

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 Lawrence 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 Forcemain 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 (Barh 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, the first one just sits in a savings account, hidden away that the county uses that the Water Board never sees. And the second \$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 their 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 in there. Good bacteria 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 additional 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 step 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. What 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. What 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 do. 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 are 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 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 '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 Meeting

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

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 sharings. 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 admirable. 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 Grove’s fire truck broke down; East Bethel had to take over. Had one firefighter 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 firefighters 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 is 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”. It 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. I 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
subd. B & D,
potential
litigation and
security

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 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 9:43 PM. Ronning seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk