up very good with the frost is coming out. Murphy said he has gotten a lot of good feed back on Klondike. Ayshford said it might be something we want to start looking at having budgeted. Murphy asked on the resurfacing if they could add chloride on resurfacing. You typically get one season out of the chloride application. Murphy said when it is first resurfaced, would there be no advantage to it being held in place. Ayshford said it would be the same advantage. Pierson-Kolodzienski asked where the class five would come from. Ayshford said it would be bid out this spring. Ayshford said we would continue on next spring with the rest of the streets. We might be pretty close to catching up next year. We have just under-16 miles of gravel road. Jensen wanted to know how many miles a year the City does? This year it is two and a half. He said sometimes the blade operator can spread it out pretty good, and it goes a lot further than expected.

Pierson-Kolodzienski motion approving 241st Ave, 245th Ave, 216th Ave, Quincy St, and Buchan St for Class V resurfacing projects. Jensen seconded; all in favor, motion carries.

2014-2018 Roads CIP

The Roads Commission prepares a Capital Improvement Plan annually which updates projected projects, evaluates priorities and establishes funding for these works for the coming year and for each of the subsequent years for a four year period. This plan is presented to City Council for their approval and use for preparing the coming year's budget.

Attached is the 2013-2017 Roads CIP. We will discuss those projects that are listed for 2014 and determine if they need to stay in their current funding year or be rearranged to reflect any changes in our roads priorities. Other projects can be added and existing ones can be deleted if there is a need for restructuring the schedule.

This planning work will need to be completed by the conclusion of our April 2013 meeting so we can get it to the City Council for budget work.

Ayshford said there is nothing planned for the MSA. This year we have quite a few that we are looking to get on the schedule including, Lincoln/Laurel, the west side frontage road. For 2014/15/16/17, we can start to think of things to plan. He knows a couple of roads will need to be addressed, such as 181st from Jackson to Hwy 65, now that it is being getting more traffic. We would have to do that in conjunction with Ham Lake. The other is the section of University Avenue between Sims Road and 221st. It is a mile section that we maintain and share with Oak Grove. Another road that comes up is Klondike, which will be a very expensive road to work on.

Jensen said basically for MSA it is finishing those and picking up the seal coat out of the Street Capitol Fund.

Ayshford said Whispering Aspens is an area we are still working on a game plan on how to attack that if it is a total reconstruct, mill overlay or patching. There are some drainage issues in that development too. The current design has the force main going behind the development. There is a lift station located hear the community center. We are looking at future existing roads as a location for the sanitary sewer.

For 2014 under Street Capitol fund, a lot of these are in the northwest portion of the City. We try to keep them grouped up when we are doing them. Jensen said are we going to let this go with your list right now. Yes, Ayshford said unless someone wants to see something changed around.

DeRoche said East Bethel Boulevard has really taken a beating. There are cones marking part of the road. Ayshford said that is a County Road and the County will be working on that road and 213th this summer.

If any one has any suggestions let Ayshford know. He will put together a draft plan for 2018. Ayshford, Davis and Jochum talked about Davenport, over behind Flex Fitness, it will probably need to be a mill and overlay. We can have the engineer work up some projections for that. Depending on what we do this year with Whispering Aspen, we might have some JPA funds left over. Murphy asked what if Whispering Aspen needs a total reconstruct? Ayshford said that would cost a lot more. The roads in there are all different widths. Initially the City wasn't planning on taking those roads over. They have thin pavement, water and sewer and concrete sidewalks in there. Murphy said if we could afford the reconstruct it would be the preferred method. But we probably can't afford that. Ayshford said we could probably tour it again this summer.

**Council
Report and
Other
Business**

Staff and the Roads Commission will discuss current issues facing the City Council with the City Council liaison, Councilmember Bob DeRoche.

DeRoche advised not much has changed. We did a Council retreat. Some people wanted to go to verbatim minutes versus summary minutes and it got voted down. Summary minutes, depends on who is writing them, could be their interpretation on what is important. Personally he likes them being transcribed verbatim.

There was talk of water park and looking into possibly getting some information for a developer going to put in a water park, convention center and hotel. He thinks this is way ahead of the game. The sewer and water area needs to develop first. He can't see why people would come here with the community centers in the cities, water parks, MOA, etc, why would people come to EB for a water park?

We have been spending time on a revolving loan fund to work with existing and new businesses - how we can help them in this situation. If you are a business along the sewer line you have to hook up. How do you draft a ordinance covering what needs to be done? This is a tough pill to swallow. He is concerned about driving businesses out and is concerned smaller businesses might be driven out. EDA brought a proposal to the last City Council meeting. It pretty much got shot down. If you have an opportunity watch the last meeting. The EDA is doing a great job but they have to understand the goals of the City is to get the development done in the sewer and water district. If a Commission makes a recommendation, doesn't meant the City Council will vote one way or the other. The

Council looks at what is in the best interest of the City. If anyone has any ideas, give them to the Council.

Jensen said instead of spreading the cost of the sewer and water through the city, it would affect the businesses by the sewer and water. DeRoche said no it would be spread across the City in 2015. The businesses within that district will have to hook up. Ayshford said a lot of people were told they have to hook up and they don't have to hook up. The City ordinance says if there is connections near you, you have to hook up. The financing charges did show they would have to hook up. DeRoche said he has been reading Met Council's website and looking at the numbers on the Community Profile. Looking at what their projections were for the City, it is pretty high.

A representative from the Met Council was at the City last Wednesday. He said they would work with us. The discussion of the new Met Council tax came up. The maps for the build outs do not show East Bethel in the area receiving the benefit, but we pay the tax.

Regarding the sewer and water district, a lot of people in the district new and were all for it. They wanted sewer water and he doesn't think they really understood what it was going to come too. It might have been thought Ham Lake might be hooking up, or others. The bill has to be paid, plain and simple. The force main was re-bid and went from \$4 million to \$1.9 million. Part of that is due to not crossing across Hwy 65 for lift stations. Met Council is involved up to 229th and then it is East Bethel's responsibility up to the sewer plant. The money we saved on the water treatment facility has to be spent within a couple of years and has to be spent on the sewer and water infrastructure. We can't spend it on anything else.

Jensen asked if EDA has looked for a developer to come in and develop the lots. There are a number of lots left in Whispering Aspen and they will be added on to the system. Is EDA looking at getting a developer in there? DeRoche said BDM construction owns those lots in there. Ayshford said anything built in there would count towards the City SAC charges. The trailer park and those houses don't count toward the SAC. Jensen asked if the EDA would provide a tax break or incentive for development. Are there other ways they have looked into? DeRoche said Colleen Winter is doing a bang up job. We don't have a lot of money to play with and offer people. This sewer and water project has taken all of our excess money. Jensen said if the lots sold it would be a bonus. Jensen said if people come, BDM would develop. If there was a little bit of marketing that might happen.

DeRoche said believe me, there are a lot of meetings going on. There was no plan coming in. People have to understand we came in, we were handed this and asked how are you going to pay for it. How are we going to get development in? Ham Lake is developing and they don't want sewer and water. Oak Grove doesn't want sewer and water. If the money isn't there from commercial. We can't tax commercial so bad that they can't afford to come in. Met Council has the set SAC and WAC fees. We made Village Green a couple of good offers and they have declined. If they have an issue quite a few years down the road, it will be more expensive then. All of the connections are about \$4,000/\$5,000 per connection. Village Green wanted to give the City the sewer plant as part of payment, but the City doesn't want to clean it up. There are a lot of out of the box thinking going on. It is going to depend on development driven. If we can provide any sort of tax incentive. Lowering the ERUs isn't an option.

Jensen said when you go up north where there are a lot of cities that are bankrupt; there marketing is short term tax incentives. Sometimes you have to give up a dollar to make a dollar. DeRoche said we understand you have to spend money to make money. But you have to have money to spend. With Aggressive Hydraulics we worked out the TIF. Even if they left, the infrastructure is still there. There is a lot of brainstorming and the people on the EDA are pretty smart.

Jensen said we got put into a situation where it is going back to the taxpayers in a couple of years. Why don't they start looking at development? It is an option of marketing. He has a feeling we will be paying.

The golf course would be an ideal spot. Once something gets going. That was part of the idea of Aggressive Hydraulics. If someone could look and go wow, they put a lot of money into. They wouldn't put that much money into it if they didn't think it was going to work. The northwest corner is still in the works.

County Road 22 is still under construction. They were putting in the gravity sewer lines. It was asked if there was a reason they didn't close the lane left turn lane. With it not being closed has caused a lot of potential accidents. DeRoche said it is a County project.

DeRoche wondered if there are any rumors people have been hearing. A lot of that has died down. A lot of people come into City hall and they feel comfortable. We hired another building inspector. He starts on the 25th. He comes from the City of Ramsey where he was an inspector for 20 years. He doesn't remember the exact figures but the department has done a lot to take care of itself.

The new City sign will go in the end of this month, at County Road 22 and Hwy 65.

Paavola said City Street signs are missing again. Ayshford said they just put some of them up and they get stolen or vandalized.

Adjourn Pierson-Kolodzienski motioned for adjournment. Paavola seconded; all in favor, motion carries. Meeting adjourned at 7:24 p.m.

Respectfully submitted,
Jill Anderson
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

April 3, 2013

Agenda Item Number:

Item 7.0 G.1

Agenda Item:

Proposed Water Park/Resort Feasibility Request For Proposals (RFP)

Requested Action:

Consider approving a Request for Proposals to evaluate the potential and feasibility of a Water Park/Resort Project

Background Information:

The water park idea originated as a recreational amenity that was identified in a Booster Day/needs assessment survey that was conducted in July 2012 and has since evolved into an image that includes a vision of the City becoming a recreation destination for the North Metro Area. The concept is a bold and innovative proposal that creates as many questions as it does opportunities for our economic development options and initiatives. The conceptual phase of this proposition has evolved into a plan that proposes to attract a private developer to construct a hotel/resort with convention facilities and an attached indoor water park as the central focus of the project. It would also require the spin-off development of additional recreational and commercial facilities as peripheral attractions that are needed to provide the secondary support activities and services necessary for a development of this scale. Even though this type of facility would need to be located along the Hwy. 65 Corridor, no specific site has been recommended for this project.

Projects of this magnitude can have a tremendous economic impact and serve as the magnet/anchor to attract additional development. This proposed project is still in the discussion stage and has reached the point that requires Council advice as to the direction staff should follow concerning the advancement of the proposal.

The basic question regarding this project is one of marketability and the potential for attraction that would appeal to a private developer. That is the issue with this proposal and until we can provide that answer, the status of this proposal is indeterminate. The next step would be a feasibility study to provide the City necessary data that will be required to establish the practicality of this venture. The costs to perform a feasibility study could vary widely, with basic costs estimated to range between \$8,000 to \$25,000 depending on the depth of analysis that is requested. Should authorization be considered and approved, it would be advisable to put this out as a Request for Proposal (RFP) for a Water Park Feasibility Study. The feasibility study would provide the marketing information required for making a decision on this proposal. A draft attachment of an RFP for this proposal is attached for your review and consideration.

City Council gave direction to staff to prepare a draft RFP for consideration of this service at the March 6, 2013 Work Meeting.

Attachments

Draft RFP

Fiscal Impact:

There would no cost associated with the submission of a RFP requesting proposals for this service other than postage. Staff spent approximately 6 hours preparing the draft RFP and total staff time spent on the water park concept has not exceeded 16 hours.

Recommendation(s):

Staff is requesting direction from City Council as to the preferred course of action concerning the approval and submission of the attached RFP for feasibility analysis of the Water Park/Resort Project.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Date:

From:

RE: East Bethel Water Park/Resort Feasibility Study

The City of East Bethel is seeking to assess the feasibility of attracting a water park/hotel/convention center complex to be financed with private investment in the City of East Bethel, Minnesota. The attached Request for Proposal (RFP) outlines the process to work with our City in the preparation of this study.

If you have questions regarding the process or the attached information, please contact me at (763) 367-7855. **All RFPs are due no later than** _____.

Enclosure



City of East Bethel

Request for Proposals: Water Park/Resort Feasibility Study

Contact:

Colleen Winter
Community Development Director
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011
(763) 367-7855
Colleen.Winter@ci.east-bethel.mn.us

Dated: xxxxxxxx
Responses Due: xxxxxx

EAST BETHEL WATER PARK/RESORT RFP

The City of East Bethel is considering the evaluation of the potential and feasibility of a privately financed water park/resort complex within the City as part of an overall component of the City's economic development plan

Due to the availability of municipal utilities, geographic location and ease of access to the major markets of the Upper Midwest, the City of East Bethel is in an excellent position for economic growth. Located in northern Anoka County, the City of East Bethel encompasses 48 square miles along State Highway 65. Home to 11,600 residents, it is estimated that the City of East Bethel will more than double in population to 23,500 by the year 2030. The population within a 100 mile radius of the City is estimated to be 5,000,000.

The City is located 25 miles north of Minneapolis, Minnesota and is served by a State Route 65, a 4-lane expressway. Highway 65 is a major north-south route from Minneapolis through East Bethel to destinations in northern Minnesota. There are nearly 32,000 trips per day on this route at the intersection of Anoka County Road 22/Viking Boulevard and Highway 65. The traffic volume along this route is projected to increase to 42,000 VPD by 2030. County Road 22/Viking Boulevard is the major east-west route through northern Anoka County and East Bethel and connects U.S. Highway 169 in Elk River to Interstate 35 which is 14 miles east of the City.

In addition to the geographic and transportation advantages, the natural amenities of East Bethel offer the City as an additional attraction to the existing recreation destinations in Anoka County and the North Metro area. This type of facility would compliment the National Sports Center located 12 miles south of East Bethel and the other snowmobiling, golf, hiking, water based recreation and hunting that are readily available.

Presented with an opportunity to proactively address these assets, the City and its leaders are committed to shaping the future of the community in a way that enhances the important features and characteristics the City has to offer, while at the same time, provide for a recreation/leisure activity economic base.

A municipal water and sewer improvement project will be operational by the end of 2013. This will provide numerous prospects for development in the East Bethel's Highway 65 corridor which encompasses over 2,000 developable acres for recreation oriented businesses, commercial, residential, and light industrial uses.

The implementation of municipal water and sewer services has prompted residents and leaders within the community to consider creative solutions and ideas for economic development projects. One of the options that is being considered by the City of East Bethel is the consideration and feasibility of a water park/ resort.

The water park/resort proposal originated as a potential recreational amenity that was identified in a preliminary needs assessment survey that was conducted in July 2012 and has since evolved into an image that includes a vision of the City becoming a recreation destination for the North Metro Area of Minneapolis/St. Paul. The concept is a bold and innovative proposal that creates as many questions as it does opportunities for our economic development options and initiatives. The conceptual phase of this proposition has evolved into a plan that proposes to attract a private developer to construct a hotel with convention facilities and an attached indoor water park as the central focus of the project. It would also require the spin-off development of additional recreational and commercial facilities as peripheral attractions that are needed to provide the secondary support activities and services necessary for a development of this scale.

Projects of this magnitude can have a tremendous economic impact and serve as the magnet/anchor to attract additional development. The basic question regarding this project is one of marketability and the potential for attracting the investment from a private developer. That is the issue with this proposal and until we can provide that answer, the status of this proposal is indeterminate

The next step in the evaluation of this proposal is a feasibility study to provide the City the necessary data that will be required to establish the practicality of this venture. The feasibility study would provide the marketing information required for making a sound business decision on this proposal.

Expectations:

The first phase in the planning of a water park/resort facility is the feasibility study. Consultants typically prepare this study for the promoter of the project and the developer and it is required by investors and financing institutions as the basis for consideration of funding.

The primary question is a water park/resort feasible in the City of East Bethel based on the demographic and geographic information provided in the introduction and other data that is readily available. If you perceive that this project lacks merit, please respond with an explanation of your opinion. If you believe the project has appeal and significance, you are invited to submit a proposal based on the following general categories:

1. Research, information gathering and background review of the City
 - a. Market research, demographics and data necessary to evaluate and conclusively demonstrate the feasibility of the proposal.
 - b. All data collected shall remain confidential and exclusive to the City
2. Analysis of water park/resort projects, including, but not limited to:
 - a. Examples of projects and existing competition in areas similar to East Bethel
 - b. Prepare profiles of local and regional competitors for this proposal as a means to define the market's amenities and pricing structure and to estimate future performance of this type of activity
 - c. Define the market area of the project
 - d. Prepare demographics of the market area for the use in the preparation of forecasts for this proposal
 - e. Size of the project in terms of spatial needs of the water park and the number of rooms and facilities required of a resort/hotel
 - f. Project the needs for and numbers of ancillary businesses and support services required to stimulate and sustain this type of project
 - g. Infrastructure needs to support the project
 - h. Acreage requirements and site identification of potential properties suitable for
 - i. Recommendations of feasibility
 - j. Detailed plan for the solicitation and attraction of private financing to implement this project
3. An analysis of public participation required in this type of project including, but not limited to:
 - a. Public investment
 - b. Ordinance/Zoning Issues and Business incentive plans
 - c. Transportation and Public Improvements
4. Master implementation strategy and detailed action plan
 - a. Includes prioritization of tasks in regard to importance and feasibility
 - b. Final presentation of implementation strategy to Economic Development Authority and City Council
5. Follow-up support including, but not limited to:
 - a. Consultant support regarding plan implementation and action steps

Detailed work plan identifying:

1. Tasks to be accomplished and the amount of budget hours for each task and subtask.
 - a. This will be used as a work plan and managing tool for basis of invoicing.
 - b. Include a not to exceed fee
2. Identify deliverables.
 - a. Voice, video, data and other supplementary services
 - b. Key milestones of project
 - c. Level of City staff participation required and data expected from the City
 - d. Status meetings identified through work plan with staff, City Council and the EDA.
 - e. Feasibility and marketing report
3. Detailed cost estimate of the study, including professional hourly rates and multipliers and estimated service/task hours. Other expenses related to the completion of the study will be discussed on a case-by-case basis. Preferred pricing will identify all fixed cost bids with a menu of all necessary and optional services.

Statement of Qualifications:

The following will be considered minimal contents of the proposal:

1. Goals, objectives, and project tasks to demonstrate the responder's view of the project and exhibition of responder's knowledge and expertise regarding the feasibility analysis for this type of project.
2. Outline of respondent's background and experience with particular emphasis on working with this particular type of businesses and local governments
 - a. Provide contact list for at least three (3) references in support of the background and experience.
 - b. Provide work samples to support of experience with this type of proposal.
3. Identify key personnel to conduct the project. No change in key personnel assigned to the project will be permitted without approval of the City.
4. Demonstrated ability to create and prepare accurate and reliable feasibility studies and marketing objectives.

5. Demonstrated ability to analyze and interpret the regulatory and legal landscape by providing guidance on the regulatory hurdles of different delivery options.

Requirements:

- Coordination meetings with City staff
- Presentations to the City Council and EDA per request

Evaluation Criteria:

- Proposer's ability and capacity to meet all Request for Proposal conditions and expectations as solely determined by the East Bethel City Council
- The best fit with the City of East Bethel
- Value and price for services offered
- Ability to complete the job in the time allotted
- Prior satisfactory conclusion of similar work or evidence of specific experience regarding feasibility analysis for a private/public partnership for this type of project.
- Stated and demonstrated understanding of the scope of work as requested.
- After initial review of proposals, additional information (i.e. references, examples of work, etc.) may be requested
 - Proposer may not charge additional cost for delay in process

The City does not guarantee selection of any vendor and reserves its right to reject all proposals. Furthermore, the City may or may not accept the lowest price quotation and reserves the right to select the proposal which best meets its needs and selection criteria.

RFP Timeline*:

RFP Issue date -

Proposals due -

EDA and City Council interview consultant finalists -

Award contract and begin work ** -

Presentation of implementation plan to Council and EDA -

Submission Deadline:

- Fifteen (15) hard copies of proposal and one (1) electronic version on CD including all attachments and supplemental information delivered to the East Bethel City Hall no later than _____:

Jack Davis
City Administrator
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

- All questions by prospective responders regarding this RFP should contact:

Colleen Winter
Community Development Director
colleen.winter@ci.east-bethel.mn.us

* Questions must be submitted in writing no later than _____.

** Date my change if the City Council or the EDA request additional information from finalists before making final selection.



City of East Bethel City Council Agenda Information

Date:

April 3, 2013

Agenda Item Number:

Item 7.0 G.2

Agenda Item:

Ordinance 44, Second Series, Amending Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer

Requested Action:

Consider amending Ordinance 44, Second Series, Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer

Background Information:

In order to update our current Ordinance that regulates Waterworks and Sanitary Sewer, the attached amendments are proposed for Council’s consideration. These revisions will allow us to more effectively administer and manage the operation of the Municipal Utilities System that will be accepting customers beginning in May 2013.

The proposed amendments, developed by staff, were discussed at the Ordinance Committee Meeting on March 14, 2013. The City Attorney has reviewed the Ordinance and the proposed changes.

The requested changes were discussed at the City Council Work Meeting on March 20, 2013. Other changes, including the time required to connect to the system and a statement exempting existing residential properties from mandatory connections along with a clarification of definitions, were recommended by Council. These changes are incorporated in the attached Ordinance revision.

The City Attorney also recommends that the city council adopt a policy on mandatory connection by Resolution where municipal services are available. Although that is not needed immediately at this point we should begin the preparation of a draft for that for consideration.

Attachments

1. Proposed amendments to Chapter 74, Utilities, Article V, Regulating Waterworks and Sewer

Fiscal Impact:

The time required for the existing businesses to connect to the system will have an impact on the project bond payment deficit for 2013. If payment for all those notified in the 429 notification process are required to pay their connection fees in 2013(14 businesses), our projected deficit for

our bond payments will be \$91, 376 depending on the outcome of the federal “sequestration” debate.

If an additional time extension beyond 2013 is given to the 429 noticed properties, our budget deficit for the bond payments could increase to \$412,873 for 2013(this accounts for a \$41,000 reduction in our federal tax credits which may or may not happen and includes the connection of Aggressive Hydraulics to the system).

In both cases these deficits would have to be covered from the City General Fund or other City reserves as directed by City Council.

Recommendation(s):

Staff is recommending the approval of the amendments to Ordinance 44, Second Series, Chapter 74, Article V, Regulating Waterworks and Sanitary Sewer as presented in the attachments and direction to publish.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

ARTICLE V. - REGULATING WATERWORKS AND SANITARY SEWER

DIVISION 1. - GENERALLY

DIVISION 2. - WATER

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DIVISION 1. - GENERALLY

DIVISION 1. - GENERALLY

Sec. 74-119. - Purpose.

It is the purpose of this article:

- (1) To provide for paying the cost of building, constructing, reconstructing, repairing, enlarging, improving or in any other manner obtaining waterworks and sanitary sewer facilities, or any portion of such facilities; and
- (2) To establish charges to be imposed to pay for the waterworks and sewer systems and for the maintenance, operation and use of system facilities.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-120. - Utilities division established.

There is hereby established a public utilities division within the public works department in the city.

(Ord. No. 200, § 2, 9-21-2005)

Sec. 74-121. - Operation and maintenance of facilities.

The waterworks and sanitary sewer facilities as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this article subject to the authority of the city council at any time to amend, alter, change and repeal the same. The city administrator shall manage the waterworks and sanitary sewer facilities subject to the direction of the city council. The city administrator may designate other city employees to carry out duties and responsibilities under this article.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-122. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Account means a record of utility services used by each property and the periodic costs and charges imposed for those utility services.

Company, grantee and franchisee mean a public utility company or a public utility system, depending on the context, to/for which a franchise has been granted by the city.

Customer means any owner, authorized agent, lessee, building permit applicant, utility service applicant or user of non-residential real property ~~served by a utility as of~~ _____ (DATE).

Facilities means and includes waterworks and sanitary sewer systems or any portion thereof.

Connection means the original connection of real property to a utility or, in the case of obtainment of a utility by the city after the original connection to the utility for a property, the continuation of the connection to the utility after its obtainment.

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[Initial Customers means all those non-residential real property owners that were noticed as part of the 429 assessment procedure for the Municipal Utilities Project](#)

[Real Property means all real property, except real estate owned, zoned and taxed for the purpose of residential habitation as of April 3, 2013.](#)

Sanitary sewer means sanitary sewer systems, including sewage treatment works, disposal systems and other facilities for disposing of sewage, industrial waste and other wastes.

Service means the provision of a particular utility to a customer.

Utility means a waterworks or sanitary sewer system, whether the same are city-owned facilities or those owned by a public utility company.

Waterworks means waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants and other appurtenances of a waterworks system.

(Ord. No. 200, § 4, 9-21-2005; Ord. No. 200A, § 3, 10-19-2005)

Sec. 74-123. - Mandatory connection to city systems.

It shall be unlawful for any person to install or for any real property to be connected to a private waterworks system intended to provide water for human consumption or for any person to install or for any real property to be connected to a private sanitary sewer system, except in cases where the city waterworks or sanitary sewer system is not available to a property. The city administrator shall refer all questions of availability to the city engineer. The city engineer shall make a recommendation if either of the city waterworks or sanitary sewer systems is available to a premises either requesting or requiring installation or connection. Mandatory connection to city systems will be required within ~~six~~ _____ months of service availability or at the time of building permit issuance¹. Service availability shall be presumptively demonstrated by written Notice to Connect provided to the property owner by the City confirming the availability of municipal water and/or sanitary sewer systems adjacent to the owner's addressed property.

[Initial Customers must connect to the system and pay all required SAC and WAC fees prior to _____ \(DATE\).](#)

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-124. - Fixing rates and charges for city utility services.

- (a) All rates and charges for city utilities, including, but not by way of limitation, rates and charges for use, availability and connections, contributions to a system, services, permits, deposits, , meters and meter testing, disconnections, reconnections and delinquencies, shall be determined, fixed and amended by the city council from time to time by resolution. All resolutions, each containing the effective date thereof, shall be kept on file and open to public inspection in the office of the city clerk-treasurer and shall be uniformly enforced. For the purpose of fixing rates and charges, the council may categorize and classify under various types of services or by contributions to a system, provided

¹ See Minn. Stat 412.221 and Minn. Rule 4715.0310.

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that such categorization and classification is just and equitable and is included in the resolution authorized by this section.

- (b) The city council shall by resolution also establish the number of certification cycles per year. At least one certification cycle shall be timed each year to coincide with the county's requirements for certification to the following year's taxes. Additional certification cycles may be set by resolution. The council must establish one or more certification cutoff dates each year. All city utility accounts, unless exempt for legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cutoff date, will have the balance on the account included in a preliminary certification list.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 1(6), 10-19-2005)

Sec. 74-125. Liability of city.

The city shall not be liable for any deficiency or failure in the supply of water to customers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept off as long as reasonably necessary to implement repairs.

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-126. - Delinquent accounts.

- (a) *Shutoff for nonpayment.* Water and/or sanitary sewer service will not be shut off until notice and an opportunity for a hearing before the city council or an official designated by the city council have been provided to the occupant and owner of the premises involved.
- (1) If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and will state that if payment is not made within 20 days of the mailing of the second bill, water and/or sanitary sewer service to the premises will be shut off for nonpayment.
 - (2) The second bill and shutoff notice will contain the title, address and telephone number of the city official in charge of utility billing. The title, address and telephone number must be clearly visible and easily readable.
 - (3) The notice also will state that any customer has the right to a hearing before the city council prior to the water and/or sanitary sewer service being shut off; that the customer may be represented in person and by counsel or any other person of his choosing; and that the customer may present orally or in writing his objection to the city official in charge of utility billing before the service is shut off. The city official will be authorized to order continuation of the customer's service and will have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
 - (4) The shutoff notice also will state that a hearing before the city council will be provided if requested by written request delivered to the city official in charge of utility billing within the 20-day period. If a customer requests a hearing, the water will not be shut off until the hearing process is complete.
 - (5) If a customer fails to pay and fails to request a hearing under this section, service will be shut off at the time specified in the notice but in no event until the charges have been due and unpaid for at least 30 days.

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- (b) *Certification for collection with taxes.* Unpaid charges on sewer and water accounts will not be certified to the county auditor for collection with taxes until notice and an opportunity for a hearing before the city council have been provided to the customer of the premises involved. The notice must be sent by first class mail, at least 30 days before the certification date, and must state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice also must state that the customer may, no later than 20 days before the certification date, request a hearing on the matter to object to certification of unpaid utility charges.
- (1) The customer will have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
 - (2) A hearing will be held on the matter by the city council prior to the county certification date. A customer with unpaid utility charges will have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amount claimed as delinquent is actually due and unpaid and that there is no legal reason why the unpaid charge should not be certified for collection with taxes in accordance with this article, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.
 - (3) For each certification sustained, the customer will have the following options after the hearing:
 - a. To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date or before the county certification date, whichever is first.
 - b. To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 11th day following the hearing date through the date of payment.
 - c. To pay the certified charges as billed by the county on the customer's property tax statement with a collection term of one year.
- (c) *Delivery of certified roll.* Twelve days after the hearing, the certified roll, minus any payments, will be delivered to the county.

(Ord. No. 200A, § 2(8), 10-19-2005)

Sec. 74-127. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor punishable as provided in [section 1-14](#). The city also may seek injunctive or other relief and the costs of prosecution in any case.

(Ord. No. 200, § 11, 9-21-2005; Ord. No. 200A, § 9, 10-19-2005)

Secs. 74-128—74-150. - Reserved.

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Sec. 74-151. - Water use, availability and connection charges.

The city council has determined that in order to pay for the cost of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city waterworks system, the cost of compliance with state and federal regulations and the principal and interest to become due on obligations issued or to be issued, it is necessary to impose just and equitable charges for the use and for the availability of the facilities and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-152. - Water usage and service charges.

From and after the connection of any premises to the city waterworks system, the customer must pay for such waterworks service, including availability and connection charges, and for water usage on the basis of the charges and rates fixed by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.

(1) *Penalty charge and interest on unpaid bills.* Water charges will be billed to the customer served by water and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the customer. All bills and notices shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application with the city. All notices shall be effective when sent using first class mail. All delinquent accounts will be subject to a penalty calculated as follows:

- a. A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
- b. Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.

(2) *Availability of water service.* Owners or users of any real property within those areas where city water service is available may not use a private water system with the exception of a private waterworks system used solely for irrigation purposes and is maintained as physically separate from the municipal water sources with separation valve or other device as approved by the City Public Works Department.

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 5(2), 10-19-2005)

Sec. 74-153. - Water availability charges.

- (a) Minimum charges for the availability of water service and the City Water Availability Charge (WAC) will be imposed for all real property with a principal structure abutting on streets or other places where city water pipes and lines are located and available for connection, whether or not connected to them.

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- (b) In determining the charges to be imposed for the availability of water service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the waterworks system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-154. - Water connections and connection charges.

All connections to the city's waterworks system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying such waiver:

- (1) *Separate connection.* Every premises served by a water hookup shall have a separate connection and a separate meter.
- (2) *Permit required.* No person shall install any water connection or meter to the city waterworks system without first obtaining a permit from the city. The initial connection and turn on operation for any waterworks system connection shall be performed only by a city employee or authorized agent. The stopcock at the main and the curbstop at the property line, together with box and cover, are the property of the city, and all persons are forbidden to interfere with them.
- (3) *Licensed plumber required.* No person may hook up or service, or assist therein, any water service pipe or line connected to the city waterworks system unless such person holds a plumber's license under the laws of the state or the ordinances of the city.
- (4) *Inspection.* In constructing such water service pipe or line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or applicable plumbing code. After the water service pipe or line connection has been completed, the plumber shall notify the city. It shall be unlawful to cover the water service pipe or line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (5) *Connection charges.* Connection charges shall be imposed by the city for the connection of a property to the city's waterworks system. The charges shall be set by a duly adopted resolution of the city council.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.
- (6) *Nonresidential users.* Equivalent Residential Units (ERU's) will be established for non-single-family residential users. The number of ERUs per nonresidential user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual. The city reserves the right to charge the equivalent number of ERUs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city.

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- (7) *Sanitary sewer connection.* No person shall connect and no property shall be connected to the city waterworks system without also connecting or being connected to the available city sanitary sewer system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-155. - Separation of supplies.

Whenever a building is connected to the city's waterworks system there shall be a complete physical separation between the city's system to the building and any private water supply system so that it is not possible, intentionally or unintentionally, for water from a private water supply system to be mixed with water from the city's waterworks system.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-156. - Meters.

All water shall be measured by a city-provided meter. Every customer shall provide a suitable place where a meter can be installed. The customer shall pay for the meter, pay for all costs of meter installation in an approved location and pay for any maintenance or replacement costs of the city. For the purpose of reading or maintaining meters, shutting off or starting service or other emergency situations, duly authorized employees or subcontractors of the city shall be afforded entry to premises at a reasonable hour. The city reserves the right to require that the customer shall install, at the customer's expense, a water meter or sewage flow meter on a private water supply to determine amount of sanitary sewer usage.

(Ord. No. 200, § 6, 9-21-2005)

Sec. 74-157. - Accounts in name of property owners; deposit; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the customer. The owner shall at all times be personally liable for all water consumed upon the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the water service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this section are hereby made a lien upon the premises served by the water connection. All such accounts and charges which are 30 or more days past due may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in [section 74-126](#). The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 7, 9-21-2005; Ord. No. 200A, § 4(7), 10-19-2005)

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Sec. 74-158. - Taking water without authority.

Any person who takes water from the municipal water system without complying with the provisions of this article, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-159. - Right to discontinue service reserved.

The city shall have the right and authority to discontinue water and/or sewer service to any property that is delinquent in payment or is in violation of this article or any other city ordinance.

- (1) *Notice and hearing.* Prior to discontinuance of service the city shall follow the notice and hearing procedures set forth in [section 74-126](#).
- (2) *Shutoff.* Service will be discontinued to premises where the customer has not made arrangement with the city regarding the payment of a delinquent account. The city shall also have the authority to shut off service immediately without notice pursuant to any emergency action involving the property.
- (3) *Charges.* The city shall charge service fees as established by resolution for discontinuance of service and to reinstate service to a delinquent account. Any charges incurred by the city in discontinuing service shall be assessed to the property.
- (4) *User/owner shutoff request.* The customer may request that the services to the property be shut off. The city will then shut off the services with a service fee as established by resolution. Turning on the services and reinstalling a meter will cost an additional service fee. While the services are shut off, the customer will be billed for the minimum charge as established by city council resolution.

(Ord. No. 200, § 9, 9-21-2005; Ord. No. 200A, § 6(9), 10-19-2005)

Sec. 74-160. - Responsibility for repairs.

- (a) The service pipe from the building to the curbstop and the connection thereto shall be the property of the customer and must be protected and maintained by the customer. If the customer shall fail to make any necessary repairs to such service connection or pipe within 24 hours after being notified to do so by the city, the city shall make such repairs, and the cost thereof shall be charged to the customer and shall be collected in the same manner as other bills for utilities are collected.
- (b) While installing or repairing service pipes, the street must be open at a time and in a manner which will cause the least inconvenience to the traveling public and every precaution must be taken to ensure the public safety and the safety of property. All excavations remaining open overnight shall be protected by substantial barriers, with sufficient flashing lights.
- (c) While filling trenches in streets, the contractor must carefully tamp in the material so that the street will be in the same or better condition than it was before the trench was opened. The contractor shall replace or repair all curb, sidewalk, pavement, boulevard or street surfaces so that it will be in the same or better condition than it was before the contractor commenced working, and the contractor will be responsible for all costs of replacement or repairs. All work within the city right-of-way must be coordinated with and approved by the city. No trenches may be backfilled without prior inspection by the city.

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(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-161—74-188. - Reserved.

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Sec. 74-189. - Sewer use, availability and connection charges.

The city council has determined that in order to pay for the costs of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city sanitary sewer system and wastewater treatment plant; the cost of compliance with state and federal regulations; and the principal and interest to become due on obligations issued or to be issued in connection therewith, it is necessary to impose just and equitable charges for the use and for the availability of the sanitary sewer system and treatment plant and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-190. - Sewer usage and service charges.

- (a) *Payment.* Sanitary sewer usage and service charges, including availability and connection charges, must be paid by the customer from and after the connection of the premises to the city sanitary sewer system on the basis of the charges and rates established by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.
- (1) *Basis of charges.* Sanitary sewer usage charges shall be based on the water usage for the affected premises. In cases where premises are not connected to the city's waterworks system, the charges shall be based on the volume of the wastewater treated, and in such cases a sewage flow meter must be installed to measure the volume of the wastewater treated or a water meter must be installed on the private waterworks system to measure water usage. Additionally, certain industrial, large volume or high strength usage rates may be determined separately by special agreement with the city. Sanitary sewer usage charges will be a charge against the customer, and unpaid charges will be certified to the county auditor with taxes against the property served for collection as other taxes are collected.
- (2) *Establishment of strength charges.* For the purpose of paying the additional costs incurred by the city each year that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charges based upon the volume of discharge, a sewer charge based upon strength of industrial waste discharged into the sewer system of the city, which charge shall be referred to in this section as the "strength charge."
- (3) *Establishment of strength charge formula.* For the purpose of computation of the strength charge established in this section, a strength charge formula will be set by resolution; the formula will be based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the city. The strength charge shall be set by agreement between the city and individual high strength users.
- (4) *Strength charge payments.* It is hereby approved, adopted and established that the strength charges established in this section shall be paid monthly by each industrial user receiving waste treatment services, in full within 30 days of billing, and such payments shall be deemed to be delinquent if not paid before the due date. Furthermore, it is hereby established, approved and

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adopted that if such payments are not paid before such date an industrial user shall pay interest compounded monthly at the rate of 1½ percent per month on the unpaid balance due.

- (5) *Establishment of tax lien.* As provided by Minn. Stats. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of a strength charge established in this section is not paid within 30 days of the due date, the delinquent charge plus a service charge and accrued interest as established in this section shall be deemed to be a charge against the property served, and the city or its agents shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected pursuant to the provisions of [section 74-126](#); provided, however, that such certification shall not preclude the city or its agents from recovery of a delinquent sewer strength charge and interest thereon under any other available remedy.
- (b) *Penalty charge and interest on unpaid bills.* Sanitary sewer charges, including availability and connection charges, will be billed to the customer of each premises served by sanitary sewer and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the customer. All bills and notices shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application with the city. All delinquent accounts will be subject to a service charge calculated as follows:
- (1) A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
- (2) Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.
- (c) *Availability of sewer service.* Owners or users of any real property within those areas where city sewer service is available may not use a nonmunicipal sanitary sewer system.

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 7(2), 10-19-2005)

Sec. 74-191. - Sewer availability charges.

- (a) Minimum charges for the availability of sewer service, the City Sewer Availability Charge (SAC) and the Met Council Environment Services SAC will be imposed for all real property with principal structures abutting on streets or other places where city sewer pipes or lines are located, whether or not connected to them.
- (b) In determining the charges to be imposed for the availability of sewer service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-192. - Sewer connections and connection charges.

All connections to the city's sewage treatment system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying a waiver:

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- (1) *Separate connection.* Every premises served by the municipal sewage system shall have a separate connection.
- (2) *Permit required.* No person shall connect any sewage connection to the city sewage collection system without first obtaining a permit from the city; if any premises has been connected to the city's sewage collection system prior to the effective date of the ordinance from which this article is derived, a permit for the connection must be obtained within 60 days of the effective date of the ordinance from which this article is derived.
- (3) *Licensed plumber required.* No person may connect or service, or assist therein, any sewage line connected to the city sewage collection system unless such person is a plumber duly licensed under the laws of the state. In constructing such sanitary sewer service line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or city or state plumbing codes. After the sewer service connection has been accomplished, the plumber shall notify the city. It shall be unlawful to cover the sanitary sewer service line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (4) *Connection charges.* Connection charges imposed by the city must be paid for every connection of premises to the city's sanitary sewer system. The charges will be set by duly adopted resolution of the city council. The cost of installing the sanitary sewer service line between the building and main service stub shall be borne wholly by the customer.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.
- (5) *Nonresidential users.* Equivalent residential units (ERU's) will be established for non-single-family residential users. The number of ERUs per nonresidential single-family user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual, except as modified by Resolution of the City Council. The city reserves the right to charge the equivalent number of ERUs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city. Any charges so established may be amended at any time by a duly adopted resolution of the city council.
- (6) *Waterworks connection.* No person shall connect and no property shall be connected to the city sanitary sewer system without also connecting/being connected to the available city waterworks system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-193. - Meters.

In cases where a property is connected to the city's sanitary sewer system but is not connected to the city's waterworks system, the city may require a meter (as approved by the Public Works Department) to be installed to measure the flow of wastewater into the sanitary sewer system or a water meter to measure the water usage. The meter must be located in a suitable place in order to accurately measure all wastewater treated by the sanitary sewer system or water usage. The customer must pay for the

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meter, pay all costs of installation and pay for any maintenance or replacement costs. Duly authorized employees or subcontractors of the city must be afforded entry to the premises at all reasonable times.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-194. - Accounts in name of property owner; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the customer. The owner shall at all times be personally liable for sewage treatment service at the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this article are hereby made a lien upon the premises served by the sewage treatment connection. All such accounts and charges which are 30 or more days past due, may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in [section 74-126](#). The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 8(6), 10-19-2005)

Sec. 74-195. - Use of sewer without authority.

Any person who uses or connects to the city sanitary sewer system without complying with the provisions of this division, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-196. - Classification and change of rate.

The city council shall have the power by resolution to classify all types of sewage discharged into the city's sanitary sewer system based on the quantity, concentration, cost of disposal and other pertinent facts, and to fix, increase or decrease the rates charged for the use of said sanitary sewer system on any equitable basis the city council may deem appropriate as the proper basis for measuring the use of the sanitary sewer system.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-197. - Reservation of right to restrict waste discharges.

The city reserves the right to regulate the disposal of any waste through the sanitary sewer system both in quantity and character.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

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- (2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city administrator. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the city administrator to a storm sewer or natural outlet.

(Ord. No. 200, § 9, 9-21-2005)

Sec. 74-198. - Responsibility for repairs.

The cost of all repairs and replacement of any sewer service lines between the residence or structure and the public sewer main line shall be borne entirely by the customer of the premises affected, and if such repair or replacement work is performed by the city, the cost of time and material shall be assessed against the affected premises, except that no excavation shall be performed in the street property without first having obtained a permit from the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-199—74-210. - Reserved.