

EAST BETHEL CITY COUNCIL MEETING

January 23, 2013

The East Bethel City Council met on January 23, 2012 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
 Andrew Pratt, Acting City Attorney
 Craig Jochum, City Engineer

Call to Order **The January 23, 2012 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the January 23, 2013 City Council agenda. DeRoche seconded; all in favor, motion carries.**

Anoka County Mayor Lawrence, "At this time we are going to hear from our County Commissioner Julie
Commissioner Braastad."
Julie Braastad

Julie Braastad, newly elected Anoka County Commissioner, "I wanted to take this opportunity to introduce myself. Some of you I have met before. I have served on the Ham Lake City Council for six years, and prior to that I was on the Planning and Zoning Commission for a couple years. With that as a background, I can sympathize and understand some of the challenges that you are facing in your city today. I have kept up on some of your really pressing issues, so anytime you want to talk about something I encourage an open door policy. I gave Mr. Davis my card so you have all my current contact information. Please don't hesitate to call."

"We have received our committee assignments. So I wanted to tell you some of those I will be on. But, anything that happens in this district, feel free to call me on. I have been appointed as vice-chair of the Public Safety Committee and to the Intergovernmental and Community Relations Boards. Some of the other committees I am on are Finance and Capital Improvements, Management, Human Services, Joint Law Enforcement, North Trunk Highway 65 Corridor Coalition, Metropolitan Mosquito Control and some other Sub-Human Services Committees." Moegerle, "Sub-Human Services, like dogs?" Braastad, "No under the Human Services there are sub-committees such as foster care, some things in community corrections. I am learning very quickly that the county is very vast. But very interesting and I am very excited. I feel very honored to representing District 2 which includes all of Ham Lake, East Bethel, Bethel, Andover – north of Andover Boulevard and east of Round Lake Boulevard, and then Blaine – everything north of 242. If you know anything about me, I am very committed to making sure we are serving our taxpayers in a fiscally responsible manner. I am a taxpayer too, and I want to make sure my taxes are well spent. I think as elected officials we have to remember that those taxpayers are really our bosses and that is who we ultimately report to."

Moegerle, "I will put a little feather in your hat and maybe a bug in your ear. We were doing some research lately and we discovered that East Bethel is the third largest city in the Metro by size, right behind Minneapolis and Saint Paul. It is not by population, but at least you can

say you are serving a big area.” Braastad, “The number of shoes I wore out when I was campaigning in East Bethel, I can account for that. This area, it is unique. And the things that are important to the people here, hanging on to the rural character, but, also having some of those amenities that they deem priorities. I wouldn’t live anywhere else, this is a great area.”

DeRoche, “Aren’t you also on the train committee?” Braastad, “All of the Anoka County Commissioners are appointed to Regional Rail Authority.” Lawrence, “The one thing I hear the most from the small businesses is the high taxes. The county is hurting us on this. What can you do on that level?” Braastad, “I have been a low tax advocate all my years in Ham Lake.” Lawrence, “I think the optimum word here is not ‘lower’ tax, but ‘fairer’ tax.” Braastad, “Well as you know, the commercial and industrial properties, the whole fiscal disparities up-charged what they face. I don’t feel that is fair. Fiscal disparities are a big issue and the legislature is looking at the different counties right now. Anoka County is a net recipient of that. So, until we really get some major property tax reform to allow fiscal disparities to go away, (it would reduce taxes for some of our properties, but there would be big increases to everyone else too) it is an issue, I totally understand. We have a good board that is leaving no stone unturned. The last two years seen decreases in spending at county. I would expect to see that continue.”

DeRoche, “In East Bethel we are in kind of a unique situation here. And it is really hard to discuss anything with developers when they look at the taxes and we have had this discussion many times of where the taxes actually come from. A lot of people just like to blame it on the City, but you got on one, the fiscal disparities which is kind of hard to understand.” Braastad, “Fiscal disparities is this grey area that something people don’t understand or want to talk about.” Lawrence, “I want to congratulate you on your victory. We are looking forward to working with you.” Braastad, “I have been in contact with the Coon Lake Improvement Association and have a meeting set up with them as well and am anxious to protect that asset as well.”

Sheriff’s Report

Sergeant John Pilz gave the December 2012 report as follows:

DWI Arrests: There were three DWI arrests in December. Two involved vehicles off the roadway, one in the ditch, one stuck in a snow bank. The third arrest came as a result to a local bar, where there was a fight. Upon deputies arriving, a vehicle was hastily leaving the parking lot, with no headlights on. A crowd of people were outside who advised that vehicle was the suspect in the fight. Another squad that was arriving attempted to stop the vehicle and a short pursuit began. The vehicle ended up stopping about ½ mile away, as he saw another squad up ahead. The suspect was arrested and refused to test upon arriving at jail.

Property Damage: There were five reports of damage to property. Three of the reports were mailboxes that were vandalized by unknown suspects on the same night. One report involved a vehicle driving through the closed gates of a business; however no other damage or theft was apparent. The final report involved a windshield damaged by rocks that were dumped on the roadway. There were no suspects in any of the cases.

Thefts: There were fifteen thefts reported. Two theft reports involved items being taken from vehicles overnight. One theft report involved an air conditioning unit that was stolen from a residence that had recently been sold. Two reports involved an adult male taking a cell phone and cell phone chargers from family members. The male was cited. Two reports involved items taken from an acquaintance of two of his friends. The acquaintance had

moved back to a western Minnesota location; however his mother confirmed she had seen the items in her home, but they were no longer there. The case is under investigation. There were two reports of no pay gas thefts. One shoplifting report resulted in a male being issued a citation. There was an identity theft report made where an unknown person had used another person's social security number to open an account.

Burglaries: There were four burglaries reported. Two of the burglaries involved foreclosed houses where copper pipes were taken. One burglary involved video games being taken from a home. The last burglary involved a detached garage being entered and damage to a vehicle parked inside the garage.

Moegerle, "Will we be getting a summary to see if there are any trends? Or how is that done annually? Because I am seeing some of the year-to-date numbers are down. Like felony arrests are less than half of what they were last year. And so, if there are trends, I think we would like to know that before we start to look at the sheriff's contract again." Davis, "We will request that from Lt. Orlando. I think she gave that last year in a different format, some graphs and three years worth."

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the Public Forum was closed.

Consent Agenda Moegerle, "I would like to pull Item I) Approve Hire of Building Inspector and move it on the agenda to 8.0 G.3." DeRoche, "I would like to pull Item J) Resolution 2013-08 Recommending Approval of Gambling Premise Permit for Climb, Inc. at Route 65 Pub & Grub."

Moegerle made a motion to approve the Consent Agenda as amended including: A) Approve Bills; B) Meeting Minutes, January 9, 2012, Regular Meeting; C) Approve On Sale, Sunday and 2 AM Liquor License for New Owners at Route 65 Pub and Grub; D) Approve Purchase of Replacement of Camera #3 in Council Chambers; E) Resolution 2013-06 Accepting Donation from St. Francis Youth Hockey Association; F) Resolution 2013-07 Accepting Donation from Ham Lake Chamber of Commerce; G) IUP Renewal for Richard Wait, Hot Rod Factory at 20042 Polk Street NE; H) Pay Estimate #3 to Rum River Contracting for Jackson Street Reconstruction; ~~I) Approve Hire of Building Inspector; J) Resolution 2013-08 Recommending Approval of the Gambling Premise Permit for Climb Theatre, Inc. at Route 65 Pub & Grub.~~ DeRoche seconded; all in favor, motion carries.

Item J) Resolution 2013-08 Recommending Approval of Gambling Premise Permit for Climb Theatre, Inc. at Route 65 Pub & Grub Davis explained that currently Blaine Youth Hockey Association has a gambling premise permit at Route 65 Pub & Grub, with the current owners. The proposed new owners would like to bring in Climb Theatre, Inc. to operate gambling in their premises. Climb Theatre, Inc. has made application for a gambling premise permit for Route 65 Pub & Grub. All application materials are complete. Resolution 2013-08 Recommends Approval of the Gambling Premise Permit for Climb Theatre, Inc. at Route 65 Pub & Grub. Laurie Gluesing, gambling manager from Climb Theatre, Inc, "Climb Theatre is an educational theater, travel around Minnesota doing plays and classes on bullying, acceptance of difference, self respect, the environment, self control, substance abuse prevention. They

have contracted with both Scott County and Anoka Hennepin to do special work for them. In Scott County we work with the high school kids and meth prevention. Anoka Hennepin we work with all of their teachers on acceptance of differences. It was after the media and feds got involved in the last year or two.”

“The gambling part of the company has been in business for 27-28 years. And what it does is subsidizes the traveling monies so the schools get reduced or free rates. If you looked at your report that I gave you, your schools have benefited from the gambling support dollars. And we would like to increase that amount once we increase our gambling from here.” DeRoche, “I did read through it and didn’t see any East Bethel schools listed.” Gluesing, “There is one or two. And they may have contacted them and the school may have said they didn’t have enough money. But, an FYI, the schools in Ramsey all get free programing from us because of the income we make in one of their bars in Ramsey.”

DeRoche, “The proceeds that come out of Route 65 Pub and Grub, will any of that stay in the community? Or does it all go outside? Or how is it split-up?” Gluesing, “Is there a trade area requirement?” Davis, “Yes there is. 90% of the proceeds have to be re-invested into the trade area. The trade area has normally been accepted as East Bethel, and all those cities that border East Bethel.” Gluesing, “So 90% of our profit will stay in the trade area. We will be turning in reports monthly on that.” DeRoche, “I am a little bit of a pessimist. Sometimes a lot of money goes into administrative. You guys are advocating and working with the kids? I am a kind of a big kid advocate. And, I don’t like to see money get funneled in other directions.” Gluesing, “The money that the gaming gives to Climb, Climb is a 501C3, so they are on the 70/30% or whatever. Climb is within the standards. We are a 4* with the gambling control board, in terms of expense versus donations. Just right on the edge of being a 5*. This means we are better than what is required in terms of donations.” DeRoche, “What would it take to get some benefit to the East Bethel schools.” Gluesing, “Probably what will happen is our sales department will call the schools and say, “We are now in Route 65 and we have money and we can give you free programming, or ½ price, or whatever it is.” DeRoche, “I don’t expect a dollar amount.”

Moegerle, “I understand it is extremely common that the trade area is defined as a city. Is that what you are accustomed to?” Gluesing, “City and contiguous.” Moegerle, “Is that common that it is contiguous?” Gluesing, “That is state.” Moegerle, “Because there is some discussion or suggestion that we should change our ordinance to make more of that to be in East Bethel itself.” Gluesing, “For trade area, I don’t think you can do that, but you can talk to the Gambling Control Board. There is an allowance for taxing.”

DeRoche made a motion to adopt Resolution 2013-08 Recommending Approval of a Premise Permit for Climb Theatre, Inc. at Route 65 Pub & Grub. Ronning seconded; all in favor, motion carries.

Road Comm. Minutes Davis explained that the Road Commission minutes are provided for your review and information.

Joint Powers Agreement for Street Maintenance Projects Davis explained that the Cities of Coon Rapids, Andover, Brooklyn Center, Columbia Heights and Fridley entered into a Joint Powers Agreement (JPA) on February 1, 2005 for the purpose of joint bidding for certain street maintenance services. The North Metro Street Maintenance Program JPA allows smaller cities to achieve more economies of scale in the bidding process and potentially achieve lower bids from contractors for crack sealing, seal coating, striping and other street maintenance services. The City East Bethel joined the

group in February, 2008.

The City of Coon Rapids is the lead agency by the agreement for this group. As the lead agency, they draft the specifications, solicit bids and provide the necessary documents for member cities to sign to participate in the program. The agreement is structured such that it permits each member city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for their share of the work and contracts will be awarded separately for the various items.

The process is as follows:

1. The City of East Bethel submits the quantities for crack sealing, seal coating and striping to the City of Coon Rapids for inclusion in the collective bid.
2. The City of Coon Rapids develops all bid specifications and solicits bids for all quantities submitted by member cities. Bid specifications follow MnDOT guidelines requirements.
3. Each City may modify the quantities they have submitted to maintain budgets for these projects after the low bid has been identified.
4. Bids for these projects will be opened on March 1, 2013. The City of East Bethel is required to submit a letter of concurrence to the City of Coon Rapids by March 21, 2013 authorizing the City's level of participation in the program for 2013. The bid award date will be April 2, 2013.

The City of East Bethel realized savings of at least 20% over previous costs for these services through participation in the JPA Street Maintenance program. The savings were due to the pricing in the current construction market and the larger base of purchasing power afforded by the group bid.

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) and approved by the Road Commission.

1. Seal coat 65,000 square yards 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 lane striping.

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.

Staff recommends participating in the 2013 North Metro Street Maintenance Program JPA and the approval of the proposed projects for bidding as part of this agreement. Bids for the work will be presented to City Council for final approval at the March 20, 2013 meeting.

DeRoche, "I don't have a problem with this." Moegerle, "It worked out well."

Ronning made a motion to approve participating in the 2013 North Metro Street

Maintenance Program JPA and approval of the proposed projects for bidding as part of the agreement. Bids will be presented to City Council for final approval at the March 20, 2013 meeting. DeRoche seconded; all in favor, motion carries.

Building
Official's
Report

Davis explained that the permit fees, not including SAC and WAC fees, collected for 2012 total \$147,860. Revenue from fees for this department for 2012 was projected to be \$100,100. The increase in revenue is due primarily to the Aggressive Hydraulics (\$22,806.06) and the Municipal Utilities Projects (\$20,697.04) but also to an increase in home improvement activity coupled with a slight increase in new home construction. New residential construction increased from three permits issued in 2011 to four permits for 2012. New commercial construction increased from one permit in 2011 to three permits issued in 2012.

Discounting the fees collected for Aggressive Hydraulics and the Municipal Utilities Project, the total amount collected for 2012 Building Department charges is \$104,357. The total amount of collections for this Department in 2011 was \$89,749. There was a 16.3% increase in fees generated between 2011 and 2012, even with the exclusion of fees collected from the Aggressive Hydraulics and Municipal Utilities Projects. If the Aggressive Hydraulics and Municipal Utilities Projects are included, the percentage increase between 2011 and 2012 rises to a 64.7% increase in revenues.

The Department received 2,128 calls and counter visits, performed 76 code violation inspections, issued 179 permits and conducted 446 building and septic inspections from August through December 2012. The Department commenced the provision of Building Official and Inspection services to the City of Oak Grove on January 1, 2013. In addition the Department provided ten inspections for the City of Bethel in 2012. We also have our Building Official, Nick Schmitz here tonight to answer any questions you may have.

Moegerle, "How is it going with Oak Grove?" Schmitz, "They are very busy right now; they had a boom in new construction towards the last half of the year." Moegerle, "Does it look like it is going to take more time than you expected? Are you watching your time?" Schmitz, "We really just started with them. Being the only inspector, thankfully, it is the slow time of the year. I haven't figured out how much time I am spending doing inspections, since it is still January."

DeRoche, "How is that working out? Isn't it supposed to be one day a week for four hours?" Davis, "Nick spends Tuesday afternoon in Oak Grove and then when he has inspections they call here to get it on the schedule." Schmitz, "Tuesday afternoons are dedicated to be at Oak Grove, or meet with contractors, homeowners. Inspections are scheduled as if they were over here. In other words, if someone calls for an inspection, we will put it on the schedule wherever we have an opening." DeRoche, "So, our residents take priority? Or it is 50/50? How do we do that?" Schmitz, "Right now it is whenever someone needs an inspection, we are doing it. And we are able to do that. It hasn't been an issue." Davis, "But it will be an issue very shortly and that is one of the things we will address when we talk about the hire of the building inspector."

Moegerle, "I have a question about increasing our compliance rate, with inspections and pumping of individual septic systems. Do you have any ideas on how we can increase our compliance rate or something that can be worked out in the next couple months before we implement it?" Schmitz, "Are you just referring to pumping? Or are you referring to compliance inspections?" Moegerle, "We have that ordinance that requires every three

years they [septic systems] need to be inspected/pumped.” Schmitz, “That is something that Joan in our department has been taking care of. She has pretty much been handling it. I am not sure when she sends out notices. I have not really been involved in it at this point.” Moegerle, “Well how can we get ‘cheerleading’ for that and have people recognize their responsibility and to act on it. I wonder whether a letter is enough.” Schmitz, “I am not quite sure what else. If we have put in in the newsletter...” Moegerle, “It has to be put in the newsletter every year. Could we link it with recycling?” Winter, “We can look at putting together an education piece and sending that out to everyone.” DeRoche, “I think that is a better approach. I don’t want to do this approach where ‘You are out of compliance and bang, we are going to come get you.’ A lot of people that have lived in the Coon Lake area for 50 years, have lived a certain way and now because we are coming in we are not going to change that around. I don’t think people over there really want to.”

Moegerle, “Well, it is a public health issue and it is a lake health issue. So, it is a responsibility. I don’t see us handcuffing people, or threatening them and we have never been that way. But it is raising awareness so we get a better compliance rate.” DeRoche, “I think Colleen’s idea, when you approach it that you want to work with people. They kind of appreciate the fact that maybe they want to help us and this might be a good idea to deal with this. Versus you get a letter. And, granted, there are a couple places that letters just haven’t worked. And they are atrocious and they are a public safety issue. I am surprised the Fire Chief hasn’t said something about them being a fire hazard. In fact, one of them came to mind. Brooklyn Center showed up and couldn’t get around the place. It was more than hoarding, it was just really bad. That kind of stuff I can see. But my approach is you have to maybe put a pamphlet out there because it will help them to look at things. Compliance and non-compliance, sending people letters. A lot of systems are pretty old, and sending them a friendly letter is not a bad thing.”

Schmitz, “A lot of septic pumpers do also send out letters and information to help educate the homeowners on why they need to have them pumped. And they are ‘hands on’ right at the homes. And, I think that is a big part of it and I know that is happening.” Lawrence, “I know one of the things you have with the three year requirement is some of the residents don’t always agree with that. I have heard that from residents where they have a four bedroom house, it is just two of them and they are gone for the winter.” Schmitz, “I get the same thing, people call and say they are gone six months out of the year and ask ‘What is going to happen if they don’t pump?’ I am honest with them and tell them that the state requires us to send notice every three years. We are informing you, educating you, and I tell them how important that is. Some people might really be gone for six months of the year, and don’t think they need it. I tell them it is cheap insurance to have it pumped every three years. I have my own pumped every two to three years, because I know how much it costs to replace a drain field. If they look at it from that angle, the drain field goes bad and it costs \$12,000 to replace it versus \$200 to pump. Most people get it.” Lawrence, “The pumpers have told me the one thing that kills your drain field is your washing machine. The lint from your washing machine.” Schmitz, “That can easily clog up hose and pipes.”

DeRoche, “I have a two-bedroom home with a system that was designed for four or five bedrooms with one person and a few animals. So, for me that is a real waste of money, it really is. I would say, send the letter and maybe look at it and if it is obvious the tanks aren’t full. You can have somebody come out and pump it, but unless you dig it out, they pull the manhole covers up and actually look down inside with a flashlight. People are saying we are just paying for a permit and to get it pumped and who knows if the system is any good or not. Granted, at Coon Lake Beach there are a lot of old systems. There are systems out there

that are made out of concave block.”

Moegerle, “We just had our annual HRA meeting. Is there a sense that you gather from residents that if there were low-cost loans or grants available that they would update their systems? In particular, the ones that are out of compliance that are no longer the standard, the block, the 55 gallon drum, those kinds of systems? Is there an interest that ‘Yes, I would approve it if there was money there, even if there was a lien on my taxes later?’ Are you hearing that?” Schmitz, “I think that would make it easier on people.” Moegerle, “Are you hearing that from them per se?” Schmitz, “I am not, because most of the compliance inspections that are required to be done we are running into them on sale of properties. And a lot of times the home is vacant. So, we are not hearing that from homeowners because a lot of times they are not there or they are on their way out.” Moegerle, “In that case do you contact the bank and tell them they have to replace it before it is habitable?” Schmitz, “Almost always the realtor is contacting me in those situations.”

DeRoche, “Do you agree with Colleen and think we could get a pamphlet together and send one out with someone? Or you bring it out when you go to do the compliance inspection? Are there any programs you know of Colleen? Because we had talked about this two years ago (when we came into office) how to bring these people (not just the Coon Lake Beach area, but in East Bethel) that are out of compliance, how do we bring them back in. And use the money from HRA.” Schmitz, “The PCA used to have a pamphlets that contractors could buy or municipalities could get for free when I worked for the City of Columbus. Since then, they do not hand those out for free anymore, there is a fee for them. I don’t know what the fee is.” DeRoche, “What happens if we get one and just copy it? We can ask them if we can copy them in black and white and give them to residents.” Davis, “To clarify, we are required to send out notifications on the need to pump. Essentially, that is all we do. The compliance inspections are normally generated by lenders on the sale of the property. They have to do this before the property can be sold. That is the distinction between compliance report and pumping.”

DeRoche, “If they go to do a remodel job, don’t they have to bring their septic into compliance?” Davis, “If they have received a notification that their system is in non-compliance. By city ordinance, then they have ten months to bring it into compliance.” Lawrence, “I think you have to be inspected to be pumped, but it costs the same amount anyway.” Schmitz, “That is correct, so you might as well have it pumped anyway because they are going to need it.” DeRoche, “If they get a notice, can they call and have the Building Official come out and look at it and say whether or not it needs to be pumped? Or do we have to have them say you have to pump?” Schmitz, “Usually cities don’t go out and inspect tanks to see if they need pumping or not. I don’t know of any cities that do this. Because there are a lot of septic systems out there. Usually that is handled by a private inspector or pumper. We inspect the work that is done when a permit is needed. In other words to install new ones.” DeRoche, “I ask questions that people are going to ask me. And I have no qualms doing that.”

Ronning, “We have spent a lot of time on requirements. Are there punitive or potential punitive for non-compliance and what would they be?” Moegerle, “I am looking now at the definitions in 75-63 and it says that permitting or allowing a condition to exist which is a hazard to the public health or safety. One that is over-flowing that we know of at the Beach would be one.” DeRoche, “When we went to those meetings over in Ham Lake, I think there were like 50 places non-compliant, but there was like only one that was red-tagged. What constitutes the red-tag? Is that when it constitutes a health hazard?” Davis, “Most of

those non-compliant systems were due to soil separation issues. Which means the system may be effectively operating, but it doesn't meet the current standards." Ronning, "I didn't catch if there are punitive or corrective measures. Most people are not going to know what that is and most people are going to learn from right here." Davis, "If they were given a notice of non-compliance, and didn't bring it up to compliance in ten months, then they could be given a citation by the City." Schmitz, "Keep in mind a lot of these are because of sales of properties. The septics have to be up to code before we will sign off on them."

Pratt, "Red tag, imminent danger to the environment. So that would be a means to take care of the danger, not forced entry, but something similar to take care of the situation. It would be a fact specific scenario. Not sure how imminent it would be. My other question is, upon issuance of building permit that would be another trigger of upkeep of septic system." Davis, "If you apply for any type of building permit in the Shoreland District one of the conditions of that is having a septic compliance report done."

Change Order #8, S.R. Weidema, Phase 1, Project 1, Utilities

Jochum explained that as presented at the December 5, 2012 City Council meeting, the County plans to reconstruct Viking Boulevard from Highway 65 to just west of 5th Street. The County and MCES have negotiated an agreement, which will allow placement of the sanitary sewer on granular fill which in turn would eliminate the proposed pilings from the construction. Also, the east crossing of the utilities would be constructed by open cut instead of jacking.

East Bethel Properties, LLC (Developer) owns the parcel that is in the northwest quadrant of Viking Boulevard and Trunk Highway 65. The current proposed road design for Viking Boulevard adjacent to this parcel includes an 8 foot shoulder. East Bethel Properties, LLC has requested that the City consider adding work to the project to correct the soils to accommodate a 12 foot right turn lane for west bound traffic, which will be needed to access the Developer's property in the future.

S. R. Weidema and the Developer are requesting consideration of the attached change order for the Phase 1 Project 1 Utility Improvements. In general, the change order includes removal and replacement of the muck soils with granular fill, seeding and County permit costs, to widen the existing 8 foot shoulder design to a 12 foot wide design to accommodate a future right turn lane.

The following is a summary of the contract changes included in Change Order No. 8:

Change Order No. 8:

Item Description	Estimated Quantity	Unit	Unit Price	Total
Muck Excavation (EV)	3250	CY	\$7.67	\$24,927.50
Granular Backfill (CV)	3250	CY	\$8.73	\$28,372.50
Seeding	0.11	ACRES	\$1,775.00	\$195.25
Permits	1	LS	\$750.00	\$750.00
Total Additions				\$54,245.25

The change order items are discussed in further detail in Attachments 1. The Developer is responsible to pay all costs associated with this Change Order.

Change Order No. 8 results in a net increase of \$54,245.25 to the S.R. Weidema Contract. This increase will be paid 100 percent by East Bethel Properties, LLC.

Staff recommends Council consider approval of Change Order No. 8 to S.R. Weidema with a total increase of \$54,245.25. The contract increase will be paid 100 percent by East Bethel Properties, LLC.

Ronning made a motion to approve Change Order No. 8 to S.R. Weidema for a total increase of \$54,245.25. The contract increase will be paid 100% by East Bethel Properties, LLC. Koller seconded.

Lawrence, "How is the mucking coming along?" Jochum, "By the end of the week they should be close to done with the first pass. They will put in the utilities after the second pass is done." Ronning, "The appearance is you are going down like a lane. Are they doing four lanes?" Jochum, "Taking it in four lanes." Ronning, "Do we have to pay for the fuel while the 100 trucks are idling?" Jochum, "No. That is included in the contract costs." DeRoche, "East Bethel Properties want to put that turn lane in?" Davis, "They want to widen it an additional four feet to accommodate a turn lane. It is eight feet now and to make it turn lane standards, it has to be widened an additional four feet." DeRoche, "And why would the developer want to do that?" Davis, "Because it is the developer's responsibility to put that turn lane in, the additional four foot width. The county doesn't incorporate a turn lane for a private development; it only has the standard eight foot shoulder. But by adding the four foot, it can be a standard turn lane to access the property at the northwest corner of County Road 22 and Highway 65."

Moegerle, "Do we have assurances that we are going to get paid. Is there a contract on that?" Davis, "We have a Memorandum of Understanding that they have already signed that they are responsible for the costs and, if they should default, it will be assessable on their taxes." Moegerle, "Looking at our Comprehensive Trails and Open Space Plan, which is planned for trail with bituminous surface. Do the changes that are being made accommodate for that proposed city trail?" Davis, "They do not, but that is one area where that trail area needs to be reevaluated. In that area, I do not think it would be a wise idea to locate a trail along that section of highway." Ronning, "Are you talking about the Comprehensive Plan? Because it is being looked at by the Planning Commission for updating anyways, because it hasn't been looked at for five or six years." Moegerle, "We did look at it in 2011." Ronning, "Was anything done with it other than looking at it?" Moegerle, "We did do something to it in 2011."

Davis, "A portion of that trail could be done off the roadway." DeRoche, "Who will maintain this after it is done?" Davis, "It is a county road, the county will maintain it." Davis, "There is contractual agreement in there that the city attorney has looked at and if they default on their obligations, this will be assessed and a lien will be placed on their property." Ronning called for the question. **DeRoche, nay; Koller, Lawrence, Moegerle and Ronning, aye; motion carries.**

MCES
Forcemain
Rebid Project

Jochum explained that the City and the Metropolitan Council of Environmental Services (MCES) have entered into an agreement to construct a joint project from Viking Boulevard to 229th Avenue. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the

City connection from 229th Avenue to Castle Towers will be constructed as a City only project. Attachment 1 shows the proposed pipe routes and the location of the rapid infiltration basins. MCES bid this project in November of 2012. The bids were higher than the engineers estimate and all bids were rejected.

The MCES plans to rebid the project this month. A number of changes are being proposed for the City project. The main revision reflected in the redesign includes not constructing the City's pipe in the joint trench from Klondike Drive to ¼ mile north of County Road 86. The MCES pipe needs to cross highway 65 to discharge to the rapid infiltration basin just north of 205th Avenue whereas the City pipe does not need to cross the highway. The rebid includes not constructing the City pipe in the joint trench from Klondike Drive to just north of County Road 86. The City has also requested that MCES eliminate the City's cost share portion for the Storm Sewer and Street Restoration costs and to reduce the overall cost share percentage from 29 percent to 15 percent.

The proposed changes are anticipated to result in a savings of \$470,000.

Lawrence, "Where are we on that, have we gotten the official 'OK' from Met Council on that?" Jochum, "I don't believe we have heard back from them." Davis, "They did incorporate these specifications in their rebid. As I understood, the rebid was last Tuesday. So it is now in the process, out to the contractors again." DeRoche, "Why are they crossing the road if we don't have to?" Davis, "They have to cross the road to get to the first rapid infiltration basin which is behind the Ice Arena. Then once they are there, they have to cross the road again to get to the other one that is on the west side at 229th Avenue." Jochum, "We will be in the MnDOT right-of-way. They don't want to be in the right-of-way."

DeRoche, "What is the disadvantage of being in the right-of-way?" Davis, "For us, nothing. Ours is a little simpler operation. I think they have to have more control over that. What we project the potential savings of this is \$500,000. I also think this is one of the more important pieces of the municipal utility pieces because it will allow us to decommission the Castle Tower Plant. Which, if we don't do anything and decommission that plant, it is going to cost us at least \$1,000,000 to renovate it and at least \$3,000,000 over the next few years just to operate it. So, from a cost standpoint, we are almost at a breakeven point. More importantly, it allows us to provide limited sewer service all the way up and down the corridor. Especially at 221st and Sims Road that have a lot of development potential."

Koller, "The Castle Towers Plant, what will you do with that? Tear it down?" Davis, "Yes, we will tear it down. The property it sits on, there are six lots that could be sold for residential purposes." Davis, "It is not a failing system, but it is operating inefficiently." Koller, "How is the new plant coming?" Davis, "The new sewer plant is progressing." Koller, "Do they have any idea what it will cost to truck the sewage to other places? With the price of fuel going up?" Davis, "They have that 'built into their costs.'" Koller, "Where do they haul it to? Davis, "To Fridley." Ronning, "Are they passing that cost through to the customers?" Moegerle, "I am going to re-visit that with Met Council soon and now we have a new council in. I will address that in Council reports." Koller, "That plant is pretty much right behind my property and it doesn't look like it is going very far at all." Davis, "We haven't kept close track on progress of that plant, we have had some other issues of our own we have been concentrating on. To answer your question Tom, they have already established the rates, so all that is factored in there. We will be paying the urban rate." Ronning, "The meetings I remember, they promised to have 'state of the art' and now it is a holding tank." Moegerle, "They said it was 'state of the art water reclamation'. But they didn't say that was

all it was. This is the first one that has been done this far north is what they said.”

2013 Fee Schedule

Davis explained that Staff has reviewed the 2012 fee schedule and proposes the following changes for 2013:

Planning and Zoning Proposed 2013 Fee Schedule Changes are proposed:

Tax Increment Financing Application Fee

Current: New Fee Proposed: \$3,000 Application Fee + Consulting Fees; \$10,000 Escrow
Prior to 2012 the City had not entered into any tax increment financing agreements. The fee was discussed by the City’s Financial Advisor, Ehlers, Inc during the process of the agreement with Aggressive Hydraulics and is comparable to what other cities charge.

Building Fees Proposed 2013 Fee Schedule Changes are detailed in attachment #2.

Recreation Fees/Parks Proposed 2013 Fee Schedule Changes are proposed:

Non Irrigated Soccer Field – Daily & Tournament Use

Daily - Current: \$100/Week Proposed: \$0/Week

Tournament – Current: \$25/Tournament Proposed: \$0/Tournament

Unlike ball fields that need to be dragged and chalked for games, soccer fields are very low maintenance. Currently there are not getting used because the fees are too high. DeRoche, “Who is going to maintain them?” Davis, “We will maintain them. It is just part of a mowing schedule which we already do. If someone is going to use them, they will need to mark them.”

There are no changes in the remaining fees in the Parks. Language in fee schedule has been added to clarify that fees are per day, week or tournament.

Fees income represents about 2% of the total General Fund Budget exclusive of Building Permit Fees.

Staff requests direction regarding the proposed 2013 Fee Schedule. The final Fee Schedule will be provided for consideration on February 6, 2013.

DeRoche, “I looked at Building Official fee increases and I have real problems with it. Not that I don’t appreciate your work, Nick. But, I have a hard time increasing much of anything. I think our taxpayers are kind of where they are at, and with our infrastructure we are going to be raising some more fees. And I don’t know how much more people can take.” Davis, “The revision in the fee schedule was made to reflect our current cost for those and in many cases they are still below the time required. Most of the fees don’t go up a large amount. But if at some point we want to make this department as self-sufficient as possible, then we need to examine these fees and keep them in line with trying to process them. In most cases they are at or below what they cost, because of the time they spend with residents and explaining things and extra time on inspections don’t come close to covering it.”

Moegerle, “What cost isn’t covered by the permits is spread across 4,000 taxpaying units because we have to get those fees from somewhere. Why should I pay for someone getting a permit? So if someone is building a house and putting in a septic system, they should pay the full cost for the City to go through that permitting process. So I am not opposed to the raising of the rates if that makes the person that is making the change to the house or the improvement pay for that full cost. I think that is only fair. There is a certain point that it is all for the public good (public health) if it is insured we all have good septic systems. But if

you are building a house, you should take care of it. In general, raising the rates, I don't have a problem with."

Moegerle, "What I do have a concern about is Jack, Nick and I and several other people have had discussions about whether septic systems should be allowed to have holding tanks substituted for septic systems rather than for the full drainage field. So, I thought that debate was still raging, but when we have a fee for a holding tank permit, it is very hard for us to say, "We don't allow holding tanks." And then they will say, "But you have a fee for them." So, it kind of weakens our position if we say "They are not preferred and we don't allow them."

Davis, "We do allow holding tanks. They are permitted by ordinance upon approval by City Council. So, that is in our ordinance." Moegerle, "Do they have a non-preferred status?" Davis, "We have tried to discourage the use of holding tanks if there is any other alternative available." DeRoche, "If they have a holding tank, they have to have a contract to pump every month. And, if you have a two/three bedroom home and you have a holding tank, you are going to be pumping a lot. But, then again over by me, people were told that the sewer was coming in and so for their \$500,000 dollar homes they put in holding tanks. And there may be situations where a holding tank may be the only option." Davis, "Yes, that may be the only option of keeping someone in their residence, but we don't encourage it."

Lawrence, "I have to agree with DeRoche on some of the fees. Obviously, with something new, we have to fee for that. TIF District, we have to fee for that. Other than that, I kind of think we 'fee' too many things." Schmitz, "The City is not trying to make any money with these fees; we are just trying to break even. If the costs reflect the work, the taxpayer really shouldn't be picking up the fees. And, as part of my job, I am putting this out there. It is my belief that I need to make you aware. For us to try to break even, we need to look at the fees and make sure the work that is being done is being paid for by the contractor and the homeowner who is having the work done, and not the taxpayer." DeRoche, "If the economy was different and people had jobs, then it would be different. They will just do it because they can't afford it." Moegerle, "We have talked so long about keeping taxes low. We have to pay Nick, the building inspector, and Joan's salary. If we don't recoup their time from fees, we are passing it on to the taxpayers. I don't see why my taxes should go up so you can have a deck. We are passing that on (what we aren't recouping from our fees) to our taxpayers. It is completely shocking to me, because I thought we were to keep our taxes low."

Davis, "If you look and when we say 'break even', the building department (if you based their funding on fee revenue) it will be about \$30,000 short. We are coming up compared to last year. If the goal is to make it as self-sufficient then there has to be some adjustment." Schmitz, "I have been doing this a long time. And I will be talking to contractors and every now and then I will have them complain about the permit fees. When I tell them that sometimes I have to deal with other professions such as architects, etc., and see what their fees are. When I tell them 'What you are paying for our permit fees and all the times we are running out to the job site and what they would pay another professional', they don't complain." Lawrence, "What is our comparison to other cities in the area? Linwood and other cities." Schmitz, "I have not done a complete comparison since I have been here. I did one in Columbus and we were the lowest in most categories. A lot of these fees here, the increases were the same as Columbus because I have done research on these fees. I am not looking to raise all fees; I am looking to have the fees reflect the work. I have proposed to decrease a fee by half. I am trying to reflect the work with the fee and vice versa."

DeRoche, "When you are on this side of desk, people out there ask a lot of questions. We have to be able to explain 'why'." Schmitz, "I am just thinking of the taxpayer and I need to present this to you, so you can make a decision." Davis, "If the fees don't generate enough to cover the cost, we will have to look at raising fees or cutting services when we discuss the budget in July. It is all interrelated." Koller, "I don't see fees for the septic pumpers." Schmitz, "It is \$5 for the pumping permit. It is low, but it is basically for our tracking system."

Koller, "Ice Arena, the locker room rental fee is \$7,500." Davis, "That is at the East Bethel Ice Arena and that is what we charge for those facilities." Koller, "\$185 to use for prime time. But, \$7,500 for the locker room?" Davis, "That is for the year. As far as the Ice Arena goes, we do generate surplus of funds over our operating expenses. Not enough to totally cover our amortization debt, but we are working towards that. It has probably decreased by about \$200,000 over the last four years."

DeMars
Contract
Change Order
#1

Davis explained that at the November 7th City Council meeting, DeMars Signs was selected as the contractor for the construction and installation of an electronic community reader board at the NE corner of TH 65 and Viking Blvd. Their bid of \$73,937 included a 25mm Watchfire color display and upgraded stone columns around the existing support poles.

At the December 19th City Council meeting, a final design was approved that included additional stone work around the support poles and sign base and the addition of a top cornice. Change order #1, an increase of \$11,867 for a project total of \$85,804, reflects the cost increase for these upgraded design elements.

The existing sign has been removed and construction of the new sign has begun. A down payment of \$37,180 has already been processed and the electronic display has been ordered. The remaining balance of \$48,624 will be due upon approved completion of the project.

There is currently \$95,000 EDA budget for an electronic reader board sign. The East Bethel Seniors have provided a donation of \$5,000 toward the sign and the City has received \$2,800 as a damage claim payment, bringing the total available funds for the project to \$102,800 in 2013. The approved bid amount for the sign is \$73,937. With the Change Order, the final approved design will have a project cost of \$85,804.

Staff is requesting Council approval for the DeMars Sign Contract Change Order #1.

Moegerle made a motion to accept DeMars Signs Change Order #1 in the amount of \$11,867. Lawrence seconded.

Moegerle, "Under 4.A I assume that Boulder Creek Prairie Buffalo Navaho is a color?" Davis, "It is a color and a stone design. We have a sample if you want to see it." DeRoche, "What happened to the design? Now it looks like a little outhouse." Moegerle, "That is the design that was approved. The swoosh was taken out. I believe the motion was made by Mr. Voss. This is supposed to be a little more timeless than a website design and a branding element would not come from this." Moegerle, "So, 'Boulder Creek' is the manufacturer and 'Prairie Bluff' is the stone. When is this thing due to be completed?" Davis, "The old frame is down now. They are waiting on the delivery of the display board. As soon as that comes in, they will start on that."

DeRoche, "Can we bring this back up and put a different top on it? This is pretty plain. Could we look into adding something?" Davis, "That was approved at the December 19th council meeting." Moegerle, "I am not sure I disagree with you. The City is really at a pinnacle of what way we are going to go on some things. The life expectancy of this thing is probably 30 years or something. Wouldn't it be fun to do a time capsule, so in 30 years they could see what our minutes were, what we were doing. And then they can come back and say, 'Wow, it ended up so much better than those poor folks were thinking at that time.' Get a metal case, and the seniors to add whatever. What do you think of doing that informally? In the foundation at the base." Koller, "Wasn't the old sign vandalized?" Davis, "Yes, it was storm damaged. We had three incidents. It was just waiting to happen again." Koller, "So now we are just putting up a bigger sign." Davis, "It is a stronger and better sign." Koller, "What kind of warranty does this come with?" Davis, "I would have to look and see what the warranty is. I believe a five year." Ronning, "With that in mind, are there any routine costs with this?" Davis, "The only routine cost is the internet connection to do the programming from here. First year is included in sign cost. LED lights last forever."

All in favor, motion carries.

DeRoche, "I would still like to see the top changed." Davis, "Did you like the swoosh design?" DeRoche, "It looked better than this design." Davis, "I agree. I will contact them and see if it can be done without any additional cost. If that is the direction from council we will do that and see if we can do that." Moegerle, "Maybe if we can do a finish with the brown cap. That will give it a more finished look with the swoosh."

December and
Annual Fire
Department
Report

Davis explained that the Fire Chief will make the annual report for the year.

Mark DuCharme, Fire Chief, "You have our monthly report for December of 2012." DeRoche, "Do you have anyone going to Rochester in March for the EMS conference?" DuCharme, "I usually will start getting notified on fire fighters that have national registry EMT because they can use those hours. So that could happen." DeRoche, "I got my pamphlet about three weeks ago." DuCharme, "Allina does our refresher. I do know there are two individuals that had talked about going." DeRoche, "One of them talked about mass trauma. For the most part they have some pretty good stuff."

DuCharme, "In addition to the December report, I am also here to talk a little bit about 2012. December we ran on 46 calls. We run about 58-60% EMS related." DeRoche, "Are a lot of our new guys going in on the bad traumas on 22?" DuCharme, "Yes and no. As you know there are individuals that handle that better than others. We have 15 EMTs on staff now. 22 has been quite an issue with car crashes. We will put new people in situations, but not if we think they can't handle it. Such as where there is extraction. We are cutting a door, or handling a c-spine. Most of the new people, once they are done with EMT and in the rhythm, like to get that experience because it reinforces the practical."

"This is our seven year emergency call comparison. In 2012, we ran 508 calls. In 2007, we had 570 calls. We had a lot of grass fires and were dealing with meth labs. The biggest difference between 2012 and 2011 was storm calls."

"Time of day of calls is interesting. As you can see, most of our calls are 8:00 a.m. to midnight. There is no rhyme or reason for monthly calls. We usually average about 45 calls per month. As we get into the summer months, the calls do tend to increase."

“In our type of calls, you can see that EMS and rescues account for 61% of our calls. That is the biggest share. The hazardous conditions are gas leaks and CO detectors. Fire alarms and false alarms are down.” Moegerle, “‘Good intention calls’ are people call but there is no emergency? As opposed to a fire alarm?” DuCharme, “Yes. Most of the time when a fire alarm goes off, it might be someone cooking and it is a malfunction that people aren’t sure of. We will go out and try to help them.”

“Our average fire fighter per call, during the day we do real well average nine people during weekdays. The question is always when those people get to the station, because that is important in and of itself.”

“And, then there are our fire losses for 2012. It is about a \$100,000 less than 2011. Most is one incident. I labeled it with the dates and contents and property loss. The insurance adjusters tell us when they set up escrows for claims they get a rough estimate for what the building is going to be and then they take 75% of that and set it aside for contents. \$443,000 was our loss for 2012. I don’t know what the \$1 for July 5, 2012.” Moegerle, “That (big loss) was the ‘ashes outside of the house’ fire?” DuCharme, “Yes. And this is a teaching moment for me. We clean out our fireplace and we take those ashes out of our house. And many times I hear ‘The ashes were cold.’ It takes a long time for the ashes to be fully out. We hear the ashes were cold and we put them in a garbage can and they lit the garbage.” Lawrence, “I had ashes and they were cold and put in a cardboard box and put outside, not near a building. Came outside a few hours later and the box was gone.”

DuCharme, “Basically, on the average, in 2012 every 17.29 hours East Bethel Fire Department is going to respond to a call. Every hour on the clock, is equal to about \$50 in fire loss. If you were to take all the calls we run on, and compared to our population, and our number of households, every 8.13 household could have some relation to needing emergency services from the Fire Department. One out of every 23 visitors of East Bethel needed our assistance in some way. Either with a fire, rescue, car accident, fire alarm, something like that. Every 12 days we averaged a vehicle crash. Every 28 ½ hours an East Bethel citizen or visitor had to go to the hospital [on a call] that we assisted on. Those are what the numbers mean to me.”

Moegerle, “Page 95, Numbers in the districts. Do those highest numbers correlate with population?” DuCharme, “It is population and density. As you can see, we created sub-districts for Castle Towers, the neighborhood there and also for Village Green. I started tracking that years ago because there was a comment that said they don’t get a lot of services there. So where the population is, you are absolutely right. These grids were set up by Anoka County radio. When they give us an address, they will give us a grid. What that does is takes our attention from the big map and focuses us on the main streets.” DeRoche, “Is Coon Lake Beach on here?” DuCharme, “It is 8B. You will get a final report with it broke down into the grid areas.”

DeRoche, “Are you seeing an increase in the meth again?” DuCharme, “Yes and no, also some other drug use. If we get a drug call, we will wait for the deputies to get there first and make sure the scene is safe for us.” Ronning, “You mentioned about meth labs, who cleans those up? Do you clean those up?” DuCharme, “We don’t clean those up, but we do respond. It is considered chemical hazardous materials. The last one we were on, we got there and called the chemical assessment team and they are headquartered in Fridley and Coon Rapids and they identified the chemicals that could be part of meth. We have good communications that go back and forth.”

DeRoche, "What about we had some new guys coming in?" DuCharme, "Yes, we do. The interviews are going on right now. We hope to have those to Council by next rotation in February. One of our goals in 2013 is our staffing level is at 35. We are authorized for 40. After Council consultation and agreements, we want to hold it at 35. We could have some attrition coming up. Plan on doing some citizen academies. Doing one at Coon Lake Beach Community Center and Fire Station One. Want to try to get first one going before spring sets in." DeRoche, "Any candidates coming out of the beach?" DuCharme, "Yes, the Beach is our number one priority. We have some nice equipment coming in there. At the same time we are taking time to recruit there, need four to five new people there."

Ordinance
Committee
and/or
Ordinance
Workshop

Davis explained that there are several City Ordinances that require revisions. These revisions range from minor corrections and definitional changes for consistency to the preparation of new ordinances that will address issues that are not dealt with in the current City Code.

Council and staff have identified, at minimum, the following Ordinances or policies that require either revision or development:

- City Administrator Ordinance
- Home Occupation Ordinance
- Sign Ordinance
- Ethics Ordinance/Policy
- Liquor License Ordinance

Zoning Ordinance changes will be reviewed by the Planning Commission.

Staff recommends that City Council appoint a Committee to recommend the ordinances which are known or suspected to have problems to be reviewed and provide direction for a systematic review of the City Code for legal compliance and substance assessment. It is also proposed that this committee report their recommendations to Council by no later than February 20, 2013.

In addition, staff recommends that Council conduct a work meeting/retreat to discuss current issues that are confronting the City and develop responses that are appropriate for presentation to those groups that make or affect development decisions. The work meeting/retreat would also focus on utility, land use, economic and Hwy. 65 corridor development and the City's image issues. It is recommended that this meeting be scheduled at a time that is convenient to Council.

Moegerle, "I was over at Cedar Creek and they did offer one of their lodges where they put up graduate students for the retreat. And they thought it would be good to get some introductions of what they do and what their plans are. So, we do have a site that isn't here in our not-so-comfortable-chairs-for-four-hours." DeRoche, "Personally a committee I am not big on. I think that any and all of these issues should be addressed by City Council and discussed by City Council." Moegerle, "These would be brought to the Council after the committee." DeRoche, "I think we are shrugging our duties if we don't take care of this stuff. That is kind of why we are here. We need to deal with any and all of this stuff. I think you get too much outside the box if it is not. The people that are on the council have a certain amount of duty and a certain amount of information about what we can do and what we can't do. We have access to a lot more resources. That was one of the reasons I got involved with City government to begin with, was because there were too many people's personal ideas being put into place that I didn't think should be. It is open to the public,

granted at a work meeting we can't make any decisions, but at least we can come to some kind of consensus. Then when we show up at the Council meeting, we are not sitting here beating around the bush, we already know where we are going with it."

Davis, "I would envision this committee would develop some recommendations to be presented in a work meeting. That would streamline the process and make this much more efficient. The committee would not recommend things directly to council for approval at a regular meeting, but get it to them at a work meeting so they can get it organized better. Sometimes when you have five, the debate extends longer than it should. When you have a committee they can make recommendations and then they can debate it."

Moegerle, "I know I have talked about ordinances we have at the City for a while. My irritation with ordinances is we have important words defined three different ways. I believe council members meant well when they put these ordinances together. There are many things that are not cohesive, they don't gel together and a lot of them are not changes in what the ordinance means. Part of what happened when these were put together is it was done from a layperson's standpoint. I understand that our residents need to read these, but there are ways of making our ordinances easy to read, understandable and say what we mean. Not 'This is what we really meant when we had this ordinance.' I can't tell you how many times I have come across this, with the dog ordinance, liquor license, things like that. I think to have five of us sitting here and going through that is going to slow us down. Ultimately, the discussion will be public. Running it past the attorney, and get a good legal standpoint. We will be here as a Council working on these ordinances until I am much older. If we start out as a small committee, get the issues out, discuss as a Council, we will all have less meetings and less stress and lot more satisfaction with the results."

DeRoche, "I think it will complicate things more and create issues. When someone created an ordinance, it is not my job to say that is not what it means, it means what Bob wants it to mean. It is our job to sit up here, take the ordinances and come to a consensus of what it means from a legal standpoint. That is part of what comes with this job." Moegerle, "Then we are reading meaning into it." Ronning, "This is a good discussion for when we get into it." Moegerle, "We haven't agreed whether it is a committee or Council. When we have a paragraph that says one thing and then you look at it and 'Oh, it means the color black.' Well, why didn't we just substitute 'the color black' and move on." Davis, "One of the things I envision here, is there are some very glaring mistakes in our ordinances. One is the Home Occupation ordinance. One sentence describes the size of the accessory structure. Those kinds of correction changes can be done quickly. Other ordinance changes are not as simple." Pratt, "The only thing I can add to that is that so many of the ordinances rely on state law. And those can change at the state legislature and we have no control over that. We have to conform our situation to the state law and that may be more on the technical side of things." Moegerle, "I remember sitting on the other side of this desk and the people up here would not talk about state law. You guys have given us so much more guidance on state law, so I am sure there is a lot of that in our ordinances that has to be addressed."

Moegerle made a motion to appoint a committee of four persons, two from Council and Jack Davis and Colleen Winter to review our ordinances and bring back to Council. Ronning seconded. Koller, Lawrence, Moegerle and Ronning, aye; DeRoche, nay; motion carries.

Moegerle volunteered to be on the committee. Ronning also volunteered.

Lawrence made a motion to appoint Council Members Moegerle and Ronning to the Ordinance Review Committee. Koller seconded; all in favor, motion carries.

Moegerle, "As far as the retreat issue, how does February 16th look?" Lawrence, "Will we have enough time to prepare by then?" Moegerle, "It would be a lot of different issues, economic development, finer nuances. Presentation and working with developers." Winter, "I want to mention about the ordinance group, I think February 20th is pretty ambitious. The retreat, visioning, economic development, comp plan issues. How we move forward as a Council. Great time to hear from the departments and hear their visions. Have someone come in and talk about attracting businesses. Just some ideas we are thinking about." Davis, "What I would recommend is let us spend a week to put a program together. Colleen mentioned trying to bring some people in. We had offers from the county from their economic development people and we can see what their schedules are, and get that to you in an update or at a meeting." Winter, "I am thinking the last weekend in February."

Recycling
Grant

Davis explained that the Anoka County Department of Integrated Waste Management has notified the City that we are eligible to apply for up to \$18,000 in additional funds for drop off, municipal park and community event recycling programs. Applications for these funds are due in March 2013. These funds would be a 100% reimbursable grant, meaning that the City would only be eligible to receive monies actually spent on these activities. As an example, if we received the \$18,000 grant and could only account for \$4,000 in expenditures we would only receive the \$4,000.

Staff is currently evaluating the conditions of the grant, and at this time feels that there may be a possibility of using some of this funding to enhance our current Recycling Program. If we were awarded the grant funds it may be necessary to utilize other service organizations or clubs to operate the some of the additional programs similar to the agreement we have with the Lions Club for the operation of the Recycle Center. City staff could be utilized in some areas but expanding their work load for only cost reimbursement would not be an efficient use of our manpower resources as this would limit other maintenance activities.

It is possible that County may increase tonnage goals for municipalities that participate in this program. Should that happen, these new funds for activities, over and above those currently offered, would be beneficial in providing the additional means to achieve any higher tonnage goals that may be imposed.

Staff will evaluate the potential and possible benefits this grant could provide and provide a recommendation to City Council by no later than the February 20, 2013 meeting.

The City will receive \$30,660 from Anoka County in 2013 to operate the City Recycling Program. These funds are separate from the new grant that is available.

If we do apply for these, we have to make sure we get something out of it. We do see some value with the drop off program; this is one of the things that helped us achieve our tonnage goal. As the weather improves we will probably see improvement in this. We would need to coordinate this with a service organization if we continue this.

Hiring of
Building
Inspector

Davis explained that city staff interviewed eight applicants for the building inspector position. As a result of our interview process we made a tentative offer to Mr. Joel McPherson. Mr. McPherson notified us yesterday that he accepted another position with another city. Staff did not feel that any of the other seven candidates would be a fit for this

position.

As a result, we recommend that we re-advertise the position and modify the qualifications of the position to be a limited building official, which means a building inspector, and establish at a minimum that the candidates must have completed all the required ISTS course work and complete the inspection requirements upon employment. This would provide access to a broader pool of candidates.

When we advertised for the building inspector position, we advertised for a building inspector, but asked for building official certifications. We feel that we only got building official candidates here. By changing the qualifications, we feel we will get more candidates. We will ask for them to provide proof of ISTS course work.

Moegerle made a motion to re-advertise the building inspector position changing the description to certification building official limited and ISTS course work completed with completing inspections and certification upon employment. Ronning seconded; all in favor, motion carries.

Council
Member
Report –
Moegerle

Moegerle, “I want to say thank you to St. Francis Youth Hockey Association and the Ham Lake Chamber of Commerce for their donations. That is just tremendous. Those donations are greatly and deeply appreciated. I attended my first Parks Commission meeting as the liaison. It is a fun group, with reappointment of two existing commissioners and a new one. We had a good long talk about the change in direction in December 2010 and how parks will be a more active commission and integral commission if we get development funds in.

We also met with Troy Ferguson from ISD #15. Yesterday he called and said, ‘Not only was the school board enthused about working with the city, but the school superintendent wants to meet with Colleen, Jack and I about economic development purposes.’ That is set up for February 7th in the morning.”

“And, the most important of all was yesterday. Pat Born came to the city from Metropolitan Council. He is the administrator. A PowerPoint was given to him that listed many of the steps we had made since January 2011. We are 3rd largest city in the metropolitan area, and we are the 9th largest city in the state. That is huge. We talked about the fact that East Bethel doesn’t get a lot of respect for a lot of reasons, like when you have a map of the metropolitan area and it cuts off East Bethel at 22. We talked about how East Bethel needs to move forward with the plan that is consistent with the Met Council. And we talked about what had happened in 2010 and everyone present now, arrived after December of 2010. So, it is all a fresh start. All people that recognize what the problem is. There is no defensiveness. We have issues we need to resolve and it is going to go forward and it very exciting. We are going in a new direction with the Metropolitan Council and I think it will be very positive.”

Council
Member
Report –
Koller

Koller, “I met with the Booster Days Committee and apparently the Ham Lake Chamber of Commerce wants to financially back it. We came up with more ideas with events to have at Booster Days. Not too many people showed up for the meeting. Mark, the Fire Chief, gave me a tour of the fire station. I met some of the people and it was very impressive.”

Council
Member
Report –
Ronning

Ronning, “I also went to the Booster Day meeting. There was no particular agenda; it was just like a round table discussion and a considerable amount of ideas were thrown around. The piece about the Ham Lake Chamber was pretty interesting. We had a Planning Commission meeting last night. There are some dedicated people on these committees.

They are very, very qualified. I don't know enough about that process to make much of a comment. It is going to be interesting."

Council
Member
Report –
Lawrence

Lawrence, "I do appreciate the Chamber for donating the money and St. Francis Youth Hockey for their donation. Things are developing well. Hopefully we can get this forcemain going."

Adjourn

Lawrence made a motion to adjourn at 10:09 PM. Koller seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk