

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: March 7, 2012



- | | Item | |
|---------|-------------|--|
| 7:30 PM | 1.0 | Call to Order |
| 7:31 PM | 2.0 | Pledge of Allegiance |
| 7:32 PM | 3.0 | Adopt Agenda |
| 7:34 PM | 4.0 | Presentations |
| | Page 1 | A. Kathy Tingelstad, Anoka County – Fiscal Disparities Overview |
| | Page 2-18 | B. Resolution 2012-17 Authorizing Issuance and Sale of General Obligation Bonds 2012A for the Refunding of the 2005A GO Public Safety Bonds |
| 8:20 PM | 5.0 | Public Forum |
| 8:35 PM | 6.0 | Consent Agenda |
| | | <i>Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration</i> |
| | Page 22-26 | A. Approve Bills |
| | Page 27-44 | B. Meeting Minutes, February 15, 2012, Regular Meeting |
| | Page 45-46 | C. Approve 2:00 AM License for Route 65 Pub & Grub |
| | | D. Approve Advertisement and Hire for Two Seasonal Public Works Positions |
| | Page 47-50 | E. Approve Galveston – Houston Buying Consortium Contract |
| | Page 51-59 | F. Approve Pay Estimate #10, S.R. Weidema, Phase 1, Project 1, Utility Improvements |
| | | New Business |
| | 7.0 | Commission, Association and Task Force Reports |
| | | A. EDA Commission |
| | | B. Planning Commission |
| 8:40 PM | | C. Park Commission |
| | Page 60-83 | 1. Tobacco Free Park Policy |
| | | D. Road Commission |
| | 8.0 | Department Reports |
| | | A. Community Development |
| 8:50 PM | | B. Engineer |
| | Page 84-91 | 1. Resolution 2012-18 Revoking Municipal State Aid Streets and Resolution 2012-19 Establishing Municipal State Aid Streets |
| | Page 92-93 | 2. Resolution 2012-20 Establishing Parking Restrictions on County Highway 74 |
| | Page 94-97 | 3. Change Order #1, Municipal Builders, Inc., Water Treatment Plant #1 |
| | | C. Attorney |
| | | D. Finance |
| | | E. Public Works |

- 9:20 PM F. Fire Department
- Page 98-111 G. City Administrator
- Page 112-120 1. Ordinance 34, Second Series, Amending Chapter 6, Alcohol Beverages
- 2. Ordinance 35, Second Series, Amending Chapter 18, Article IV
Regulating the Sale of Tobacco

9.0 Other

- 9:40 PM A. Council Reports
- 9:50 PM B. Other

10:00 PM **10.0 Adjourn**

Public Sector Advisors



Bond Refunding

March 7, 2012

PRESENTATION TO

City of East Bethel, MN

PRESENTERS: Kathleen Aho
President

Paul Steinman
Vice President

The Bond Process Generally

- Participants
 - **City:** Identifies need/opportunity, establishes policy directives, determines what to finance, general timing, etc.
 - **Financial Advisor:** Provides guidance on what is authorized, how to accomplish the directive, develops a finance plan, prepares the issue for market, assists with closing and post-issuance compliance
 - **Bond Counsel:** Last word on legal authority and tax-exemption. Provides an opinion regarding both for investors to rely on
 - **Underwriter:** Buys the bonds and resells them to investors. In this case, selected through bid process

How an Issue Goes to Market

- City decides whether to proceed or not
- SI prepares Official Statement & distributes it to potential bidders
- Notice of the sale will appear on several national online sites and in a national publications
- Rating Agency conference will be conducted to secure a bond rating
- If adequate interest isn't shown, Springsted will contact buyers to increase awareness of the sale
- On date of sale, bids will be received and results presented to the Council

The City's Refunding Candidate

- 2005A G.O. Public Safety Bonds
 - Matures in 2013 – 2026
 - Interest rates from 3.50% to 4.30%
 - Callable April 1, 2014
 - Supported by property taxes
 - Can be refunded with a “crossover refunding bond”

Objective – Reduce Debt Service Costs

- Projected Future Value Savings \$136,688
- Projected Present Value Savings \$121,280
- Remaining Old Bond Rate 4.11%
- Est. New Bond Rate 1.79%
- Net PV Savings/PV of Refunded Bonds 8.00%

Advantages and Disadvantages

- Advantages
 - Debt service savings starting with 2013/2014 levy
 - Market conditions are at historically low levels
- Disadvantages
 - Issues can only be advance refunded once
 - Can be current refunded at call date of new bonds, about 10 years from now
 - There is negative arbitrage to the call date (savings shown are net of this number, about \$(34,148.35))

Timing Considerations – Feb. 2014 Call Date

- Between now and Feb 2014
 - Time decreases negative arbitrage
 - Market changes over time & rates can't be predicted
- After Feb 2014 time becomes the enemy
 - Reduces time over which money can be saved
 - Eventually reduces the principal (through retirement) for which the rate can be lowered.
- Question – between now and Feb 2014, when will rates be the lowest?

Detailed Costs of Issuance

COSTS OF ISSUANCE DETAIL	Detailed Estimate for Actual Sale	Projection used for Initial Refunding Analysis	Difference
Financial Advisor (Springsted).....	\$18,750	\$18,750	\$0
Verification Agent (Barthe Wahrman).....	1,750	1,750	0
Escrow Agent (US Bank).....	1,100	1,100	0
Bond Counsel (Dorsey & Whitney).....	6,000	4,950	1,050
Rating Agency Fee (Moody's Investors Service).....	9,500	5,300	4,200
Official Statement (Printing and Electronic Posting by Springsted).....	1,000	1,200	(200)
Miscellaneous.....	500	0	500
Registrar (Series 2005A - US Bank).....	811	0	811
Registrar (Series 2012A - US Bank).....	750	750	0
TOTAL.....	\$40,161	\$33,800	\$6,361

Notes:

1. *Bond Counsel provided a not to exceed fee of \$6,000 that includes preparation of written procedures for post issuance compliance.*
2. *Rating agency fee is verified in accordance with Moody's fee schedule.*
3. *Registrar fee for 2005A Bonds covers services through the February 1, 2014 redemption date.*
4. *Miscellaneous includes copying (except Official Statement), postage, bridge numbers for conference calls and travel.*
5. *The verification agent and escrow agent are required for advance refundings.*

Participants Not Previously Discussed

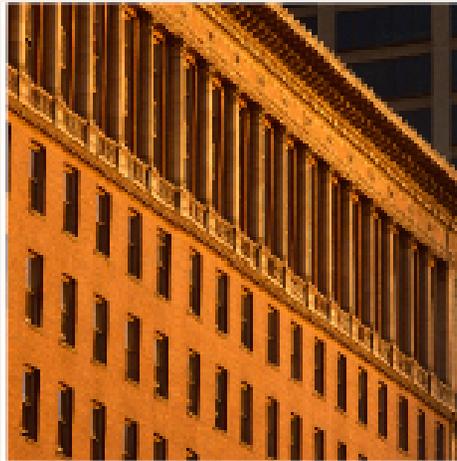
- **Verification Agent** – required by statute. Provides verification of what the remaining outstanding debt is and that escrow is sufficient to provide for it
- **Escrow Agent** – holds the securities that will fund the redemption in trust for that purpose
- **Rating Agency** – provides a third party assessment of the City's credit standing and assigns a rating
- **Registrar** – required by federal law. Maintains a record of who owns the bonds & applies payments

Key Events

- **March 7** Council sets the sale date and terms
- **Week March 26** Rating conference conducted
- **April 4, 10 AM** Competitive proposals received
- **April 4, 7:30 PM** Council considers award of bonds
- **May 3 (estimate)** Closing, funds escrowed

Questions?

Public Sector Advisors



Bond Refunding

March 7, 2012

PRESENTATION TO

City of East Bethel, MN

PRESENTERS: Kathleen Aho
President

Paul Steinman
Vice President

The Bond Process Generally

- Participants
 - **City:** Identifies need/opportunity, establishes policy directives, determines what to finance, general timing, etc.
 - **Financial Advisor:** Provides guidance on what is authorized, how to accomplish the directive, develops a finance plan, prepares the issue for market, assists with closing and post-issuance compliance
 - **Bond Counsel:** Last word on legal authority and tax-exemption. Provides an opinion regarding both for investors to rely on
 - **Underwriter:** Buys the bonds and resells them to investors. In this case, selected through bid process

How an Issue Goes to Market

- City decides whether to proceed or not
- SI prepares Official Statement & distributes it to potential bidders
- Notice of the sale will appear on several national online sites and in a national publications
- Rating Agency conference will be conducted to secure a bond rating
- If adequate interest isn't shown, Springsted will contact buyers to increase awareness of the sale
- On date of sale, bids will be received and results presented to the Council

The City's Refunding Candidate

- 2005A G.O. Public Safety Bonds
 - Matures in 2013 – 2026
 - Interest rates from 3.50% to 4.30%
 - Callable April 1, 2014
 - Supported by property taxes
 - Can be refunded with a “crossover refunding bond”

Objective – Reduce Debt Service Costs

- Projected Future Value Savings \$136,688
- Projected Present Value Savings \$121,280
- Remaining Old Bond Rate 4.11%
- Est. New Bond Rate 1.79%
- Net PV Savings/PV of Refunded Bonds 8.00%

Advantages and Disadvantages

- Advantages
 - Debt service savings starting with 2013/2014 levy
 - Market conditions are at historically low levels
- Disadvantages
 - Issues can only be advance refunded once
 - Can be current refunded at call date of new bonds, about 10 years from now
 - There is negative arbitrage to the call date (savings shown are net of this number, about \$(34,148.35))

Timing Considerations – Feb. 2014 Call Date

- Between now and Feb 2014
 - Time decreases negative arbitrage
 - Market changes over time & rates can't be predicted
- After Feb 2014 time becomes the enemy
 - Reduces time over which money can be saved
 - Eventually reduces the principal (through retirement) for which the rate can be lowered.
- Question – between now and Feb 2014, when will rates be the lowest?

Detailed Costs of Issuance

COSTS OF ISSUANCE DETAIL	Detailed Estimate for Actual Sale	Projection used for Initial Refunding Analysis	Difference
Financial Advisor (Springsted).....	\$18,750	\$18,750	\$0
Verification Agent (Barthe Wahrman).....	1,750	1,750	0
Escrow Agent (US Bank).....	1,100	1,100	0
Bond Counsel (Dorsey & Whitney).....	6,000	4,950	1,050
Rating Agency Fee (Moody's Investors Service).....	9,500	5,300	4,200
Official Statement (Printing and Electronic Posting by Springsted).....	1,000	1,200	(200)
Miscellaneous.....	500	0	500
Registrar (Series 2005A - US Bank).....	811	0	811
Registrar (Series 2012A - US Bank).....	750	750	0
TOTAL.....	\$40,161	\$33,800	\$6,361

Notes:

1. Bond Counsel provided a not to exceed fee of \$6,000 that includes preparation of written procedures for post issuance compliance.
2. Rating agency fee is verified in accordance with Moody's fee schedule.
3. Registrar fee for 2005A Bonds covers services through the February 1, 2014 redemption date.
4. Miscellaneous includes copying (except Official Statement), postage, bridge numbers for conference calls and travel.
5. The verification agent and escrow agent are required for advance refundings.

Participants Not Previously Discussed

- **Verification Agent** – required by statute. Provides verification of what the remaining outstanding debt is and that escrow is sufficient to provide for it
- **Escrow Agent** – holds the securities that will fund the redemption in trust for that purpose
- **Rating Agency** – provides a third party assessment of the City's credit standing and assigns a rating
- **Registrar** – required by federal law. Maintains a record of who owns the bonds & applies payments

Key Events

- **March 7** Council sets the sale date and terms
- **Week March 26** Rating conference conducted
- **April 4, 10 AM** Competitive proposals received
- **April 4, 7:30 PM** Council considers award of bonds
- **May 3 (estimate)** Closing, funds escrowed

Questions?



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 4.0 A

Agenda Item:

Fiscal Disparities Presentation

Requested Action:

Information Item Only

Background Information:

Kathy Tingelstad with Anoka County Intergovernmental Relations will present a report on the Fiscal Disparities Program and its current status as a legislative topic. Council passed Resolution 2011-58 supporting the program on November 16, 2011.

Fiscal Impact:

N/A

Recommendation(s):

Presentation Item

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 4.0 B

Agenda Item:

2012 Series A G.O. Bonds for the Refunding of the 2005A G.O. Public Safety Bonds

Requested Action:

Consider adopting Resolution 2012-17 authorizing and directing the sale of 2012, Series A, G.O. Bonds for the Refunding of the 2005A G.O. Public Safety Bonds

Background Information:

At the February 15, 2012 City Council meeting, Council directed that Springsted, Inc. and city staff proceed with the presentation of potential refunding of the 2005A G.O. Public Safety Bonds.

Springsted has provided information relative to the bond issue in the attachments.

Attachment(s):

1. Springsted's Recommendation for Issuance of the Bonds
2. Detail Costs of Issuance
2. Resolution 2012-17 Authorizing and Directing the Sale of G.O. Public Bonds 2012 Series A

Fiscal Impact:

As noted.

Recommendation(s):

Staff is seeking direction from City Council regarding adoption of Resolution 2012-17, A Resolution Authorizing and Directing the Sale and Issuance of G.O. Public Safety Refunding Bonds 2012 Series A.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel, Minnesota

Recommendations for Issuance of Bonds

\$1,435,000 General Obligation Public Safety Refunding Bonds, Series 2012A

The Council has under consideration the issuance of bonds to refund the City's General Obligation Public Safety Bonds, Series 2005A to achieve debt service savings. This document provides information relative to the proposed issuance.

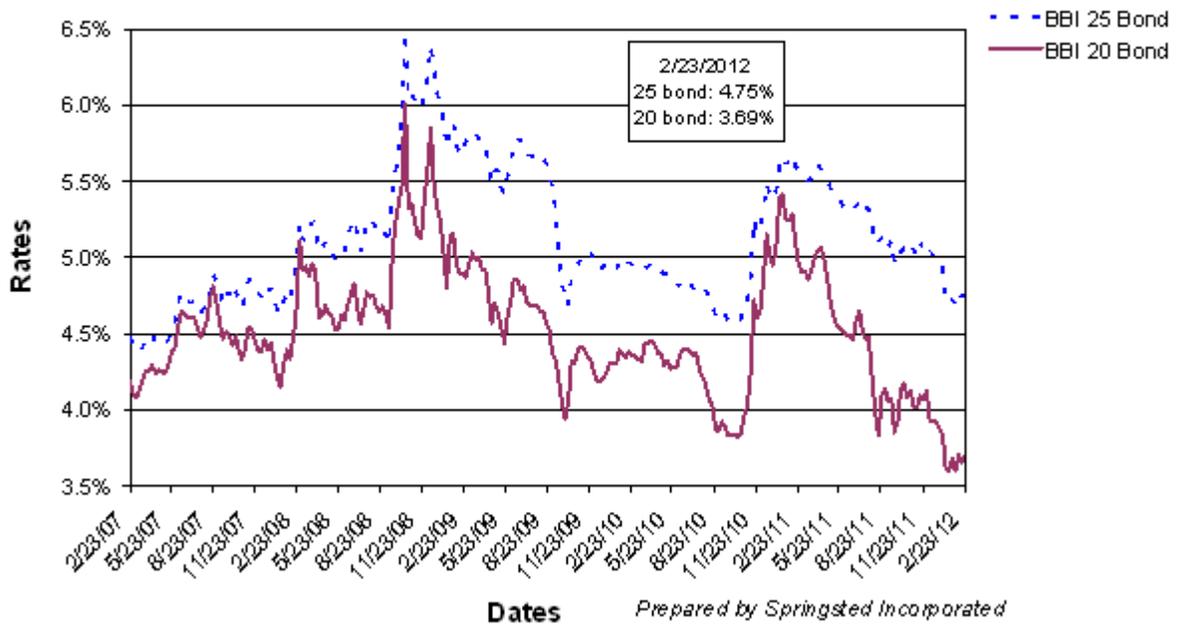
KEY EVENTS: The following summary schedule includes the timing of some of the key events that will occur relative to the bond issuance.

March 7, 2012	Council sets sale date and terms
Week of March 26, 2012	Rating conference is conducted
April 4, 2012, 10:00 a.m.	Competitive proposals are received
April 4, 2012, 7:30 p.m.	Council considers award of bonds
May 3, 2012 (est.)	Proceeds are received

RATING: An application will be made to Moody's Investors Service for a rating on the Bonds. The City's general obligation debt is currently rated "Aa3" by Moody's.

THE MARKET: Performance of the tax-exempt market is often measured by the Bond Buyer's Index ("BBI") which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds (the BBI 20 Bond Index) and the 30th year for revenue bonds (the BBI 25 Bond Index). The following chart illustrates these two indices over the past five years.

BBI 25-bond (Revenue) and 20-bond (G.O.) Rates for 5 Years Ending 2/23/2012



Prepared by Springsted Incorporated

POST ISSUANCE COMPLIANCE:

The issuance of these bonds will result in post-issuance compliance responsibilities. The responsibilities lie in two primary areas: i) compliance with federal arbitrage requirements and ii) compliance with secondary disclosure requirements.

Federal arbitrage requirements include a wide range of implications that have been taken into account as your issue has been structured. Post-issuance compliance responsibilities for your tax-exempt issue include both rebate and yield restriction provisions of the IRS Code. In very general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. The City will not meet an expenditure exception to rebate because proceeds will be invested in an escrow account until the call date of the prior bonds. Arbitrage rules do not permit investment earnings on the escrow account to exceed the yield on the bonds; therefore no excess arbitrage would be earned within the escrow account. Yield restriction provisions will apply to the debt service and the fund should be monitored throughout the life of the issue.

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the City to commit to providing the information needed to comply under a continuing disclosure agreement.

Springsted currently provides continuing disclosure compliance services to the City under separate contract. A contract amendment adding this issue will be provided to City staff. We understand that arbitrage responsibilities are being monitored through a third party contract.

SUPPLEMENTAL INFORMATION AND BOND RECORD:

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Upon completion of the financing, a bond record will be provided that contains pertinent documents and final debt service calculations for the transaction.

PURPOSE:

Proceeds of the Bonds will be used to refund the February 1, 2015 through 2026 maturities of the City's General Obligation Public Safety Bonds, Series 2005A (the "Prior Bonds"), dated September 15, 2005. The maturities to be refunded are currently outstanding in the aggregate principal amount of \$1,345,000. The 2013 and 2014 maturities are not callable and will not be refunded. The purpose of the refunding is to achieve interest cost savings.

The Prior Bonds financed the construction of a fire station and acquiring and installing weather warning sirens and were authorized by a voter referendum.

AUTHORITY:

The Bonds are being issued pursuant to Minnesota Statutes, Chapter 475.

SECURITY AND SOURCE OF PAYMENT:

The Bonds will be general obligations of the City, secured by its full faith and credit and unlimited taxing power, and will be repaid with ad valorem property taxes. The City is currently levying taxes to make the debt service payments on the Prior Bonds, which are also general obligation bonds.

The City will make their first levy for the Bonds in 2013 for collection in 2014. Each year's collection of taxes will be used to make the August 1 interest payment due in the collection year and the February 1 principal and interest payment due in the following year. The City will continue to levy through 2012 to make payments on the Prior Bonds as described below.

The issuance of the Bonds is being conducted as a "crossover" advance refunding in which the proceeds of the Bonds are placed in an escrow account with a major bank and invested in U.S. Treasury obligations and held in trust to make specific debt service payments on the Prior Bonds and the Bonds.

The escrow fund and its investment earnings are structured to pay interest on the Bonds to and including February 1, 2014 (the call date of the Prior Bonds), at which time the escrow account will prepay the February 1, 2015 through 2026 principal of the Prior Bonds. The City will continue to pay the originally scheduled debt service payments on the Prior Bonds through the February 1, 2014 call date. After the call date, the City will cross over and begin making debt service payments on the Bonds, taking advantage of the lower interest rates.

Since Springsted last met with the City, we have updated interest rate assumptions and solicited actual quotes for their costs from service providers that will be needed in the transaction. One remaining cost element, the underwriting discount, will be set by public bid on the sale date and could be higher or lower than the estimate being used. Based on current interest rate estimates, the refunding is projected to result in the City realizing an average cash flow savings of approximately \$11,000 per year. This results in an aggregate future value savings of approximately \$135,000 with a net present value benefit to the City of approximately \$120,000. These estimates are net of all costs associated with the refunding, using actual costs for all cost elements except the underwriting discount as discussed above.

**STRUCTURING
SUMMARY:**

The Bonds have been structured to provide for approximately even annual savings with a term matching that of the Prior Bonds.

**SCHEDULES
ATTACHED:**

Schedules attached include: a preliminary feasibility summary, estimated debt service requirements and interest cost savings, given the current interest rate environment.

**RISKS/SPECIAL
CONSIDERATIONS:**

The outcome of this financing will rely on the market conditions at the time of the sale. Any projections for savings included herein are estimates based on current market conditions. Springsted will continue to monitor interest rates between now and the sale date (April 4, 2012) and advise City staff of changes affecting the estimated savings on this refunding. In the event the bids received on April 4, 2012 result in interest costs savings below a level acceptable to City, the Council has the authority to reject all bids. In such event, Springsted will provide information on alternative methods of sale that may enable the refunding to be sold in the future, should more favorable market conditions be present.

Minnesota statutes limit advance refunding transactions to those that achieve no less than 3% present value debt service savings of the refunded debt service. The present value debt service savings is currently estimated to be 8.0%. As noted above the actual savings will be determined by current market conditions on the day of sale.

The Bonds are an advance refunding of the City's 2005A Bonds. Federal law limits all tax-exempt bonds to one tax-exempt advance refunding. Thus, the Bonds themselves may

not be advance refunded using tax exempt bonds. However, if market conditions permit, the Bonds could be refunded on a tax exempt basis by means of a current refunding, which could be done at or after the call date (February 1, 2021).

Coincident with the sale of the Bonds, a verification agent will be retained by the City to verify the adequacy of the escrow account to meet its cash flow requirements and to ensure the escrow is in compliance with federal arbitrage constraints. The verification agent provides a third party verification that the Bond proceeds deposited into the escrow account, plus earnings on the investment of the escrow account, will be sufficient to pay interest on the Bonds to and including the February 1, 2014 interest payment (the call date of the Prior Bonds), and to prepay the \$1,345,000 of principal due February 1, 2015 through 2026 on the Prior Bonds.

**SALE TERMS AND
MARKETING:**

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue size and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale. Bonds will be issued in the minimum amount necessary to accomplish the refunding and pay costs associated with the transaction.

Prepayment Provisions: Bonds maturing on or after February 1, 2022 may be prepaid at a price of par plus accrued interest on or after February 1, 2021.

Bank Qualification: The City does not expect to issue more than \$10 million in tax-exempt obligations that count against its \$10 million limit for this calendar year; therefore, the Bonds will be designated as bank qualified.

\$1,435,000

City of East Bethel, Minnesota
General Obligation Public Safety Refunding Bonds, Series 2012A
Crossover Refunding of Series 2005A

Preliminary Feasibility Summary

Dated 05/03/2012 | Delivered 05/03/2012

Sources Of Funds

Par Amount of Bonds.....	\$1,435,000.00
Total Sources.....	\$1,435,000.00

Uses Of Funds

Deposit to Crossover Escrow Fund.....	1,376,810.02
Costs of Issuance.....	40,161.00
Total Underwriter's Discount (0.925%).....	13,273.75
Rounding Amount.....	4,755.23
Total Uses.....	\$1,435,000.00

ISSUES REFUNDED AND CALL INFORMATION

Prior Issue Call Price.....	100.000%
Prior Issue Call Date.....	2/01/2014

SAVINGS INFORMATION

Net Future Value Benefit.....	\$136,687.73
Net Present Value Benefit.....	\$121,280.47
Net PV Benefit / \$1,515,197.14 PV Refunded Debt Service.....	8.004%

BOND STATISTICS

Average Life.....	8.501 Years
Average Coupon.....	1.6905062%
Net Interest Cost (NIC).....	1.7993228%
True Interest Cost (TIC).....	1.7975815%

\$1,435,000

City of East Bethel, Minnesota
General Obligation Public Safety Refunding Bonds, Series 2012A
Crossover Refunding of Series 2005A

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
02/01/2013	-	-	15,810.14	15,810.14
02/01/2014	-	-	21,237.50	21,237.50
02/01/2015	105,000.00	0.600%	21,237.50	126,237.50
02/01/2016	110,000.00	0.650%	20,607.50	130,607.50
02/01/2017	110,000.00	0.800%	19,892.50	129,892.50
02/01/2018	115,000.00	1.050%	19,012.50	134,012.50
02/01/2019	115,000.00	1.300%	17,805.00	132,805.00
02/01/2020	115,000.00	1.500%	16,310.00	131,310.00
02/01/2021	120,000.00	1.600%	14,585.00	134,585.00
02/01/2022	125,000.00	1.750%	12,665.00	137,665.00
02/01/2023	125,000.00	1.900%	10,477.50	135,477.50
02/01/2024	130,000.00	1.950%	8,102.50	138,102.50
02/01/2025	130,000.00	2.050%	5,567.50	135,567.50
02/01/2026	135,000.00	2.150%	2,902.50	137,902.50
Total	\$1,435,000.00	-	\$206,212.64	\$1,641,212.64

Yield Statistics

Bond Year Dollars.....	\$12,198.28
Average Life.....	8.501 Years
Average Coupon.....	1.6905062%
Net Interest Cost (NIC).....	1.7993228%
True Interest Cost (TIC).....	1.7975815%
Bond Yield for Arbitrage Purposes.....	1.6791525%
All Inclusive Cost (AIC).....	2.1646209%

IRS Form 8038

Net Interest Cost.....	1.6905062%
Weighted Average Maturity.....	8.501 Years

\$1,435,000

City of East Bethel, Minnesota
General Obligation Public Safety Refunding Bonds, Series 2012A
Crossover Refunding of Series 2005A

Debt Service Comparison

Date	Total P+I	PCF	Existing D/S	Net New D/S	Old Net D/S	Savings
02/01/2013	15,810.14	(15,810.14)	140,312.50	140,312.50	140,312.50	-
02/01/2014	21,237.50	(1,366,237.50)	1,487,512.50	142,512.50	142,512.50	-
02/01/2015	126,237.50	-	-	126,237.50	139,452.50	13,215.00
02/01/2016	130,607.50	-	-	130,607.50	141,307.50	10,700.00
02/01/2017	129,892.50	-	-	129,892.50	142,887.50	12,995.00
02/01/2018	134,012.50	-	-	134,012.50	144,230.00	10,217.50
02/01/2019	132,805.00	-	-	132,805.00	145,330.00	12,525.00
02/01/2020	131,310.00	-	-	131,310.00	141,182.50	9,872.50
02/01/2021	134,585.00	-	-	134,585.00	146,982.50	12,397.50
02/01/2022	137,665.00	-	-	137,665.00	147,325.00	9,660.00
02/01/2023	135,477.50	-	-	135,477.50	147,405.00	11,927.50
02/01/2024	138,102.50	-	-	138,102.50	147,217.50	9,115.00
02/01/2025	135,567.50	-	-	135,567.50	146,757.50	11,190.00
02/01/2026	137,902.50	-	-	137,902.50	146,020.00	8,117.50
Total	\$1,641,212.64	(1,382,047.64)	\$1,627,825.00	\$1,886,990.00	\$2,018,922.50	\$131,932.50

PV Analysis Summary (Net to Net)

Net FV Cashflow Savings.....	131,932.50
Gross PV Debt Service Savings.....	116,525.24
Net PV Cashflow Savings @ 1.679%(Bond Yield).....	116,525.24
Contingency or Rounding Amount.....	4,755.23
Net Future Value Benefit.....	\$136,687.73
Net Present Value Benefit.....	\$121,280.47
Net PV Benefit / \$351,906.70 PV Refunded Interest.....	34.464%
Net PV Benefit / \$1,515,197.14 PV Refunded Debt Service.....	8.004%
Net PV Benefit / \$1,345,000 Refunded Principal.....	9.017%
Net PV Benefit / \$1,435,000 Refunding Principal.....	8.452%

Refunding Bond Information

Refunding Dated Date.....	5/03/2012
Refunding Delivery Date.....	5/03/2012

\$1,435,000

City of East Bethel, Minnesota
General Obligation Public Safety Refunding Bonds, Series 2012 A
Crossover Refunding of Series 2005A

Detail Costs Of Issuance

COSTS OF ISSUANCE DETAIL	Detailed Estimate for Actual Sale	Projection used for Initial Refunding Analysis	Difference
Financial Advisor (Springsted).....	\$18,750	\$18,750	\$0
Verification Agent (Barthe Wahrman).....	1,750	1,750	0
Escrow Agent (US Bank).....	1,100	1,100	0
Bond Counsel (Dorsey & Whitney).....	6,000	4,950	1,050
Rating Agency Fee (Moody's Investors Service).....	9,500	5,300	4,200
Official Statement (Printing and Electronic Posting by Springsted).....	1,000	1,200	(200)
Miscellaneous.....	500	0	500
Registrar (Series 2005A - US Bank).....	811	0	811
Registrar (Series 2012A - US Bank).....	750	750	0
TOTAL.....	\$40,161	\$33,800	\$6,361

Notes:

1. Bond Counsel provided a not to exceed fee of \$6,000 that includes preparation of written procedures for post issuance compliance.
2. Rating agency fee is verified in accordance with Moody's fee schedule.
3. Registrar fee for 2005A Bonds covers services through the February 1, 2014 redemption date.
4. Miscellaneous includes copying (except Official Statement), postage, bridge numbers for conference calls and travel.
5. The verification agent and escrow agent are required for advance refundings.

CERTIFICATION OF MINUTES RELATING TO
GENERAL OBLIGATION PUBLIC SAFETY REFUNDING BONDS, SERIES 2012A

Issuer: City of East Bethel, Minnesota

Governing body: City Council

Kind, date, time and place of meeting: A regular meeting held on March 7, 2012, at 7:30 p.m. at the City Hall in East Bethel, Minnesota.

Members present:

Members absent:

Documents attached:

Minutes of said meeting (pages):

RESOLUTION NO. 2012-17

RESOLUTION RELATING TO GENERAL OBLIGATION PUBLIC SAFETY
REFUNDING BONDS, SERIES 2012A; AUTHORIZING THE ISSUANCE AND
CALLING FOR THE SALE THEREOF

TERMS OF PROPOSAL

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the obligations referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of the corporation in my legal custody, from which they have been transcribed; that the documents are a correct and complete transcript of the minutes of a meeting of the governing body of the corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at the meeting, insofar as they relate to the obligations; and that the meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer this 7th day of March, 2012.

City Administrator

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

**RESOLUTION RELATING TO GENERAL OBLIGATION PUBLIC SAFETY
REFUNDING BONDS, SERIES 2012A; AUTHORIZING THE ISSUANCE AND
CALLING FOR THE SALE THEREOF**

BE IT RESOLVED by the City Council (the Council) of the City of East Bethel, Minnesota (the City), as follows:

SECTION 1. AUTHORIZATION. It is hereby determined to be in the best interests of the City to issue its General Obligation Public Safety Refunding Bonds, Series 2012A, in the principal amount of approximately \$1,435,000 (the “Bonds”), pursuant to Minnesota Statutes, Chapter 475, to provide funds to be used to refund, in an advance crossover refunding, all or a portion of the 2015 through 2026 maturities of the City’s General Obligation Public Safety Bonds, Series 2005A, dated, as originally issued, as of September 15, 2005.

SECTION 2. TERMS OF PROPOSAL. Springsted Incorporated, financial advisor to the City, has presented to this Council a form of Terms of Proposal for the Bonds which is attached hereto and hereby approved and shall be placed on file by the City Administrator. Each and all of the provisions of the Terms of Proposal are hereby adopted as the terms and conditions of the Bonds and of the sale thereof. Springsted Incorporated, as independent financial advisers, pursuant to Minnesota Statutes, Section 475.60, Subdivision 2, paragraph (9) is hereby authorized to solicit proposals for the Bonds on behalf of the City on a competitive basis without requirement of published notice.

SECTION 3. SALE MEETING. This Council shall meet at the time and place shown in the Terms of Proposal for the purpose of considering sealed proposals for the purchase of the Bonds and of taking such action thereon as may be in the best interests of the City.

Upon vote being taken thereon, the following voted in favor:

and the following voted against the same:

whereupon the resolution was declared passed and adopted.

THE CITY HAS AUTHORIZED SPRINGSTED INCORPORATED TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$1,435,000*

CITY OF EAST BETHEL, MINNESOTA

GENERAL OBLIGATION PUBLIC SAFETY REFUNDING BONDS, SERIES 2012A

(BOOK ENTRY ONLY)

Proposals for the Bonds and the Good Faith Deposit ("Deposit") will be received on Wednesday, April 4, 2012, until 10:00 A.M., Central Time, at the offices of Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at 7:30 P.M., Central Time, of the same day.

SUBMISSION OF PROPOSALS

Springsted will assume no liability for the inability of the bidder to reach Springsted prior to the time of sale specified above. All bidders are advised that each Proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the Proposal is submitted.

(a) **Sealed Bidding.** Proposals may be submitted in a sealed envelope or by fax (651) 223-3046 to Springsted. Signed Proposals, without final price or coupons, may be submitted to Springsted prior to the time of sale. The bidder shall be responsible for submitting to Springsted the final Proposal price and coupons, by telephone (651) 223-3000 or fax (651) 223-3046 for inclusion in the submitted Proposal.

OR

(b) **Electronic Bidding.** Notice is hereby given that electronic proposals will be received via PARITY[®]. For purposes of the electronic bidding process, the time as maintained by PARITY[®] shall constitute the official time with respect to all Bids submitted to PARITY[®]. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY[®] for purposes of submitting its electronic Bid in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents nor PARITY[®] shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents nor PARITY[®] shall be responsible for a bidder's failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY[®]. The City is using the services of PARITY[®] solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY[®] is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY[®], this Terms of Proposal shall control. Further information about PARITY[®], including any fee charged, may be obtained from:

PARITY[®], 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

* Preliminary; subject to change.

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery, as the date of original issue, and will bear interest payable on February 1 and August 1 of each year, commencing February 1, 2013. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature February 1 in the years and amounts* as follows:

2015	\$105,000	2018	\$115,000	2021	\$120,000	2024	\$130,000
2016	\$110,000	2019	\$115,000	2022	\$125,000	2025	\$130,000
2017	\$110,000	2020	\$115,000	2023	\$125,000	2026	\$135,000

* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the maturity amounts offered for sale. Any such increase or reduction will be made in multiples of \$5,000 in any of the maturities. In the event the principal amount of the Bonds is increased or reduced, any premium offered or any discount taken by the successful bidder will be increased or reduced by a percentage equal to the percentage by which the principal amount of the Bonds is increased or reduced.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption and must conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the Proposal Form.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository of the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The purchaser, as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR

The City will name the registrar which shall be subject to applicable SEC regulations. The City will pay for the services of the registrar.

OPTIONAL REDEMPTION

The City may elect on February 1, 2021, and on any day thereafter, to prepay Bonds due on or after February 1, 2022. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be prepaid. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All prepayments shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. The proceeds will be used to refund in advance of maturity the February 1, 2015 through February 1, 2026 maturities of the City's General Obligation Public Safety Bonds, Series 2005A, dated September 15, 2005.

BIDDING PARAMETERS

Proposals shall be for not less than \$1,421,726 and accrued interest on the total principal amount of the Bonds.

No proposal can be withdrawn or amended after the time set for receiving proposals unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 5/100 or 1/8 of 1%. Rates are not required to be in level or ascending order; however, the rate for any maturity cannot be more than 1% lower than the highest rate of any of the preceding maturities. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

GOOD FAITH DEPOSIT

Proposals, regardless of method of submission, shall be accompanied by a Deposit in the amount of \$14,350, in the form of a certified or cashier's check, a wire transfer, or Financial Surety Bond and delivered to Springsted Incorporated prior to the time proposals will be opened. Each bidder shall be solely responsible for the timely delivery of their Deposit whether by check, wire transfer or Financial Surety Bond. Neither the City nor Springsted Incorporated have any liability for delays in the transmission of the Deposit.

Any Deposit made by **certified or cashier's check** should be made payable to the City and delivered to Springsted Incorporated, 380 Jackson Street, Suite 300, St. Paul, Minnesota 55101.

Any Deposit sent via **wire transfer** should be sent to Springsted Incorporated as the City's agent according to the following instructions:

Wells Fargo Bank, N.A., San Francisco, CA 94104
ABA #121000248
for credit to Springsted Incorporated, Account #635-5007954
Ref: East Bethel, MN Series 2012A Good Faith Deposit

Contemporaneously with such wire transfer, the bidder shall send an e-mail to bond_services@springsted.com, including the following information; (i) indication that a wire transfer has been made, (ii) the amount of the wire transfer, (iii) the issue to which it applies, and (iv) the return wire instructions if such bidder is not awarded the Bonds.

Any Deposit made by the successful bidder by check or wire transfer will be delivered to the City following the award of the Bonds. Any Deposit made by check or wire transfer by an unsuccessful bidder will be returned to such bidder following City action relative to an award of the Bonds.

If a **Financial Surety Bond** is used, it must be from an insurance company licensed to issue such a bond in the State of Minnesota and pre-approved by the City. Such bond must be submitted to Springsted Incorporated prior to the opening of the proposals. The Financial

Surety Bond must identify each underwriter whose Deposit is guaranteed by such Financial Surety Bond. If the Bonds are awarded to an underwriter using a Financial Surety Bond, then that underwriter is required to submit its Deposit to the City in the form of a certified or cashier's check or wire transfer as instructed by Springsted Incorporated not later than 3:30 P.M., Central Time on the next business day following the award. If such Deposit is not received by that time, the Financial Surety Bond may be drawn by the City to satisfy the Deposit requirement.

The Deposit received from the purchaser, the amount of which will be deducted at settlement, will be deposited by the City and no interest will accrue to the purchaser. In the event the purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

BOND INSURANCE AT PURCHASER'S OPTION

If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the underwriter, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser, except that, if the City has requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any other rating agency fees shall be the responsibility of the purchaser.

Failure of the municipal bond insurer to issue the policy after Bonds have been awarded to the purchaser shall not constitute cause for failure or refusal by the purchaser to accept delivery on the Bonds.

CUSIP NUMBERS

If the Bonds qualify for assignment of CUSIP numbers such numbers will be printed on the Bonds, but neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the purchaser to accept delivery of the Bonds. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

SETTLEMENT

On or about May 3, 2012, the Bonds will be delivered without cost to the purchaser through DTC in New York, New York. Delivery will be subject to receipt by the purchaser of an approving legal opinion of Dorsey & Whitney LLP of Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the

purchaser shall be liable to the City for any loss suffered by the City by reason of the purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

In accordance with SEC Rule 15c2-12(b)(5), the City will undertake, pursuant to the resolution awarding sale of the Bonds, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Official Statement. The purchaser's obligation to purchase the Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Bonds.

OFFICIAL STATEMENT

The City has authorized the preparation of an Official Statement containing pertinent information relative to the Bonds, and said Official Statement will serve as a nearly final Official Statement within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For copies of the Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Financial Advisor to the City, Springsted Incorporated, 380 Jackson Street, Suite 300, Saint Paul, Minnesota 55101, telephone (651) 223-3000.

The Official Statement, when further supplemented by an addendum or addenda specifying the maturity dates, principal amounts and interest rates of the Bonds, together with any other information required by law, shall constitute a "Final Official Statement" of the City with respect to the Bonds, as that term is defined in Rule 15c2-12. By awarding the Bonds to any underwriter or underwriting syndicate submitting a proposal therefor, the City agrees that, no more than seven business days after the date of such award, it shall provide without cost to the senior managing underwriter of the syndicate to which the Bonds are awarded 60 copies of the Official Statement and the addendum or addenda described above. The City designates the senior managing underwriter of the syndicate to which the Bonds are awarded as its agent for purposes of distributing copies of the Final Official Statement to each Participating Underwriter. Any underwriter delivering a proposal with respect to the Bonds agrees thereby that if its proposal is accepted by the City (i) it shall accept such designation and (ii) it shall enter into a contractual relationship with all Participating Underwriters of the Bonds for purposes of assuring the receipt by each such Participating Underwriter of the Final Official Statement.

Dated March 7, 2012

BY ORDER OF THE CITY COUNCIL

/s/ Jack Davis
City Administrator



Payments for Council Approval March 7, 2012

Bills to be Approved for Payment	\$137,936.75
Electronic Payroll Payments	\$47,779.09
Payroll Fire Dept - February 15, 2012	\$10,656.53
Payroll City Council - February 16, 2012	\$1,461.07
Payroll City Staff - February 16, 2012	\$31,758.15
Payroll City Staff - March 1, 2012	\$32,532.23
Total to be Approved for Payment	\$262,123.82

City of East Bethel

March 7, 2012

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
03 224th & Durant St. Project	Professional Services Fees	2011	Anoka County Property Records	588	58800	38.58
04 205th Avenue Project	Professional Services Fees	2011	Anoka County Property Records	506	50600	38.58
99 Lunde/Jewell Street Proj	Professional Services Fees	2011	Anoka County Property Records	502	50200	38.58
2005B 207th Serv Rd SA Bonds	Professional Services Fees	2011	Anoka County Property Records	303	30300	38.58
2008A GO SEWER REV BONDS	Professional Services Fees	2011	Anoka County Property Records	308	30800	38.62
Arena Operations	Concession for Resale	158277216	Coca-Cola Refreshments	615	49851	808.80
Arena Operations	Concession for Resale	804559	The Watson Co, Inc.	615	49851	(20.01)
Arena Operations	Concession for Resale	808488	The Watson Co, Inc.	615	49851	110.55
Arena Operations	Concession for Resale	809120	The Watson Co, Inc.	615	49851	312.94
Arena Operations	Concession for Resale	809369	The Watson Co, Inc.	615	49851	155.15
Arena Operations	Electric Utilities	022112	Connexus Energy	615	49851	4,883.26
Arena Operations	Gas Utilities	315108377	Xcel Energy	615	49851	3,055.47
Arena Operations	Professional Services Fees	34970	Minnesota Conway	615	49851	150.13
Arena Operations	Refuse Removal	1581044	Walters Recycling, Inc.	615	49851	162.43
Arena Operations	Refuse Removal	1581045	Walters Recycling, Inc.	615	49851	29.22
Building Inspection	Conferences/Meetings	020912	University of Minnesota	101	42410	450.00
Building Inspection	Telephone	332373310-123	Nextel Communications	101	42410	17.69
Central Services/Supplies	Cleaning Supplies	596788440001	Office Depot	101	48150	42.62
Central Services/Supplies	Cleaning Supplies	596788504001	Office Depot	101	48150	62.86
Central Services/Supplies	Office Equipment Rental	197802291	Loffler Companies, Inc.	101	48150	543.11
Central Services/Supplies	Office Supplies	596678447001	Office Depot	101	48150	43.69
Central Services/Supplies	Office Supplies	598346941001	Office Depot	101	48150	70.24
Central Services/Supplies	Office Supplies	598543789001	Office Depot	101	48150	41.30
Central Services/Supplies	Office Supplies	49060968	Pitney Bowes Inc.	101	48150	144.41
Central Services/Supplies	Other Advertising	2011Tax	Anoka County Property Records	101	48150	1,325.99
Central Services/Supplies	Postage/Delivery	022312	Reserve Account	101	48150	1,000.00
Central Services/Supplies	Telephone	9342155	Integra Telecom	101	48150	221.16
City Administration	Travel Expenses	022712	Jack Davis	101	41320	116.55
Economic Development Authority	Conferences/Meetings	3072230839	Soderquist's Market	232	23200	13.17
Finance	Office Supplies	598543789001	Office Depot	101	41520	31.99
Fire Department	Bldgs/Facilities Repair/Maint	1896	Amador Locksmith & Door Svc	101	42210	711.97
Fire Department	Bldgs/Facilities Repair/Maint	1896	Amador Locksmith & Door Svc	101	42210	339.96
Fire Department	Clothing & Personal Equipment	49894	Fire Safety USA, Inc.	101	42210	240.00
Fire Department	Conferences/Meetings	154837	League of MN Cities	101	42210	15.00
Fire Department	Conferences/Meetings	E618388	University of Minnesota	101	42210	100.00
Fire Department	Electric Utilities	022112	Connexus Energy	101	42210	736.32
Fire Department	Equipment Parts	792991-IN	Heiman, Inc.	101	42210	68.85
Fire Department	Gas Utilities	315108377	Xcel Energy	101	42210	1,739.41
Fire Department	General Operating Supplies	792748-IN	Heiman, Inc.	101	42210	374.75
Fire Department	General Operating Supplies	34980	Minnesota Conway	101	42210	725.31
Fire Department	Information Systems	50770948	Hewlett-Packard Company	101	42210	827.65
Fire Department	Motor Vehicle Services (Lic d)	54096	Hayford Ford	101	42210	1,213.43
Fire Department	Refuse Removal	1581047	Walters Recycling, Inc.	101	42210	39.22
Fire Department	Repairs/Maint Machinery/Equip	32917	Emedded Systems, Inc.	101	42210	226.72
Fire Department	Safety Supplies	5015671350	Soderquist's Market	101	42210	39.90
Fire Department	Telephone	9342155	Integra Telecom	101	42210	138.23
Fire Department	Telephone	332373310-123	Nextel Communications	101	42210	101.66
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	021312	Orkin Commercial Services	101	41940	456.79
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	9923	Betz Mechanical, Inc.	101	41940	487.13
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470779471	Cintas Corporation #470	101	41940	20.82
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-01-12	Premium Waters, Inc.	101	41940	23.21
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	101721	Rogers Electric	101	41940	4,165.49

City of East Bethel

March 7, 2012

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
General Govt Buildings/Plant	Electric Utilities	022112	Connexus Energy	101	41940	923.63
General Govt Buildings/Plant	Gas Utilities	315108377	Xcel Energy	101	41940	760.93
General Govt Buildings/Plant	Improvements Other Than Bldgs	JC20735	Dascom Systems Group LLC	101	41940	5,167.00
General Govt Buildings/Plant	Professional Services Fees	34971	Minnesota Conway	101	41940	204.78
General Govt Buildings/Plant	Refuse Removal	1581046	Walters Recycling, Inc.	101	41940	29.35
Information Technology Service	Info Systems Equip	JC20735	Dascom Systems Group LLC	701	49960	14,729.00
Legal	Legal Fees	117519	Eckberg, Lammers, Briggs,	101	41610	4,879.08
Mayor/City Council	Professional Services Fees	12-256	North Suburban Access Corp	101	41110	120.00
Park Maintenance	Bldg/Facility Repair Supplies	16623	Menards Cambridge	101	43201	142.22
Park Maintenance	Bldg/Facility Repair Supplies	17138	Menards Cambridge	101	43201	5.63
Park Maintenance	Clothing & Personal Equipment	470776125	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470776126	Cintas Corporation #470	101	43201	146.94
Park Maintenance	Clothing & Personal Equipment	470779472	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470782787	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Electric Utilities	022112	Connexus Energy	101	43201	169.11
Park Maintenance	General Operating Supplies	14874	Menards Cambridge	101	43201	14.47
Park Maintenance	Other Equipment Rentals	51465	Jimmy's Johnnys, Inc.	101	43201	52.86
Park Maintenance	Sign/Striping Repair Materials	16683	Menards Cambridge	101	43201	40.16
Park Maintenance	Small Tools and Minor Equip	348559	Ham Lake Hardware	101	43201	29.85
Park Maintenance	Telephone	9342155	Integra Telecom	101	43201	50.68
Park Maintenance	Telephone	332373310-123	Nextel Communications	101	43201	70.54
Payroll	Insurance Premiums	4794749	Delta Dental	101		886.25
Payroll	Insurance Premiums	26886443	Medica Health Plans	101		10,238.35
Payroll	Insurance Premiums	03 2012	NCPERS Minnesota	101		128.00
Planning and Zoning	Office Supplies	596788504001	Office Depot	101	41910	38.69
Planning and Zoning	Software Licensing	92449900	ESRI	101	41910	405.50
Planning and Zoning	Telephone	332373310-123	Nextel Communications	101	41910	17.58
Recycling Operations	Electric Utilities	022112	Connexus Energy	226	43235	131.38
Recycling Operations	Gas Utilities	315108377	Xcel Energy	226	43235	246.21
Recycling Operations	Other Equipment Rentals	51465	Jimmy's Johnnys, Inc.	226	43235	52.87
Recycling Operations	Professional Services Fees	34974	Minnesota Conway	226	43235	5.90
Recycling Operations	Refuse Removal	1581043	Walters Recycling, Inc.	226	43235	156.79
Sewer Operations	Bldgs/Facilities Repair/Maint	101714	Rogers Electric	602	49451	110.00
Sewer Operations	Chemicals and Chem Products	3309661 RI	Hawkins, Inc	602	49451	3,879.56
Sewer Operations	Electric Utilities	022112	Connexus Energy	602	49451	863.71
Sewer Operations	Professional Services Fees	2011Tax	Anoka County Property Records	602	49451	55.00
Sewer Operations	Professional Services Fees	144620	Bolton & Menk, Inc.	434		32,349.83
Sewer Utility Capital Projects	Architect/Engineering Fees	144620	Bolton & Menk, Inc.	434	49455	20,682.67
Street Capital Projects	Professional Services Fees	2011Tax	Anoka County Property Records	406	40600	38.58
Street Maintenance	Bldgs/Facilities Repair/Maint	470776125	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470779472	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470782787	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-01-12	Premium Waters, Inc.	101	43220	23.21
Street Maintenance	Bldgs/Facilities Repair/Maint	101715	Rogers Electric	101	43220	123.70
Street Maintenance	Cleaning Supplies	2425388	Dalco	101	43220	109.22
Street Maintenance	Clothing & Personal Equipment	470776125	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Clothing & Personal Equipment	470779472	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Clothing & Personal Equipment	470782787	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Electric Utilities	022112	Connexus Energy	101	43220	1,556.20
Street Maintenance	Equipment Parts	1539-126603	O'Reilly Auto Stores Inc.	101	43220	200.13
Street Maintenance	Equipment Parts	239231	S & S Industrial Supply	101	43220	79.02
Street Maintenance	Gas Utilities	315108377	Xcel Energy	101	43220	1,125.43

City of East Bethel

March 7, 2012

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Lubricants and Additives	N16209	Federated Co-ops	101	43220	894.27
Street Maintenance	Lubricants and Additives	N16210	Federated Co-ops	101	43220	361.24
Street Maintenance	Motor Vehicles Parts	1539-126332	O'Reilly Auto Stores Inc.	101	43220	20.05
Street Maintenance	Motor Vehicles Parts	1539-126384	O'Reilly Auto Stores Inc.	101	43220	(15.04)
Street Maintenance	Professional Services Fees	34972	Minnesota Conway	101	43220	404.77
Street Maintenance	Refuse Removal	1581048	Walters Recycling, Inc.	101	43220	133.46
Street Maintenance	Safety Supplies	54037256	Zee Medical Service	101	43220	214.39
Street Maintenance	Shop Supplies	180660	Unlimited Supplies, Inc.	101	43220	264.69
Street Maintenance	Small Tools and Minor Equip	18815	Menards Cambridge	101	43220	34.17
Street Maintenance	Small Tools and Minor Equip	171178	Snap-On Tools	101	43220	51.03
Street Maintenance	Street Maint Materials	13905	Bjorklund Trucking	101	43220	777.52
Street Maintenance	Street Maint Materials	13909	Bjorklund Trucking	101	43220	1,555.03
Street Maintenance	Telephone	9342155	Integra Telecom	101	43220	50.68
Street Maintenance	Telephone	332373310-123	Nextel Communications	101	43220	142.53
Street Maintenance	Tires	135104	Pomp's Tire Service, Inc.	101	43220	2,602.58
Water Utility Operations	Bldgs/Facilities Repair/Maint	101725	Rogers Electric	601	49401	692.68
Water Utility Operations	Bldgs/Facilities Repair/Maint	101734	Rogers Electric	601	49401	575.00
Water Utility Operations	Chemicals and Chem Products	3309653 RI	Hawkins, Inc	601	49401	310.07
Water Utility Operations	Electric Utilities	022112	Connexus Energy	601	49401	443.25
Water Utility Operations	Gas Utilities	021612	CenterPoint Energy	601	49401	142.54
Water Utility Operations	Professional Services Fees	2011Tax	Anoka County Property Records	601	49401	55.00
Water Utility Operations	Professional Services Fees	34973	Minnesota Conway	601	49401	63.44
						\$137,936.75

City of East Bethel

March 7, 2012

Payment Summary

	Electronic Payments	
Payroll	PERA	\$11,401.46
Payroll	Federal Withholding	\$10,637.71
Payroll	Medicare Withholding	\$3,153.56
Payroll	FICA Tax Withholding	\$11,309.72
Payroll	State Withholding	\$4,253.98
Payroll	MSRS	\$7,022.66
		\$47,779.09



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 7.0 A-C

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, February 15, 2012 Regular City Council

Meeting minutes from the February 15, 2012 Regular City Council Meeting are attached for your review and approval.

Item C

Approve 2:00 AM License for Route 65 Pub & Grub

Route 65 Pub & Grub has submitted their application for an Optional 2:00 am Liquor License which requires the City Clerk’s signature before it can be sent to the Alcohol and Gambling Enforcement Division (AGED) for approval. There have been no issues brought to the attention of City staff regarding this licensee.

Item D

Approve Advertisement and Hiring of Two Seasonal Public Works Positions

Increased demands for road and park maintenance in the spring and through the summer has traditionally required hiring of seasonal personnel to support these activities. The increased work load during this time on park and street projects along with scheduled leave time for full time employees creates a situation where seasonal workers provide additional manpower to assist on projects and maintenance activities.

During the upcoming spring and summer, there are labor intensive park projects scheduled that include the installation of playground equipment at Norseland Manor Park, improvements at Booster West Park, and a tennis court installation at the Coon Lake Beach Community Center which will require City personnel and equipment for completion. The extra staffing will enable the Public Works Department to complete the projects as well as ensure adequate maintenance for existing parks. Road projects include crack sealing, seal coating, class 5 additions to gravel

roads, culvert replacements and overlay projects. These projects are in addition to the normal maintenance activities that generally require significant staff time.

To complete the work scheduled, staff is requesting approval to advertise and hire two seasonal employees to work from mid-May through the end of August 2012. These seasonal employees would permit the normal park and street maintenance to proceed while the more experienced employees work in those construction activities that require additional experience. Seasonal employees would also be used for general labor and to back up the schedule when full time personnel are scheduled for vacation.

These positions are limited to approximately 13 weeks for each seasonal employee. Funding for these positions in the amount of \$12,000 is provided for in the 2012 General Fund under the Parks Department budget. First year seasonal employees are proposed to be paid \$10.00/hr. and seasonal employees with previous employment with the City would be paid \$11.00/hr. The projected total cost for these positions is between \$10,400 and \$11,440 depending on the experience of the seasonal employees.

Item E

Approve Galveston-Houston Buying Consortium Contract

The Fire Department is in the process of studying proposed specifications for the replacement of apparatus as indicated in the equipment replacement schedule. The schedule calls for replacement of a pumper/truck in 2012 and replacement of a pumper/truck in 2013.

The Houston-Galveston Area Council, also known as; H-GAC, is a purchasing consortium of all levels of government through out the United States. The Fire Chief requests the City Council to consider approving the attached agreement and make the City of East Bethel a member of the consortium. The Fire Chief would like to investigate whether preferential pricing will be available from various vendors and manufactures for the purchase of fire apparatus. Some of our neighboring communities now belong to this purchasing consortium and have reported favorable pricing for newly purchased apparatus. As a member of the Houston-Galveston Area Council, many other equipment items may be available for an assortment of other City purchases.

Although there is no guarantee that discounted pricing will be available, the Fire Chief believes that it is worth the time to investigate the pricing, products and vendors as part of the preparation for the bidding and specifications for the Council to review.

City Attorney Mark Vierling has reviewed the attached agreement. His opinion is attached.

There is no cost to the City of East Bethel to belong to the consortium nor is the City responsible to purchase items from the Houston-Galveston Area Council.

Item F

Pay Estimate #10, S.R. Weidema, Phase 1, Project 1, Utility Improvements

This item includes Pay Estimate #10 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include sanitary sewer construction along 189th Avenue and TH 65, northern TH 65 watermain crossing, wetland access and other miscellaneous items. Two separate payments will be made. One payment will be to S.R. Weidema and the other will be to the escrow account established at TCF Bank. Staff recommends partial payment of \$854,363.62. A summary of the recommended payment breakdown is as follows:

Contractor Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$3,971,330.09	\$3,348,815.56	\$622,514.53
City	\$2,609,184.67	\$2,420,053.76	\$189,130.91
Total	\$6,580,514.76	\$5,768,869.32	\$811,645.44
Escrow Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$209,017.37	\$176,253.45	\$32,763.92
City	\$137,325.51	\$127,371.25	\$9,954.26
Total	\$346,342.88	\$303,624.70	\$42,718.18

The payment includes \$811,645.44 to S.R. Weidema and \$42,718.18 to the escrow account for a total of \$854,363.62. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project. A copy of the Pay Estimate is attached.

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

EAST BETHEL CITY COUNCIL MEETING

February 15, 2012

The East Bethel City Council met on February 15, 2012 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Richard Lawrence Heidi Moegerle
 Steve Voss

MEMBERS EXCUSED: Bill Boyer

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

Call to Order **The February 15, 2012 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the February 15, 2012 City Council agenda with the amendment of adding to 7.0 Consent Agenda the following items: 9.0 B.1 Pay Estimate #1 Construction of the Elevated Storage Tank No. 1; 9.0 G.3 Aggressive Hydraulics Time Extension. Voss seconded; all in favor, motion carries.**

Presentation –
Springsted,
Inc. –
Refunding
2005A GO
Public Safety
Bonds Davis explained that a representative from Springsted, Inc will be available to review the proposed refunding of the 2005A GO Public Safety Bond issue. This bond issue financed the construction of Fire Station No. 1 on Viking Blvd. and installation of weather warning sirens. Debt payments are supported by a direct property tax levy.

Kathy Aho explained that she is the president of Springsted, Inc and that she has worked with the City of East Bethel previously. She periodically goes through debit issue with clients to see if we can lower the rate and reduce payments. Market rates currently are attractive for refinancing debt; the interest rates are historically low.

Aho explained that candidates for refunding have existing bonds with maturities that go out in time. They originally sold at rates higher than current market. And have a call date in advance of maturity. Aho showed a table of the bond rates for the last five years. The 2005A GO Public Safety Bonds that were issued in 2005 are approaching their call date on April 1, 2014. Current interest rates are from 3.5% to 4.3 %. These are supported by property taxes.

Aho explained the projected future savings. The estimate projected future savings is a net figure of approximately \$142,000. The projected present value savings is estimated at approximately \$125,000. The rate on the old bonds is 4.11% and the estimated rate on the new bonds is 1.69%. The first levy that would be reduced is 2013 for collection in 2014 with a estimated savings of \$13,000. Then there is a table where you can see what it is each year.

Aho explained the advantages and disadvantages of bond refunding.

Advantages: Debt service savings starting with 2013/2014 levy. Market conditions are at historically low levels.

Disadvantages: Issues can only be advance refunded once (Can be current refunded at call date of new bonds, about 10 years from now). There is negative arbitrage to the call date (savings shown are net of this number, about \$37k).

Aho explained the process. Council directs staff to work with Springsted and bond counsel to prepare the issue for sale. An official statement will be developed for distribution to potential purchasers. A bond rating will be requested (currently Moody's Aa3). Bids from purchasers will be received & presented for consideration by the Council (April 4 City Council meeting).

Lawrence asked "With the current debt that the City holds, how hard would it be to refinance these bonds?" Aho explained this should be very straight forward. Lawrence asked "So it doesn't really matter how much bond debt you hold?" Aho explained bond ratings: it does, but the Aaa3 was confirmed when the City sold their last transaction. That is reflective of all current debt the City has outstanding. There will be new questions, to extent of State Aid Cuts, Market Value Homestead Exclusions, recession, we are seeing a lot of those, but it has not been threatening the ratings so long as decisions have been made to reduce services, or cut so you have maintained a balanced budget.

Moegerle asked, "When you prepare information about our City are you going to indicate to them that with our bond from 2010 that we have gathered no ERUs to pay for those and we have no hookups. And will that negatively affect our bond rating?" Aho explained that the bonds that are outstanding are General Obligation bonds. The anticipation is that the City will pay those bonds. The City has not done anything at this time that would indicate that you would not pay those. They were rated at the time based on the City's General Obligation pledge. There was less attention paid to the finance plan, while it is something that is very key here. If you are anticipating a moment in time where you would not honor those bonds, we need to know that and that would probably be the end of this discussion.

DeRoche asked, "Say we say go ahead, look it up and see what you can do. If we decided not to do it, how is that billed out?" Aho explained that expectations on our part would be that if the City agreed to go ahead tonight it would be based on results that are similar to what was presented. Fees that you would incur, that we would not be able to waive, would be after we receive the bond rating. A week or so prior to the issue itself being sold. After the bond agency has a conversation with us, they take it to their rating agency, and the committee will on the spot assign the rating to the bonds. At that point the City would be responsible for that rating fee.

DeRoche asked, "We are going to base tonight's decision on what is in our packet?" Chances are there will be more questions. He asked, "If we commit to it now, are we stuck with it or pay penalties?" Aho explained the process. If April 4th is the date selected for the sale, this would come back to you a month before that and have a full write up at that time of the terms and conditions of the sale. The analysis would be formalized. Council would then officially act to adopt those terms and conditions and put the issue out in front of the marketplace. At that time any specific questions would be addressed. DeRoche said, "He asks a lot of questions and he does a lot of reading and some of this looks just looks Greek to him. The more he reads it, the more it makes sense. But to just make a decision, based on what he has had since Friday, he doesn't feel comfortable doing that."

Moegerle asked, "What are the total fees for your services?" Aho explained in your report there was "Sources and Uses". Bonds are sold, two things that money goes for. Escrow account to pay bonds, the other is to pay for the cost of the transaction. Cost of issuance and total underwriters discount. Final item is rounding amount because bonds are sold in \$5,000 denominations. Moegerle said, "So approximately \$50,000. If we spend \$50,000 we save

\$141,000 in the long term.”

Moegerle asked, “The bonds that we would be refunding are General Obligation bonds, would the new bonds be General Obligation bonds?” Aho explained they are General Obligation Bonds. Escrow will be adequate to pay the bonds at redemption, the securities that are in there will be U.S. Treasury Securities the only purpose for which they can be used is to redeem the old bonds. Moegerle and the current bond is GO as well. Voss asked, “What specifically is staff looking for in direction?” Davis explained direction to staff to work with Springsted and bond counsel to prepare the GO Bonds for sale and bring it back to Council at the March meeting for discussion.

Voss made a motion to direction staff to work with Springsted, Inc. and bond counsel to prepare the refunding 2005 GO Bonds for sale and return to the March 7, 2012 City Council meeting. Lawrence seconded.

Moegerle said, “As long as this doesn’t commit us to do this and it doesn’t cost us anything to proceed.” Davis explained that staff would work with Springsted; they will prepare the evaluation of the bond sale. We will bring this to you in March and if at that point you proceed further, then we would be obligated for the bond sale. Voss said, “We are going to save the taxpayers \$140,000.” He doesn’t know what more information we are going to have in March. If you are not going to support refinancing it in March, let’s not move staff forward to work with Springsted then.

Moegerle is looking at things further down the agenda that gravely concern her, which if they are on the agenda, they are published, they are open. Voss asked, “Are they on the bond issue?” Moegerle has big problems with these General Obligation Bonds. Voss commented that one thing to put out there, and he doesn’t know if she was here in 2005, but this is a public referendum bond, the voters put this in. Moegerle doesn’t dispute that. If you invest 50 cents to get \$1.50 back, that is basically what we are doing. Is that worth all the trouble? And she is going to average it out over those 4,000 households (to get the impact) \$3.00 a year. Fine, go ahead, but she is not sure she is going to vote for it in the end. Voss doesn’t know why we would waste staff’s time if you aren’t going to vote for it in the end. DeRoche doesn’t know that it is a waste of time trying to get some more information. He is not willing to go do this without all the information. Experience has showed him that there have been decisions made without a lot of information. He is not willing to do that. **All in favor, motion carries.**

Community
Online Survey

The Mayor explained that East Bethel is looking for your ideas. Please visit the front page of the City web site and complete the online community survey that will help with the City’s Marketing and Branding efforts. If you don’t have internet access, call City Hall and request a paper copy. Participation is very critical for the City, to help round out what we are looking for as a City.

Sheriff’s
Report

Lieutenant Orlando gave the January 2012 report as follows:

DWI Arrests: There were four DWI arrests. Two were the result of traffic violations. One arrest involved a property damage accident. One arrest involved the driver being located at the wheel asleep.

Burglaries: There was one reported burglary of a motor home while it was parked in a storage facility.

Property Damage: There were six reports of damage to property. One incident involved a male coming to a residence to find a female and becoming angry when he was told that she was not going to come outside to talk to him. The male got into his vehicle, which was a tow truck, and pushed a vehicle that was parked in the driveway into the residence causing damage to both the vehicle and residence. The male has been charged with felony level damage to property.

Thefts: There were nine reported thefts in January. One involved an intoxicated male who was arrested after taking another patron's wallet from the bar in a local establishment. The intoxicated male denied taking the wallet but was recorded on video surveillance. The male was taken to jail. There were two identity theft situations, where people's credit or debit cards were used fraudulently. One theft report involved a vehicle that was in storage which had been stolen. Three theft reports involved purses and wallets being taken from parked vehicles at businesses.

Information: Back in March 2011 we had an assault situation that involved a firearm and a father who was severely beaten by his adult son. Reid Smith was found guilty of 1st degree assault, 2nd degree assault, 3rd degree assault and terroristic threats. The charge of attempted murder was dismissed. Sentencing will be on March 30th.

Introduction of
Anoka County
Deputies

Sherriff Jim Stuart appreciates the opportunity to be here tonight. With him is Chief Deputy Tom Wells. Want to say thank you for partnership. We also have your 2012 Deputy contingent. Fun to come here, both Wells and Stuart have been liaisons for East Bethel. Think it is important for the citizens to realize that as we hear more and more across the country about collaboration and cooperation and the spirit of finding ways to do things more efficiently, East Bethel has been part of that model for many, many years. Our infrastructure is supported by 21 communities. Our patrol division is supported by eight communities. Think we have phenomenal staff, appreciate them and want to publically thank them. They have all chosen this career, and ultimately they care about the citizens and the City of East Bethel and Anoka County. Very proud of them. We get a lot of positive feedback from the citizens.

Lieutenant Orlando introduced the 2012 East Bethel Deputies as follows:

Deputy Chris Beck has been with East Bethel for seven years. Well known fixture, he is very social. It is his 15th year with our office; he is a field training officer, member of the SWAT Team, and a hostage negotiator with the SWAT Team. Shawn Merit has been with East Bethel for two years. It is his 10th year our office. He is also a field officer and is a Taser instructor. Luke Kristofferson has been with East Bethel for six years. Has been with our office for seven years. Also on the dive team and an certified advanced diver. He is an Ice Rescue Technician and ATV safety instructor, Explorer Advisor and field training officer. Travis Wold has been with East Bethel for four years. It is his seventh year with our office. Thomas Quam has been with East Bethel for five years. It is his seventh year with our office. Ryan Rockets has been with East Bethel for two years. It is his fourth year with our office. He was a Detention Deputy in the jail so he is very knowledgeable.

Lieutenant Orlando said if you have any issues or questions, never hesitate to give them a call. They are there for you.

Introduction of Fire Chief Mark DuCharme introduced the 2012 Fire Department Officers.

Ardie Anderson, Deputy Chief he runs day-to-day personnel issues, and he will have 30 years come March 1st. District Chief Todd Bennett from Station One, he has 16 years. Mark Prachar, Captain Station One, he has 10 years. Adam Arneson, Lieutenant Station One he has six years. Gary Schultz, Lieutenant Station One has 12 years. Dan Berry, District Chief Station Two could not be here, but he has been on the department 10-12 years. Captain Rod Sanow Station Two he has 12 years and Tammy Gimpl, Lieutenant Station Two and she has 7 years.

Public Forum

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

Christine Howell of 22314 7th Street NE commented on the Weidema issue that was on last week, extension, know it is coming up. She doesn't expect any comment from Council. She wants her voice to be heard as a taxpayer. Going to as you consider whether to allow this 11 month extension that they are asking for, and if you have to, what ways to go about it. Also noticed his fees did not decrease at all. First of all would ask that you say absolutely not, but know there are a lot of other things involved in this. Should you feel that you need to grant this extension, then he needs to be held financially accountable in some way or another. His fee went up, not down. He does this for a job; he should know the ins and outs. She believes the change order was requested due to mild weather conditions. If a contract was signed, it would be no different than someone that bought a plow at the beginning of the year, expecting that they had three or four wonderful months to pay on that plow and then Mother Nature didn't give us any snow. Financial loss, still on the hook, still signed a contract, still on the hook for that payment. Also, keep in mind, Weidema wasn't the one that stood up here, many times and was told, "I can't make it any simpler, if you don't hookup, you just won't pay." We were arguing somebody is going to have to pay. She doesn't think the taxpayers should have to be on the hook, due to mild winter conditions when we were told, "If you don't hookup, you don't have to pay."

Tom Ronning of 20941 Taylor Street NE, this Weidema thing is a puzzle to him. Was reading the packet on the internet today and there is something in there about this contract being written for two winters. Why would Weidema have a July 2012 due date and have two winters, that is a rhetorical question? No one is dumb enough to do something like that. This is the same guy we give \$350,000 for a change order on fuel. Do we have any oversight on this, or does he have any responsibility to make sure he is using it? Because as a taxpayer no one wants to just hand him the extra \$350,000. He could use some extra fuel too. Schmidt said, "We watch the equipment and he is burning that fuel, he can guarantee it." Ronning comment that the price that Weidema bid on the fuel and the price it was at the time. He remembers commenting then on the tax free status: state reimbursement and US reimbursement, that is what he means by oversight.

Ronning explained listening to the debt business and when we took on this recent debt, think we had \$3,000,000 or \$3,250,000 of debt. What is our obligation for debt that we are signed up to now? Davis said approximately \$22,000,000. Ronning asked, "What about the Met Council portion, who is going to pay them?" Davis explained User and SAC fees. Ronning noticed there are 50 or 55 commitments for next year and 50 or 55 for the year following. Then 200 for the year following that. Where are these 300 coming from, that is by 2016. That is part of the money we owe met council. If we don't produce these, we owe them about \$5,600 each. We have a project we have to meet with Met Council. Davis said, "It breaks down that we have an objective we have to meet with the Met Council. We have a

schedule set up. Starts out in 2013 have to meet 100 ERUs in two years. That rate goes up 10.6 annually. Goes up until we have to produce 650 per year by 2031. Levels out and stays at 650 until 2041. These are the numbers that are necessary to pay for cost of the wastewater treatment plant and other improvements they are making to the system. Ronning commented they say if we build they will come, he doesn't believe it. Beginning to end what is the total ERUs we are committed to. Davis answered 12,000. Ronning asked, "what is our current population?" Davis answered 11,600+.

Linda Larson commented doesn't know if there is much more that needs to be said, but she wanted the neighborhood to be represented tonight. Also, a neighbor is with her and she has video of this. Tammy McElwee of 18815 5th Street NE explained she has video on her camera that this isn't storage; it is a business coming in and out. Lawrence explained that he thinks we are well aware how the neighbors feel about the situation. Moegerle asked, "If they can get the video electronically to the City Administrator that would be best."

There were no more comments so the Public Forum was closed.

Consent
Agenda

Voss made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, February 1, 2012 Regular Meeting; C) Appointment of EDA Ad-Hoc Member; 9.0 B.1 Pay Estimate #1 Construction of the Elevated Storage Tank No. 1; 9.0 G.3 Aggressive Hydraulics Time Extension. DeRoche seconded; all in favor, motion carries.

Planning
Comm. Mtg.
Minutes

Davis explained that the Planning Commission Meeting Minutes from January 24, 2012 are for information only. They are in draft form and have not been approved by the Planning Commission.

Motor Vehicle
Sales – Ryan
DiMuzio &
Jordan Valder
18803 Hwy 65
NE

Davis explained that this item was presented at the January 24, 2012 Planning Commission meeting; at which time the Planning Commission made a recommendation to City Council to direct staff to move forward with a zoning text amendment to amend the B3 – Highway Business District to allow open sales lots with an Interim Conditional Use Permit.

In order to consider a zoning text amendment that would allow motor vehicle sales in the B-3 District and Zoning Code, Mark Vierling, City Attorney, has submitted additional criteria that could identify that this business is unique from others either in the manner of sale, point of sale, technical aspects of the sale or otherwise. Vierling's information provides justification that the business practices of Valder Motors are a different business model that has unique characteristics and objectively separates it from other car dealerships and it may qualify for other conditions under the City codes.

Vierling's definition, recommendations and conditions for this use as an Internet Distribution Sales are as follows:

Definition for Internet Distribution Sales: A business predicated on internet communication elements which consist of the following: 95% of sales are initiated and secured through internet communications between the buyer and seller with minimal or no need for on-site business negotiations between the buyer and seller. Pre-sale required inventory. All sales are substantially completed before the product is delivered to the customer. There is little or no need for business signage with the exception of basic identification signage. And there is no need for on-site advertising signage. There is minimal need for product storage on-site, with the exception of a product awaiting customer pick-up. There is limited need for outside storage and no product being stored on site will require storage for more than 45 days. No

product repair is conducted on-site unless it is required as a condition of the sale (this item is a staff recommendation, Vierling's original recommendation was that there be no product repair on site.) Mr. Valder has requested this be amended to permit product repair on-site as is required as a condition of the sale. As a condition of the above definition the following conditions may be considered to provide other controls for this use.

1. Outside storage space is limited to 5,000 square feet;
2. No more than 20 vehicles can be placed in outside storage at any time;
3. Arrangement and location of outside storage area would have to be approved by the City;
4. All ICUP permits would be issued for two (2) year periods upon issuance and renewal.
5. Any ICUP's issued as a result of this change would be subject to all other City Ordinances.

These definitions and conditions are presented for your consideration agenda item 8.0 B.2 Motor Vehicle Sales. Vierling's approach would allow Council to give this a different use designation in the B-3 zone and exercise a more protective set of controls for this use. Staff is seeking direction on proceeding with the zoning text amendment for this item.

Moegerle asked, "With regard to the six items listed on page 52 for us? In the conditions, number 2 says "No more than 20 vehicles can be placed in outside storage at any time". Is that can or may?" Vierling explained that is a staff recommendation and that is can. That is a limit; there is not an opportunity to exceed it. What we have here is not for automobile use or sales, but think beyond that to any type of business that uses the internet to fundamentally complete their transactions and the site is simply a pick-up for their product. Moegerle commented with regard to number four, she was wondering if we should put and cannot return to lot after thirty days (30) days. She said so they can't go away for five days and then come back. Vierling said "He doesn't know if that will be feasible for this type of product, as well as other types of products do have warranties. They would have to be monitored; even a used car could have a warranty for a certain period of time." Moegerle commented that for the sales lot, if it doesn't sell after thirty (30) days, then it goes to a different lot and then comes back. Vierling said, "The intent of the other provision was that there is no outside storage beyond forty-five (45) days for any outside vehicles."

DeRoche said "He has concerns about setting a precedent. You call this an internet business, but Saxton Ford advertises on the internet; any dealership, does that mean they can also do that? Once we do this, you can bet there will be more than one other person that will want to do this." Voss commented that this question is pointed at Vierling; he is the one that is going to have to defend this. Vierling said, "The key to that is the demonstration that the sale is initiated and substantially completed through electronic media. The preclusion, if you will, of any advertising signage on the property with exception of identification signage only distinguishes that type of retail sale from any other sale. Is it a fine line that can be crossed from time to time? Certainly. But you have this under an Interim Conditional Use Permit (ICUP) and under a time limit. The fundamental premise, of which we are going on, is this is a business that could well and should well grow off the site. If it does that is fine. In the meantime this is a temporary time permit for the business to be there, which is fundamentally operating on as an internet business. If it grows beyond that, then they need to look for another site. With the ICUP on a 2 year renewal where the Council is going to hold discretionary authority in terms of whether or not it renews and to determine whether or not the business is fundamentally compliant, you have the significant leverage you will need to make sure the business hasn't grown beyond what they represented it is or what it will

be.”

DeRoche asked, “We have had discussions about possibly getting connections off of the east side of Highway 65. So if we do that, how will this affect any ERUs?” Voss said, “That is why it is a two year.” DeRoche commented that hopefully the EDA continues on the course it is on and we get more people to come up here and look and grab at that. If they were to hook up, what would the ERUs be two (2)? Davis said, “No, they would be one (1), but from a timeline standpoint, by the time we could get service established on the east side of Highway 65 it would be a year from now. That would put this ICUP halfway through its expiration. Especially on a vacant piece of property like that, by the time you do a deal and complete all the negotiations to acquire property, go through all the permitting processes, and actually do construction, you are probably looking at another year. The two (2) years would probably not prevent or preclude any that property for a higher use in his opinion.”

Voss said, “Really it comes down to this piece, it is not us, it is the property owner, which is their landlord. So if their landlord decides that now it is time to build, it is their relationship with the business that is there. They have a lease and if they cancel the lease, it is not us stopping any development. We are not saying they have to be there. Whoever owns the land wants to develop it, that is their decision, not ours.”

DeRoche asked, “So why aren’t they the ones going for the ICUP, being as they are the legal owners of the property?” Davis explained because they are not the ones running the business, this is related to the business. Your point is well taken though about the ERUs and that is why we are looking at this with the very limited time on it. This is in the sewer district, and we want it to be used to its maximum use in terms of market potential and what it can do to generate the income to finance the sewer project.

Moegerle said, “She is very concerned about setting a precedent as well. When she looks at this situation, while she is understanding and sympathetic to it, she is also concerned about setting precedent. So if we have code enforcement, have zero tolerance to some of our other nuisance ordinances where things are followed for a period of time, that would make her feel more confident that this is not setting a precedent. This is being business friendly in an extremely limited situation.”

DeRoche explained that he is all for being business friendly and he doesn’t think coming in they had all the information on what they needed to do. For whatever reason that just didn’t happen. He asked, “Has Valder been using the building for this now, while he is working with staff?” Valder explained that he still has his license in Spring Lake Park; it is still current, because when you move your license carries with you until the expiration. Valder said, “But the vehicles that have been there have been sold off the internet site using the license from Spring Lake Park, so in all honesty, yes. Since he has moved there, it hasn’t been noticeable; he doesn’t have a sign up. It is hard for people to find him, but he cannot sit and do nothing, this is his income, this is his business.”

Voss asked Davis, “In condition number seven (7) it talks about repair, can you explain what types of repair we are talking about?” Davis explained that Valder is are stating if they take a vehicle in for internet resale, there are certain things they have to check on it and there might be some minor repairs they have to do on it before it goes out the door to their customer. Such as oil changes, minor repairs. Voss asked, “Are these repairs done indoors?” Valder said, “There is a shop and he thinks it was actually built for that. These are used vehicles, not new. So it might be brakes, he has to do a safety inspection for all of his

customers as soon as he gets the vehicle.”

Voss said, “To the extent that we augment the recommendation that it is designated to indoors, that would satisfy him. And one suggestion he has and he thinks it would help on tracking and enforcement, is they obviously keep records of sales. Is there a way that on some periodic basis, that you can share the records of how cars coming in, cars going out and how they are being sold? That is one way to make sure it is not being used as a traditional car lot.”

Valder said, “It is more like networking of car sales. He doesn’t want that look; he doesn’t want that style of a regular used car lot. He worked at Friendly Chevrolet when he was 15 years old, did sales since he was 17 years old. When he left he said if he can build a client base and find them a vehicle that they want, and feel very comfortable selling them the vehicle that they want and then they would be coming back. And then their family members, their friends, their kids, they come back and it is kind of like a network. Plus he has the internet as well. The reason why he would sell to public would be he would say he thinks they would like it, but guess what they come back and say, “I really don’t like that color Jordan, I just can’t spend that money on it”. So guess what, now he has that vehicle, he has to clean it up and sell it on the internet. He won’t advertise it on the street, that is what the storage would be for. There would be no hang tags in it, there would be no banners, flags, writing in the window, nothing like that, because it doesn’t look clean and presentable in his opinion.

Voss explained what he is suggesting at least showing staff your breakdown of sales for the month, our building inspector will be by from time to time. In terms of the sales and how the sales are going. It is an easier way for staff to track. Such as you had 20 cars sold that month and 16 were prearranged and four crashed and you had to sell otherwise. Voss asked Valder, “Are you familiar with the conditions that are laid out here?” Valder said, “Yes, they were e-mailed to me this morning.”

Moegerle made a motion to direct staff to proceed with the zoning text amendment. Vierling suggested what you want to do is direct staff to formalize the zoning text amendment and bring it back for the public hearing process. **Moegerle amended her motion to direct staff to proceed with the zoning text amendment and bring it back for the public hearing process. Voss seconded with the suggestion that the repairs be done indoors.** Moegerle was fine with the amendment. DeRoche asked, “Is this changing the zoning text or is this just a one time amendment?” Vierling explained this is a text amendment that would be there until and unless the Council amends it or takes it out in the future. An ICUP authorized under this zoning text change would be a two (2) year limited permit. Davis explained and this does apply to all the B-3 zones in the City.

DeRoche commented that he thinks we are opening a can of worms. Voss said, “If this turns out to be a good use for the City, then we have two or three more business come in and do the same thing.” DeRoche said, “But it is the changing of the text being permanent.” Voss explained but it is very specific. Vierling said, “If the Council has this out there on a trial basis, finds you don’t like it and you repeal it and the ICUPs go away at the end of their two year period.” Voss commented that you can’t envision every situation that is going to happen, but if all a sudden someone wants to do the same business with an off-road 20 yard dump trucks and park them we are going to have another discussion about it. There are other internet businesses but they are not going to have outdoor storage. **All in favor, motion carries.**

- Park Comm. Mtg. Minutes Davis explained that the Park Commission Meeting Minutes from January 11, 2012 are for information only. These minutes have been approved by the Park Commission.
- Road Comm. Mtg. Minutes Davis explained that the Road Commission Meeting Minutes from January 10, 2012 are for information only. These minutes have not been approved by the Road Commission.
- Gordon Hoppe – 1861 Viking Blvd., Variance Conditions Amendment Davis explained that on October 5, 2011, City Council approved Mr. Hoppe’s request for a variance to allow the expansion of two (2) commercial buildings at 1861 Viking Blvd. As a result of this variance a condition was added that permitted storage of his vehicles at his 604 189th Avenue NE residence. On December 14, 2011 and again on January 9, 2012 received complaints from neighbors stating Mr. Hoppe was conducting business from his 189th Street address and creating a noise and traffic nuisance. Staff met with the neighbors at which time they provided information about Mr. Hoppe’s activities. Staff met with Mr. Hoppe after both of the registered complaints and in both instances Mr. Hoppe denied the accusations.

Because of the continuing nature of this dispute and the assumption that Mr. Hoppe may have been operating a business at the 189th Ave NE without an Interim Use Permit (IUP), staff and Mr. Vierling, City Attorney, request City Council to consider amending the approved variance conditions. The consideration is to delete condition #5 that reads:

“Commercial vehicles stored on Mr. Hoppe’s residential property, located at 604 189th Ave. NE, East Bethel, may remain on the property until the completion of the additions to the commercial buildings located at 1861 Viking Blvd., East Bethel. Commercial vehicles must be removed from the residential property within one (1) week of the issuance of the Certificate of Occupancy”. Mr. Hoppe would be subject to the storage requirements as set forth in City Code for Rural Residential Zones.

This condition is not applicable to the variance for 1861 Viking Boulevard. Additionally, Mr. Hoppe has not asked for nor does he acknowledge any needed permissions for his residential property relative to this activity. If staff determines that a home occupation is being operated from the property, Mr. Hoppe will be required to apply for an IUP.

Staff recommends City Council amend the original conditions of the approved variance by deleting condition #5.

Moegerle asked, “Because she made the original motion, does she have to make the amended motion?” Davis answered correct. Moegerle commented she wonders if this will solve the problem. Davis said, “That will be up to the neighborhood. This will solve it at the City standpoint; it will remove the storage requirement. Then the Rural Residential (RR) Zone will apply. If there is a complaint, the neighbors can file that with the City. And the City can take appropriate action.” Moegerle asked, “Is the City investigating this at this time based upon the information that has been provided to you?” Davis said, “The City has investigated the complaints. We have had three (3) meetings with the neighbors, spoken with Mr. Hoppe on a number of occasions. As indicated by the resident that spoke at public forum, there is some evidence of activities that have taken place. This has been an issue since October 5, 2011.”

Moegerle wondered if this matter could be referred to the mediation services at Anoka County. Davis explained that it is possible it could come to that if this doesn’t clear it up, if

the parties wish to pursue. Moegerle asked, "Do we have the authority to refer them to mediation services?" Davis said, "No we do not. That is totally voluntary."

DeRoche's understanding when this was passed was that it was only supposed to be storage at Mr. Hoppe's residence anyways. Davis concurred that is what the condition read. DeRoche said, "What he is reading here is he can store this stuff at his residence, which he has been doing, only it has gone beyond that. What is to say this is not going to keep going?" Davis said, "That is up to the individual. What this does is removes the condition and then if there is a complaint, we can see how it falls within the regulations of the Rural Residential (RR) Zone.

Vierling explained that this is not going to solve any issues between Hoppe and his neighbors. This will clarify the variance. There was a variance relative to doing work on a commercial property. There was no variance request, nor was there any application made to the City relative to doing anything on the home site. The application/presentation that was made at the time said they were not doing anything illegal on the home site. Not operating a business, not doing anything in violation to City ordinances. Think the Council at that time added that condition because of what was being recited by the applicant at that time. His position from the technical aspects of the variance permit is that condition #5 doesn't belong there. It has nothing to do with the commercial site. The variance condition doesn't belong there, has nothing to do with the commercial site. It is going to clarify, because he doesn't want the language in condition #5 being used to defend what is or isn't going on at the site. So whatever is going on the site, or not going on the site, will have to be justified under the existing ordinance. And if the neighbors have a complaint in regard to what is going on there, they can file that with City staff. Or get it to the Anoka County Sheriff's department. If we feel there is an ordinance violation, we will pursue it.

Moegerle asked about procedure. Vierling explained you are amending an action that has already been taken by Council by deleting condition #5, per Roberts Rules of Order. DeRoche said, "He hates to beat a dead horse but, he can understand the frustration because he went through this with his neighbors. These people have been complaining for quite a while. Sure now at a point where they say, "We complain, we bring pictures, we bring video and nothing happens. We would like an explanation of why not." He would like an explanation why not. Are we going to continue to say ghee whiz, you have to continue to monitor this; you have to do this and that? They have been doing everything that Council told them to do."

Voss asked, "Is staff putting anything together regarding the issues and this recommendation?" Davis said, "The recommendation he makes to Council is to follow what the City Attorney has described and delete this condition. We have had numerous complaints and calls. This has occupied a lot of staff energy and time, needs to go away. If we have a better way of enforcing this, which he thinks the storage issue clouds the whole matter. If it is deleted, he thinks we will have a means and way to address this. As far as a report, we have had two meetings with the neighborhood groups. After each one we had discussions with Hoppe, either in person and in addition had six to seven calls with Hoppe and about five or six calls with the neighbors. Other staff deals with some of these calls also.

Voss explained what he was getting at is cleaned up, variance on the commercial property, wants to see where we are going officially on the uses on the residential property. Vierling suggests that staff gather reports and complaints and we will report back to Council. Davis explained that Hoppe has indicated he is getting out of the excavation business so that will

alleviate a lot of this. Moegerle commented we have eight (8) ordinances with the word noise in there; we do have some power here.

Moegerle made a motion to amend the motion that was approved on October 5, 2011 for a variance for Gordon Hoppe at 1861 Viking Blvd. NE to allow two (2) building expansions onto existing structures and to reduce the side yard setback to a City street for a legal nonconforming business. Condition #5 as follows is deleted/removed from the variance: 5) Commercial vehicles stored on Mr. Hoppe's residential property, located at 604 189th Ave. NE, East Bethel, may remain on the property until the completion of the additions to the commercial buildings located at 1861 Viking Blvd., East Bethel. Commercial vehicles must be removed from the residential property within one (1) week of the issuance of the Certificate of Occupancy. Voss seconded. DeRoche nay; Lawrence, Moegerle and Voss; aye; motion carries.

2011 Building Department Report

Davis explained that Mr. Larry Martin will deliver a report on 2011 Building Division activities and projections for 2012.

Martin explained that he wants to apologize. He and Davis crossed paths last week, he has been taking a family member down to the U of M and he didn't get this thrown together until the last minute. If there are any specifics you would like, let him know, e-mail him or call him and he will pull them together.

Building permits issued last year 509. Valued at \$2,000,906. Collected fees at barely over \$100,000. Inspectors conducted approximately 1,023 site inspections, which would include an additional 12-15% for return site inspections.

Expect a slight increase in 2012. This week he has two more homes coming in; one is going to Bear Hollow and the other to Dellwood Estates. Moegerle commented that would be a total of three (3) which is our increase. Martin explained that late this afternoon he was told by Mundle that he is doing 15 new homes up at his site, this year. Martin was up there this afternoon and he finalized a model.

Commercial, he and the City Planner have talked to G & K Machining in the south end and he is looking at approximately a 10,000 square foot addition to his facility. He wants to do that this year. Size will depend on sewer and water and whether or not he has to sprinker his facility. About all he sees for commercial. Moegerle asked, "How has the trend been from 2009 until today?" Martin said, "Personally, and he has been doing this for a long time, he doesn't see anything happening until after the election. Just his personal opinion."

Code enforcement, as a City as a whole, we didn't do as much as previous years. We concentrated a lot, had probably 60+ letters to Castle Towers alone. Have a lot of man hours dealing with Castle Towers. Night meetings, dealing with the association. APAC. Things going on with the ownership. Part of the ownership was appointed by court to take over site management. They have started some improvements. Filling in holes in the roads. Moegerle asked, "Wasn't that supposed to be done months ago? What can we do to expedite this; don't we have tools for this?" Martin explained it is private property. Because of the ownership switching over, we could have dragged them in to court and but he thinks we would have the same outcome. Think the court would give them so much time.

DeRoche said, "State law says they have to because of emergency, fire and police, the roads have to be to a certain standard. Lawrence explained they don't list that exact standard unfortunately. DeRoche explained when you have a two (2) foot hole and you have a \$300,000 truck falling apart because of it. Martin explained the battle they are fighting and it

sounds like they are making some headway is the entrance off of Highway 65 to their drive in belongs to MnDOT, that is not theirs. Haven't talked to the owner since September, that is what he was told. He wants to keep on their back through the winter; supposedly they were going to work with MnDOT. Sounds like the north half of the road belongs to Isanti County. They have talked to Fire Chief and myself and want to change the roads in there.

Lawrence asked, "Where are we at on the code enforcement on Sims Road?" Martin said, "He has to get out and take some new pictures. He is at the top of his list." Lawrence explained he is still getting calls. Martin explained a lot of these code enforcement are our septic compliance letters.

DeRoche asked, "It says the last couple years, staff issued 509 permits valued at" Martin explained that is last year, 2011, his mistake. DeRoche commented so we issued permits for almost \$3,000,000 and took in only \$100,000. Martin said, "That is the way evaluation works on it." He gave examples of previous years. Moegerle commented that it would be great to have this information in a table. Martin responded that he would provide that to Council in an e-mail. DeRoche asked, "You said there were 102 systems that failed?" Martin explained that was another mistake. Those were 102 compliance inspections that were submitted. Thirty of them failed. DeRoche asked, "Any particular area?" Martin said, "He can get that information to Council. We do break up the areas around the lake." Moegerle asked, "Out of those thirty, are they all in compliance?" Martin said, "No they are not. Will have to get a number to you. Most of these come in during the summer and that. Here is where we struggle. If we have a property that went vacant two years ago, have a compliance inspection from the lender, it failed, house is still vacant. Nothing has been done with the system yet, just one we are tracking out there.

DeRoche explained that from an HRA standpoint, we are trying to look at, and he has been researching any grants available for people that don't have a lot of money. Martin explained he has talked to the county and they have those wellhead protection grants. Sackey will be finished up soon; he is pulling all the files on the south side of the lake. Moegerle commented that is for a grant he is doing. What is the average time of rehabilitating a non-compliant or failed system of a house that is inhabited? Martin explained if it is foreclosed and bought, we have good luck with them. Now we get into what time of year it is, because the ground is froze. Your house, for instance, ten months is what you have.

Moegerle asked, "Tell us about the City of Bethel?" Martin said, "The City of Bethel has been after him for a couple years. He was up there before Council. Come to find out that the City Administrator received an e-mail, think before Christmas. A couple years ago, they wanted us to do code enforcement for them, but they never told us that. Was there on the 19th, attended their Council Meeting. Forwarded them a proposal for building inspections. He wouldn't expect a lot of revenue. Maybe 15-20 permits. \$2,000-\$3,000 at best. He talked to the City Attorney and he suggested a typical contract. It would give the City an avenue to get out of it, in case something were to change here. They still want us to do the code enforcement, and just waiting to hear from them. They were concerned about revenues from permits; they thought it was an additional fee.

Martin explained that he talked about a couple ordinances, one was tall grass. Our intent was for foreclosed properties if we had to go in and mow them. We talked about the rental ordinance. Had a call the other day, a tenant complaining. We try to take care of them and give them direction, and it is City time, staff time we are spending here. He talked to the City Attorney about this. And as he said, do we want to create another bureaucracy here? Noise ordinance, what is the definition of noise. Have had several discussions with Lt.

Orlando about this. The way our ordinance is written now it is hard for the deputies to enforce on site. We have to revert to state statute, the decibels. DeRoche commented, noise ordinances, what's the definition of noise. Martin explained that typically you will see other jurisdictions, when the officers get on site, if he feels it is a nuisance, there is a 100 people partying, at 2:00 a.m. it gives them the authority to shut them down. DeRoche commented we have had noise complaints where people said they heard things two (2) miles away. Moegerle asked, "Can we get this information in tables, so we can compare with previous years to see where we are? That would be very helpful." Martin said, "Definitely." Council thanked Mr. Martin.

Ordinance 34,
Second Series,
Amending
Chapter 6,
Alcoholic
Beverages

Davis explained that per Council direction, staff was instructed to review Section 6-93 of Chapter 6, Alcoholic Beverages, and recommend changes to Council that would provide additional clarification and discretion in the administration of penalties and fines under the ordinance.

This proposed Ordinance amendment would amend Section 6-93 of the Code of Ordinances of the City of East Bethel as submitted in the attachments and remain consistent with Council directives.

Ordinance 35,
Second Series,
Amending
Chapter 18,
Article IV
Regulating the
Sale of
Tobacco

Staff recommends City Council consider the approval of the amendments to Chapter 6, Article IV, Section 6-93 of the City Code as presented in the attachments.

Moegerle commented that she thought we wanted some flexibility in sentencing for lack of a better term and she sees will and shall still in there. She hoped to see "may" in there or some alternatives. She is looking for a way to waive that penalty first offenses. Vierling explained if you want to build in further discretion, we can certainly go back and do that. The primary intent he thought was to delete the opportunity for administrative fines on clerks.

Moegerle's other question is for the fourth violation in 24 months and they are still in business? Kindness the first time, second time lay down the law, the third time; don't know why still in business or selling those things. So she doesn't know how everyone else feels about this, but she would like to see the penalties go from kindness to draconian. Are there other cities that have this kindness or are we breaking new ground? Vierling explained he doesn't think you are breaking new ground. He thinks you are going to find there are a number of communities that are on either side of that issue. And when you get to three or four, some on the more conservative/stronger side are pulling the license. Others are leaving it for an opportunity to Council, but not mandating it. Moegerle thinks we have to have the flexibility. Voss commented but the third violation is a minimum of a 30 day suspension. Can go longer than that.

Moegerle wondered about the tobacco violations, and community service. Does that have to be done at East Bethel? Vierling said yes. Moegerle asked, "Do we have enough work to do?" Davis explained it depends on the person being sentenced. He said sometimes it is difficult to find community service work that matches the person. Vierling explained sometimes the work is not public, not always on public grounds. Sometimes it is done at nursing homes, churches, hospitals, other properties within the community that are non-profits and needing some assistance.

Moegerle commented she has the same concerns about the tobacco ordinance, with shall, again we should have some discretion on the first violation.

Moegerle made a motion to table Ordinance 34, Second Series, Amending Chapter 6, Alcoholic Beverages and Ordinance 35, Second Series, Amending Chapter 18, Article IV Regulating the Sale of Tobacco. She would like to get the details tweaked and bring it back. **DeRoche seconded; all in favor, motion carries.**

S.R. Weidema Contract Extension Davis explained due to matters of some pending litigation, he would recommend this item be tabled and be taken up in the closed session that is scheduled later in the meeting.

Voss made a motion to table the S.R. Weidema Contract Extension for discussion in closed session. Lawrence seconded.

Council Member Report – DeRoche

DeRoche said “Thank goodness, nobody has gone through the ice at Coon Lake Beach yet. He did attend the fire department quarterly meeting. A lot of those guys put in a lot of time that they are not paid for. If someone asks what they do, he can explain. He is going to go watch the training. Lakes are really, really bad. Stay off them. Coon Lake froze weird to begin with.” Did attend the fire dept. quarterly meeting. A lot of those guys put in a lot of time that they

Council Member Report - Moegerle

Moegerle said, “We had the Economic Development Authority (EDA) retreat on Saturday. That was interesting. EDA got the full where we are on the infrastructure, conservative result of what would happen if an extension is awarded. After that we talked in a roundtable on some issues. One issue was whether we should have a mission statement. Talked about what we could do with the web site. We are up to 460 responses on the survey. EDA is a question of what can we do. In some respects, Council needs to have a philosophical discussion about what we can do, about getting and securing customers on infrastructure. Like to get that set up sometime.

DeRoche asked, “Asked who would be best suited to do that. Go to McDonalds and ask would you be willing to extend that to East Bethel? Who is best in staff is best suited to go pound doors.” Davis said right now it would be pretty hard for staff to do that. Think we are going to find out from Ady what kind of activity to pursue. If we want to pursue this kind of activity, we might want to look at doing some contract work on. Not only do you have to send out letters, the follow ups are the important things. Staff could devote some time to it, but would think we might need to look for some outside assistance to help us with this. DeRoche asked, “Is there anything to prevent if he gets bored. If he had something on letterhead to give them. This is where we are going; this is what we are doing.” Davis said, “It is something to discuss, we might all have to break up and do some Saturday work on this.” Moegerle said that is something we tussled around at the retreat. We also had the GRE discussion; it is still an ongoing project.

Council Member Report - Lawrence

Lawrence said, “He was also at EDA meeting, it was very interesting. He thinks they will be key to help us pay for the City sewer and water. So we can attract new business to East Bethel. That is what the City has to do to begin with. He was also at GRE meeting. It shocked him and hopefully that will go well. He got one call for code enforcement on Sims Road

Closed Session- Project 1,

Vierling explained that pursuant to Minnesota Statutes Section 13.D he recommends that the City Council recess to a closed session to discuss the matter of possible litigation being the City of East Bethel on behalf of itself and the Metropolitan Council Environmental Services

vs. S.R. Weidema regarding pending contract dispute. Following closed session we will summarize any discussion or actions that took place during the closed session.

DeRoche made a motion to adjourn to closed session. Moegerle seconded; all in favor, motion carries.

Vierling said, "This will serve as a recap for the benefit of the public. Three Council Members and the Mayor were present at the closed session, DeRoche, Lawrence, Moegerle and Voss and staff, Consulting Engineer, Kreg Schmidt, City Engineer, Craig Jochum, City Administrator, Jack Davis and myself for the purpose of discussion of possible litigation between the City of East Bethel on behalf of the Metropolitan Council Environmental Services vs. S.R. Weidema regarding a contract dispute. Council took input from staff regarding engineering and other issues, but took no actions during the closed session.

Davis explained that staff is seeking direction in regards to approval of Change Order #5 for S.R. Weidema with the conditions that were sent to Council yesterday.

Vierling read the conditions as follows:

- A. The change order must be approved by the Metropolitan Council in accordance with the Construction Cooperation Agreement between the Metropolitan Council and the City of East Bethel.
- B. Completion of the sewer and water facilities in the vicinity of the City Water Treatment Facility (north of manhole 402) to facilitate the connection of the Water Treatment Facility to the water distribution system must be achieved by June 30, 2012.
- C. Substantial completion of the water distribution system such that the water system is charged and fully operational by December 1, 2012.
- D. Should the Water Distribution System not be fully operational by December 1, 2012, the contractor must provide at his expense temporary water service to all properties ready to connect or connected to the City water system with a flow rate of 2,000 gpm and with a residual pressure of 60 PSI until such time as the City water distribution system is made fully operational. Should circumstances arise such that the City determines it is not necessary to have the water distribution system operational by December 1, 2012, the contractor can request an extension to completion of this date.
- E. It is understood by all parties associated with this project that it is desired that the project be completed as early as practicable and that the completion date extensions associated with this change order are viewed as maximum dates.
- F. It is hereby acknowledged and agreed by all associated parties that the alignment of the sewer and water facilities along Viking Boulevard will be evaluated.
- G. It is hereby acknowledged and agreed by all associated parties that no party relinquishes their contractually prescribed rights through approval of this change order.

Voss made a motion to approve Change Order #5, S.R. Weidema, Phase 1, Project 1 with the conditions as follows: A) The change order must be approved by the Metropolitan Council in accordance with the Construction Cooperation Agreement

between the Metropolitan Council and the City of East Bethel; B) Completion of the sewer and water facilities in the vicinity of the City Water Treatment Facility (north of manhole 402) to facilitate the connection of the Water Treatment Facility to the water distribution system must be achieved by June 30, 2012; C) Substantial completion of the water distribution system such that the water system is charged and fully operational by December 1, 2012; D) Should the Water Distribution System not be fully operational by December 1, 2012, the contractor must provide at his expense temporary water service to all properties ready to connect or connected to the City water system with a flow rate of 2,000 gpm and with a residual pressure of 60 PSI until such time as the City water distribution system is made fully operational. Should circumstances arise such that the City determines it is not necessary to have the water distribution system operational by December 1, 2012, the contractor can request an extension to completion of this date; E) It is understood by all parties associated with this project that it is desired that the project be completed as early as practicable and that the completion date extensions associated with this change order are viewed as maximum dates; F) It is hereby acknowledged and agreed by all associated parties that the alignment of the sewer and water facilities along Viking Boulevard will be evaluated; G) It is hereby acknowledged and agreed by all associated parties that no party relinquishes their contractually prescribed rights through approval of this change order. He said in essence this allows for an extension of completion time.

Lawrence seconded.

Voss asked, "We state the water distribution system will be operational this year, does that meet our goals?" Davis replied yes. Voss commented he doesn't see anything in this about an increase in costs. Davis said, "There are no increases in costs in here." Moegerle commented that it doesn't mean there won't be some coming in the future. Vierling suggested that the City Administrator read the letter from Weidema into the record.

Davis read the letter from S.R. Weidema dated February 21, 2012, RE: Change Order #5, Phase 1, Project 1, Utility Improvements, East Bethel, MN as follows:

Dear Mr. Davis: This letter is in regard to Change Order #5 for the above mentioned project. In exchange for the time extension granted in Change Order #5, S.R. Weidema agrees not to ask the City for any extra money for delays in completing the watermain in the swamp area. Thank you. Signed, Nicholas Holtz, Project Manager, S.R. Weidema, Incorporated.

Davis explained we also have an e-mail from Bryce Pickart, MCES that was included in the City Council packet that indicates any cost borne from this would be the responsibility of MCES. Vierling would recommend a roll call vote be taken on this issue.

Mayor Lawrence asked for the roll call. **DeRoche nay; Lawrence, aye; Voss, aye; Moegerle, aye; motion carries.**

Adjourn

Voss made a motion to adjourn at 10:23 PM. Lawrence seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT



Renewal Application for Optional Liquor 2AM

License Type: 2AM-100K

Expires On: April 4, 2012

ID Number: 31846

DBA

Route 65 Pub & Grub Inc.
Route 65 Pub & Grub
18407 Hwy 65 NE
East Bethel MN 55011

Business Phone: 7634133550

If any of the above licensee information is not correct, please make corrections as necessary.

Licensee must report previous 12 month on sale alcoholic beverage gross receipts by checking one of the boxes below. Next to the box you check is your 2 AM license fee. Make check payable to: Alcohol and Gambling Enforcement Division (AGED). Mail this application and check to : AGED, 444 Cedar St., Suite 133, St. Paul, MN 55101-5133.

- \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages
- \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages
- \$1000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages
- \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
- \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

Yes No Does the city or county that issues your liquor license allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature _____ Date _____
(I certify that the city or county of _____ approves the sale of alcoholic beverages until 2AM)

Licensee Signature RTA _____ Date 2-10-12
(I certify that I have answered the above questions truthfully and correctly)

Licensee Minnesota Tax ID Number (Required): 26-456510

Licensee: Prior to submitting this application to the Alcohol & Gambling Enforcement Division you must have this form signed by your local city or county licensing official

Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
444 Cedar Street, Suite 133, St. Paul, MN 55101-5133
Telephone 651-201-7500 Fax 651-297-5259 TTY 651-282-6555
www.dps.state.mn.us

Wendy Warren

From: Route 65 Pub & Grub Inc.. [route65pub@gmail.com]
Sent: Monday, February 27, 2012 1:34 PM
To: Wendy Warren
Subject: March 7th City Council Meeting

C/O Wendy Warren:

TO Whom it may Concern,

A representative for Route 65 Pub & Grub will be unable to make it to the meeting on March 7th, due to a previous commitment with the Steve Hamilton Benefit Committee. We are hopeful that our request for a 2am license we will be approved. If you have any questions or concerns regarding the license or our establishment please feel free to contact Bob Smieja @ 763-567-3204 (Owner) or myself Kim Westman (Administrative Assistant) 763-238-3075 Business # 763-413-3550. Thank you in advance for your consideration and your time.

Sincerely Route 65 Pub & Grub Staff and Owners

--

Sincerly Kim Westman
Route 65 Pub & Grub
Bus 763-413-3550
Fax 763-413-3471
route65pubngrub.com

Mark DuCharme

From: Mark Vierling [MVierling@eckbergglammers.com]
Sent: Saturday, February 11, 2012 1:53 PM
To: Mark DuCharme
Subject: RE: HGACBuy purchase consortium

Dear Chief,

Thank you for your patience.

I have the opinion on cooperative purchasing authority that we requested of the Minnesota Attorney general. We had been concerned about the interaction between section 15 (a) and 15(b) of Minn. Stat. 471.345 and the ability to use these types of cooperative purchasing mechanisms but those have been resolved.

Overall the purchase of equipment, goods and materials over \$25,000 from cooperative purchasing groups is allowed as long as that entity follows protocols for competitive purchasing under Minnesota Law for statutory Cities. I have reviewed the website for the organization in which you are interested and based on representations and copies of bidding practices displayed there and further assuming that those practices are maintained I am of the opinion that they comply with Minnesota requirements.

Mark J. Vierling, Esq.
Eckberg, Lammers, Briggs, Wolff & Vierling, P.L.L.P.

From: Mark DuCharme [<mailto:mark.ducharme@ci.east-bethel.mn.us>]
Sent: Wednesday, January 11, 2012 4:15 PM
To: Mark Vierling
Subject:

Mark,

Please review the attachment. This is a purchasing consortium that many of our neighboring Cities belong to. Several Fire Departments have bought Fire Trucks through this consortium. Jack Davis would like you to "vett" the agreement.

Thank You

Mark Ducharme
Fire Chief
763-367-7886



**INTERLOCAL CONTRACT
FOR COOPERATIVE PURCHASING**

ILC
No.: _____
Permanent Number assigned by HGAC

THIS INTERLOCAL CONTRACT ("Contract"), made and entered into pursuant to the Texas Interlocal Cooperation Act, Chapter 791, Texas Government Code (the "Act"), by and between the Houston-Galveston Area Council, hereinafter referred to as "H-GAC," having its principal place of business at 3555 Timmons Lane, Suite 120, Houston, Texas 77027, and * City of East Bethel, a local government, a state agency, or a non-profit corporation created and operated to provide one or more governmental functions and services, hereinafter referred to as "End User," having its principal place of business at * 2241 221st Avenue NE, East Bethel, MN 55011

W I T N E S S E T H

WHEREAS, H-GAC is a regional planning commission and political subdivision of the State of Texas operating under Chapter 391, Texas Local Government Code; and

WHEREAS, pursuant to the Act, H-GAC is authorized to contract with eligible entities to perform governmental functions and services, including the purchase of goods and services; and

WHEREAS, in reliance on such authority, H-GAC has instituted a cooperative purchasing program under which it contracts with eligible entities under the Act; and

WHEREAS, End User has represented that it is an eligible entity under the Act, that its governing body has authorized this Contract on * Mar 07, 2012 (Date), and that it desires to contract with H-GAC on the terms set forth below;

NOW, THEREFORE, H-GAC and the End User do hereby agree as follows:

ARTICLE 1: LEGAL AUTHORITY

The End User represents and warrants to H-GAC that (1) it is eligible to contract with H-GAC under the Act because it is one of the following: a local government, as defined in the Act (a county, a municipality, a special district, or other political subdivision of the State of Texas or any other state), or a combination of two or more of those entities, a state agency (an agency of the State of Texas as defined in Section 771.002 of the Texas Government Code, or a similar agency of another state), or a non-profit corporation created and operated to provide one or more governmental functions and services, and (2) it possesses adequate legal authority to enter into this Contract.

ARTICLE 2: APPLICABLE LAWS

H-GAC and the End User agree to conduct all activities under this Contract in accordance with all applicable rules, regulations, and ordinances and laws in effect or promulgated during the term of this Contract.

ARTICLE 3: WHOLE AGREEMENT

This Contract and any attachments, as provided herein, constitute the complete contract between the parties hereto, and supersede any and all oral and written agreements between the parties relating to matters herein.

ARTICLE 4: PERFORMANCE PERIOD

The period of this Contract shall be for the balance of the fiscal year of the End User, which began * Jan 01, 2012 and ends * Dec 31, 2012. This Contract shall thereafter automatically be renewed annually for each succeeding fiscal year, provided that such renewal shall not have the effect of extending the period in which the End User may make any payment due an H-GAC contractor beyond the fiscal year in which such obligation was incurred under this Contract.

ARTICLE 5: SCOPE OF SERVICES

The End User appoints H-GAC its true and lawful purchasing agent for the purchase of certain products and services through the H-GAC Cooperative Purchasing Program. End User will access the Program through HGACBuy.com and by submission of any duly executed purchase order, in the form prescribed by H-GAC to a contractor having a valid contract with H-GAC. All purchases hereunder shall be in accordance with specifications and contract terms and pricing established by H-GAC. Ownership (title) to products purchased through H-GAC shall transfer directly from the contractor to the End User.

(over)

ARTICLE 6: PAYMENTS

H-GAC will confirm each order and issue notice to contractor to proceed. Upon delivery of goods or services purchased, and presentation of a properly documented invoice, the End User shall promptly, and in any case within thirty (30) days, pay H-GAC’s contractor the full amount of the invoice. All payments for goods or services will be made from current revenues available to the paying party. In no event shall H-GAC have any financial liability to the End User for any goods or services End User procures from an H-GAC contractor.

ARTICLE 7: CHANGES AND AMENDMENTS

This Contract may be amended only by a written amendment executed by both parties, except that any alterations, additions, or deletions to the terms of this Contract which are required by changes in Federal and State law or regulations are automatically incorporated into this Contract without written amendment hereto and shall become effective on the date designated by such law or regulation.

H-GAC reserves the right to make changes in the scope of products and services offered through the H-GAC Cooperative Purchasing Program to be performed hereunder.

ARTICLE 8: TERMINATION PROCEDURES

H-GAC or the End User may cancel this Contract at any time upon thirty (30) days written notice by certified mail to the other party to this Contract. The obligations of the End User, including its obligation to pay H-GAC’s contractor for all costs incurred under this Contract prior to such notice shall survive such cancellation, as well as any other obligation incurred under this Contract, until performed or discharged by the End User.

ARTICLE 9: SEVERABILITY

All parties agree that should any provision of this Contract be determined to be invalid or unenforceable, such determination shall not affect any other term of this Contract, which shall continue in full force and effect.

ARTICLE 10: FORCE MAJEURE

To the extent that either party to this Contract shall be wholly or partially prevented from the performance within the term specified of any obligation or duty placed on such party by reason of or through strikes, stoppage of labor, riot, fire, flood, acts of war, insurrection, accident, order of any court, act of God, or specific cause reasonably beyond the party’s control and not attributable to its neglect or nonfeasance, in such event, the time for the performance of such obligation or duty shall be suspended until such disability to perform is removed; provided, however, force majeure shall not excuse an obligation solely to pay funds. Determination of force majeure shall rest solely with H-GAC.

ARTICLE 11: VENUE

Disputes between procuring party and Vendor are to be resolved in accord with the law and venue rules of the State of purchase.

THIS INSTRUMENT HAS BEEN EXECUTED IN TWO ORIGINALS BY THE PARTIES HERETO AS FOLLOWS:

* City of East Bethel

 Name of End User (local government, agency, or non-profit corporation)

* 2241 221st Avenue NE

 Mailing Address
 * East Bethel MN 55011

 City State ZIP Code

*By: _____
 Signature of chief elected or appointed official

* Mayor

 Typed Name & Title of Signatory Date

Houston-Galveston Area Council
 3555 Timmons Lane, Suite 120, Houston, TX 77027

By: _____
 Executive Director

Attest: _____
 Manager

Date: _____

*Denotes required fields

*Request for Information

To expedite service, please complete the following blanks relevant to your agency's administrative/elective personnel and return the completed form to H-GAC, Cooperative Purchasing Program, P.O.Box 22777, Houston, TX 77227-2777.

Name of End User Agency : _____ County Name : _____
(Municipality / County / District / etc.)

Mailing Address : _____
(Street Address/P.O. Box) (City) (State) (ZIP Code)

Main Telephone Number : _____ FAX Number: _____

Physical Address : _____
(Street Address, if different from mailing address) (City) (State) (ZIP Code)

Web Site Address: _____

Authorized Official: _____ Title: _____
(City manager / Executive Director / etc.) Ph No.: _____

Mailing Address: _____ E-Mail Address : _____
(Street Address/P.O. Box)

(City) (State) (ZIP Code)

Official Contact: _____ Title: _____
(Purchasing Agent/Auditor etc.) Ph No.: _____

Mailing Address: _____ Fx No.: _____
(Street Address/P.O. Box) Email Address : _____

(City) (State) (ZIP Code)

Official Contact: _____ Title: _____
(Public Works Director/Police Chief etc.) Ph No.: _____

Mailing Address: _____ Fx No.: _____
(Street Address/P.O. Box) Email Address : _____

(City) (State) (ZIP Code)

Official Contact: _____ Title: _____
(EMS Director/Fire Chief etc.) Ph No.: _____

Mailing Address: _____ Fx No.: _____
(Street Address/P.O. Box) Email Address : _____

(City) (State) (ZIP Code)

CONTRACTOR'S PAY REQUEST		DISTRIBUTION:
East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project		CONTRACTOR (1)
CITY OF EAST BETHEL, MN		OWNER (1)
PROJECT NO. C12.100028		ENGINEER (1)
Pay Estimate No. 10		BONDING CO. (1)
TOTAL AMOUNT BID		\$11,686,468.20
CHANGE ORDER NO. 1 (REVISED)		\$324,949.43
CHANGE ORDER NO. 2		\$43,536.10
CHANGE ORDER NO. 3		-\$9,078.08
EXTRA WORK		\$5,054.00
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS		\$12,050,929.65
MCES STORED MATERIALS TO DATE		\$1,010,333.55
EAST BETHEL STORED MATERIALS TO DATE		\$365,431.25
TOTAL, STORED MATERIALS TO DATE		\$1,375,764.80
DEDUCTION FOR MCES STORED MATERIALS USED IN WORK COMPLETED		\$758,957.05
DEDUCTION FOR EAST BETHEL STORED MATERIALS USED IN WORK COMPLETED		\$284,443.83
TOTAL DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED		\$1,043,400.88
TOTAL DUE MCES STORED MATERIALS TO DATE		\$251,376.50
TOTAL DUE EAST BETHEL STORED MATERIALS TO DATE		\$80,987.42
TOTAL DUE, STORED MATERIALS TO DATE		\$332,363.92
TOTAL, MCES COMPLETED WORK TO DATE		\$3,928,970.97
TOTAL, EAST BETHEL COMPLETED WORK TO DATE		\$2,665,522.76
TOTAL, COMPLETED WORK TO DATE		\$6,594,493.72
TOTAL, COMPLETED MCES WORK & STORED MATERIALS		\$4,180,347.47
TOTAL, COMPLETED EAST BETHEL WORK & STORED MATERIALS		\$2,746,510.18
TOTAL, COMPLETED WORK & STORED MATERIALS		\$6,926,857.64
MCES RETAINED PERCENTAGE (5%)		\$209,017.37
EAST BETHEL RETAINED PERCENTAGE (5%)		\$137,325.51
TOTAL RETAINED PERCENTAGE (5%)		\$346,342.88
TOTAL EARNED LESS RETAINAGE MCES TO DATE		\$3,971,330.09
TOTAL EARNED LESS RETAINAGE EAST BETHEL TO DATE		\$2,609,184.67
TOTAL EARNED LESS RETAINAGE TO DATE		\$6,580,514.76
TOTAL, MCES AMOUNT PAID ON PREVIOUS ESTIMATES		\$3,348,815.56
TOTAL EAST BETHEL AMOUNT PAID ON PREVIOUS ESTIMATES		\$2,420,053.76
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES		\$5,768,869.32
MCES THIS ESTIMATE		\$622,514.53
EAST BETHEL THIS ESTIMATE		\$189,130.91

PAY CONTRACTOR AS ESTIMATE NO. 10

\$811,645.44

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: S.R. Weidema, Inc.
17600 113th Avenue North
Maple Grove, MN 55369

By *Michael Pelley* *F.M.*
Name Title

Date *3-1-12*

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LANE SUITE 200 CHASKA, MN 55318

By *[Signature]*, PROJECT ENGINEER

Date *2/28/12*

APPROVED FOR PAYMENT:

OWNER:

By _____
Name Title Date

And _____
Name Title Date

CITY BOND SPLIT CALCULATIONS

SECTION	SUBTOTALS	SEWER	WATER	DESCRIPTION	CHECK TOTALS
MOBILIZATION	\$150,935.34	\$93,028.26	\$57,907.07	Apportioned	
REMOVALS	\$76,407.19	\$47,093.20	\$29,313.99	Apportioned	
DISCHARGE PIPING	\$0.00	\$0.00	\$0.00	Apportioned	
STREET & STORM SEWER	\$247,229.02	\$152,378.41	\$94,850.61	Apportioned	
EROSION CONTROL & RESTORATION	\$47,930.18	\$29,541.54	\$18,388.65	Apportioned	
OPTION 1 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
OPTION 2 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
CHANGE ORDERS	\$248,197.27	\$124,098.63	\$124,098.63	50%	
STORED MATERIALS	\$ 80,987.42	\$ (19,611.19)	\$ 100,598.61	By Type	
	\$ -				
SANITARY SEWER	\$1,167,865.46	\$1,167,865.46			\$80,987.42
WATERMAIN	\$726,958.30		\$726,958.30		\$2,665,522.76
TOTALS		\$1,594,394.32	\$1,152,115.86		\$2,746,510.18
Total - Retainage		\$1,514,674.60	\$1,094,510.07		\$2,609,184.67
PREVIOUS ESTIMATE 1		\$69,994.94	\$50,473.59		\$120,468.53
PREVIOUS ESTIMATE 2		\$286,687.28	\$276,737.92		\$563,425.20
PREVIOUS ESTIMATE 3		\$44,077.24	\$84,713.16		\$128,790.40
PREVIOUS ESTIMATE 4		\$191,282.62	\$235,041.58		\$426,324.20
PREVIOUS ESTIMATE 5		\$313,878.85	\$148,606.65		\$462,485.49
PREVIOUS ESTIMATE 6		\$181,701.39	\$102,733.31		\$284,434.70
PREVIOUS ESTIMATE 7		\$66,939.64	\$49,857.34		\$116,796.99
PREVIOUS ESTIMATE 8		\$305,900.74	\$0.00		\$305,900.74
PREVIOUS ESTIMATE 9		\$1,385.27	\$10,042.23		\$11,427.50
THIS ESTIMATE		\$52,826.63	\$136,304.28		\$189,130.91
		Sewer Total	Water Total		Check Total

Partial Pay Estimate No.:

10

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES Project No. 001602

WORK COMPLETED THROUGH FEBRUARY 16, 2011

ITEM NO.	ITEM	UNIT PRICE	AS BID		AS BID - CITY		AS BID - MOES		CURRENT ESTIMATE		CURRENT ESTIMATE - CITY		CURRENT ESTIMATE - MOES		COMPLETED TO DATE		COMPLETED TO DATE - CITY		COMPLETED TO DATE - MOES	
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT
1	01500 MOBILIZATION	\$255,000.00	3	LUMP SUM \$255,000.00	0.39	LUMP SUM \$95,129.29	0.61	LUMP SUM \$155,870.71	0.08	LUMP SUM \$20,116.29	0.03	LUMP SUM \$8,425.99	0.06	LUMP SUM \$11,690.30	0.56	LUMP SUM \$138,975.00	5.21	LUMP SUM \$54,025.47	0.33	LUMP SUM \$84,949.53
2	01350 MAINTAIN DITCH FLOW	\$4,200.00	4	EACH \$16,800.00	2.50	EACH \$10,500.00	1.50	EACH \$6,300.00	1.00	EACH \$4,200.00	1.00	EACH \$4,200.00	1.00	EACH \$4,200.00	3.00	EACH \$12,600.00	2.00	EACH \$8,400.00	1.00	EACH \$4,200.00
3	01350 MAINTAIN CREEK FLOW	\$5,300.00	1	EACH \$5,300.00	0.33	EACH \$2,739.00	0.67	EACH \$3,561.00												
4	01350 UTILITY TESTING WATER	\$13.00	5000	KGAL \$65,000.00	1,500.00	KGAL \$19,500.00	3,500.00	KGAL \$45,500.00												
5	01350 PRE-CONSTRUCTION SURVEY / VIDEO TAPING	\$650.00	16	UNIT \$10,400.00	14.00	UNIT \$9,100.00	2.00	UNIT \$1,300.00												
6	01510 FIELD OFFICE	\$15,000.00	1	LUMP SUM \$15,000.00	0.39	LUMP SUM \$5,831.13	0.61	LUMP SUM \$9,168.87	0.08	LUMP SUM \$1,125.00	0.03	LUMP SUM \$437.34	0.05	LUMP SUM \$687.66	0.55	LUMP SUM \$8,175.00	0.21	LUMP SUM \$3,177.97	0.33	LUMP SUM \$4,997.03
7	01550 TEMPORARY TRENCH RESTORATION	\$1.00	18250	SY \$18,250.00	13,299.33	SY \$13,299.33	4,950.67	SY \$4,950.67							9,193.00	SY \$9,193.00	6,795.33	SY \$6,795.33	2,397.67	SY \$2,397.67
8	01550 TEMPORARY SWAMP ACCESS	\$32.30	4700	LF \$151,810.00	1,933.33	LF \$62,446.67	2,766.67	LF \$89,363.33	1,088.00	LF \$34,496.40	534.00	LF \$17,248.20	534.00	LF \$17,248.20	3,832.00	LF \$123,133.60	1,399.33	LF \$45,198.47	2,232.67	LF \$72,115.13
9	01555 TRAFFIC CONTROL	\$25,000.00	1	LUMP SUM \$25,000.00	0.39	LUMP SUM \$9,718.56	0.61	LUMP SUM \$15,281.44							0.60	LUMP SUM \$15,000.00	0.23	LUMP SUM \$5,831.13	0.37	LUMP SUM \$9,168.87
10	01555 JERSEY BARRIERS	\$17.75	2850	LF \$50,587.50	2,690.00	LF \$47,747.50	180.00	LF \$3,240.00							2,645.00	LF \$46,948.75	1,028.22	LF \$18,250.97	1,616.78	LF \$28,697.78
11	01410 PERMIT BOND ALLOWANCE	\$7,500.00	1	ALLOWANCE \$7,500.00	0.39	ALLOWANCE \$2,915.57	0.61	ALLOWANCE \$4,584.43							0.05	ALLOWANCE \$156.00	0.02	ALLOWANCE \$75.00	0.03	ALLOWANCE \$112.50
12	02220 REMOVE BITUMINOUS PAVEMENT	\$1.16	22660	SY \$26,285.60	13,264.67	SY \$15,387.01	9,396.33	SY \$10,896.59							22,599.00	SY \$26,206.72	12,951.33	SY \$15,000.35	9,646.67	SY \$11,206.37
13	02220 REMOVE BITUMINOUS DRIVEWAY PAVEMENT	\$3.85	650	SY \$2,502.50	518.67	SY \$1,996.87	131.33	SY \$505.63							472.50	SY \$1,819.12	359.67	SY \$1,364.72	112.83	SY \$434.41
14	02220 REMOVE CONCRETE DRIVEWAY PAVEMENT	\$0.50	2560	SF \$1,280.00	2,152.33	SF \$1,076.17	407.67	SF \$203.83							1,602.00	SF \$801.00	1,289.00	SF \$644.50	315.00	SF \$157.50
15	02220 REMOVE CONCRETE CURB & GUTTER	\$2.15	1440	LF \$3,096.00	1,059.67	LF \$2,278.28	380.33	LF \$817.72							1,369.50	LF \$2,944.42	1,059.67	LF \$2,278.28	326.83	LF \$702.61
16	02220 REMOVE STORM SEWER - 16" RCP	\$8.50	100	LF \$850.00	56.33	LF \$478.63	43.67	LF \$371.17							86.00	LF \$726.00	46.67	LF \$397.67	39.33	LF \$334.33
17	02220 REMOVE STORM SEWER - 21" RCP	\$8.60	25	LF \$215.00	9.00	LF \$77.40	16.00	LF \$137.60							37.00	LF \$318.30	23.00	LF \$197.80	14.00	LF \$120.40
18	02220 REMOVE STORM SEWER - 48" RCP	\$11.35	55	LF \$624.25	55.00	LF \$624.25		LF \$624.25							64.00	LF \$726.40	64.00	LF \$726.40		LF \$726.40
19	02220 REMOVE CULVERT - 48" CMP	\$10.15	40	LF \$406.00	40.00	LF \$406.00		LF \$406.00							42.00	LF \$426.30		LF \$426.30		LF \$426.30
20	02220 REMOVE STORM SEWER STRUCTURE	\$360.00	4	EACH \$1,440.00	3.00	EACH \$1,080.00	1.00	EACH \$360.00							4.00	EACH \$1,440.00	2.67	EACH \$960.00	1.33	EACH \$480.00
21	02218 SALVAGE AND REINSTALL STORM SEWER - 12" PVC	\$28.00	20	LF \$560.00	20.00	LF \$560.00	20.00	LF \$560.00							14.00	LF \$392.00		LF \$392.00	14.00	LF \$392.00
22	02219 SALVAGE AND REINSTALL STORM SEWER - 18" RCP	\$28.00	20	LF \$560.00	20.00	LF \$560.00	20.00	LF \$560.00							8.00	LF \$224.00	8.00	LF \$224.00		LF \$224.00
23	02220 SALVAGE AND REINSTALL STORM SEWER - 36" RCP	\$29.00	75	LF \$2,175.00	25.00	LF \$725.00	50.00	LF \$1,450.00							40.00	LF \$1,160.00	8.00	LF \$232.00	32.00	LF \$928.00
24	02220 SALVAGE AND REINSTALL STORM SEWER - 48" RCP	\$36.00	45	LF \$1,620.00	30.67	LF \$1,104.00	14.33	LF \$516.00								LF \$1,160.00		LF \$232.00		LF \$928.00
25	02220 SALVAGE AND REINSTALL THEATER MARQUEE	\$48,500.00	1	EACH \$48,500.00		EACH \$48,500.00	1.00	EACH \$48,500.00							1.00	EACH \$48,500.00		EACH \$48,500.00	1.00	EACH \$48,500.00
26	02220 SALVAGE AND REINSTALL LANDSCAPING	\$35,000.00	1	ALLOWANCE \$35,000.00	0.85	ALLOWANCE \$29,750.00	0.15	ALLOWANCE \$5,250.00	0.26	ALLOWANCE \$9,046.65	0.26	ALLOWANCE \$9,077.90	0.02	ALLOWANCE \$770.74	0.36	ALLOWANCE \$12,587.28	0.27	ALLOWANCE \$9,488.70	0.09	ALLOWANCE \$3,088.56
27	02220 PRIVATE UTILITY REMOVAL RELOCATION, TEMP SUPPORT	\$225,000.00	1	ALLOWANCE \$225,000.00		ALLOWANCE \$225,000.00	1.00	ALLOWANCE \$225,000.00							0.61	ALLOWANCE \$136,737.40	0.11	ALLOWANCE \$25,561.33	0.49	ALLOWANCE \$111,178.60
28	02230 CLEARING & GRUBBING	\$68.00	190	EACH \$12,920.00	80.00	EACH \$5,440.00	110.00	EACH \$7,480.00	133.00	EACH \$9,044.00	44.33	EACH \$3,014.67	88.67	EACH \$6,029.33	358.00	EACH \$24,344.00	161.00	EACH \$10,948.00	197.00	EACH \$13,396.00
29	02230 CLEARING & GRUBBING	\$2,700.00	1.9	ACRE \$5,130.00	1.40	ACRE \$3,780.00	0.50	ACRE \$1,350.00	2.73	ACRE \$7,371.00	0.91	ACRE \$2,457.00	1.82	ACRE \$4,914.00	5.63	ACRE \$15,201.00	3.14	ACRE \$8,487.00	2.49	ACRE \$6,714.00
30	02955 REPAIR EXISTING DRAIN TILE	\$13.00	300	LF \$3,900.00	206.00	LF \$2,678.00	100.00	LF \$1,300.00												
31	02960 2" FEATHER MILL	\$4.50	910	SY \$4,095.00	910.00	SY \$4,095.00		SY \$4,095.00												
32	02530 48" DIAMETER MANHOLE	\$371.25	602	LF \$223,492.50	378.90	LF \$140,443.88	223.70	LF \$83,048.63	16.30	LF \$6,051.37	6.17	LF \$2,290.61	10.13	LF \$3,760.78	450.20	LF \$167,136.75	265.29	LF \$98,496.91	184.91	LF \$68,647.84
33	02530 60" DIAMETER MANHOLE	\$605.00	137	LF \$82,885.00	8.30	LF \$5,021.50	128.70	LF \$77,863.50	35.94	LF \$21,743.70		LF \$21,743.70	35.94	LF \$21,743.70	45.30	LF \$27,406.50	9.36	LF \$5,662.80	35.94	LF \$21,743.70
34	02530 72" DIAMETER MANHOLE	\$800.00	8	LF \$6,400.00	8.00	LF \$6,400.00		LF \$6,400.00	4.70	LF \$3,760.00	4.70	LF \$3,760.00		LF \$3,760.00	12.70	LF \$10,160.00	12.70	LF \$10,160.00		LF \$10,160.00
35	02530 84" DIAMETER MANHOLE	\$1,635.00	64	LF \$98,240.00		LF \$98,240.00	64.00	LF \$98,240.00	15.91	LF \$24,421.85		LF \$24,421.85	15.91	LF \$24,421.85	87.86	LF \$134,665.10		LF \$134,665.10	87.86	LF \$134,665.10
36	02530 96" DIAMETER MANHOLE	\$2,365.00	8	LF \$18,920.00		LF \$18,920.00	8.00	LF \$18,920.00	11.25	LF \$26,606.25		LF \$26,606.25	11.25	LF \$26,606.25	11.25	LF \$26,606.25		LF \$26,606.25	11.25	LF \$26,606.25
37	02530 108" DIAMETER MANHOLE	\$2,370.00	10	LF \$23,700.00		LF \$23,700.00	10.00	LF \$23,700.00		LF \$23,700.00		LF \$23,700.00		LF \$23,700.00	13.00	LF \$30,810.00		LF \$30,810.00	13.00	LF \$30,810.00
38	02530 120" DIAMETER MANHOLE	\$2,500.00	20	LF \$50,000.00		LF \$50,000.00	20.00	LF \$50,000.00	2.00	LF \$5,000.00		LF \$5,000.00	2.00	LF \$5,000.00	25.00	LF \$62,500.00		LF \$62,500.00	25.00	LF \$62,500.00
39	02530 48" DIAMETER MANHOLE BOUYANCY COLLAR	\$436.00	22	EACH \$9,592.00	22.00	EACH \$9,592.00		EACH \$9,592.00	1.00	EACH \$436.00	1.00	EACH \$436.00		EACH \$436.00	15.00	EACH \$6,540.00	15.00	EACH \$6,540.00		EACH \$6,540.00
40	02530 60" DIAMETER MANHOLE BOUYANCY COLLAR	\$1,235.00	9	EACH \$11,115.00		EACH \$11,115.00	9.00	EACH \$11,115.00	2.00	EACH \$2,470.00		EACH \$2,470.00	2.00	EACH \$2,470.00	2.00	EACH \$2,470.00		EACH \$2,470.00	2.00	EACH \$2,470.00
41	02530 72" DIAMETER MANHOLE BOUYANCY COLLAR	\$1,520.00	1	EACH \$1,520.00	1.00	EACH \$1,520.00		EACH \$1,520.00		EACH \$1,520.00		EACH \$1,520.00		EACH \$1,520.00	1.00	EACH \$1,520.00	1.00	EACH \$1,520.00		EACH \$1,520.00
42	02530 8" OUTSIDE DROP	\$220.00	17.82	LF \$3,920.40	17.82	LF \$3,920.40		LF \$3,920.40							17.75	LF \$3,920.00	17.75	LF \$3,920.00		LF \$3,920.00
43	02530 8" PVC SDR 35 SEWER PIPE (10-15 FEET)	\$38.00	1130	LF \$42,940.00	1,130.00	LF \$42,940.00		LF \$42,940.00							1,308.00	LF \$49,704.00	1,308.00	LF \$49,704.00		LF \$49,704.00
44	02530 8" PVC SDR 35 SEWER PIPE (15-20 FEET)	\$38.00	100	LF \$3,800.00	100.00	LF \$3,800.00		LF \$3,800.00							295.00	LF \$11,210.00	295.00	LF \$11,210.00		LF \$11,210.00
45	02530 8" PVC SDR 26 SEWER PIPE (10-15 FEET)	\$50.00	260	LF \$13,000.00	260.00	LF \$13,000.00		LF \$13,000.00												
46	02530 8" PVC SDR 26 SEWER PIPE (15-20 FEET)	\$50.00	1965	LF \$98,250.00	1,965.00	LF \$98,250.00		LF \$98,250.00							1,654.00	LF \$82,700.00	1,654.00	LF \$82,700.00		LF \$82,700.00
47	02530 8" PVC SDR 26 SEWER PIPE (20-25 FEET)	\$50.00	835	LF \$41,750.00	835.00	LF \$41,750.00		LF \$41,750.00							820.00	LF \$41,000.00	820.00	LF \$41,000.00		LF \$41,000.00
48	02530 10" PVC SDR 26 SEWER PIPE (15-20 FEET)																			

Partial Pay Estimate No.:

10

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES Project No. 801802

WORK COMPLETED THROUGH FEBRUARY 16, 2011

ITEM NO.	ITEM	UNIT PRICE	AS BID		AS BID - CITY		AS BID - MCES		CURRENT ESTIMATE		CURRENT ESTIMATE - CITY		CURRENT ESTIMATE - MCES		COMPLETED TO DATE		COMPLETED TO DATE - CITY		COMPLETED TO DATE - MCES			
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT						
92	02530	AGGREGATE BEDDING - TYPE A BEDDING	\$24.00	2900 TON	\$69,600.00	640.00 TON	\$15,360.00	1,360.00 TON	\$32,640.00	489.02 TON	\$11,736.48	489.02 TON	\$11,736.48			2,999.77 TON	\$71,994.48	684.87 TON	\$16,436.88	2,314.90 TON	\$55,557.60	
94	02530	AGGREGATE BEDDING - TYPE B1 BEDDING	\$28.00	18000 TON	\$504,000.00	7,731.00 TON	\$216,468.00	10,269.00 TON	\$287,532.00	7,293.40 TON	\$204,215.20	10,136.60 TON	\$283,836.64	7,199.02 TON	\$201,376.56	7,397.84 TON	\$207,139.52	10,136.60 TON	\$283,836.64	7,296.46 TON	\$204,300.88	
95	02530	AGGREGATE BEDDING - TYPE B2 BEDDING	\$29.00	3300 TON	\$95,700.00			3,300.00 TON	\$95,700.00	1,118.85 TON	\$32,446.65			1,118.85 TON	\$32,446.65					1,118.85 TON	\$32,446.65	
96	20341	GEOTEXTILE FABRIC - TYPE B1 BEDDING	\$1.00	16000 SY	\$16,000.00	7,064.00 SY	\$7,064.00	8,936.00 SY	\$8,936.00	9,700.00 SY	\$9,700.00			9,700.00 SY	\$9,700.00					10,300.00 SY	\$10,300.00	
97	02341	GEOTEXTILE FABRIC - TYPE B2 BEDDING	\$1.00	1950 SY	\$1,950.00			1,950.00 SY	\$1,950.00	1,700.00 SY	\$1,700.00			1,700.00 SY	\$1,700.00					1,700.00 SY	\$1,700.00	
98	02530	EXPLORATION EXCAVATIONS	\$7,350.00	20 EACH	\$146,900.00			20.00 EACH	\$146,900.00	0.15 EACH	\$1,123.00			0.15 EACH	\$1,123.00			1.79 EACH	\$13,099.00		1.79 EACH	\$13,099.00
99	01150	TEMPORARY ACCESS DRIVEWAY - BANK	\$3.35	1700 SY	\$5,695.00	1,133.00 SY	\$3,795.55	567.00 SY	\$1,899.45							1,683.00 SY	\$5,638.05	1,122.00 SY	\$3,758.70	561.00 SY	\$1,879.35	
100	02320	POND BERM RESTORATION	\$7,600.00	1 LUMP SUM	\$7,600.00			1.00 LUMP SUM	\$7,600.00	1.00 LUMP SUM	\$7,600.00			1.00 LUMP SUM	\$7,600.00			1.00 LUMP SUM	\$7,600.00		1.00 LUMP SUM	\$7,600.00
101	02530	SANITARY SEWER STANDARD CASTING	\$280.00	13 EACH	\$3,640.00	12.00 EACH	\$3,360.00	1.00 EACH	\$280.00							12.00 EACH	\$3,360.00	11.00 EACH	\$3,080.00	1.00 EACH	\$280.00	
102	02530	WATER TIGHT CASTING	\$1,476.00	32 EACH	\$47,040.00	12.00 EACH	\$17,640.00	20.00 EACH	\$29,400.00													
103	02530	CHIMNEY SEAL	\$252.00	13 EACH	\$3,276.00	12.00 EACH	\$3,024.00	1.00 EACH	\$252.00													
104	02530	MANHOLE MARKER SIGN	\$67.00	31 EACH	\$2,077.00	12.00 EACH	\$804.00	19.00 EACH	\$1,273.00													
105	02705	ADJUST CASTING	\$300.00	13 EACH	\$3,900.00	12.00 EACH	\$3,600.00	1.00 EACH	\$300.00													
106	02310	MANHOLE ACCESS GRADING (CV)	\$12.25	600 CY	\$7,350.00			600.00 CY	\$7,350.00													
107	02310	MANHOLE ACCESS SUBGRADE EXCAVATION (EV)	\$9.00	3950 CY	\$35,550.00			3,950.00 CY	\$35,550.00													
108	02310	MANHOLE ACCESS GEOTEXTILE FABRIC	\$1.60	6800 SY	\$10,880.00			6,800.00 SY	\$10,880.00													
109	02310	MANHOLE ACCESS COMMON EXCAVATION (P)	\$2.00	1750 CY	\$3,500.00			1,750.00 CY	\$3,500.00													
110	02310	MANHOLE ACCESS GRANULAR SUB BASE	\$7.00	7900 TON	\$55,300.00			7,900.00 TON	\$55,300.00													
111	02730	MANHOLE ACCESS AGGREGATE SURFACE	\$13.20	4300 TON	\$56,760.00			4,300.00 TON	\$56,760.00													
112	02535	6" PVC C905 DR 14 DISCHARGE PIPING	\$31.00	270 LF	\$8,370.00			270.00 LF	\$8,370.00							257.00 LF	\$7,967.00			257.00 LF	\$7,967.00	
113	02535	16" PVC C905 DR 14 DISCHARGE PIPING	\$58.00	4060 LF	\$235,480.00			4,060.00 LF	\$235,480.00							3,440.00 LF	\$199,520.00			3,440.00 LF	\$199,520.00	
114	02535	21.6" OD HDPE DR 7 DIPS DISCHARGE PIPING	\$116.00	2873 LF	\$333,648.00			2,873.00 LF	\$333,648.00													
115	02535	6" GATE VALVE	\$1,100.00	10 EACH	\$11,000.00			10.00 EACH	\$11,000.00							8.00 EACH	\$8,800.00			8.00 EACH	\$8,800.00	
116	02445	DISCHARGE PIPE BORING - 16" CARRIER PIPE	\$288.00	95 LF	\$27,360.00			95.00 LF	\$27,360.00													
117	02445	SET UP BORING PIT (10-15 FEET)	\$16,850.00	1 EACH	\$16,850.00			1.00 EACH	\$16,850.00													
118	02240	DEWATERING (10-15 FEET)	\$1.00	370 LF	\$370.00			370.00 LF	\$370.00													
119	02535	MAINTENANCE MANHOLE	\$3,100.00	47.5 LF	\$147,250.00			47.50 LF	\$147,250.00							11.54 LF	\$35,774.00			11.54 LF	\$35,774.00	
120	02535	AIR / VACUUM RELEASE MANHOLE	\$25,365.00	3 EACH	\$76,095.00			3.00 EACH	\$76,095.00							1.00 EACH	\$25,365.00			1.00 EACH	\$25,365.00	
121	02530	72" DIAMETER MANHOLE BOUYANCY COLLAR	\$1,520.00	3 EACH	\$4,560.00			3.00 EACH	\$4,560.00							1.00 EACH	\$1,520.00			1.00 EACH	\$1,520.00	
122	02530	108" DIAMETER MANHOLE BOUYANCY COLLAR	\$2,575.00	3 EACH	\$7,725.00			3.00 EACH	\$7,725.00							1.00 EACH	\$2,575.00			1.00 EACH	\$2,575.00	
123	02535	MANHOLE MARKER SIGN	\$60.00	4 EACH	\$240.00			4.00 EACH	\$240.00													
124	02535	4" INSULATION	\$3.70	350 SF	\$1,295.00			350.00 SF	\$1,295.00													
125	02535	TEMPORARY HYDRANT ASSEMBLY	\$3,160.00	2 EACH	\$6,320.00			2.00 EACH	\$6,320.00							1.00 EACH	\$3,160.00			1.00 EACH	\$3,160.00	
126	02510	HYDRANT EXTENSION	\$500.00	6 LF	\$3,000.00			6.00 LF	\$3,000.00													
127	02510	VALVE BOX EXTENSION	\$75.00	6 LF	\$450.00			6.00 LF	\$450.00													
128	02530	CHIMNEY SEAL	\$285.00	2 EACH	\$570.00			2.00 EACH	\$570.00													
129	02535	FORCEMAIN FITTINGS	\$6.00	4300 POUND	\$25,800.00			4,300.00 POUND	\$25,800.00							1,704.00 POUND	\$10,224.00			1,704.00 POUND	\$10,224.00	
130	02705	ADJUST CASTING	\$300.00	6 EACH	\$1,800.00			6.00 EACH	\$1,800.00													
131	02705	ADJUST VALVE BOX	\$236.00	10 EACH	\$2,360.00			10.00 EACH	\$2,360.00													
132	02510	HYDRANT & VALVE SUPPORT & FITTING BLOCKING IN POOR SOILS	\$41.00	30 LF	\$1,230.00			30.00 LF	\$1,230.00													
133	02510	8" PVC C900 DR 25 WATERMAIN	\$27.00	2380 LF	\$64,560.00	2,360.00 LF	\$63,720.00									2,299.00 LF	\$62,073.00	2,299.00 LF	\$62,073.00			
134	02510	12" PVC C900 DR 18 WATERMAIN	\$37.00	810 LF	\$29,970.00	810.00 LF	\$29,970.00									822.00 LF	\$30,414.00	822.00 LF	\$30,414.00			
135	02510	16" PVC C905 DR 21 WATERMAIN	\$44.00	3840 LF	\$168,960.00	3,840.00 LF	\$168,960.00									3,117.00 LF	\$137,148.00	3,117.00 LF	\$137,148.00			
136	02510	24" PVC C906 DR 21 WATERMAIN	\$75.00	1350 LF	\$101,250.00	1,350.00 LF	\$101,250.00			15.00 LF	\$1,125.00	15.00 LF	\$1,125.00			15.00 LF	\$1,125.00	15.00 LF	\$1,125.00			
137	02510	19.5" O.D. HDPE DR 11 DIPS WATERMAIN	\$75.00	790 LF	\$59,250.00	790.00 LF	\$59,250.00															
138	02510	32" O.D. HDPE DR 11 DIPS WATERMAIN	\$150.00	4040 LF	\$606,000.00	4,040.00 LF	\$606,000.00															
139	02445	WATERMAIN BORING - 16" CARRIER PIPE	\$326.00	380 LF	\$123,880.00	380.00 LF	\$123,880.00									288.00 LF	\$93,888.00	288.00 LF	\$93,888.00			
140	02445	WATERMAIN BORING - 24" CARRIER PIPE	\$437.00	430 LF	\$187,910.00	430.00 LF	\$187,910.00			336.00 LF	\$146,832.00	336.00 LF	\$146,832.00			336.00 LF	\$146,832.00	336.00 LF	\$146,832.00			
141	02445	SET UP BORING PIT (0-10 FEET)	\$10,400.00	2 EACH	\$20,800.00	2.00 EACH	\$20,800.00															
142	02445	SET UP BORING PIT (10-15 FEET)	\$15,400.00	2 EACH	\$30,800.00	2.00 EACH	\$30,800.00															
143	02510	4" PVC C900 DR 25 WATER SERVICE	\$15.00	190 LF	\$2,850.00	190.00 LF	\$2,850.00									2.00 EACH	\$30,800.00	2.00 EACH	\$30,800.00			
144	02510	4" PVC C900 DR 18 WATER SERVICE	\$15.00	490 LF	\$7,350.00	490.00 LF	\$7,350.00									174.00 LF	\$2,610.00	174.00 LF	\$2,610.00			
145	02510	6" PVC C900 DR 18 WATER SERVICE	\$22.00	90 LF	\$1,980.00	90.00 LF	\$1,980.00									406.00 LF	\$8,990.00	406.00 LF	\$8,990.00			
146	02510	6" PVC C900 DR 25 WATER SERVICE	\$18.00	130 LF	\$2,340.00	130.00 LF	\$2,340.00									105.00 LF	\$1,890.00	105.00 LF	\$1,890.00			
147	02510	6" PVC C900 DR 18 HYDRANT LEAD	\$22.00	200 LF	\$4,400.00	200.00 LF	\$4,400.00			6.00 LF	\$132.00	6.00 LF	\$132.00			125.00 LF	\$2,750.00	125.00 LF	\$2,750.00			
148	02510	6" PVC C900 DR 25 HYDRANT LEAD	\$22.00	70 LF	\$1,540.00	70.00 LF	\$1,540.00									80.00 LF	\$1,760.00	80.00 LF	\$1,760.00			
149	02510	4" GATE VALVE	\$1,000.00	17																		

Partial Pay Estimate No.:

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES Project No. 801602

WORK COMPLETED THROUGH FEBRUARY 16, 2011

ITEM NO.	ITEM	UNIT PRICE	AS BID		AS BID - CITY		AS BID - MCES		CURRENT ESTIMATE		CURRENT ESTIMATE - CITY		CURRENT ESTIMATE - MCES		COMPLETED TO DATE		COMPLETED TO DATE - CITY		COMPLETED TO DATE - MCES		
			ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY	ESTIMATED AMOUNT	ESTIMATED QUANTITY						
185	02760 4" WHITE STRIPE PAINT PERMANENT	\$0.35	3250	LF	\$1,137.50			3,250.00	LF	\$1,137.50											
186	02610 48" RCP CL III CULVERT	\$118.00	37	LF	\$4,366.00			37.00	LF	\$4,366.00											
187	02610 48" RCP CL III CULVERT FLARED END	\$6,825.00	2	EACH	\$13,650.00			2.00	EACH	\$13,650.00											
188	02630 STORM SEWER STRUCTURE DESIGN H	\$225.00	14	LF	\$3,150.00	6.47	LF	\$1,455.00	7.53	LF	\$1,695.00					2.00	EACH	\$13,050.00			
189	02630 72" STORM SEWER STRUCTURE	\$560.00	12	LF	\$6,720.00	12.00	LF	\$6,720.00								14.25	LF	\$3,206.25	6.72	LF	\$1,511.25
190	02630 18" RCP CL V STORM SEWER	\$34.00	66	LF	\$2,244.00	48.67	LF	\$1,654.67	39.33	LF	\$1,337.33					86.00	LF	\$2,902.00	48.67	LF	\$1,654.67
191	02630 21" RCP CL V STORM SEWER	\$39.00	21	LF	\$819.00	7.00	LF	\$273.00	14.00	LF	\$546.00					21.00	LF	\$819.00	7.00	LF	\$273.00
192	02630 48" RCP CL III STORM SEWER	\$113.00	50	LF	\$5,650.00	50.00	LF	\$5,650.00								40.00	LF	\$4,520.00	40.00	LF	\$4,520.00
193	02630 18" RCP CL V STORM SEWER FLARED END	\$805.00	1	EACH	\$805.00	1.00	EACH	\$805.00								1.00	EACH	\$805.00	1.00	EACH	\$805.00
194	02630 21" RCP CL V STORM SEWER FLARED END	\$900.00	1	EACH	\$900.00	1.00	EACH	\$900.00								1.00	EACH	\$900.00	1.00	EACH	\$900.00
195	02630 48" RCP CL III STORM SEWER FLARED END	\$1,800.00	2	EACH	\$3,600.00	2.00	EACH	\$3,600.00								2.00	EACH	\$3,600.00	2.00	EACH	\$3,600.00
196	02630 CATCH BASIN CASTING ASSEMBLY	\$562.00	10	EACH	\$5,620.00	6.67	EACH	\$3,746.67	3.33	EACH	\$1,873.33					6.00	EACH	\$3,372.00	4.00	EACH	\$2,248.00
197	02705 ADJUST CASTING	\$390.00	10	EACH	\$3,900.00	6.00	EACH	\$1,800.00	4.00	EACH	\$1,200.00					10.00	EACH	\$3,900.00	6.67	EACH	\$2,600.00
198	02377 RIPRAP CLASS III	\$190.00	105	CY	\$19,950.00	51.67	CY	\$5,166.67	53.33	CY	\$5,333.33					194.50	CY	\$19,450.00	141.17	CY	\$14,116.67
199	02370 SILT FENCE	\$1.80	16500	LF	\$29,700.00	8,062.83	LF	\$14,549.10	8,417.17	LF	\$15,150.90					11,256.00	LF	\$20,260.80	4,945.67	LF	\$7,822.20
200	02370 BIOROLL DITCH CHECK	\$2.75	1150	LF	\$3,162.50	230.00	LF	\$632.50	920.00	LF	\$2,530.00					126.00	LF	\$346.50			
201	02370 SILT CURTAIN	\$13.00	900	LF	\$11,700.00	166.67	LF	\$2,166.67	733.33	LF	\$9,533.33					80.00	LF	\$780.00	20.00	LF	\$260.00
202	02370 INLET PROTECTION	\$205.00	15	EACH	\$3,075.00	11.67	EACH	\$2,381.67	3.33	EACH	\$683.33					6.00	EACH	\$1,230.00	4.00	EACH	\$820.00
203	02370 ROCK CONSTRUCTION ENTRANCE	\$1,100.00	6	EACH	\$6,600.00	3.00	EACH	\$3,300.00	3.00	EACH	\$3,300.00					2.00	EACH	\$2,200.00	1.00	EACH	\$1,100.00
204	02370 CABLE CONCRETE	\$9.00	4900	SF	\$44,100.00	2,152.83	SF	\$19,375.50	2,747.17	SF	\$24,724.50										
205	02920 EROSION CONTROL BLANKET CAT 3	\$1.25	850	SY	\$1,062.50	402.67	SY	\$503.33	147.33	SY	\$184.17					185.00	SY	\$231.25			
206	02920 SEED AND MULCH - SEED MIX 240	\$550.00	14.9	ACRE	\$8,195.00	4.90	ACRE	\$2,695.00	10.00	ACRE	\$5,500.00					5.03	ACRE	\$2,764.08	0.27	ACRE	\$148.31
207	02920 SEED AND MULCH - SEED MIX 260	\$640.00	2.4	ACRE	\$1,536.00	2.00	ACRE	\$1,280.00	0.40	ACRE	\$256.00					1.84	ACRE	\$1,175.83	1.18	ACRE	\$756.64
208	02920 WETLAND SEED - SEED MIX 325	\$1,775.00	28.9	ACRE	\$51,297.50	14.00	ACRE	\$24,850.00	14.90	ACRE	\$26,447.50					0.60	ACRE	\$1,065.00	0.20	ACRE	\$355.00
209	02920 SOD FARM SEED	\$720.00	3.8	ACRE	\$2,736.00	1.90	ACRE	\$1,330.00	1.90	ACRE	\$1,330.00										
210	02920 SOD	\$2.50	9050	SY	\$22,625.00	7,393.33	SY	\$18,483.33	1,656.67	SY	\$4,141.67					6,218.67	SY	\$15,546.67	4,828.95	SY	\$11,314.87
211	02310 TOPSOIL BORROW	\$13.75	1425	TON	\$19,593.75	1,126.67	TON	\$15,491.67	298.33	TON	\$4,102.08					3,763.30	TON	\$51,745.37	1,843.87	TON	\$25,353.17
212	02930 2" B&B RIVER BIRCH	\$250.00	38	EACH	\$9,500.00		EACH		38.00	EACH	\$9,500.00										
213	02930 2" B&B SWAMP WHITE OAK	\$240.00	37	EACH	\$8,880.00		EACH		37.00	EACH	\$8,880.00										
214	02930 #5 CONTAINER RED OSIER DOGWOOD	\$40.00	37	EACH	\$1,480.00		EACH		37.00	EACH	\$1,480.00										
215	02930 #5 CONTAINER AMERICAN CRANBERRY BUSH	\$45.00	37	EACH	\$1,665.00		EACH		37.00	EACH	\$1,665.00										
216	02530 GRAVITY SEWER PILING (8 5/8") DRIVEN - TYPE C BEDDING			LF			LF			LF											
217	02530 GRAVITY SEWER PILING (8 5/8") DELIVERED - TYPE C BEDDING			LF			LF			LF											
218	02530 GRAVITY SEWER PILING CONCRETE - PILE CAP, GRADE BEAM, MH BASE			CY			CY			CY											
219	02530 GRAVITY SEWER PILING STEEL - PILE CAP, GRADE BEAM, MH BASE			POUND			POUND			POUND											
220	02531 TEST PILE (8 5/8")			LF			LF			LF											
221	02530 GRAVITY SEWER PILING (12 3/4") DRIVEN - TYPE C BEDDING	\$39.00	9860	LF	\$384,737.20		LF		9,860.00	LF	\$384,737.20										
222	02530 GRAVITY SEWER PILING (12 3/4") DELIVERED - TYPE C BEDDING	\$39.53	10060	LF	\$397,671.80		LF		10,060.00	LF	\$397,671.80										
223	02530 GRAVITY SEWER PILING CONCRETE - PILE CAP, GRADE BEAM, MH BASE	\$496.92	1185	CY	\$588,850.20		CY		1,185.00	CY	\$588,850.20										
224	02530 GRAVITY SEWER PILING STEEL - PILE CAP, GRADE BEAM, MH BASE	\$1.00	150255	POUND	\$150,255.00		POUND		150,255.00	POUND	\$150,255.00										
225	02531 TEST PILE (12 3/4")	\$132.60	200	LF	\$26,520.00		LF		200.00	LF	\$26,520.00										
226	CHANGE ORDER NO 1 - FUEL COSTS	\$160,606.66	1	EACH	\$160,606.66	1.00	EACH	\$160,606.66													
227	114 - 21 6" O.D. HDPE DR7	\$13.80	2873	LF	\$39,647.40	2,873.00	LF	\$39,647.40								1.00	EACH	\$160,606.66	1.00	EACH	\$160,606.66
228	137 - 19 5" O.D. HDPE DR 11	\$7.63	790	LF	\$6,027.70	790.00	LF	\$6,027.70													
229	138 - 32" O.D. HDPE DR 11	\$16.69	4040	LF	\$67,427.60	4,040.00	LF	\$67,427.60													
230	101 - Sanitary Sewer Casting	\$16.18	13	EACH	\$210.34	13.00	EACH	\$210.34													
231	102 - Watertight Casting	\$90.84	32	EACH	\$2,906.88	32.00	EACH	\$2,906.88								12.00	EACH	\$1,090.08	11.00	EACH	\$1,006.80
232	196 - Catch Basin Casting	\$26.13	10	EACH	\$261.30	10.00	EACH	\$261.30													
233	223 - Gravity Sewer Piling Concrete	\$15.03	1185	CY	\$17,810.55	1,185.00	CY	\$17,810.55								6.00	EACH	\$156.78	6.00	EACH	\$156.78
234	224 - Gravity Sewer Piling Steel	\$0.20	150255	POUND	\$30,051.00	150,255.00	POUND	\$30,051.00													
235	2770 B618 CONCRETE CURB AND GUTTER - COST SPLITS (11.75 LF)	\$6.81	8470	LF	\$57,966.70	6,252.67	LF	\$41,330.13	2,217.33	LF	\$14,656.57										
236	2770 B618 CONCRETE CURB AND GUTTER - CITY PORTION (11.75 LF)	\$5.14	8470	LF	\$43,535.80	8,470.00	LF	\$43,535.80								8,463.00	LF	\$55,940.43	6,242.67	LF	\$41,264.03
237	2740 2" TYPE LV3 NON WEARING COURSE MIXTURE B - STREETS	\$55.80	-283	TON	-\$15,791.40	-206.02	TON	-\$11,495.85	-76.98	TON	-\$4,295.55										
238	2740 2" TYPE LV4 WEARING COURSE MIXTURE B - STREETS	\$6.80	-2340	SY	-\$15,912.00	-1,775.13	SY	-\$12,070.91	-864.87	SY	-\$3,841.09										
239	2740 BITUMINOUS CURB	\$1.65	-7520	LF	-\$12,408.00	-5,619.33	LF	-\$9,271.90	-1,900.67	LF	-\$3,136.10										
240	2770 B618 CONCRETE CURB AND GUTTER	\$12.50	-950	LF	-\$11,875.00	-632.33	LF	-\$7,916.63	-316.67	LF	-\$3,958.33										
241	MH 500 & 501 Inverts	\$1,012.00	1	LS	\$1,012.00	1.00	LS	\$1,012.00								1.00	LS	\$1,012.00	1.00	LS	\$1,012.00
242	Modify Storm Structures on Ulysses & Buchanan	\$1,480.00	1	LS	\$1,480.00	1.00	LS	\$1,480.00								1.00	LS	\$1,480.00	1.00	LS	\$1,480.00
243	Reduce MH 1 Height	\$3,100.00	-1.5	LF	-\$4,650.00		LF		-1.50												



BOLTON & MENK, INC.[®]

Consulting Engineers & Surveyors

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

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

www.bolton-menk.com

February 28, 2012

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

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

Honorable Mayor and City Council Members:

Enclosed is Pay Estimate No. 10 from S.R. Weidema for work completed on the above referenced project from January 24, 2012 through February 16, 2012.

The work associated with this estimate includes sanitary sewer installation along 189th and TH 65, northern TH 65 watermain crossing, swamp access, and other miscellaneous items.

We have reviewed the estimate, verified the quantities and recommend payment in the amount of \$811,645.44 to S.R. Weidema.

The total amount due above is apportioned as follows:

MCES:	\$622,514.53
<u>City:</u>	
Sewer:	\$ 52,826.63
Water:	<u>\$136,304.28</u>
City Total:	\$189,130.91
Total Due:	\$811,645.44

Respectfully Submitted,

John K. Swanson
BOLTON & MENK, INC.



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 7.0 C.1

Agenda Item:

Tobacco-Free Parks Program

Requested Action:

Consider creation of Tobacco-Free Parks Policy

Staff has been contacted by the Tobacco-Free Youth Recreation Program with information about helping the City of East Bethel establish a tobacco-free policy for its parks during youth activities. The Park Commission expressed an interest in drafting a policy that would prohibit tobacco use in City parks in areas where youth would be present and during youth activities. These areas would include playgrounds, athletic fields, concession stands, bathrooms, and during any youth sporting events or other functions. Under the proposed draft of the policy, smoking would still be allowed in other areas of the parks..

If implemented, the policy would rely on volunteer compliance and be supported by free informational signs in the parks, public outreach through the City newsletter and support from youth athletic organizations. Anyone using tobacco products in prohibited areas would be asked to either refrain from using those products or remove themselves from the area.

The attached Policy Makers Guide provides information that the Park Commission and many other city and county officials have used to help support and implement this program. Also included is a list of neighboring communities in the metro area with tobacco-free policies and a few example policies from other communities.

Attachments:

#1 Policy Makers Guide to Tobacco Free Policies for Community Park Systems

#2 Draft Tobacco-Free Policy for East Bethel

Fiscal Impact: None at this time

Recommendation: The Park Commission unanimously recommends adoption of the attached tobacco-free park policy.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

A Policy Maker's Guide to Tobacco-Free Policies for Community Park Systems



In this guide, you will find:

- Model Tobacco-Free Policy
- Sample policies from Minnesota cities with tobacco-free park policies
- Map of Minnesota cities and counties with tobacco-free parks
- Policy enforcement and publicity information
- Ordering information for free tobacco-free metal signs
- Frequently Asked Questions
- References from communities with existing tobacco-free park policies

Tobacco-Free Parks: For a Healthy Community

**Minnesota Communities with Tobacco-Free Parks,
sorted numerically**

Map #	Community	County	Adoption Date
1	Maple Grove	Hennepin	1-1-93
2	Rochester	Olmsted	11-1-00
3	Bloomington	Hennepin	6-18-01
4	Richfield	Hennepin	9-1-01
5	Roseville	Ramsey	12-1-01
6	Owatonna	Steele	12-11-01
7	Cohasset	Itasca	1-22-02
8	Baxter	Crow Wing	3-1-02
9	St. Cloud	Stearns	5-13-02
10	Virginia	St. Louis	5-31-02
11	Brainerd	Crow Wing	6-6-02
12	Eden Prairie	Hennepin	9-17-02
13	Sartell	Stearns	10-28-02
14	Duluth	St. Louis	2-12-03
15	Golden Valley	Hennepin	3-4-03
16	Zimmerman	Sherburne	3-17-03
17	Eagan	Dakota	3-25-03
18	Hibbing	St. Louis	3-31-03
19	Aurora	St. Louis	4-1-03
20	Spicer	Kandiyohi	4-2-03
21	Hoyt Lakes	St. Louis	4-8-03
22	Biwabik	St. Louis	5-12-03
23	Fayal Township	St. Louis	5-20-03
24	New Brighton	Ramsey	5-27-03
25	Aitkin	Aitkin	6-2-03
26	Buhl	St. Louis	6-3-03
27	Eveleth	St. Louis	6-3-03
28	Breckenridge	Wilkin	6-16-03
29	Willmar	Kandiyohi	6-16-03
30	St. Paul	Ramsey	7-1-03
31	Austin	Mower	7-2-03
32	Grand Rapids	Itasca	7-14-03
33	Savage	Scott	7-15-03
34	Mountain Iron	St. Louis	8-18-03
35	Prinsburg	Kandiyohi	9-9-03
36	Nwd Young America	Carver	9-22-03
37	Plymouth	Hennepin	10-28-03

Map #	Community	County	Adoption Date
38	Mahtomedi	Washington	12-3-03
39	Kent	Wilkin	1-1-04
40	Coon Rapids	Anoka	2-17-04
41	Faribault	Rice	2-25-04
42	Morris	Stevens	3-9-04
43	Eagle Lake	Blue Earth	4-5-04
44	Luverne	Rock	4-13-04
45	Shoreview	Ramsey	5-3-04
46	Champlin	Hennepin	5-10-04
47	Marshall	Lyon	5-17-04
48	Crookston	Polk	5-25-04
49	Ramsey	Anoka	5-25-04
50	International Falls	Koochiching	5-28-04
51	Monticello	Wright	6-14-04
52	Pelican Rapids	Otter Tail	6-29-04
53	Anoka	Anoka	7-6-04
54	Cloquet	Carlton	7-20-04
55	Fergus Falls	Otter Tail	8-9-04
56	Edina	Hennepin	8-17-04
57	Andover	Anoka	9-21-04
58	Wolverton	Wilkin	10-12-04
59	Elk River	Sherburne	10-18-04
60	Robbinsdale	Hennepin	12-7-04
61	Maplewood	Ramsey	1-24-05
62	Henning	Otter Tail	5-3-05
63	Callaway	Becker	5-10-05
64	Alexandria	Douglas	5-23-05
65	La Prairie	Itasca	6-6-05
66	Battle Lake	Otter Tail	6-14-05
67	Dayton	Hennepin	6-14-05
68	Parkers Prairie	Otter Tail	7-18-05
69	New York Mills	Otter Tail	8-8-05
70	Arden Hills	Ramsey	9-12-05
71	Wheaton	Traverse	1-26-06
72	Hermantown	St. Louis	2-10-06
73	Adrian	Nobles	2-27-06
74	Mendota Heights	Dakota	3-6-06

**Minnesota Communities with Tobacco-Free Parks,
sorted numerically**

Map #	Community	County	Adoption Date
75	Ellsworth	Nobles	3-13-06
76	Dassel	Meeker	4-3-06
77	Donnelly	Stevens	4-3-06
78	Elbow Lake	Grant	4-3-06
79	Williams	Lake of the Woods	4-10-06
80	Baudette	Lake of the Woods	5-8-06
81	North St. Paul	Ramsey	5-16-06
82	Hoffman	Grant	6-5-06
83	Hancock	Stevens	6-12-06
84	Mounds View	Ramsey	6-27-06
85	Ashby	Grant	7-5-06
86	Spring Lake Park	Anoka	7-17-06
87	Crystal	Hennepin	9-19-06
88	Herman	Grant	10-16-06
89	Canby	Yellow Medicine	11-8-06
90	Albert Lea	Freeborn	11-13-06
91	Wendell	Grant	12-4-06
92	St. Francis	Anoka	1-2-07
93	Ham Lake	Anoka	1-2-07
94	Hardwick	Rock	2-13-07
95	Buffalo	Wright	4-16-07
96	Hastings	Dakota	5-7-07
97	Round Lake	Nobles	5-8-07
98	Silver Bay	Lake	5-9-07
99	Windom	Cottonwood	7-17-07
100	White Earth	Becker	8-16-07
101	West St. Paul	Dakota	4-14-08
102	Gaylord	Sibley	5-29-08
103	Rosemount	Dakota	12-16-08
104	Woodbury	Washington	3-25-09
105	Winthrop	Sibley	10-5-09
106	Lester Prairie	McLeod	10-13-09
107	Minneapolis	Hennepin	5-5-10
108	Chatfield	Fillmore	7-12-10
109	Orono	Hennepin	8-24-10
110	Hinckley	Pine	8-3-10
111	Pine City	Pine	9-2-10

Map #	Community	County	Adoption Date
112	Plato	McLeod	10-12-10
113	Arlington	Sibley	10-18-10
114	Hopkins	Hennepin	10-19-10
115	Blaine	Anoka	11-4-10
116	Silver Lake	McLeod	11-15-10
117	Glencoe	McLeod	11-15-10
118	Mora	Kanabec	11-16-10
119	Columbia Heights	Anoka	11-17-10
120	Bemidji	Beltrami	12-14-10
121	Pipestone	Pipestone	2-7-11
122	Minnetonka	Hennepin	2-14-11
123	New Richland	Waseca	4-11-11
124	Spring Park	Hennepin	5-2-11
125	Waseca	Waseca	5-3-11
126	Brooklyn Park	Hennepin	5-16-11
127	Fridley	Anoka	5-23-11
128	Osseo	Hennepin	6-13-11
129	Brooklyn Center	Hennepin	6-27-11
130	Long Lake	Hennepin	8-1-11
131	Minnetonka Beach	Hennepin	9-12-11
132	Medina	Hennepin	11-1-11
133	Moorhead	Clay	11-15-11
134	Ely	St. Louis	12-6-11
135	Hanover	Wright	12-6-11
Counties/Districts			
A	Rock County		5-18-04
B	Three Rivers Park District		1-6-05
C	Anoka County		7-12-05
D	Washington County		5-23-06
E	Olmsted County		1-23-07
F	Dakota County		5-22-07
G	Lower Sioux Indian Community		
H	Ramsey County		05-13-08
I	Scott County		05-26-09
J	Lac qui Parle County		03-01-11
K	Goodhue County		11-11-11

**Minnesota Communities with Tobacco-Free Parks,
sorted alphabetically**

Map #	Community	County	Adoption Date
73	Adrian	Nobles	2-27-06
25	Aitkin	Aitkin	6-2-03
90	Albert Lea	Freeborn	11-13-06
64	Alexandria	Douglas	5-23-05
57	Andover	Anoka	9-21-04
53	Anoka	Anoka	7-6-04
70	Arden Hills	Ramsey	9-12-05
113	Arlington	Sibley	10-18-10
85	Ashby	Grant	7-5-06
19	Aurora	St. Louis	4-1-03
31	Austin	Mower	7-2-03
66	Battle Lake	Otter Tail	6-14-05
80	Baudette	Lake of the Woods	5-8-06
8	Baxter	Crow Wing	3-1-02
120	Bemidji	Beltrami	12-14-10
22	Biwabik	St. Louis	5-12-03
115	Blaine	Anoka	11-4-10
3	Bloomington	Hennepin	6-18-01
11	Brainerd	Crow Wing	6-6-02
28	Breckenridge	Wilkin	6-16-03
129	Brooklyn Center	Hennepin	6-27-11
126	Brooklyn Park	Hennepin	5-16-11
95	Buffalo	Wright	4-16-07
26	Buhl	St. Louis	6-3-03
63	Callaway	Becker	5-10-05
89	Canby	Yellow Medicine	11-8-06
46	Champlin	Hennepin	5-10-04
108	Chatfield	Fillmore	7-12-10
54	Cloquet	Carlton	7-20-04
7	Cohasset	Itasca	1-22-02
119	Columbia Heights	Anoka	11-17-10
40	Coon Rapids	Anoka	2-17-04
48	Crookston	Polk	5-25-04
87	Crystal	Hennepin	9-19-06
76	Dassel	Meeker	4-3-06
67	Dayton	Hennepin	6-14-05
77	Donnelly	Stevens	4-3-06

Map #	Community	County	Adoption Date
14	Duluth	St. Louis	2-12-03
17	Eagan	Dakota	3-25-03
43	Eagle Lake	Blue Earth	4-5-04
12	Eden Prairie	Hennepin	9-17-02
56	Edina	Hennepin	8-17-04
78	Elbow Lake	Grant	4-3-06
59	Elk River	Sherburne	10-18-04
75	Ellsworth	Nobles	3-13-06
134	Ely	St. Louis	12-6-11
27	Eveleth	St. Louis	6-3-03
41	Faribault	Rice	2-25-04
23	Fayal Township	St. Louis	5-20-03
55	Fergus Falls	Otter Tail	8-9-04
127	Fridley	Anoka	5-23-11
102	Gaylord	Sibley	5-29-08
117	Glencoe	McLeod	11-15-10
15	Golden Valley	Hennepin	3-4-03
32	Grand Rapids	Itasca	7-14-03
93	Ham Lake	Anoka	1-2-07
83	Hancock	Stevens	6-12-06
135	Hanover	Wright	12-6-11
94	Hardwick	Rock	2-13-07
96	Hastings	Dakota	5-7-07
62	Henning	Otter Tail	5-3-05
88	Herman	Grant	10-16-06
72	Hermantown	St. Louis	2-10-06
18	Hibbing	St. Louis	3-31-03
110	Hinckley	Pine	8-3-10
82	Hoffman	Grant	6-5-06
114	Hopkins	Hennepin	10-19-10
21	Hoyt Lakes	St. Louis	4-8-03
50	International Falls	Koochiching	5-28-04
39	Kent	Wilkin	1-1-04
65	La Prairie	Itasca	6-6-05
106	Lester Prairie	McLeod	10-13-09
130	Long Lake	Hennepin	8-1-11
44	Luverne	Rock	4-13-04

**Minnesota Communities with Tobacco-Free Parks,
sorted alphabetically**

Map #	Community	County	Adoption Date
38	Mahtomedi	Washington	12-3-03
1	Maple Grove	Hennepin	1-1-93
61	Maplewood	Ramsey	1-24-05
47	Marshall	Lyon	5-17-04
132	Medina	Hennepin	11-1-11
74	Mendota Heights	Dakota	3-6-06
107	Minneapolis	Hennepin	5-5-10
122	Minnetonka	Hennepin	2-14-11
131	Minnetonka Beach	Hennepin	9-12-11
51	Monticello	Wright	6-14-04
133	Moorhead	Clay	11-15-11
118	Mora	Kanabec	11-16-10
42	Morris	Stevens	3-9-04
84	Mounds View	Ramsey	6-27-06
34	Mountain Iron	St. Louis	8-18-03
24	New Brighton	Ramsey	5-27-03
123	New Richland	Waseca	4-11-11
69	New York Mills	Otter Tail	8-8-05
81	North St. Paul	Ramsey	5-16-06
36	Nwd Young America	Carver	9-22-03
109	Orono	Hennepin	8-24-10
128	Osseo	Hennepin	6-13-11
6	Owatonna	Steele	12-11-01
68	Parkers Prairie	Otter Tail	7-18-05
52	Pelican Rapids	Otter Tail	6-29-04
111	Pine City	Pine	9-2-10
121	Pipestone	Pipestone	2-7-11
112	Plato	McLeod	10-12-10
37	Plymouth	Hennepin	10-28-03
35	Prinsburg	Kandiyohi	9-9-03
49	Ramsey	Anoka	5-25-04
4	Richfield	Hennepin	9-1-01
60	Robbinsdale	Hennepin	12-7-04
2	Rochester	Olmsted	11-1-00
103	Rosemount	Dakota	12-16-08
5	Roseville	Ramsey	12-1-01
97	Round Lake	Nobles	5-8-07

Map #	Community	County	Adoption Date
13	Sartell	Stearns	10-28-02
33	Savage	Scott	7-15-03
45	Shoreview	Ramsey	5-3-04
98	Silver Bay	Lake	5-9-07
116	Silver Lake	McLeod	11-15-10
20	Spicer	Kandiyohi	4-2-03
86	Spring Lake Park	Anoka	7-17-06
124	Spring Park	Hennepin	5-2-11
9	St. Cloud	Stearns	5-13-02
92	St. Francis	Anoka	1-2-07
30	St. Paul	Ramsey	7-1-03
10	Virginia	St. Louis	5-31-02
125	Waseca	Waseca	5-3-11
91	Wendell	Grant	12-4-06
101	West St. Paul	Dakota	4-14-08
71	Wheaton	Traverse	1-26-06
100	White Earth	Becker	8-16-07
79	Williams	Lake of the Woods	4-10-06
29	Willmar	Kandiyohi	6-16-03
99	Windom	Cottonwood	7-17-07
105	Winthrop	Sibley	10-5-09
58	Wolverton	Wilkin	10-12-04
104	Woodbury	Washington	3-25-09
16	Zimmerman	Sherburne	3-17-03

Counties/Districts		
A	Rock County	5-18-04
B	Three Rivers Park District	1-6-05
C	Anoka County	7-12-05
D	Washington County	5-23-06
E	Olmsted County	1-23-07
F	Dakota County	5-22-07
G	Lower Sioux Indian Community	N/A
H	Ramsey County	05-13-08
I	Scott County	05-26-09
J	Lac qui Parle County	03-01-11
K	Goodhue County	11-11-11

Playing Tobacco Free:

Tobacco-Free Policies For Park & Recreation Areas

Tobacco-Free Park and Recreation Areas Promote Health

- **Parks are established to promote healthy activities.** The purpose of park areas is to promote community wellness, and tobacco-free policies fit with this idea.
- **Tobacco-free environments promote positive community role modeling** and protect the health, safety, and welfare of community members.
- **Cigarette litter is dangerous.** Discarded cigarettes pollute the land and water and may be ingested by toddlers, pets, birds, or fish.
- **Tobacco-free policies help change community norms.** Tobacco-free policies establish the community norm that tobacco use is not an acceptable behavior for young people or adults within the entire community.
- **Secondhand smoke harms everyone.** The 2006 Surgeon General's report concludes that secondhand smoke is a human carcinogen for which there is no safe level of exposure. Exposure to secondhand smoke has immediate health consequences on the cardiovascular and respiratory systems.¹
- **Secondhand smoke is harmful in outdoor settings.** According to a 2007 study, secondhand smoke levels in outdoor public places can reach levels as high as those found in indoor facilities where smoking is permitted.²
- **Policies provide consistency among community athletic facilities and groups.** The majority of community sporting events are held at either city or school athletic facilities, and nearly all school districts prohibit tobacco use on their entire grounds. Also, many local athletic associations have tobacco-free policies but use city facilities and would benefit from a city-wide policy.

The Tobacco-Free Youth Recreation Initiative

Tobacco-Free Youth Recreation (TFYR) is a recreation-based tobacco prevention program that assists recreational groups in promoting healthy tobacco-free lifestyles. TFYR offers free assistance in tobacco-free policy development and implementation. Contact TFYR for policy assistance or more information!



Association for Nonsmokers—Minnesota
2395 University Ave. West, #310
St. Paul, MN 55114-1512
(651) 646-3005

www.tobaccofreeparks.org
tfyr@ansrmn.org

Tobacco-Free Park and Recreation Policies Work

Over 100 Minnesota communities have adopted tobacco-free policies for their park and recreation areas. In 2004, the University of Minnesota surveyed Minnesota residents to learn about the level of support for tobacco-free park and recreation policies.³ Minnesota park directors were also interviewed to ask how they felt about tobacco-free policies. Here are the study's key findings:

What Minnesota residents say:

- **Most Minnesotans support tobacco-free park and recreation policies.** 70% of Minnesota residents support tobacco-free park and recreation areas. In addition, 66% of golfers and 73% of families with children support these policies.
- **Policies should prohibit all forms of tobacco.** 79% of residents supported tobacco-free policies that prohibit all forms of tobacco use, including spit tobacco.
- **Parks should be tobacco free at all times.** Just over half (53%) of respondents supported the prohibition of tobacco use in parks at all times.
- **Community members support policy enforcement.** 79% of Minnesotans felt that policies should be enforced by asking violators to leave park areas. 64% felt that violators should be fined.

What Minnesota park directors say:

- **Park directors overwhelmingly recommend adopting tobacco-free policies.** 90% of park directors in cities with policies reported that they would recommend tobacco-free policies to other communities.
- **Nearly all park directors personally supported tobacco-free policies.** Out of 257 park directors,
 - 96% wanted to provide positive role models for youth.
 - 92% wanted to reduce youth opportunity to smoke.
 - 92% wanted to avoid litter from cigarette butts.
 - 89% wanted to promote community well-being.
- **Policies reduce litter and maintenance costs.** 58% of Minnesota park directors in cities with policies reported cleaner park areas.
- **Policy enforcement and violations are not issues.** In Minnesota communities with a policy, few park directors (26%) reported compliance issues and 74% reported no problems with park users violating the policy.

¹ U.S. Department of Health and Human Services. (2006). The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the U.S. Surgeon General.

² Klepeis NE, Ott WR, Switzer P. (May 2007). "Real-Time Measurements of Outdoor Tobacco Smoke Particles." Journal of Air & Waste Management Association 57.

³ Klein EG, Forster JL, Outley CW, McFadden, B. (2007). "Minnesota Tobacco-Free Park Policies: Attitudes of the General Public and Park Officials." Nicotine & Tobacco Research 9, S1, pp.49-55.



Frequently Asked Questions

about Tobacco-Free Policies for Park Areas in Minnesota

What is current Minnesota state law on smoking outdoors?

There is currently no state law that regulates tobacco use in outdoor areas.

Are local governments able to enact policies restricting tobacco use?

Neither federal nor state law prohibits local governments from regulating tobacco use outdoors.¹

What is the difference between a park policy and an ordinance?

In general, *park policies* are rules regarding city or county-owned park property that are established by local park boards and are often approved by city councils or county boards. Generally, those who ignore park policies do not receive a fine, but are asked to refrain from using tobacco or leave the premises.

Ordinances are local government enactments that regulate people or property and carry a penalty such as a fine for violations. Ordinances often originate from a recommendation passed by the park board.²

For both park policies and ordinances, tobacco use is prohibited on park property.

Should a policy cover all property and activities or just youth events?

In Minnesota, both types of policies exist, but the recent trend is toward comprehensive “all property” policies because they protect everyone from secondhand smoke, rather than just particular groups at “youth events.”

How do other Minnesota communities enforce their policies?

Minnesota communities with tobacco-free park policies post signs in their park areas that announce the policy. These signs provide communities with the ability to rely on community and self-enforcement. Many tobacco users look for “no tobacco” signs. These signs empower everyone using the parks to provide friendly reminders about the policy to violators. Signs also help to eliminate the need for any law enforcement presence. The majority of Minnesota communities with policies have utilized Tobacco-Free Youth Recreation’s free signs.

In addition to signs, communities notify their residents in a variety of ways: local media, newsletters, policy

reminder cards, recreation brochures, policy statements sent to sports associations, and coaches’ trainings.

Are existing policies working?

Yes! According to a 2004 University of Minnesota survey of Minnesota park directors in cities with such policies, 88% of park directors reported no change in park usage (no loss of park users), 71% reported less smoking in parks, and 58% reported cleaner park areas.

What effect do tobacco-free park policies have on youth?

Research has not been completed on this particular topic, but in general, tobacco-free policies help prevent youth tobacco use, particularly by establishing tobacco-free community norms and by providing adults the opportunity to be tobacco-free role models throughout the community.³

What other benefits result from tobacco-free policies?

Cigarette filters are toxic to the environment because they do not biodegrade. They contain many harmful chemicals that can leach into the environment. A policy reduces park and beach litter and protects toddlers and animals from ingesting filters that are discarded. In Minnesota, smoking-related debris accounted for 62% of total debris during a 2005 coastal cleanup.⁴

Will policies keep some people from using public park and recreation areas?

Tobacco-free policies for park areas ensure that all citizens have a healthy recreational environment. People go to parks to exercise or relax, not to use tobacco. People who smoke work, eat, shop, travel, and reside in smoke-free environments every day. No court has determined that smoking is a constitutionally protected right.⁵

Aren’t tobacco-free policies for parks a needless regulation?

These policies are similar to those prohibiting alcohol and litter or requiring that pets be leashed. It is the duty of policy makers to enact policies that protect the health of their citizens.

¹ Minnesota Attorney General Mike Hatch. (5/4/00). Legal opinion letter to Peter Vogel.

² League of Minnesota Cities. (2003). *Handbook for Minnesota Cities*. [Online]. Available: <http://www.lmnc.org/handbook/chapter07.pdf>.

³ Perry, C. (1999). *Creating Health Behavior Change: How to Develop Community-Wide Programs for Youth*. Thousand Oaks, CA: Sage Publications.

⁴ The Ocean Conservancy. (2006). *International Coastal Cleanup 2005 Minnesota Summary Report*. [Online]. Available: <http://www.coastalcleanup.org>.

⁵ Tobacco Control Legal Consortium. (2009). “Legal Authority to Regulate Smoking and Common Legal Threats and Challenges 2009.”



Is Secondhand Smoke Safe to Breathe Outdoors?

Introduction

Knowledge about the dangerous chemicals contained in secondhand smoke, along with their deadly consequences for smokers, has been well established for decades. We also know that the secondhand smoke breathed in by non-smokers from the burning end of a lit tobacco product or exhaled from a smoker's lungs contains essentially the same dangerous chemicals and is therefore also very unhealthy to breathe.

The volume of scientific evidence showing that secondhand smoke causes serious illness and death in adults and children has grown to a level where in 2006, the U.S. Surgeon General called it *massive, conclusive* and *indisputable*. As a result, more and more people in the United States (and throughout the world) are taking action to eliminate people's exposure to secondhand smoke, in order to protect everyone's health. Most of these actions have been through the elimination of indoor smoking in homes, cars, worksites and other public places. To a lesser degree, smoking restrictions are being adopted for outdoor settings.

Background

What does the scientific evidence say about breathing secondhand smoke outdoors? While the amount of research conducted on secondhand smoke in outdoor settings is not as vast as that completed in indoor environments, the research findings are showing similarities.

The California Air Resources Board⁽¹⁾ measured secondhand smoke concentrations in a variety of outdoor locations at *airports, colleges, government centers, office complexes and amusement parks*. They found that when smoking occurs in these settings, people could be exposed to levels of secondhand smoke that is comparable to indoor concentrations where smoking is permitted. In another study⁽²⁾, where measurements were conducted when active smoking was taking place at outdoor *patios, sidewalks and parks*, similar results were observed. One of the researchers stated that this type of outdoor tobacco exposure should not be dismissed as trivial.

Measuring Secondhand Smoke

A common measure of air quality in detecting secondhand smoke pollution is *particulate matter* (PM). **PM 2.5** is air particles that have a diameter of smaller than 2.5 microns. Particulates of this size are easily inhaled deep into the lungs. The U.S. Environmental Protection Agency (EPA) has set air quality index levels and corresponding health advisory descriptors, based upon PM 2.5 measurements.

PM 2.5 AQI Break Points (microns/cubic meter)	Air Quality Index (AQI)	Health Advisory Descriptor
0.0 – 15.4	0-50	Good
15.5 – 40.4	51-100	Moderate
40.5 – 65.4	101-150	Unhealthy for Sensitive Groups
65.5 – 150.4	151-200	Unhealthy for Everyone
150.5 – 250.4	201-300	Very Unhealthy
250.5 – 350.4	301-400	Hazardous
350.5 – 500.4	401-500	Very Hazardous

A Canadian study⁽³⁾ measured secondhand smoke levels on outdoor *hospitality patios (restaurants/bars)*. Measurements were taken at three different locations, with some variation

in dimensions and structure. The most significant difference was the number of smoking customers. The location with the greatest number of smokers resulted in average PM 2.5 levels of 102 (unhealthy for sensitive groups) and peak levels of 660 (very hazardous+).

A study conducted at one of the University of Maryland campuses⁽⁴⁾ measured the distance from the source of secondhand smoke in which PM 2.5 can be detected. Previous studies found that odor *detection* can occur at 1 micron/cubic meter and *irritation* begins at 4 microns/cubic meter. In this study, odor was detectable at 7 meters (23 feet) from the source and irritation levels began at 4 meters (13 feet). The study also found that anyone positioned downwind from an outdoor source of secondhand smoke is going to be exposed to secondhand smoke, even at significant distances from the source. People who are positioned upwind should be at least 25 feet from any outdoor source, in order to minimize the risk of breathing the unhealthy chemicals found in secondhand smoke.

Conclusions

These studies should begin to dispel the common misperception that outdoor secondhand smoke immediately dissipates into the air and, therefore does not pose a health risk. The dangerous composition of chemicals in smoke is essentially the same – indoors or outdoors. If a person smells secondhand smoke in any setting, they are breathing it into their lungs. The risk of secondhand smoke exposure outdoors appears to be related to both dosage and proximity to the source: a person in close proximity to the source of the secondhand smoke or a person in an area with a high concentration of secondhand smoke would be most likely to be at risk in outdoor settings.

Action Steps

We are beginning to see more policies established to protect people from secondhand smoke exposure in outdoor settings, as has occurred previously at indoor settings. Restrictions are beginning to be placed on smoking in such places as:

- Parks
- Trails
- Playgrounds
- Beaches
- Zoos
- Patios
- Building Entrances
- Ball Fields
- Skate Parks
- Bus Stops
- Street Dances
- Festivals
- Amusement Parks
- Fair Grounds
- Water Parks
- Stadiums
- Rodeo Arenas
- Picnic Shelters

By eliminating smoking at these types of outdoor settings, people are receiving protection from the health consequences of secondhand smoke exposure, just as they have come to expect to receive this type of protection indoors.

References

(1) CARB. (2003). "Technical Support Document for the Proposed Identification of Environmental Tobacco Smoke as a Toxic Air Contaminant: Part A," Technical Report. California Environmental Protection Agency, California Air Resources Board, Office of Environmental Health Hazard Assessment, Chapter 5, pp. V6-V19.

(2) Klepeis NE, Ott WR, Switzer P. (May 2007). "Real-Time Measurements of Outdoor Tobacco Smoke Particles." Journal of Air & Waste Management Association. Vol. 57.

(3) Kennedy RD, Sendzik T., Elton-Marshall T., Hammond D., Fong G. (2006). "Tobacco Smoke Pollution in Outdoor Hospitality Settings." University of Waterloo, Canada. Presented at the 13th World Conference on Tobacco OR Health 2006.

(4) Repace, J. (2005). "Measurements of Outdoor Air Pollution from Secondhand Smoke on the UMBC Campus." www.repace.com



TOBACCO-FREE PARKS AND RECREATION STUDY

Summary of Findings

Park areas in Minnesota are used regularly by state residents. Tobacco use restrictions in outdoor environments such as parks and recreation areas are being established in Minnesota and other states across the U.S. The purpose of this study is to describe the support for tobacco-free park policies in Minnesota. To learn more about the public's perceptions of these policies, we conducted a survey of Minnesota residents. We also interviewed park and recreation professionals to ask specific questions about tobacco-free policies in Minnesota.

Is secondhand smoke a problem?

Yes. Secondhand smoke is a recognized cause of acute and chronic diseases in nonsmokers, and is a major source of indoor air pollution. Secondhand smoke is also responsible for an estimated 3,000 lung cancer deaths and 38,000 heart disease deaths in nonsmoking individuals each year in the United States. The most effective approach to reducing secondhand smoke exposure is to establish smoke-free environments. Research has suggested that the adoption of smoke-free policies creates a change in social norms around smoking, helps smokers reduce consumption or quit, and helps keep youth from starting.

Public support for tobacco-free parks

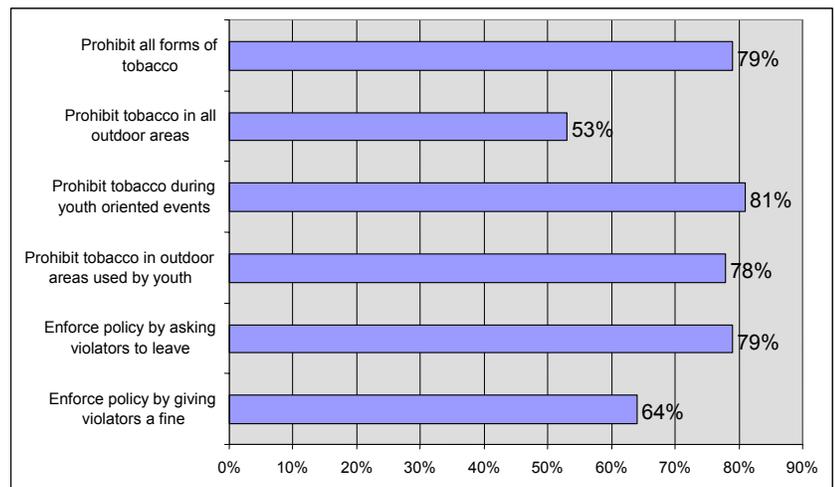
A survey was sent to Minnesota residents by mail in summer 2004. Of the 1,500 respondents, 75% had used any park area in the past month. Overall, 70% of those surveyed supported tobacco-free policies for outdoor park and recreation areas. The attitude of Twin Cities metro area residents was not different from residents living in other parts of the state. Respondents expressed support for tobacco-free policies to:

- Reduce litter in park grounds.
- Avoid the health effects of secondhand smoke.
- Discourage youth smoking.
- Establish positive role models for youth.
- Promote community well-being.

Policy components

We also asked residents about the components of tobacco-free park policies (shown, right). Most people supported strong policies that prohibit tobacco use in youth areas, and asking policy violators to leave park areas. Just over half (53%) of respondents supported the prohibition of tobacco use in all parks at all times. Smokers were the only group generally less supportive of these policies.

Preferences for tobacco-free park policies among Minnesota residents, 2004



Golfers

Thirty-five percent of our sample were golfers. Most golfers (81%) were non-smokers, and 74% of non-smoking golfers supported tobacco-free park policies. We found that being a golfer did not make a difference in support for tobacco-free policies, but being a smoker did.

How do park staff in communities with an existing park policy feel about the policy?

In the summer of 2004, we interviewed 257 park directors from cities and counties in Minnesota's 200 largest cities. Overall, 70 communities reported a tobacco-free policy, which represents 36% of communities surveyed. Park directors with policies had positive experiences, as most reported that park policies were "not difficult" to pass, and 90% would recommend such a policy to other communities.

Changes after implementation

When park directors were asked about changes after tobacco-free policy adoptions:

- 58% reported less litter in park areas.
- 74% reported no problems with policy violators.
- 88% reported no changes in park usage.
- For those reporting a change in park use following the policy, 71% reported an increase in usage.
- Publicity about the policy was reported to be adequate (86%), and few (7%) reported any negative publicity.

Enforcement

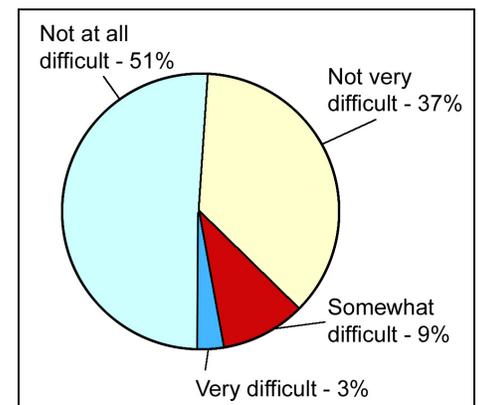
Enforcement was an area of worry for nearly all park directors without a policy. However, in communities with a policy, few park directors (26%) reported compliance problems. Staffing was an issue, as 74% reported too few staff to enforce the policy and/or monitor all park areas.

Park director support

Out of the 257 park directors interviewed, nearly all personally supported tobacco-free policies. Reasons for their support included:

- 96% wanted to establish positive role models for youth.
- 89% wanted to promote community well-being.
- 92% wanted to reduce youth opportunity to smoke.
- 92% wanted to avoid litter from cigarette butts.

Difficulty in passing a tobacco-free park policy, Minnesota 2004



Major Conclusions:

- ❑ The majority of Minnesotans support tobacco-free park and recreation policies.
- ❑ Park staff have experienced few problems and many benefits with the policies, and overwhelmingly recommend tobacco-free policies to other communities.

This study was conducted by the University of Minnesota, Schools of Public Health and Kinesiology, in partnership with Tobacco-Free Youth Recreation and the Minnesota Recreation and Park Association, and supported by the Minnesota Partnership for Action Against Tobacco. For more information, contact study coordinator Liz Klein at klein_L@epi.umn.edu or call (612) 626-1799.





City-Owned Outdoor Recreational Facilities *Model Tobacco-Free Policy*

Section 1: Rationale

WHEREAS, the City believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and

WHEREAS, the City has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and

WHEREAS, the City believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and

WHEREAS, the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and

WHEREAS, cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and

WHEREAS, the City Park & Recreation Board determines that the prohibition of tobacco use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

THEREFORE, be it resolved that tobacco use is prohibited in outdoor recreational facilities. No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities include [insert specific facilities here, e.g. playgrounds, athletic fields, beaches, aquatic areas, parks, and walking/hiking trails].

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance.
4. Any person found violating this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

Section 3: Effective Date

This policy statement is effective immediately upon the date of adoption, which is _____, 20__.

Appropriate City Official

Date

City of International Falls, Minnesota

ORDINANCE NO. 13, 4TH SERIES

AN ORDINANCE OF THE CITY OF INTERNATIONAL FALLS, MINNESOTA, AMENDING CITY CODE CHAPTER 10 ENTITLED "PUBLIC PROTECTION, CRIMES AND OFFENSES" BY ADDING CITY CODE SECTION 10-32 (c) TO PROHIBIT TOBACCO ON CERTAIN CITY PROPERTY; BY ADOPTING BY REFERENCE, CITY CODE CHAPTER 1, AND SECTION 10-99 WHICH, AMONG OTHER THINGS, CONTAIN PENALTY PROVISIONS.

THE CITY COUNCIL OF THE CITY OF INTERNATIONAL FALLS, MINNESOTA, DO ORDAIN AS FOLLOWS:

Section 1. City Code Section 10-32(c) to read as follows:

Tobacco prohibited on City property. No person shall use tobacco products on City-owned property including but not limited to parks, buildings and equipment except for Streets and Avenues.

Section 2. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation", and City Code Section 10-99 is hereby adopted in its entirety, by reference, as though repeated verbatim herein.

Section 3. After adoption, signing, and attestation, this Ordinance shall be published once in the official newspaper of the City and shall be in effect 30 days after the date following such publication.

Harry G. Swendsen
Mayor

Attest:

Betty Bergstrom
Acting Interim City Administrator

Passed its first reading this 10th day of May, 2004.

Passed its second reading this 24th day of May, 2004.

Published May 28th, 2004

**AN ORDINANCE PROHIBITING THE USE OF TOBACCO PRODUCTS
WITHIN CITY-OWNED PARKS, OPEN SPACES AND RECREATION AREAS**

The City Council of the City of Bloomington hereby ordains:

Section 1. That Chapter 5 of the City Code is hereby amended to read as follows:

CHAPTER 5

PUBLIC FACILITIES AND PROPERTY

ARTICLE III. PARKS AND PLAYGROUNDS

SEC. 5.21. REGULATIONS.

The following regulations shall apply to all City parks:

(20) Park and Recreation Programs -

- (A) No person involved in any event of the Park and Recreation Department, including, but not limited to sponsors of teams thereof, shall commit an unfair discriminatory practice or deny another person access to, admission to, or utilization of, or benefit from any such event because of race, color, creed, religion, or national origin.
- (B) Exception. The provisions of Paragraph A above shall not apply to a religious organization with respect to qualifications based on religion, when religion shall be a bona fide qualification for membership.

(21) No person shall use tobacco products on City-owned athletic play fields, including their spectator areas, while the fields are being used for organized youth athletic events or organized adult recreational events. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(22) No person shall use tobacco products on City-owned property during City sponsored cultural programs such as Arts in the Park, Summer Fete and River Rendevous. The Park Director may permit the use of tobacco products for special events such as historical programs and theatrical productions if such use is an integral part of the event. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(23) City-Owned Parks, Open Spaces and Recreation Areas -

- (A) No person shall use tobacco products on City-owned golf courses and on the exterior premises of the Bloomington Ice Garden. These areas shall be posted by appropriate signs and markers as directed by the Park Director.
- (B) No person shall use tobacco products on City-owned parks, conservation areas and open spaces, including trails used for walking and biking. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(C) No person shall use tobacco products at City-owned picnic shelters during private rentals of these facilities. These areas shall be posted by appropriate signs and markers as directed by the Park Director.

(D) This Section does not apply to the use of tobacco products in motor vehicles parked on the premises of City-owned parks, conservation areas, open spaces and recreational facilities.

SEC. 5.22. PENALTY.

Any person violating subsections (9) OR (14) shall be guilty of a misdemeanor, all other violations of this Article shall be punishable as a petty misdemeanor.

SEC. 5.22.01. SEVERABILITY.

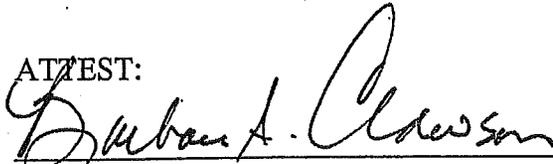
If any section, subsection, sentence, clause or phrase of this Article is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of the Article. The City Council hereby declares that it would have adopted this Article and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Passed and adopted this 9th day of October 2006.



Mayor

ATTEST:



Secretary to the Council

APPROVED:



City Attorney



PLYMOUTH, MN PARKS AND RECREATION

SUBJECT

Plymouths Parks and Recreation Tobacco-Free Policy

POLICY STATEMENT

The City of Plymouth Parks and Recreation Department is committed to the quality of life for all residents, therefore, we believe that:

1. Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
2. Tobacco products once consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
3. As parents, leaders, coaches, and officials we are thought of as role models, and the use of tobacco products around youth has a negative effect on their lifestyle choices.

TOBACCO-FREE FACILITIES

No person shall use tobacco products on city-owned parkland, park facilities, open space or joint city/school district properties, except within the confines of a vehicle in a designated parking area.

COMPLIANCE PROCEDURES

The emphasis on enforcing the Tobacco-Free park policy is through voluntary compliance:

1. Appropriate city-owned parkland, park facilities, open space or joint city/school district properties will be signed.
2. Plymouth Park and Recreation staff will meet with activity organizations and/or leaders or coaches to discuss the policy and to distribute flyers with the "Tobacco Free" regulations.
3. Plymouth Park and Recreation staff will make periodic observations of activity sites to monitor compliance.
4. Plymouth Park and Recreation will take an active role to encourage the surrounding communities to adopt the "Tobacco Free" policy, so that we may act as a united front to ensure the health and wellbeing of our community.

Date of Adoption: 10/28/03



Park & Recreation Tobacco-Free Park System Policy

1. Guideline Statement

City of Champlin Parks and Recreation Tobacco-Free Policy is designed to protect the health, welfare, and safety of our park patrons.

2. Policy Statement

The City of Champlin is committed to the quality of life for all residents, therefore, we believe that:

- Tobacco product use in the proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
- Tobacco products consumed in public spaces are often discarded on the ground, thus posing a risk of ingestion to toddlers and causing a litter problem.
- As parents, leaders, coaches, and officials, we are thought of as role models and the use of tobacco products around youth has a negative effect on their lifestyle choices.

3. Tobacco-Free Facilities

The City of Champlin does not allow the use of tobacco products on City-owned park land, recreational facilities, City facilities, and open space.

4. Compliance Procedures

The emphasis on enforcing the Tobacco-Free parks and recreation policy is through voluntary compliance:

- Appropriate City-owned park land, recreational facilities, open space will be signed.
- City of Champlin staff will meet with activity organizations and \ or leaders or coaches to discuss the policy and to distribute flyers with the "Tobacco Free" regulations.
- City staff will make periodic observations of activity sites to monitor compliance.

5. Adoption date: May 10, 2004

City of Morris, MN

Resolution Establishing Tobacco-Free Policy

- Whereas** the City of Morris believes that tobacco use in the proximity of children and adults engaging in or watching outdoor recreational activities at City-owned or operated facilities is detrimental to their health and can be offensive to those using such facilities; and
- Whereas** the City of Morris has a unique opportunity to create and sustain an environment that supports a non-tobacco norm through a tobacco-free policy, rule enforcement, and adult-peer role modeling on City-owned outdoor recreational facilities; and
- Whereas** the City of Morris believes parents, leaders, and officials involved in recreation are role models for youth and can have a positive effect on the lifestyle choices they make; and
- Whereas** the tobacco industry advertises at and sponsors recreational events to foster a connection between tobacco use and recreation; and
- Whereas** cigarettes, once consumed in public spaces, are often discarded on the ground requiring additional maintenance expenses, diminish the beauty of the City's recreational facilities, and pose a risk to toddlers due to ingestion; and
- Whereas** the City Park Board determines that the prohibition of tobacco use at the City's recreational facilities serves to protect the health, safety and welfare of the citizens of our City.

Therefore, be it resolved

By the City Council of the City of Morris that the following tobacco-free policy is adopted:

Section 1: Tobacco use prohibited in outdoor recreational facilities

No person shall use any form of tobacco at or on any City-owned or operated outdoor recreational facilities, including the restrooms, spectator and concession areas. These facilities also include all City-owned parks, playgrounds, athletic fields, walking/biking trails, and beaches. The only exception being the City's campgrounds.

Section 2: Enforcement

1. Appropriate signs shall be posted in the above specified areas.
2. The community, especially facility users and staff, will be notified about this policy.
3. Staff will make periodic observations of recreational facilities to monitor for compliance. City officials, parents, and coaches are asked to help in enforcing the compliance to the policy.
4. Any person found in violation of this policy may be subject to immediate ejection from the recreation facility for the remainder of the event.

Section 3: Effective Date

This policy statement is effective immediately upon the date of adoption.

Adopted: March 9, 2004.

Free Signs!

Minnesota cities that adopt comprehensive tobacco-free policies for their recreational facilities and park property can order FREE metal 12" x 18" tobacco-free signs from TFYR to help with policy implementation.

To qualify for the signs, the tobacco-free policy must include:

- A list of all the facilities it covers
- A statement that all forms of tobacco use are prohibited
- An enforcement plan that includes a) user and staff notification; and b) signage.



Tobacco-Free Signs

Please contact Tobacco-Free Youth Recreation to find out how a tobacco-free policy for parks and outdoor recreational facilities can benefit your community.

For technical assistance in policy development and suggestions for tobacco prevention strategy implementation, contact:

Brittany McFadden, Program Director
Tobacco-Free Youth Recreation
2395 University Ave. West, Suite 310
St. Paul, MN 55114-1512
(651) 646-3005; bhm@ansrmn.org





Tobacco-Free Park Policy

Policy Statement

In order to protect the health and welfare of our children and promote healthy lifestyle choices, the City of East Bethel prohibits the use of all tobacco products in youth activity areas.

1. Tobacco use in proximity of children, youth and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of others.
2. Tobacco products once consumed are often discarded on the ground causing a litter problem.
3. As parents, community leaders, coaches and officials we are thought of as role models, and use of tobacco around youth may have a negative effect on their lifestyle choices.

Tobacco Free Facilities

Tobacco Free Areas will be designated for the following facilities in City of East Bethel parks:

1. All playground areas, attached or separate, and 25 feet from the playground border or stand alone equipment including park benches and other seating areas within this area.
2. All athletic fields including softball, baseball, soccer, tennis, skating and skateboarding facilities and any associated bleachers or other adjacent seating areas.
3. All restroom facilities.
4. All concession facilities.

Implementation

The emphasis on enforcing the Tobacco-Free park policy is through voluntary compliance.

1. Appropriate signs shall be posted at all facilities.
2. Staff will make periodic observations of recreational facilities to monitor for compliance.
3. Athletic associations that utilize City-owned facilities must commit to enforcing this policy during all scheduled activities.
4. Any person observed violating this policy will be asked to properly dispose of said product and/or remove themselves from the tobacco free area.



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Resolution Revoking Municipal State Aid Streets and Resolution Establishing Municipal State Aid Streets

Requested Action:

Consider adoption of Resolution 2012-18 Revoking Municipal State Aid Streets and Resolution 2012-19 Establishing Municipal State Aid Streets

Background Information:

As directed by Council, staff is submitting an application to the MnDOT State Aid office to add several street segments to the Municipal State Aid System that are south of Coon Lake as shown on Attachment 6. In order to add these street segments to the system, a number of existing streets have to be removed from the system. The table below summarizes the street segments that staff recommends to be added and revoked from the system. The streets recommended for removal from the system are shown on Attachments 3 through 5.

Street	Segment	Length (Miles)
Roads Added to the MSAS:		
Longfellow Drive	Laurel Road to Lexington Avenue	0.34
Laurel Road	Longfellow Drive to Lakeshore Drive	0.53
Lakeshore Drive	Lincoln Drive to Laurel Road	0.80
Lincoln Drive	Lakeshore Drive to Laurel Road	0.56
Johnson Street	Sims Road to 221 st Avenue	1.13
Total Miles Added		3.36
Roads Revoked from the MSAS:		
Ulysses Street	181 st Avenue to 187 th Lane	0.80
Ulysses Street	229 th Avenue to 233 rd Avenue	0.51
233 rd Avenue	Ulysses Street to Trunk Highway 65	0.14
Sims Road	Trunk Highway 65 to Davenport Street	0.17
Buchanan Street	213 th Avenue to 221 st Avenue	0.99
Baltimore Street	237 th Avenue to 241 st Avenue	0.51
Total Miles Revoked		3.12
Current Excess Mileage		0.26
Net Mileage Revoked		3.38

Attachments:

- 1. Resolution 2012-18 Revoking Municipal State Aid Streets
- 2. Resolution 2012-19 Establishing Municipal State Aid Streets
- 3-6. Location Map

Fiscal Impact:

None.

Recommendation(s):

Staff recommends that Council adopt Resolution 2012-18 Revoking Municipal State Aid Streets and Resolution 2012-19 Establishing New Municipal State Aid Streets

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

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

RESOLUTION NO. 2012-18

RESOLUTION REVOKING MUNICIPAL STATE AID STREETS

WHEREAS, it appears to the City Council of the City of East Bethel that the streets hereinafter described should be revoked as Municipal State Aid Streets under the provisions of Minnesota law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The streets described as follows, to-wit:

- **Ulysses Street NE** – 181st Avenue to 0.17 miles north of 181st Avenue NE
- **Ulysses Street NE** – 0.17 miles north of to 0.27 miles north of 181st Avenue NE
- **Ulysses Street NE** – 0.27 miles north of 181st Avenue NE to 185th Avenue NE
- **Ulysses Street NE** – 185th Avenue NE to 187th Lane NE
- **Ulysses Street NE** – 229th Avenue NE to 233rd Avenue NE
- **233rd Avenue NE** – Ulysses Street NE to Trunk Highway 65
- **Sims Road NE** – Trunk Highway 65 to Aberdeen Street NE
- **Sims Road NE** – Aberdeen Street NE to Davenport Street NE
- **Buchanan Street NE** – 213th Avenue NE to 216th Avenue NE
- **Buchanan Street NE** – 216th Avenue NE to 219th Avenue NE
- **Buchanan Street NE** – 219th Avenue NE to 221st Avenue NE
- **Baltimore Street NE** – 237th Avenue NE to 241st Avenue NE

be, and hereby revoked as Municipal State Aid Streets of said City subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED THAT: The City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for their consideration, and that upon their approval of the revocation of said streets or portion thereof, as Municipal State Aid Streets of the City of East Bethel, which are numbered and known as Municipal State Aid Streets 203-112-005, 203-112-010, 203-112-015, 203-112-020, 203-114-010, 203-114-020, 203-115-010, 203-115-020, 203-116-010, 203-116-020, 203-116-030 and 203-119-010.

Adopted this 7th day of March 2012 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

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

RESOLUTION NO. 2012-19

RESOLUTION ESTABLISHING MUNICIPAL STATE AID STREETS

WHEREAS, it appears to the City Council of the City of East Bethel that the streets hereinafter described should be designated as Municipal State Aid Streets under the provisions of Minnesota law.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The streets described as follows, to-wit:

- **Longfellow Drive NE** – Laurel Road to Lexington Avenue NE
- **Laurel Road** – Longfellow Drive NE to Lakeshore Drive NE
- **Lakeshore Drive NE** – Lincoln Drive to Laurel Road
- **Lincoln Drive** – Lakeshore Drive NE to Laurel Road
- **Johnson Street NE** – Sims Road to 221st Avenue NE

be, and hereby established, located, and designated as Municipal State Aid Streets of said City subject to the approval of the Commissioner of Transportation of the State of Minnesota.

BE IT FURTHER RESOLVED THAT: The City Clerk is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for their consideration, and that upon their approval of the designation of said streets or portion thereof, that same be constructed, improved and maintained as Municipal State Aid Streets of the City of East Bethel.

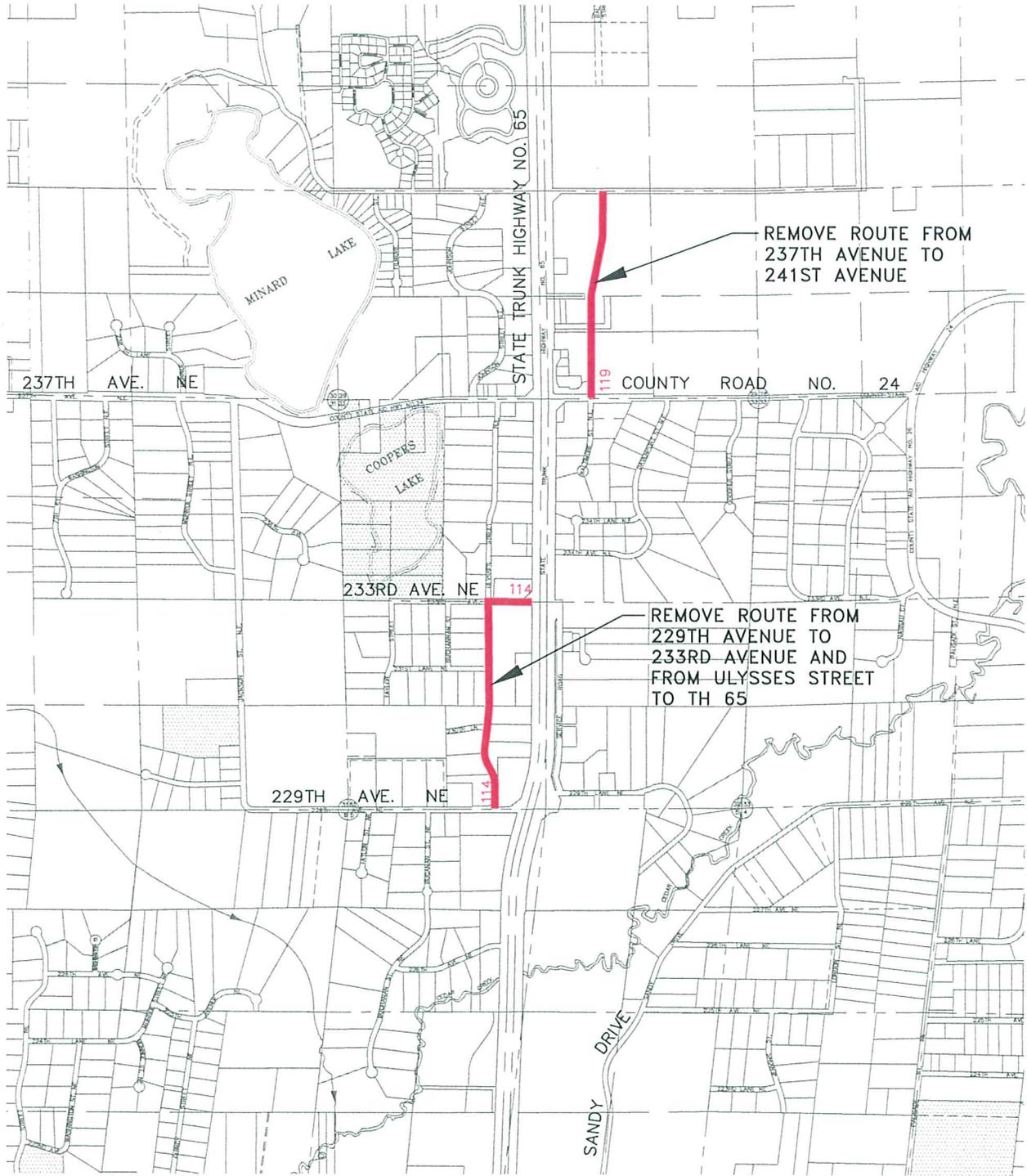
Adopted this 7th day of March 2012 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

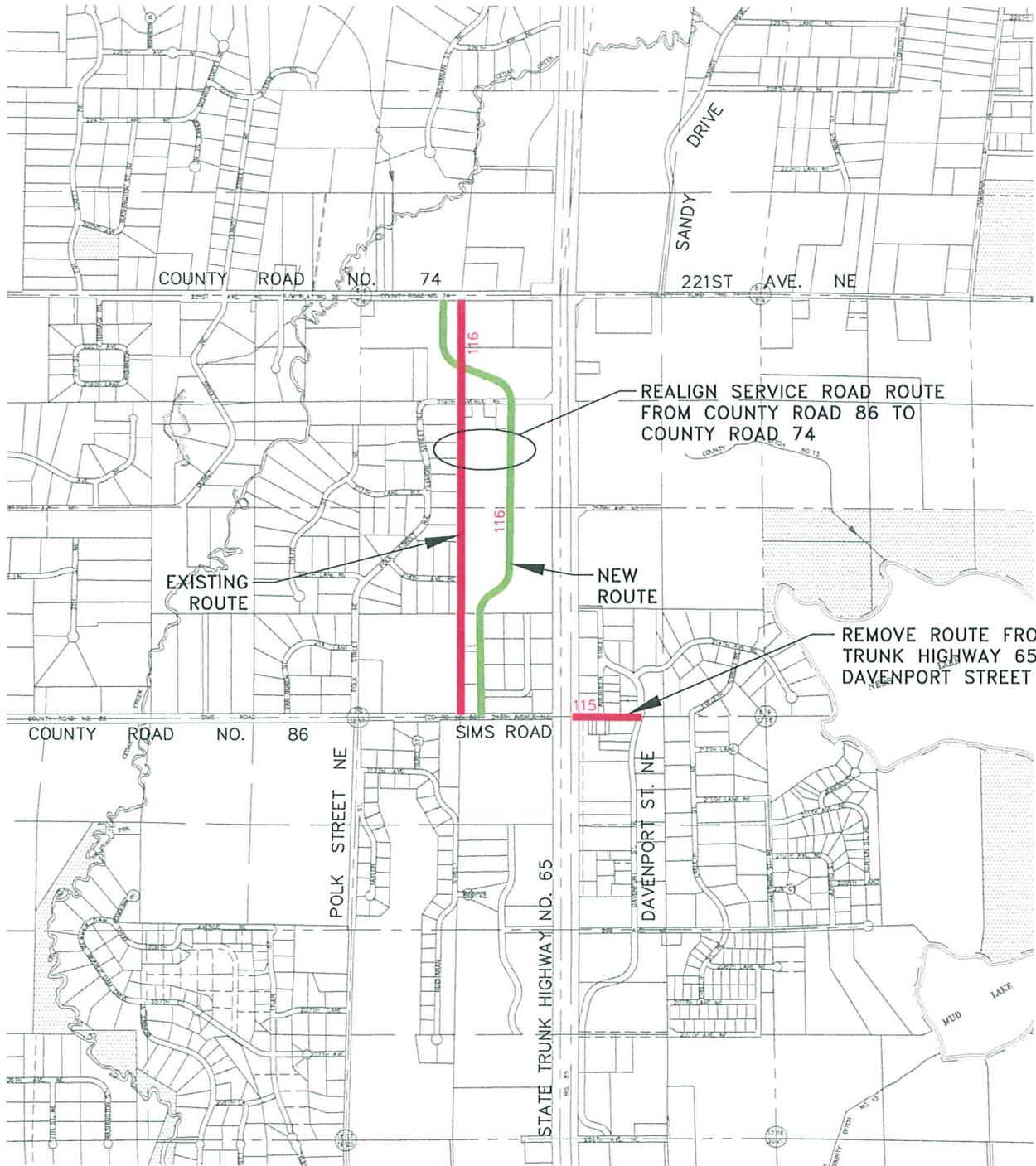
ATTEST:

Jack Davis, City Administrator

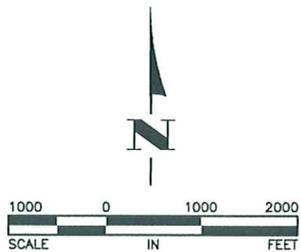


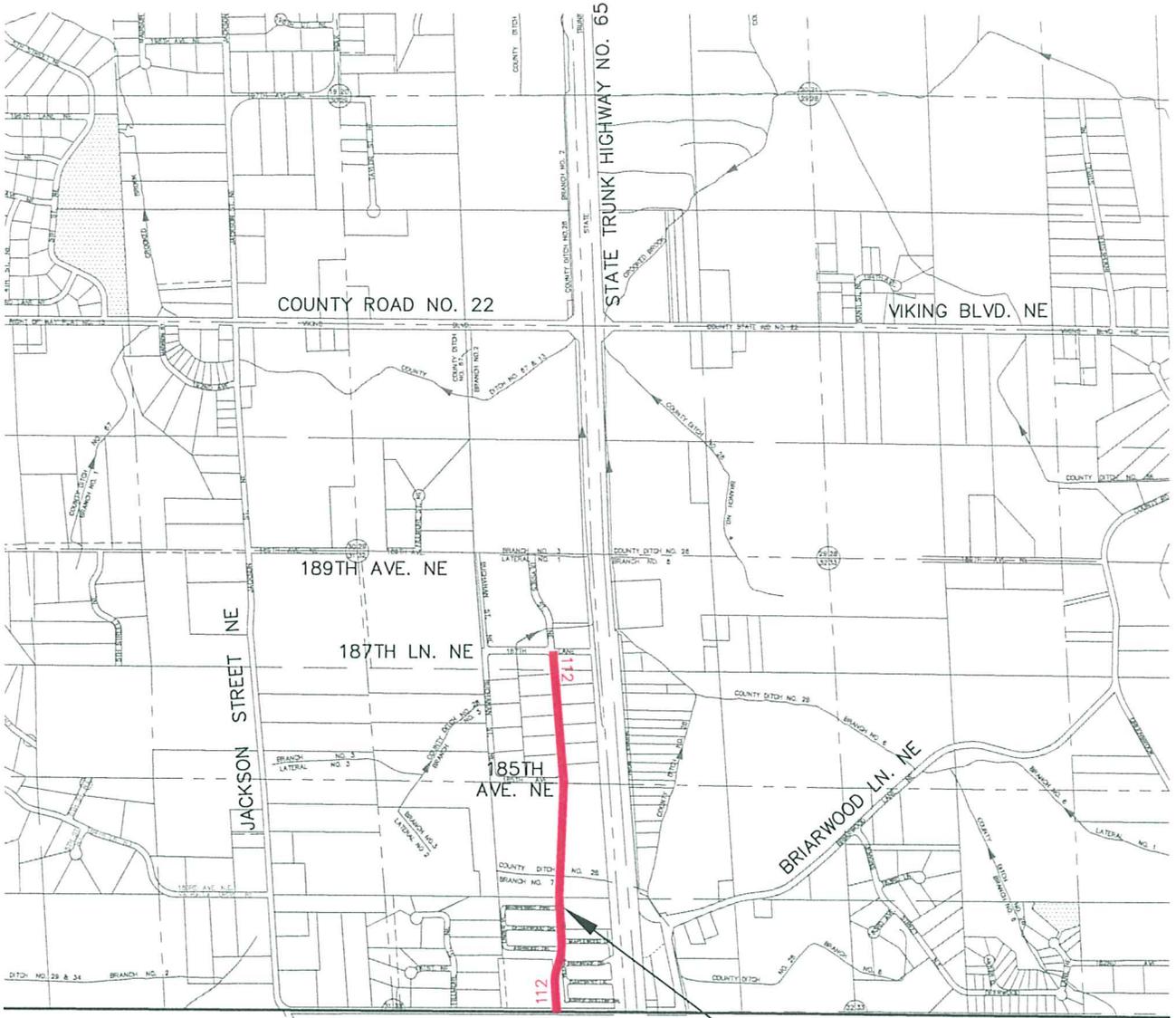
PROPOSED STATE AID ROUTE REMOVAL





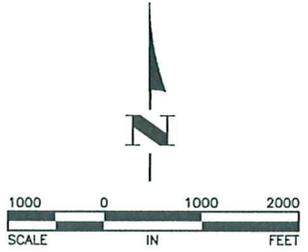
— PROPOSED STATE AID ROUTE REMOVAL
— PROPOSED NEW MUNICIPAL STATE AID ROUTE

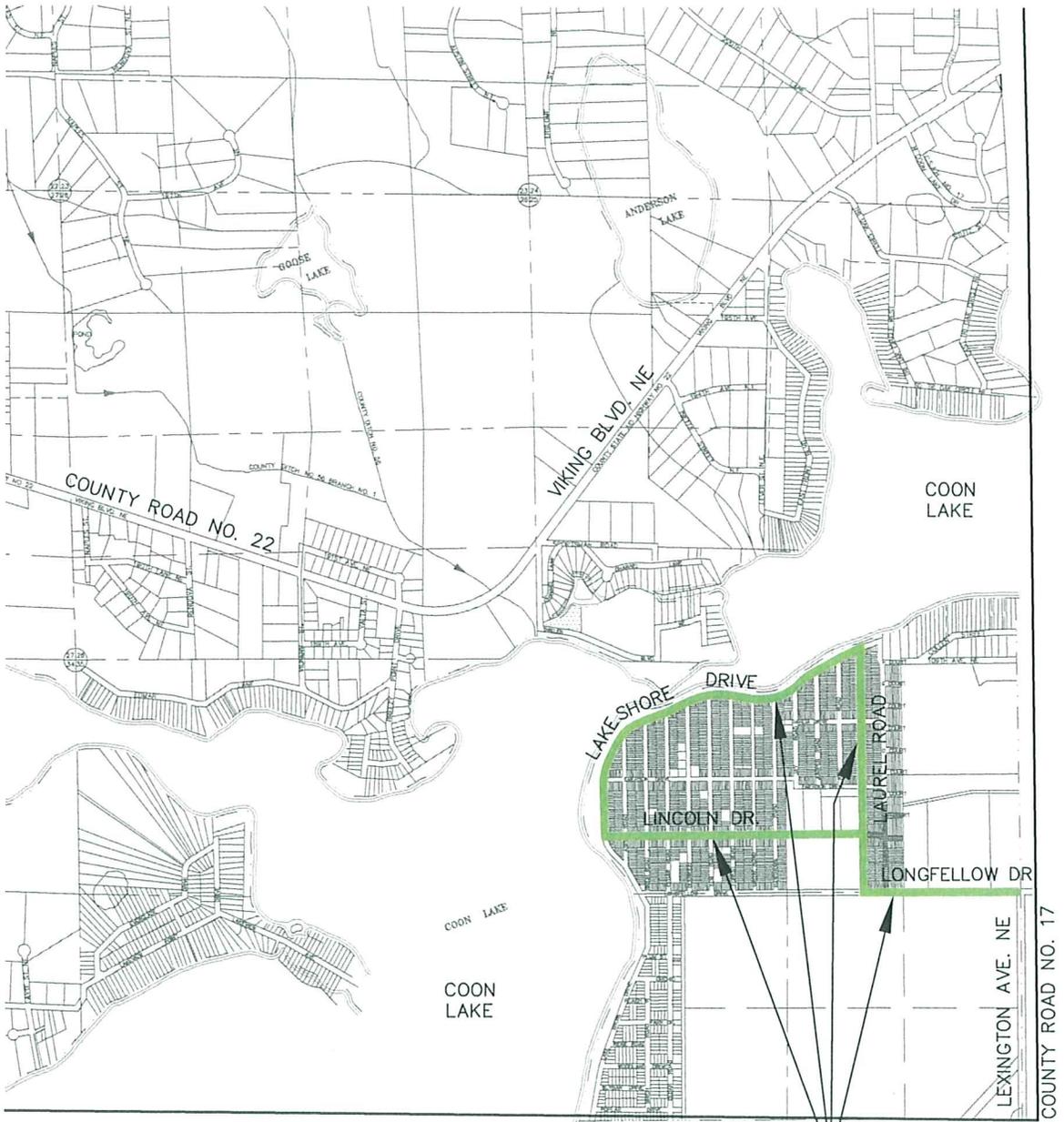




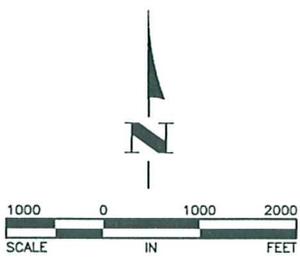
REMOVE ROUTE FROM
181ST AVENUE TO
187TH LANE

PROPOSED STATE AID ROUTE REMOVAL





- ADD ROUTES:
- LONGFELLOW DRIVE
 - LINCOLN DRIVE
 - LAUREL ROAD
 - LAKESHORE DRIVE



PROPOSED NEW MUNICIPAL STATE AID ROUTE

ATTACHMENT 6



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

Item 8.0 B.2

Agenda Item:

Resolution Restricting Parking on County Road 74 (221st Avenue)

Requested Action:

Consider adoption of Resolution 2012-20 Restricting Parking on County Road 74 (221st Avenue)

Background Information:

As you are aware Anoka County plans to upgrade the intersection of County Road 74 and Trunk Highway 65. Both the east and west legs of the intersection will also be upgraded. The County has applied for and received Federal Funds for this improvement. The State requires that parking be restricted along this segment as part of the plan approval process. The County's policy is to require that the municipality in which the roadway is located submit a No Parking Resolution. The attached No Parking Resolution will restrict parking in the area as described on the resolution.

Attachments:

1. Resolution 2012-20 Restricting Parking on County Road 74 (221st Avenue)

Fiscal Impact:

None

Recommendation(s):

Staff recommends that Council adopt Resolution 2012-20 as required by the County and the State for final approval of the plans for the upgrade of the County Road 74 and Trunk Highway 65 intersection.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

RESOLUTION 2012-20

**A RESOLUTION ESTABLISHING PARKING RESTRICTIONS ON COUNTY ROAD 74
(221ST AVENUE) FROM 2,000 FEET WEST OF TRUNK HIGHWAY 65 TO 2,000 FEET EAST
OF TRUNK HIGHWAY 65**

THIS RESOLUTION passed this 7th day of March 2012, by the City of East Bethel, Minnesota, Anoka County, Minnesota. The Municipal Corporation shall hereinafter be called the “City”; and

WHEREAS, the Anoka County Highway Department applied for and received Federal Funds for upgrading County Road 74 (221st Avenue) from 2,000 feet west of TH 65 to 2,000 feet east of TH 65; and

WHEREAS, the State will require that parking be restricted along this segment as part of the plan review process; and

WHEREAS, when restricting parking along a County Roadway, it is the County’s policy to require the municipality in which the roadway is located to submit a No Parking resolution.

NOW, THEREFORE, BE IT RESOLVED, that the City shall restrict parking of motor vehicles in the area described as: County Road 74 (221st Avenue) from 2,000 feet west of TH 65 to 2,000 east of TH 65.

Adopted this the 7th day of March 2012 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL:

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

requested that the substantial completion date be revised from August 18, 2012 to October 13, 2012 and the final completion date be revised from September 1, 2012 to November 1, 2012. The Change Order also provides for the requested extension of the contract completion dates.

Attachments:

1. Change Order No. 1

Fiscal Impact:

This Change Order results in a net decrease of \$10,423 to the contract amount.

Recommendation(s):

Staff recommends Council approve Change Order No. 1 to Municipal Builders, Inc., which decreases the contract amount \$10,423 and revises the contract completion dates as discussed above.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price \$1,882,300.00	Original Contract Times Completion Date :8/18/12 Ready for final payment :9/1/12
Net changes from previous Change Orders No. 1 to No. 3 N/A	Net changes from previous Change Orders No. ___ to No. ___ N/A
Contract Price Prior to this Change Order \$1,882,300.00	Contract Times prior to this Change Order Substantial Completion :8/18/12 Ready for final payment :9/1/12
Net Decrease of this Change Order \$10,423.00	
Contract Price with all approved Change Orders \$1,871,877.00	Contract Times with all approved Change Orders Substantial Completion :10/13/12 Ready for final payment :11/1/12

RECOMMENDED:

APPROVED:

ACCEPTED:

By: _____
Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: _____
Contractor (Authorized Signature)

Date: _____

Date: _____

Date: _____

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.



City of East Bethel City Council Agenda Information

Date:

April 4, 2012

Agenda Item Number:

Item 7.0 G.1

Agenda Item:

Ordinance 34, Second Series, Chapter 6, Alcoholic Beverages

Requested Action:

Consider amendment proposals to Chapter 6, Alcoholic Beverages, Ordinance 34, Second Series

Background Information:

Per Council direction, staff was instructed to review Section 6-93 of the above ordinance, and recommend changes to Council that would provide additional clarification and discretion in the administration of penalties and fines under the ordinance.

This proposed Ordinance amendment would amend Section 6-93 of the Code of Ordinances of the City of East Bethel as submitted in the attachments and remain consistent with Council directives. At this time, there remain several items in the ordinance that need clarification. The primary area of concern involves the keeping the Responsible Beverage Service training consistent throughout the proposed changes and considering any changes to Section 6-94. The amendments to this ordinance should also be crafted to reflect the amendments to Tobacco Ordinance as there are similar parallels between the two.

Attachment(s):

- 1.) Proposed Draft Amendment to Chapter 6, Article IV, Section 6-93 of the City Code.
- 2.) Redline Draft Amendment to Chapter 6, Article IV, Section 6-93 of the City Code.

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends City Council discuss the proposed amendments to Chapter 6, Article IV, Section 6-93 of the City Code and other changes as presented in the draft attachments.

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. 34, SECOND SERIES

**AN ORDINANCE AMENDING SECTION 6-93 OF THE CODE OF
ORDINANCES OF THE CITY OF EAST BETHEL, AFFECTING
ADMINISTRATIVE FINES AND PENALTIES**

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

Section 1. Amendment. Sections 6-93 and 6-94 of the Code of Ordinances of the City of East Bethel is hereby amended to delete the same in their entirety and substitute the following therefore:

SEC. 6-93. RESPONSIBILITY.

- (a) **Actions of clerks, bartenders, and employees of licensees.** All licensees shall be responsible for the actions of their clerks, bartenders, and employees in regard to the sale of alcoholic beverages on the licensed premises. For the purposes of this article, the sale of such an item by any clerk, bartender, or employee shall be considered a sale by the licensee. Any director, governor, officer, manager or partners of a licensee shall be considered to be an employee of the licensee.

- (b) **Violations and penalties.** Notwithstanding the provisions of subsection (a) of this section any licensee involved in an alcohol compliance check violation or determined to have violated this article will be liable to pay an administrative penalty in addition to any penalty or license suspension or revocation imposed. The following penalty schedule is hereby adopted:
 - (1) A first violation will result in a \$500.00 administrative penalty to the licensee. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation and if the licensee can provide proof within 14 days of the date of the violation that the clerk, bartender or employee involved had attended RBS (responsible beverage service) staff training approved by the city prior to the alleged offense.

 - (2) A second violation within 24 months of a prior violation will result in a \$1,000.00 administrative penalty to any licensee previously cited for a

violation of this article within the prior 24-month period. If the clerk, bartender, or employee cited in the case of such a subsequent violation has not been previously cited in the prior 24-month period, the administrative penalty of the licensee will be reduced to \$500.00 if the licensee can provide proof that its employees have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.

- (3) Three or more violations within a 24-month period will result in a \$2,000.00 administrative penalty to any licensee previously cited for a violation of this article within the prior 24-month period. If the clerk, bartender, or employee cited in such a case of two prior violations has not been previously cited in the prior 24-month period, the administrative penalty of the licensee will be reduced to \$1,000.00 if the licensee can provide proof that its employees have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.
- (4) Four or more violations within a 24-month period within a licensed establishment will result in a \$5,000.00 administrative penalty to the licensee. The licensee will also be required to provide proof that all of its employees serving or selling alcohol have attended staff ID training approved by the city within 14 days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the city.
- (5) All administrative fees imposed by this article are deemed payable within 20 days of the date of citation or not later than 20 days after the date of any written decision determining that a violation has occurred, after all appeals. Failure to pay any administrative fee imposed within the time limits set herein may result in a license suspension or revocation.

(c) **Community Service.** In addition to the above penalties, any licensee, who violates this article shall be required to serve eight hours of community service for a first offense, 20 hours of community service in the case of a second offense, 40 hours of community service in the case of a third offense, and 80 hours of community service in the case of a fourth offense.

A community service penalty imposed upon a licensee that is not a natural person must be performed by a managerial employee of the licensee and must be completed before the next renewal of the licensee's license to sell non-intoxicating or intoxicating alcoholic beverages in the city.

(d) **Citation process, right to a hearing and appeals.** Upon discovery of a violation of this article or pursuant to an alcohol compliance check, the licensee shall be issued a citation by city law enforcement authorities. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. All penalties and fees imposed by this article will be payable to the city clerk-treasurer. No administrative penalty may be imposed until the licensee have received written notice of the violation and the cited parties have been afforded an opportunity for a hearing. Any cited party that requests a hearing must do so in writing, detailing the party's reasons for believing he has a reasonable explanation for the alleged violation in mitigation of the administrative penalty, within ten days of the date of mailing of the written notice of violation. The cited party then will be afforded a hearing before a person authorized by the city council to conduct the hearing. A decision that a violation has occurred must be in writing and will be completed within ten days of the hearing. Appeals of any decision made of the hearing officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.

(e) **Right to obtain a transcript.** If a hearing is requested, it will not be transcribed unless all financial arrangements for transcription are made in advance with a certified court reporter by the person requesting the hearing. Furthermore, any person requesting that the hearing be transcribed agrees to provide the city with a copy of the transcript at no cost to the city.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council for the City of East Bethel this ____ day of _____, 2012.

For the City:

Richard Lawrence, Mayor

Attest:

Jack Davis, City Administrator

Adopted:
Published:
Effective:

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 6-93 OF THE CODE OF
ORDINANCES OF THE CITY OF EAST BETHEL, AFFECTING
ADMINISTRATIVE FINES AND PENALTIES**

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

Section 1. Amendment. Sections 6-93 and 6-94 of the Code of Ordinances of the City of East Bethel is hereby amended to delete the same in their entirety and substitute the following therefore:

SEC. 6-93. VIOLATION NOTICE; HEARING; APPEAL.

(a) Notice. Within ten (10) days of the alleged violation, the licensee shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the licensee of its right to be heard on the accusation.

(b) Hearings. If, within ten (10) days of receiving notice, a licensee requests a hearing, City shall schedule it and give notice of the time and place to the licensee in writing.

(c) Hearing Officer. The City Council or an appointed board, commission or representative shall serve as the Hearing Officer.

(d) Decision. The Hearing Officer's written determination as to the merits of the alleged violation, its rationale for the determination and the penalty (if any) to be imposed shall be provided to the licensee in writing within ten (10) days of the determination.

(e) Appeals. An Appeal of any decision made by the Hearing Officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.

(f) Misdemeanor prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for an alleged violation of this article.

(g) Continued violation. Each violation, or illegal sale, shall constitute a separate offense.

(h) Right to hearing transcript. A licensee may obtain a transcript of the hearing by contracting with a certified court reporter in advance of the hearing.

(a) Administrative civil penalties—Licensees. If a licensee or an employee of a licensee is found to have sold alcohol to a person under the age of 21 years, the licensee shall be subject to an administrative penalty as follows:

~~INSERT AMENDED INFO BELOW FROM THE ORIGINAL ORDINANCE...STILL IN BLACK, RED AND BLUE TYPE!~~

SEC. 6-93. RESPONSIBILITY.

(b) *Violations and penalties.* A licensee that fails alcohol compliance check or otherwise violatethis article shall pay an administrative penalty in addition to any penalty or license suspension or revocation imposed as follows:

- (1) A first violation may result in an penalty of up to \$500.00 to the licensee. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation, but onlyif the licensee can provide proof, within fourteen (14) days of the date of the violation, that the clerk, bartender or employee involved had attended Responsible Beverage Service (RBS) staff training approved by the City prior to the alleged offense.
- (2) A second violation within two years of a prior violation may result in an administrative penalty of up to \$1,000.0. If the clerk, bartender, or employee cited in the case of such a subsequent violation has not been previously cited in the prior two year period, the administrative penalty of the licensee may be reduced to \$500.00, but only if the licensee can provide proof that its employees have attended RBS training approved by the City within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the City.
- (3) Three| within a two year period will result in a \$2,000.00 administrative penalty. If the clerk, bartender, or employee cited in such a case of two

Comment [H1]: Sorry! That should be \$ 1,000.00

Comment [H2]: This is different than for the first violation. This means that AFTER the violation the employees attended the training. In the previous section, the training was required to be done PRIOR to the violation.

Comment [H3]: Three or More includes Four of More violations!

prior violations has not been previously cited in the prior two year period, the administrative penalty of the licensee will be reduced to \$1,000.00 but only if the licensee can provide proof that its employees have attended RBS training approved by the City within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the City.

(4) Four or more violations within a two year period will result in a \$5,000.00 administrative penalty. The licensee will also be required to provide proof that all of its employees serving or selling alcohol have attended RBS approved by the City within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the City.

(5) All administrative fees imposed by this article are payable within twenty (20) days of the date of citation or not later than twenty (20) days after the date of any written determination that a violation has occurred, after all appeals. Failure to pay any administrative fee imposed within the time limits set herein may result in a license suspension or revocation.

(c) *Community Service.* In addition to the above penalties, any licensee, who violates this article may be required to serve up to eight hours of community service for a first offense, twenty (20) hours of community service in the case of a second offense, forty (40) hours of community service in the case of a third offense, and eighty (80) hours of community service in the case of a fourth offense.

(1) If the licensee must perform community service, the community service must be performed by the licensee's representative and must be completed within sixty (60) days of penalty determination and before the annual license is renewed.

Formatted: Indent: Left: 1.5"

Formatted: Underline

(2) A director, governor, officer, manager, or partner of a licensee shall be considered to be an employee of the licensee for the purpose of this subsection.

Formatted: Underline

Formatted: Underline

Formatted: Indent: Left: 0", Hanging: 1.5"

(3) The penalties provided for in this subsection shall apply to individuals who are licensees and who make such a sale in addition to any penalty imposed under subsection (a) above.

Formatted: Indent: Left: 0.5", Hanging: 1"

Formatted: Underline

Formatted: Underline

(4) Misdemeanors. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this article.

Formatted: Indent: Left: 0.5", Hanging: 1"

Formatted: Underline

Formatted: Underline

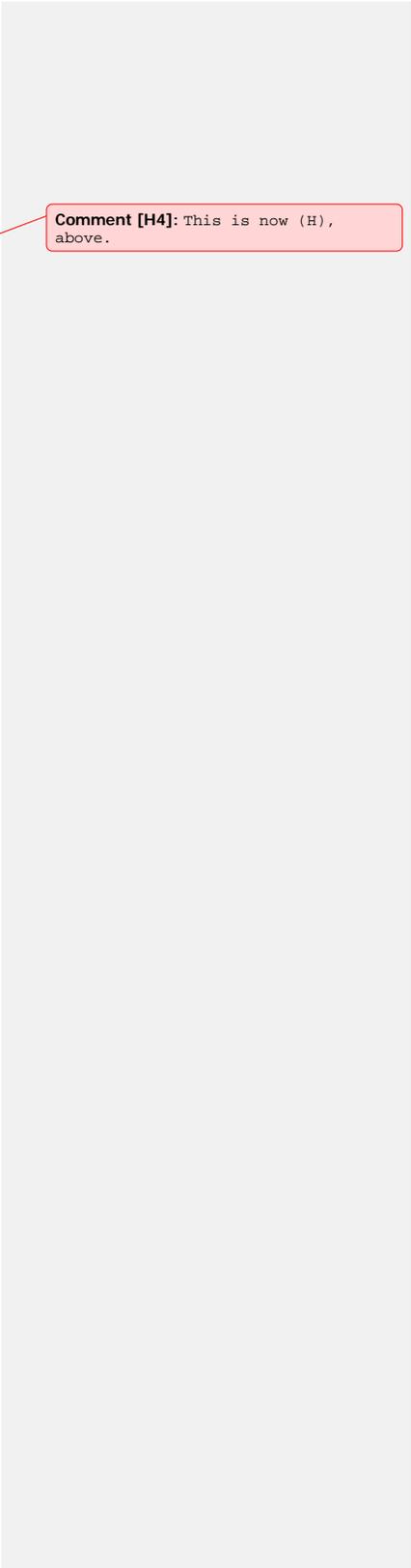


⌋

⌋



Comment [H4]: This is now (H), above.



Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council for the City of East Bethel this _____ day of March 2012.

Richard Lawrence

ATTEST:

Jack Davis, City Administrator

~~(4) ————— If the licensee must perform community service, the community service must be performed by the licensee's representative and must be completed within sixty (60) days of penalty determination and before the annual license is renewed.~~

~~(5) ————— A director, governor, officer, manager, or partner of a licensee shall be considered to be an employee of the licensee for the purpose of this subsection.~~

~~(6) ————— The penalties provided for in this subsection shall apply to individuals who are licensees and who make such a sale in addition to any penalty imposed under subsection (a) above.~~

~~(b) ————— Misdemeanors. Nothing in this section shall prohibit the eCity from seeking prosecution as a misdemeanor for any violation of this article.~~

~~Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.~~

~~Adopted by the City Council for the City of East Bethel this _____ day of February 2012.~~

~~SEC. 6-93. RESPONSIBILITY.~~

~~(a) Actions of clerks, bartenders, and employees of licensees. All licensees shall be responsible for the actions of their clerks, bartenders, and employees in regard to the sale of alcoholic beverages on the licensed premises. For the purposes of this article, the sale of such an item by any clerk, bartender, or employee shall be considered a sale by the licensee. Any director, governor, officer, manager or partners of a licensee shall be considered to be an employee of the licensee.~~

~~(b) Violations and penalties. Notwithstanding the provisions of subsection (a) of this section any A licensee that fails involved in an alcohol compliance check violation or otherwise determined to have violated this article shall will be liable to pay an administrative penalty in addition to any penalty or license suspension or revocation imposed as follows: The following penalty schedule is hereby adopted:~~

~~(1) A first violation maywill result in an \$500.00 administrative penalty of up to \$500.00 to the licensee. The penalty assessed to the licensee will be waived if the licensee was not the individual clerk, bartender, or employee involved directly in the violation, but only and if the licensee can provide proof, within fourteen (14) days of the date of the violation, that the clerk, bartender or employee involved had attended RBS (rResponsible bBeverage sService) (RBS) staff training approved by the cCity prior to the alleged offense.~~

~~(2) A second violation within two years 24 months of a prior violation maywill result in an \$1,000.00 administrative penalty of up to \$1,000.00. to any licensee previously cited for a violation of this article within the prior 24 month period. If the clerk, bartender, or employee cited in the case of such a subsequent violation has not been previously cited in the prior two year 24-month period, the administrative penalty of the~~

Comment [H5]: Sorry! That should be \$ 1,000.00

~~licensee may will be reduced to \$500.00, but only if the licensee can provide proof that its employees have attended RBS staff ID training approved by the eCity within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the eCity.~~

Comment [H6]: Is this supposed to be "RBS (Responsible Beverage Service) staff training....to be parallel in construction to the language for the first violation??

~~(3) Three or more violations within a two year 24 month period will result in a \$2,000.00 administrative penalty, to any licensee previously cited for a violation of this article within the prior 24 month period. If the clerk, bartender, or employee cited in such a case of two prior violations has not been previously cited in the prior two year 24 month period, the administrative penalty of the licensee will be reduced to \$1,000.00 but only if the licensee can provide proof that its employees have attended RBS staff ID training approved by the eCity within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the eCity.~~

Comment [H7]: This is different than for the first violation. This means that AFTER the violation the employees attended the training. In the previous section, the training was required to be done PRIOR to the violation.

Comment [H8]: Three or More includes Four or More violations!

~~(4) Four or more violations within a two year 24 month period within a licensed establishment will result in a \$5,000.00 administrative penalty, to the licensee. The licensee will also be required to provide proof that all of its employees serving or selling alcohol have attended RBS staff ID training approved by the eCity within fourteen (14) days of the date of the violation. Failure to comply with these mandates may result in suspension or revocation of any license issued by the eCity.~~

~~(5) All administrative fees imposed by this article are deemed payable within twenty (20) days of the date of citation or not later than twenty (20) days after the date of any written decision determination that a violation has occurred, after all appeals. Failure to pay any administrative fee imposed within the time limits set herein may result in a license suspension or revocation.~~

~~(e) Community Service. In addition to the above penalties, any licensee, who violates this article shall may be required to serve up to eight hours of community service for a first offense, twenty (20) hours of community service in the case of a second offense, forty (40) hours of community service in the case of a third offense, and eighty (80) hours of community service in the case of a fourth offense.~~

Formatted: Font: Courier, No underline

~~A community service penalty imposed upon a licensee that is not a natural person must be performed by a managerial employee of~~

Formatted: Normal, Indent: Left: 0", Right: 0", Don't hyphenate, Tab stops: -1", Left + -0.5", Left + 0", Left + 1", Left + 1.5", Left + 3", Left

~~the licensee and must be completed before the next renewal of the licensee's license to sell non-intoxicating or intoxicating alcoholic beverages in the city.~~

~~(d) Citation process, right to a hearing and appeals. Upon discovery of a violation of this article or pursuant to an alcohol compliance check, the licensee shall be issued a citation by city law enforcement authorities. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. All penalties and fees imposed by this article will be payable to the city Clerk Treasurer. No administrative penalty may be imposed until the licensee have received written notice of the violation and the cited parties have been afforded an opportunity for a hearing. Any cited party that requests a hearing must do so in writing, detailing the party's reasons for believing he has a reasonable explanation for the alleged violation in mitigation of the administrative penalty, within ten days of the date of mailing of the written notice of violation. The cited party then will be afforded a hearing before a person authorized by the City Council to conduct the hearing. A decision that a violation has occurred must be in writing and will be completed within ten days of the hearing. Appeals of any decision made of the hearing officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.~~

~~(e) Right to obtain a transcript. If a hearing is requested, it will not be transcribed unless all financial arrangements for transcription are made in advance with a certified court reporter by the person requesting the hearing. Furthermore, any person requesting that the hearing be transcribed agrees to provide the city with a copy of the transcript at no cost to the city.~~

Comment [H9]: This is now (H), above.

Comment [H10]: Is what this last sentence describes even legal??? I think may copying costs should be paid.

~~Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.~~

~~Adopted by the City Council for the City of East Bethel this _____ day of March ~~February~~ 2012.~~

Richard Lawrence

~~ATTEST:~~

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

March 7, 2012

Agenda Item Number:

8.0 G.2

Agenda Item:

Ordinance 35, Second Series, Chapter 18, Article IV, Regulating the Sale of Tobacco

Requested Action:

Consider amending Chapter 18, Article IV, Regulating the Sale of Tobacco Ordinance 35, Second Series

Background Information:

This proposed Ordinance amendment would amend Sections 18-180 and 18-181 of the Code of Ordinances of the City of East Bethel as submitted in the attachments and remain consistent with Council directives as to the administration of penalties and fines under the ordinance.

Attachment(s):

- 1) Draft Proposed Amendment to Chapter 18, Article IV, Section 18-180 and 18-181 of the City Code Chapter 18.
- 2) Redline Version of Proposed Amendment to Chapter 18, Article IV, Section 18-180 and 18-181 of the City Code Chapter 18.*****

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends City Council consider the approval of the amendments to Chapter 18, Article IV, Section 18-180 and 18-181 of the City Code as presented in the attachments.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required:_____

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 18-180 and 18-181 OF THE CODE
OF ORDINANCES OF THE CITY OF EAST BETHEL, AFFECTING
ADMINISTRATIVE FINES AND PENALTIES**

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

Section 1. Amendment. Sections 18-180, 18-181 of the Code of Ordinances of the City of East Bethel is hereby amended to delete the same in their entirety and substitute the following therefore:

SEC. 18-180. VIOLATION NOTICE; HEARING; APPEAL.

- (a) **Notice.** Within ten (10) days after the alleged violation, the licensee shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the licensee of its right to a hearing on the citation.
- (b) **Hearings.** If, within ten (10) days of receiving the citation, the licensee requests a hearing, the City shall schedule the hearing and give notice of the time and place to the licensee in writing.
- (c) **Hearing Officer.** The City Council or an appointed board, commission or representative shall serve as the Hearing Officer.
- (d) **Decision.** The Hearing Officer's written determination as to the merits of the alleged violation, its rationale for the determination and the penalty (if any) to be imposed shall be provided to the licensee in writing, within ten (10) days of the determination.
- (e) **Appeals.** An appeal of any decision made by the Hearing Officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.
- (f) **Misdemeanor prosecution.** Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for an alleged violation of this article.

- (g) **Continued violation.** Each violation, or illegal sale, shall constitute a separate offense.
- (h) Right to hearing transcript. A licensee may obtain a transcript of the hearing by contracting with a certified court reporter in advance of the hearing.

SEC. 18-181. PENALTIES.

- (a) **Administrative civil penalties—Licensees.** If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of eighteen (18) years, the licensee shall be subject to an administrative penalty as follows:

- (1) **First violation:** The City may impose a civil fine of up to \$150.00. In addition, the City may suspend the license for a period up to twenty (20) days. The City may agree with the licensee to waive up to ten (10) days of suspension, at a rate of two days for every eight hours of community service performed by the licensee's representative. .

- (2) **Second violation within two years::** The City may impose a civil fine of up to \$300.00. In addition, the City may suspend the license for a period up to forty (40) days. The City may agree with the licensee to waive up to ten (10) days of suspension, at a rate of two days for every eight hours of community service performed by the licensee's employee.

- (3) **Third violation within two years s:** The City shall impose a civil fine of \$400.00 and suspend the license for a minimum period of thirty (30) days, not to exceed one year.

- (4) If the licensee chooses to perform community service, the community service must be performed by the licensee or an employee of the licensee and must be completed within sixty (60) days of the imposition of the community service provision.

- (5) A director, governor, officer, manager, or partner of a licensee shall be considered to be an employee of the licensee for the purpose of this subsection.

- (6) The penalties provided for in this subsection shall apply to individuals who are licensees and who make such a sale in addition to any penalty imposed under subsection (a) above.

- (b) **Misdemeanors.** Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for any violation of this article.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council for the City of East Bethel this _____ day of March 2012.

Richard Lawrence

ATTEST:

Jack Davis, City Administrator

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA

ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 18-180 and 18-181 OF THE CODE
OF ORDINANCES OF THE CITY OF EAST BETHEL, AFFECTING
ADMINISTRATIVE FINES AND PENALTIES

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

Section 1. Amendment. Sections 18-180, 18-181 of the Code of Ordinances of the City of East Bethel is hereby amended to delete the same in their entirety and substitute the following therefore:

SEC. 18-180. VIOLATION NOTICE; HEARING; ~~APPEAL.~~

- (a) Notice. ~~Within ten (10) days after the alleged~~ Upon discovery of a suspected violation, the ~~alleged violator~~ licensee shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the ~~alleged violator~~ licensee of ~~its his~~ right to ~~a hearing on the citation.~~ be heard on the accusation.
- (b) Hearings. If, within ten (10) days of receiving ~~the citation notice,~~ at the licensee ~~accused of violating this article so requests,~~ a hearing, it the City shall schedule the hearing and give notice of be scheduled, the time and place ~~of which shall be provided to the license accused violator in writing.-~~
- (c) Hearing eOfficer. The City Council or an appointed board, commission or representative shall serve as the ~~h~~Hearing ~~e~~Officer.
- (d) Decision. ~~If t~~The ~~h~~Hearing ~~e~~Officer's ~~-written~~ determination as to the merits of the alleged violation, its rationale for the determination and the penalty (if any) to be imposed shall be provided to the licensee in writing, within ten (10) days of the determination. ~~es that a violation of this article did occur, that decision, along with the hearing officers reasons for finding a violation and the penalty to be imposed under Section 18-181, shall be recorded in writing, a copy of which shall be provided to the accused licensee. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such finds shall be recorded and a copy provided to the acquitted accused licensee.~~

Comment [H1]: The content of this section seems to me to be standard for all violations and should be in a general section that is referenced by each specific ordinance on tobacco and alcohol...

Comment [H2]: DiscoverY?? Like the New World was discovered?

Comment [H3]: I think that it is sufficiently clear under this ordinance that the licensee being described is an alleged violator...and that this description is gratuitous.

Comment [H4]: This time frame is arbitrary on my part. MN may require a different time frame. Change as needed!

(e) **Appeals.** ~~An Appeals~~ of any decision made ~~by~~ the ~~H~~Hearing ~~e~~Officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari.

Comment [H5]: Shouldn't this "of" be "from"?

(f) **Misdemeanor prosecution.** Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for an alleged violation of this article.

(g) **Continued violation.** Each violation, or illegal sale, shall constitute a separate offense.

~~(h) **Right to hearing transcript.** A licensee may obtain a transcript of the hearing by contracting with a certified court reporter in advance of the hearing.~~

SEC. 18-181. PENALTIES.

(a) **Administrative civil penalties—Licensees.** If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of ~~eighteen (18)~~ years, the licensee shall be subject to an administrative penalty as follows:

(1) **First violation:** The ~~e~~City ~~may~~shall impose a civil fine of ~~up to~~ \$150.00. In addition, the ~~e~~City may suspend the license for a period up to ~~twenty (20)~~ days. The ~~e~~City may agree with the licensee to waive up to ten ~~(10)~~ days of suspension, at a rate of two days for every eight hours of community service performed by the licensee's ~~representative~~ employee.

(2) **Second violation within two years:24 months:** The ~~e~~City ~~may~~shall impose a civil fine of ~~up to~~ \$300.00. In addition, the ~~e~~City may suspend the license for a period up to ~~forty (40)~~ days. The City may agree with the licensee to waive up to ten ~~(10)~~ days of suspension, at a rate of two days for every eight hours of community service performed by the licensee's employee.

(3) **Third violation within two years 24 months:** The City shall impose a civil fine of \$400.00 and suspend the license for a minimum period of ~~thirty (30)~~ days, not to exceed one year.

(4) If the licensee chooses to perform community service, the community service must be performed by the licensee or an employee of the licensee and must be completed within ~~sixty (60)~~ days of the imposition of the community service provision.

(5) A director, governor, officer, manager, or partner of a licensee shall be considered to be an employee of the licensee for the purpose of this subsection.

(6) The penalties provided for in this subsection shall apply to individuals who are licensees and who make such a sale in addition to any penalty imposed under subsection (a) above.

(b) **Misdemeanors**. Nothing in this section shall prohibit the eCity from seeking prosecution as a misdemeanor for any violation of this article.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council for the City of East Bethel this ____ day of ~~February~~ March 2012.

Richard Lawrence

ATTEST:

Jack Davis, City Administrator



PUBLIC FORUM SIGN UP SHEET

March 7, 2012

The East Bethel City Council welcomes residents and property owners to the Public Forum. The purpose of the forum is to provide residents and property owners an opportunity to respectfully inform the Council of issues they are concerned about.

The following guidelines apply to the Public Forum:

1. A resident/property owner may address the Council on any matter not on the agenda during the Public Forum portion of the agenda.
2. A person desiring to speak must sign up prior to the time the Council reaches the Forum on the agenda.
3. The Mayor will invite speakers up to the podium/microphone.
4. Once the Mayor has recognized the speaker, the speaker should state his/her name, address, and phone number.
5. Each speaker should attempt to limit their presentation to 3 minutes.
6. If a group of persons wish to address the Council regarding the same issue, the group should elect a spokesperson to present the group's issue to the Council.
7. The Council will listen to the issue but will not engage in dialogue or a Q & A session. If a majority of the Council would like to address the issue in more detail, it can be added to the agenda or can be addressed during the regular agenda of a future meeting.

NAME	ADDRESS	PHONE NUMBER	TOPIC

