

# City of East Bethel

## City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: December 21, 2011



### 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     Reports/Public Hearing**  
Page 1-3     A.     Sheriff's Report  
Page 4-5     B.     Public Hearing – Vacation of Sylvan Street
- 5.0     Special Order of Business**  
Page 6-14     A.     Vacation of Sylvan Street
- 8:54 PM     **6.0     Public Forum**
- 8:14 PM     **7.0     Consent Agenda**  
*Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration*  
Page 17-21     A.     Approve Bills  
Page 22-42     B.     Meeting Minutes, December 7, 2011, Regular Meeting  
Page 43         C.     Resolution 2011-63 Tort Limits  
Page 44         D.     Resolution 2011-64 Accepting Donation from Diane & Shawn Harder.  
Page 45         E.     Approve 2012 Tobacco Licenses  
Page 46         F.     Approve 2012 Garbage Hauler Licenses  
Page 47         G.     Resolution 2011-65 Phase Designations Municipal Utility Projects  
                     H.     Set Special Meeting on January 4, 2011 at 6:30 p.m. to Interview and Appoint Commission Members
- New Business**
- 8.0     Commission, Association and Task Force Reports**
- 8:19 PM     A.     EDA Commission  
Page 48-51     1.     Branding and Marketing Consultant Recommendation
- 8:30 PM     B.     Planning Commission  
Page 52-58     1.     Meeting Minutes, November 22, 2011  
Page 59-66     2.     Sylvester Metes/Bounds Subdivision
- 8:35 PM     C.     Park Commission  
Page 67-73     1.     Meeting Minutes, November 9, 2011
- 8:37 PM     D.     Road Commission  
Page 74-81     1.     Snow Plow Policy  
Page 82-95     2.     Street Sign Retro-reflectivity Policy
- 9.0     Department Reports**
- 9:00 PM     A.     Community Development (No Report)  
                 B.     Engineer

- Page 96-101
  - Page 102-105
  - Page 106-110
  - Page 111-121
1. Pay Estimate #6 for the Construction of Municipal Well No. 3 and No. 4
  2. Change Order No. 4 for Municipal Well No. 3 and No. 4
  3. Change Order No. 4 for the Phase 1, Project 1, Utility Improvements
  4. Landborg Wetland Credits
- 9:20 PM
- C. Attorney (**No Report**)
  - D. Finance
    1. 2011 Budget Amendments
    2. GASB 54 Fund Balance Policy
    3. Res. 2011-68 Setting 2012 Fee Schedule
  - E. Public Works (**No Report**)
  - F. Fire Department (**No Report**)
  - G. City Administrator
    1. ATV Ordinance
- 9:45 PM
- Page 122-126
  - Page 127-131
  - Page 132-139
  - Page 140-153

**10.0 Other**

- 10:00 PM A. Council Reports
- 10:05 PM B. Other

10:10 PM **11.0 Adjourn**



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 4.0 A

\*\*\*\*\*

**Agenda Item:**

Monthly Sheriff's Report

\*\*\*\*\*

**Requested Action:**

Information Only

\*\*\*\*\*

**Background Information:**

Lt. Orlando will review the monthly statistics and report on activities for the month of November, 2011.

\*\*\*\*\*

**Fiscal Impact:**

None

\*\*\*\*\*

**Recommendation(s):**

Information Only

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X

**CITY OF EAST BETHEL – NOVEMBER 2011**

<b>ITEM</b>	<b>NOVEMBER</b>	<b>OCTOBER</b>	<b>YTD 2011</b>	<b>NOVEMBER YTD 2010</b>
Radio Calls	389	406	4,444	4,547
<b>Incident Reports</b>	291	350	3,903	4,099
Burglaries	9	3	51	45
Thefts	17	27	220	228
Crim.Sex Cond.	1	0	5	8
Assault	0	0	23	29
Dam to Prop.	3	6	73	92
Harr. Comm.	2	7	42	31
Felony Arrests	1	2	47	38
Gross Mis.	0	0	6	4
Misd. Arrests	13	7	95	157
DUI Arrests	5	1	53	71
Domestic Arr.	1	1	26	29
Warrant Arr.	1	3	43	61
Traffic Arr.	78	85	911	790

**CITY OF EAST BETHEL – NOVEMBER 2011  
COMMUNITY SERVICE OFFICERS**

<b>ITEM</b>	<b>NOVEMBER</b>	<b>OCTOBER</b>	<b>YTD 2011</b>	<b>NOVEMBER YTD 2010</b>
Radio Calls	34	26	190	142
<b>Incident Reports</b>	40	31	211	142
Accident Assist	1	2	18	11
Veh. Lock Out	5	0	62	19
Extra Patrol	29	39	394	334
House Check	0	0	15	4
Bus. Check	10	42	318	179
Animal Compl.	17	10	90	71
Traffic Assist	5	1	42	52
Aids: Agency	42	47	561	692
Aids: Public	59	37	377	274
Paper Service	0	0	49	32
Inspections	0	0	0	0
Ordinance Viol.	3	1	5	6



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 4.0 B

\*\*\*\*\*

**Agenda Item:**

Sylvan Street Public Hearing

\*\*\*\*\*

**Requested Action:**

Consider input from residents regarding the proposed vacation of Sylvan Street

\*\*\*\*\*

**Background Information:**

City Council has reviewed proposals to vacate Sylvan Street. As part of the process no vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

The commissioner must advise the city council or its designee accordingly upon the evaluation. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof, and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be recorded with the county recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

The petitioners for this street vacation have been advised that the City can not sell this property but they can be charged the City's cost for expenses for this vacation.

All the provisions for satisfying the requirements of Statue 412.851 have been fulfilled and the public hearing for this street vacation can proceed.

\*\*\*\*\*

**Fiscal Impact:**

\*\*\*\*\*

**Recommendation(s):**

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 5.0 A

\*\*\*\*\*

**Agenda Item:**

Street Vacation Petition

\*\*\*\*\*

**Requested Action:**

Consider a request for vacating Sylvan Street

\*\*\*\*\*

**Background Information:**

The City of East Bethel has five platted but undeveloped City streets that connect East Front Boulevard to Coon Lake (see attached map). Two of these streets, Center Street and one unnamed street, provide storm water drainage for East Front Boulevard and are locations for storm sewer culverts that discharge into Coon Lake. The other three streets, First, Lake and Sylvan Streets, appear to serve no other function other than points of pedestrian or recreational vehicle access to Coon Lake. The East Bethel Fire Department has no plans to utilize these streets to access Coon Lake for a water source for fire fighting incidents.

Sylvan Street is the street that is being petitioned for vacation. Sylvan Street varies in width from 21.6' at its intersection with East Front Boulevard to 57.2' at its termination at Coon Lake. The street is approximately 300' in length and features a gradual rise in elevation from East Front Boulevard to mid-way along its length before sloping off to the lake. The total street right of way is approximately 0.25 acres. The City Attorney has advised staff that platted City streets can not be sold but must transferred to the adjoining property owners if a vacation is approved.

The two residents that adjoin Sylvan Street, Andrew Nelson and Richard Roback, have submitted a petition to have this street vacated. One of the residents, Andy Nelson, was given a license by the City to utilize half the right of way to remediate septic system and well issues. The residents have been advised that since these are platted City streets they must follow the requirements of State Statute 412.851 as follows:

**412.851 VACATION OF STREETS.**

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or

proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The commissioner must evaluate:

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

The commissioner must advise the city council or its designee accordingly upon the evaluation. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof, and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be recorded with the county recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

The petitioners for this street vacation have been advised that the City can not sell this property but they can be charged the City's cost for expenses for this vacation.

At the September 7, 2011 City Council meeting, Council unanimously approve to proceed with process of vacation of Sylvan Street per requirements of 412.851 and upon completion of the requirements this will be presented to Council for final consideration.

We have received a response from the DNR regarding this matter. Their assessment of the vacation is that it is not in the public interest and would promote no public benefits to match the value of the current public resource. Their review and comment on this request does not create a right of intervention on behalf of the DNR or prevent the City from proceeding with the proposed vacation. Council, as a matter of course would want to consider the DNR's position, should this matter proceed. Attached is the letter from the DNR for your review.

**Attachment(s):**

- Location Map
- Letters Petitioning Vacation
- DNR Response letter
- Public Hearing Notice

\*\*\*\*\*

**Fiscal Impact:**

To be determined

\*\*\*\*\*

**Recommendation(s):**

Staff's recommendation to Council on November 2, 2011 was that the process of vacation of Sylvan Street as prescribed by Statute 412.851 proceed with the condition that shoreline of the vacated street be returned to and maintained in an undisturbed state as approved by the DNR and that a public hearing for this matter be scheduled for December 7, 2011. The public hearing was rescheduled to December 21, 2011 due to posting requirements. While staff recognizes the precedential consequences of the action of vacation, it also recognizes the need to address

concerns regarding public health and water quality. For this reason staff recommends that this matter be tabled and staff be directed to seek alternative approaches to this matter that would address some form of property rights transfer/use/licensing in relation to water quality improvements and septic system issues and present this matter to Council for final consideration no later than April 4, 2012.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

August 9, 2011

To: Mayor of East Bethel

Regarding: Petition to vacate Sylvan Street to adjacent landholders

The current landowners on either side of Sylvan Street on East Front Blvd. (4640 East Front Blvd., Andrew Nelson and 4636 East Front Blvd., Richard Roback) herein request the City of East Bethel to vacate Sylvan Street equally to the adjacent landholders. We are requesting this action in the interests of the public and due to the challenges of laying out and installing septic systems and wells for adjoining properties at 4640 and 4644 as well as the privacy and security of our homes. We understand that we will be responsible for the reasonable administrative costs incurred by the City to process and finalize this request. We appreciate your consideration as we are currently attempting to mediate the septic and well situation during this 2011 construction season.

A handwritten signature in black ink, appearing to be a cursive combination of the names Richard Roback and Andrew Nelson. The signature is written over a large, faint circular stamp or watermark.

Richard Roback and Andrew Nelson

**Printed:**

Wed 10 August 2011, 15:37:36 (CDT)

Subject: Final version of vacation petition, fax to Jack David, City Administrator 763 434 9578

From: Andy Nelson <andrewnelson.mmi@earthlink.net>

Date: Tue, 9 Aug 2011 18:04:48 -0500 (GMT-05:00)

To: Richard J Roback <robac003@tc.unn.edu>

CC: andrewnelson.mmi@earthlink.com <andrewnelson.mmi@earthlink.com>

August 9, 2011

To: Mayor of East Bethel

Regarding: Petition to vacate Sylvan Street to adjacent landholders

The current landowners on either side of Sylvan Street on East Front Blvd. (4640 East Front Blvd., Andrew Nelson and 4636 East Front Blvd., Richard Roback) herein request the City of East Bethel to vacate Sylvan Street equally to the adjacent landholders. We are requesting this action in the interests of the public and due to the challenges of laying out and installing septic systems and wells for adjoining properties at 4640 and 4644 as well as the privacy and security of our homes. We understand that we will be responsible for the reasonable administrative costs incurred by the City to process and finalize this request. We appreciate your consideration as we are currently attempting to mediate the septic and well situation during this 2011 construction season.



Richard Roback and Andrew Nelson

fax to Jack David, City Administrator 763 434 9578

CITY OF EAST BETHEL  
CivicSight Map



MAP LEGEND:

- WATER
- PARKS
- PARCELS

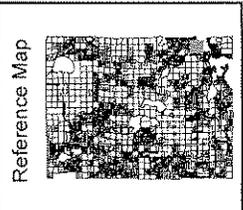
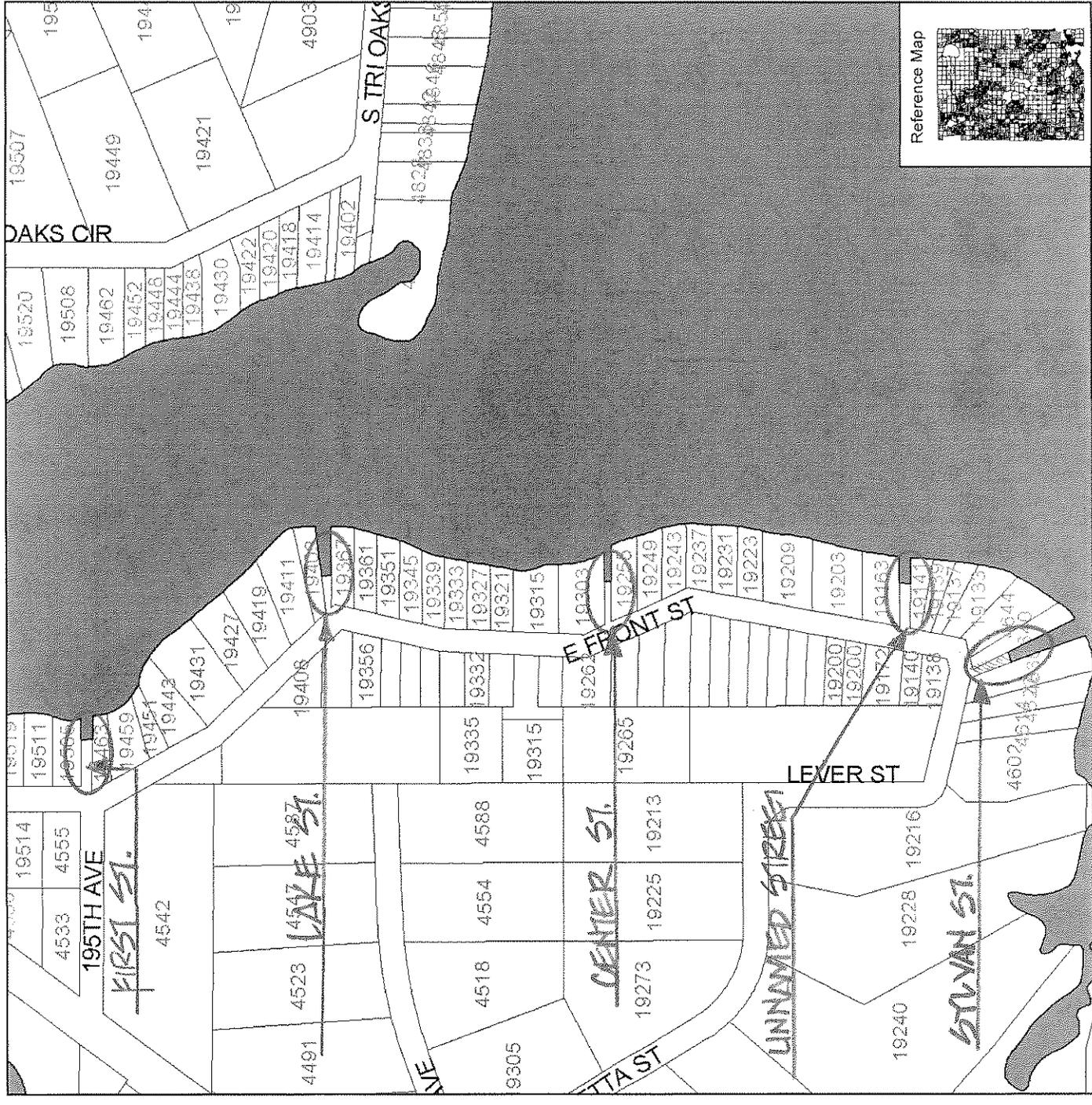
*LOCATION MAP*



Map Scale: 1 inch = 390 feet  
Map Date: 8/12/2011  
Data Date: June 24, 2011

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:  
Enter Map Disclaimer: Here



# Minnesota Department of Natural Resources

Division of Lands & Minerals  
1200 Warner Road  
St. Paul, MN 55106



October 6, 2011

Jack Davies  
City Administrator  
City of East Bethel  
2241 – 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

RE: Proposed Vacation of Sylvan Street

Dear Mr. Davies:

Thank you for your letter regarding the proposed street vacation in advance of the City/Township/Counties consideration of this request. Your letter was forwarded to me for review and comment, as required by M.S. 412.851.

The City street vacation was described in your letter as follows:

“Sylvan Street, a platted but undeveloped City street in the City of East Bethel”

The Department of Natural Resources has reviewed the proposed action and we oppose the proposed street vacation for the following reasons:

DNR staff have reviewed the proposed vacation of Sylvan Street abutting Coon Lake in the City of East Bethel, Anoka County. Information supplied by the city indicates the privately maintained, unvacated road right of way has approximately 57' frontage on Coon Lake. The proposed vacation area is located a little more than a half mile northeast of the DNR boat launch on Coon Lake, and about a mile across the lake from the county operated boat launch in Coon Lake Park. Coon Lake is a high quality metro area gamefish lake.

In their petition to vacate, the adjoining landowners cited the need to install new septic systems, and privacy and security of their homes as in the interests of the public. Riparian areas of Coon Lake do have many aging septic systems that could potentially degrade water quality in the lake. However, in discussions with the city, staff learned that the adjoining property owners have received a license from the city to install septic in the unvacated

right of way. Vacating this right of way will add no benefit to water quality in Coon Lake. The petition does not specify in what way the vacation would benefit privacy and security or how this would be to the public benefit.

In the assessment of DNR staff, the vacation as proposed is not in the public interest, and would provide no public benefits to match the value of the current public resource.

The unvacated right of way clearly has both present and potential use for access to public waters. We do not advocate any kind of development or 'improvement' of the site, but as it stands, it has potential for passive recreation, walk in canoe or kayak access, shorefishing, and walk on winter access. We cannot precisely anticipate future needs for access on Coon Lake, but once this valuable land leaves public ownership, it is likely gone for good. The mere fact of its proximity to currently managed boat launches (and other unvacated rights of way) on Coon Lake does not cancel this parcel's significant value for current and future access. Were the shoreline allowed to return to an undisturbed state, it would also better support clean water and fisheries habitat goals for the lake. DNR staff would be available to consult with the adjacent owners and the city in shoreline restoration practices.

These DNR comments do not in any way preclude the City of East Bethel from proceeding with the proposed street vacation.

The DNR appreciates the opportunity to comment on the proposed vacation in East Bethel. The DNR does not plan to attend the public hearing. If you would please send the results of the City Council action, it would be appreciated. If you have any questions, please contact Benjamin Schaefer at 651-259-5792 or by email at [benjamin.schaefer@state.mn.us](mailto:benjamin.schaefer@state.mn.us). Thank you.

Sincerely,



Keith Parker  
Central Region Director

cc: Benjamin Schaefer, DNR  
Gloria Johnson, DNR



December 5, 2011

NOTICE OF PUBLIC HEARING  
CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA

**VACATION OF SYLVAN STREET**

**NOTICE IS HEREBY GIVEN** of a public hearing to be held on Wednesday, December 21, 2011, at 7:30 P.M. at City of East Bethel City Hall, 2241 221<sup>st</sup> Avenue NE, East Bethel, MN 55011, before the East Bethel City Council as required by Minnesota Statute for the consideration of vacation of Sylvan Street. At said hearing all persons shall be heard who wish to speak for or against the vacation of said street.

Contact City Hall at 763-367-7840 if you have any questions about the public hearing.

A handwritten signature in black ink, appearing to read 'Jack Davis', is written over the typed name.

Jack Davis  
City Administrator

Published in the Anoka Union on December 9, 2011 and December 16, 2011.



**Payments for Council Approval December 21, 2011**

Bills to be Approved for Payment	\$187,666.51
Electronic Payments	\$23,155.90
Payroll City Staff - December 8, 2011	\$33,038.24
Payroll Fire Dept - December 15, 2011	\$9,253.85
<b>Total to be Approved for Payment</b>	<b>\$253,114.50</b>

# City of East Bethel

December 21, 2011

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
215-221st East 65 Service Rd	Architect/Engineering Fees	28708	Hakanson Anderson Assoc. Inc.	402	43125	2,124.51
Arena Operations	Auto/Misc Licensing Fees/Taxes	IN0007292	Anoka County	615	49851	380.00
Arena Operations	Auto/Misc Licensing Fees/Taxes	ABR0035849I	MN Dept Labor & Industry	615	49851	20.00
Arena Operations	Bldgs/Facilities Repair/Maint	86911	Becker Arena Products,Inc	615	49851	346.25
Arena Operations	Bldgs/Facilities Repair/Maint	87082	Becker Arena Products,Inc	615	49851	628.43
Arena Operations	Bldgs/Facilities Repair/Maint	112811	Wright-Hennepin Coop Electric	615	49851	21.32
Arena Operations	Concession for Resale	96884	1st Line/Leewes Ventures LLC	615	49851	449.95
Arena Operations	Concession for Resale	107266	Al's Coffee	615	49851	342.00
Arena Operations	Concession for Resale	107300	Al's Coffee	615	49851	173.00
Arena Operations	Concession for Resale	159609005	Coca-Cola Refreshments	615	49851	811.85
Arena Operations	Concession for Resale	158273113	Coca-Cola Refreshments	615	49851	729.75
Arena Operations	Concession for Resale	472564	Indianhead Foodservice Distrib	615	49851	417.14
Arena Operations	Concession for Resale	806729	The Watson Co, Inc.	615	49851	215.08
Arena Operations	Concession for Resale	807010	The Watson Co, Inc.	615	49851	317.59
Arena Operations	Concession for Resale	806759	The Watson Co, Inc.	615	49851	339.92
Arena Operations	Concession for Resale	806303	The Watson Co, Inc.	615	49851	443.68
Arena Operations	Motor Fuels	1054582968	Ferrellgas	615	49851	276.19
Arena Operations	Professional Services Fees	40	Gibson's Management Company	615	49851	8,776.20
Arena Operations	Repairs/Maint Machinery/Equip	48891-IN	R & R Specialities, Inc.	615	49851	1,104.58
Building Inspection	Motor Fuels	1986591	Lubricant Technologies, Inc.	101	42410	388.55
Central Services/Supplies	Cleaning Supplies	587129095001	Office Depot	101	48150	42.62
Central Services/Supplies	Cleaning Supplies	587129028001	Office Depot	101	48150	121.13
Central Services/Supplies	Information Systems	215406	City of Roseville	101	48150	2,009.58
Central Services/Supplies	Information Systems	40878	Midcontinent Communications	101	48150	1,278.00
Central Services/Supplies	Office Equipment Rental	191448505	Loffler Companies, Inc.	101	48150	547.44
Central Services/Supplies	Office Supplies	586648728001	Office Depot	101	48150	56.21
Central Services/Supplies	Office Supplies	587060884001	Office Depot	101	48150	147.63
Central Services/Supplies	Office Supplies	587079794001	Office Depot	101	48150	8.31
Central Services/Supplies	Office Supplies	588489239001	Office Depot	101	48150	39.14
Central Services/Supplies	Postage/Delivery	121311	Do-Good.Biz	101	48150	634.00
Central Services/Supplies	Printing and Duplicating	76685	Catalyst Graphics, Inc.	101	48150	713.00
Central Services/Supplies	Telephone	112811	CenturyLink	101	48150	232.25
Engineering	Architect/Engineering Fees	28730	Hakanson Anderson Assoc. Inc.	101	43110	2,402.42
Fire Department	Auto/Misc Licensing Fees/Taxes	ABR0035053I	MN Dept Labor & Industry	101	42210	20.00
Fire Department	Bldgs/Facilities Repair/Maint	112811	Wright-Hennepin Coop Electric	101	42210	5.32
Fire Department	Employer Paid Expenses	110311	Tammy Gimpl	231	42210	260.96
Fire Department	Fire Pension Contribution-City	120211	East Bethel Fire Relief	101	42210	28,315.00
Fire Department	Motor Fuels	1986591	Lubricant Technologies, Inc.	101	42210	618.11
Fire Department	Motor Fuels	1986592	Lubricant Technologies, Inc.	101	42210	418.60
Fire Department	Other Advertising	1272904	Witmer Public Safety Group	231	42210	763.00
Fire Department	Personnel Advertising	1081	MFSCB	231	42210	375.00
Fire Department	Personnel/Labor Relations	C112695	Coins For Anything	231	42210	740.00
Fire Department	Repairs/Maint Machinery/Equip	20871	Alex Air Apparatus, Inc.	101	42210	565.00
Fire Department	Repairs/Maint Machinery/Equip	20816	Alex Air Apparatus, Inc.	101	42210	590.00
Fire Department	Repairs/Maint Machinery/Equip	26340	Ancom Communications	101	42210	95.00
Fire Department	Repairs/Maint Machinery/Equip	26341	Ancom Communications	101	42210	105.00
Fire Department	Repairs/Maint Machinery/Equip	151854	Northern Sanitary Supply Co	101	42210	169.90
Fire Department	Small Tools and Minor Equip	161865	Dive Rescue International, Inc	101	42210	163.95
Fire Department	Telephone	120111	CenturyLink	101	42210	428.56
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	11103	Access Lock & Key LLC	101	41940	135.68
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	9815	Betz Mechanical, Inc.	101	41940	830.98
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14783	GHP Enterprises, Inc.	101	41940	561.09

# City of East Bethel

December 21, 2011

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	399651	Nardini	101	41940	129.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408	Premium Waters, Inc.	101	41940	21.21
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	118961	Robert B. Hill Company	101	41940	19.24
Legal	Legal Fees	116053	Eckberg, Lammers, Briggs,	101	41610	3,875.80
Legal	Legal Fees	40848	Eckberg, Lammers, Briggs,	101	41610	7,270.35
Mayor/City Council	Conferences/Meetings	120811	Heidi Moegerle	101	41110	25.00
Mayor/City Council	Conferences/Meetings	120811	Richard Lawrence	101	41110	25.00
Mayor/City Council	Dues and Subscriptions	2011-2012	League of MN Cities	101	41110	9,112.00
Mayor/City Council	Other Advertising	120811	The Courier	101	41110	50.00
Mayor/City Council	PrePaid Items	155970	League of MN Cities	101		220.00
Mayor/City Council	Professional Services Fees	212555	Municipal Code Corp.	101	41110	1,204.50
Mayor/City Council	Travel Expenses	120811	Heidi Moegerle	101	41110	8.33
Park Capital Projects	Improvements Other Than Bldgs	2011418	Minnesota/Wisconsin Playground	407	40700	49,092.54
Park Capital Projects	Improvements Other Than Bldgs	2011417	Minnesota/Wisconsin Playground	407	40700	3,143.22
Park Maintenance	Bldg/Facility Repair Supplies	87489	Menards Cambridge	101	43201	3.27
Park Maintenance	Chemicals and Chem Products	98604	Menards Cambridge	101	43201	181.58
Park Maintenance	Clothing & Personal Equipment	470745665	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470742235	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Motor Fuels	1986591	Lubricant Technologies, Inc.	101	43201	529.81
Park Maintenance	Motor Fuels	1986592	Lubricant Technologies, Inc.	101	43201	805.00
Park Maintenance	Other Equipment Rentals	50449	Jimmy's Johnnys, Inc.	101	43201	52.86
Park Maintenance	Other Equipment Rentals	20512	St Francis True Value Hdwe	101	43201	160.31
Park Maintenance	Park/Landscaping Materials	85527	Menards Cambridge	101	43201	36.31
Payroll	Union Dues	40878	MN Teamsters No. 320	101		633.35
Planning and Zoning	Architect/Engineering Fees	28727	Hakanson Anderson Assoc. Inc.	862		869.20
Planning and Zoning	Architect/Engineering Fees	28727	Hakanson Anderson Assoc. Inc.	932		270.32
Planning and Zoning	Commissions and Boards	2011	Brian Mundle, Jr.	101	41910	220.00
Planning and Zoning	Commissions and Boards	2011	Dale Voltin	101	41910	200.00
Planning and Zoning	Commissions and Boards	2011	Eldon Holmes	101	41910	110.00
Planning and Zoning	Commissions and Boards	2011	Glenn Terry	101	41910	200.00
Planning and Zoning	Commissions and Boards	2011	Lorraine Bonin	101	41910	220.00
Planning and Zoning	Commissions and Boards	2011	Lou Cornicelli	101	41910	60.00
Planning and Zoning	Commissions and Boards	2011	Tanner Balfany	101	41910	80.00
Planning and Zoning	Commissions and Boards	2011	Tim Landborg	101	41910	60.00
Planning and Zoning	Professional Services Fees	465	GIS Rangers	101	41910	820.13
Police	Professional Services Fees	27432	Gopher State One-Call	101	42110	8.70
Recycling Operations	Hazardous Waste Disposal	2034976	OSI Environmental, Inc.	226	43235	189.36
Recycling Operations	Hazardous Waste Disposal	2035225	OSI Environmental, Inc.	226	43235	3,466.50
Recycling Operations	Other Equipment Rentals	50449	Jimmy's Johnnys, Inc.	226	43235	52.87
Recycling Operations	Postage/Delivery	479008	Gregory Cardey	226	43235	200.00
Recycling Operations	Professional Services Fees	40878	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Refuse Removal	1533857	Walters Recycling, Inc.	226	43235	322.92
Sewer Operations	Bldgs/Facilities Repair/Maint	112811	Wright-Hennepin Coop Electric	602	49451	345.91
Sewer Operations	PrePaid Items	121211	MN Pollution Control Agency	602		300.00
Sewer Operations	Professional Services Fees	79720	Utility Consultants, Inc.	602	49451	437.00
Sewer Utility Capital Projects	Architect/Engineering Fees	28729	Hakanson Anderson Assoc. Inc.	434	49455	2,640.11
Sewer Utility Capital Projects	Legal Notices	2025310	Anoka County Property Records	434	49455	92.00
Street Capital Projects	Street Maint Services	5326	Dirtworks, Inc.	406	40600	4,800.00
Street Maintenance	Auto/Misc Licensing Fees/Taxes	ABR0035053I	MN Dept Labor & Industry	101	43220	20.00
Street Maintenance	Bldg/Facility Repair Supplies	82669	Menards Cambridge	101	43220	115.87
Street Maintenance	Bldg/Facility Repair Supplies	76239	Menards Cambridge	101	43220	39.67
Street Maintenance	Bldgs/Facilities Repair/Maint	470745665	Cintas Corporation #470	101	43220	26.49

# City of East Bethel

December 21, 2011

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Bldgs/Facilities Repair/Maint	470742235	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	455408	Premium Waters, Inc.	101	43220	21.21
Street Maintenance	Bldgs/Facilities Repair/Maint	112811	Wright-Hennepin Coop Electric	101	43220	21.29
Street Maintenance	Cleaning Supplies	9694986218	Grainger	101	43220	91.71
Street Maintenance	Clothing & Personal Equipment	470745665	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Clothing & Personal Equipment	470742235	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Motor Fuels	1986592	Lubricant Technologies, Inc.	101	43220	1,996.43
Street Maintenance	Motor Fuels	1986591	Lubricant Technologies, Inc.	101	43220	229.58
Street Maintenance	Motor Vehicle Services (Lic'd)	18489	Central Truck Service, Inc	101	43220	523.48
Street Maintenance	Motor Vehicles Parts	3032994	Auto Nation SSC	101	43220	152.33
Street Maintenance	Motor Vehicles Parts	FP144803	Crysteel Truck Equipment	101	43220	160.31
Street Maintenance	Motor Vehicles Parts	22452	East Central Diesel & Equip	101	43220	159.24
Street Maintenance	Motor Vehicles Parts	1539-113646	O'Reilly Auto Stores Inc.	101	43220	32.11
Street Maintenance	Safety Supplies	82669	Menards Cambridge	101	43220	103.04
Street Maintenance	Shop Supplies	339900	Ham Lake Hardware	101	43220	44.63
Street Maintenance	Shop Supplies	174821-01	Unlimited Supplies, Inc.	101	43220	9.29
Street Maintenance	Sign/Striping Repair Materials	6802	The Graphics Guys	101	43220	427.50
Street Maintenance	Small Tools and Minor Equip	236526	S & S Industrial Supply	101	43220	42.33
Street Maintenance	Street Maint Materials	121108	City of St. Paul	101	43220	270.65
Street Maintenance	Telephone	112811	CenturyLink	101	43220	67.90
Water Utility Capital Projects	Architect/Engineering Fees	28710	Hakanson Anderson Assoc. Inc.	433	49405	11,657.77
Water Utility Capital Projects	Architect/Engineering Fees	28728	Hakanson Anderson Assoc. Inc.	433	49405	13,214.87
Water Utility Capital Projects	Architect/Engineering Fees	28729	Hakanson Anderson Assoc. Inc.	433	49405	2,640.12
Water Utility Capital Projects	Legal Notices	2025310	Anoka County Property Records	433	49405	92.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	112811	Wright-Hennepin Coop Electric	601	49401	26.67
						<b>\$187,666.51</b>

**City of East Bethel**  
**December 21, 2011**  
**Payment Summary**

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	<b>Electronic Payments</b>					
	PERA					\$5,601.33
	Federal Withholding					\$4,815.71
	Medicare Withholding					\$1,643.84
	FICA Tax Withholding					\$5,660.62
	State Withholding					\$1,995.06
	MSRS					\$3,439.34
						<b>\$23,155.90</b>



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 7.0 A-H

\*\*\*\*\*

**Agenda Item:**

Consent Agenda

\*\*\*\*\*

**Requested Action:**

Consider approving Consent Agenda as presented

\*\*\*\*\*

**Background Information:**

Item A

Bills/Claims

Item B

Meeting Minutes, December 7, 2011 Regular City Council

Meeting minutes from the November 16, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

Resolution 2011-63 Tort Limits

The City purchases its insurance from the League of Minnesota Cities Insurance Trust (LMCIT). A requirement of that insurance coverage is that each participating municipality must annually either affirm or waive its statutory limits of liability.

The statutory limits of liability for Minnesota cities are \$500,000 for an individual claimant and \$1,500,000 per occurrence. Cities can waive these limits by allowing an individual claimant to recover more than \$500,000, up to the \$1,500,000 occurrence limit or more if limits are waived and excess liability insurance is purchased. They may also waive the “per occurrence” limit and purchase excess liability insurance. Historically, East Bethel has not waived its liability limits. Staff recommends that the City continue this position by adopting Resolution 2011-63.

Item D

Resolution 2011-64 Accepting Donation from Diane & Shawn Harder

The City has received a donation in the amount of \$100.00 from the Diane & Shawn Harder, a client of Residential Mortgage Group, to be used towards the fire department. Res. 2011-64 acknowledges and accepts the donation and expresses thanks and appreciation for the donation

Item E

Approve 2012 Tobacco Licenses

The licensees on the attached list have submitted applications for cigarette license renewal effective January 1, 2012. All current license holders were mailed notice of the renewal in November, 2011. All current license holders have completed the application form, paid the required fees and submitted proof of insurance as required by statute.

Item H

Approve Garbage Hauler License Renewals

The licensees on the attached list have submitted applications for garbage/rubbish hauler license renewal effective January 1, 2012. Approval is contingent on applications being complete, including the license fee being paid. An updated list will be provided at the Council meeting.

Item G

Resolution 2011-65 Phase Designations Municipal Utilities Projects

In order to eliminate the continued confusion concerning areas where water and sewer services are planned for future extension, Resolution 2011-65 officially removes the phase designations of the utility extensions as indicators of service areas. This resolution in no way limits future growth of the system, it merely removes placing a timetable on or a delineation of areas for service, and permits the naming of the phases as they actually occur.

Item H

Set Special Meeting on January 4, 2011 at 6:30 p.m. to Interview and Appoint Commission Members

Staff is requesting that City Council set a special meeting for January 4, 2011 at 6:30 p.m. to interview and appoint commission members for the EDA, Park, Planning and Road Commission openings. Applications are being taken until Thursday, December 22, 2011 at 3:00 p.m.

\*\*\*\*\*

**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

December 7, 2011

The East Bethel City Council met on December 7, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer                      Bob DeRoche                      Richard Lawrence  
                                 Heidi Moegerle                      Steve Voss

ALSO PRESENT: Jack Davis, City Administrator  
                                 Mark Vierling, City Attorney  
                                 Craig Jochum, City Engineer  
                                 Rita Pierce, Fiscal and Support Services Director

Call to Order      **The December 7, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda      **Boyer made a motion to adopt the December 7, 2011 City Council Agenda. Voss seconded.** Moegerle asked to add Item 9.0 C Closed Session to discuss GRE Litigation. Boyer said he doesn't object to that. Voss said he is fine with that. **All in favor, motion carries.**

MPCA Closed Landfill Program Presentation      Lawrence explained that we have a representative from the MPCA to give a presentation on the East Bethel Closed Landfill Program.

Jean Hanson said she is the land manager of the site and with her is Peter Tiffany and Joe Julik if you have questions at the end. Hanson explained that the Closed Landfill Program (CLP) was enacted in 1994. The CLP has taken over long-term care of 109 of 112 closed, permitted landfills. To Manage the risk we monitor groundwater & methane, we construct remedies. We maintain the site and operate remediation systems and we do land management activities.

Hanson explained the East Bethel Landfill Background. She said East Bethel II PRP Group & MPCA signed the Landfill Cleanup Agreement (LCA) on October 11, 1995 and ownership transferred to the MPCA at that time. The landfill contains an estimated 1,241,900 cubic yards of waste. To date, CLP has spent \$2,001,355 on operation and maintenance costs and \$7,511,112 on construction.

Hanson said this map shows the land management area. What does that mean? It is the land identified in the Landfill Cleanup Agreement (LCA) and properties that potentially had adjacent waste and additional properties that we purchased. It may also include properties with integral equipment for response actions.

Hanson said recently we have generated these GIS Maps to give a visual of groundwater areas of concern to provide to Local Government Units (LGUs). She explained the map which includes site features such as waste footprint, groundwater plume and groundwater areas of concern.

Hanson explained that back in 1998 the Minnesota Department of Health developed a Memorandum for Special Well Construction Area. She said also Joe developed a map that identifies how large of a construction area the special well construction area is for the

landfill. Methane gas is outside the area of concern. The binding agreement states restrictions & covenants in which no construction or alteration and/or groundwater wells cannot be installed on the landfill property without the written approval of the MPCA.

Hanson explained the Landfill Cleanup Agreement Easements as follows. The former owner/operator & adjacent property owner granted Easements to MPCA for which we can take response actions on property; install structures, equipment, and fences on property and monitor and install groundwater monitoring wells on property.

Hanson said so “What is the Closed Landfill Use Plan?” These are being used to help reduce exposure to hazards to the public using or occupying land at and near closed landfills; protects our equipment. As you know your job is to adopt land use controls. She said the Statute we are working under is MN. Stat. 115B.412. There are two particular subdivisions we are working under, subd. 9 (land management plans) and subd. 4 (affected property notice). Both give specific tasks to the MPCA and LGUs.

Hanson explained that under the Land Management Plans Subd. 9 the MPCA must develop a land use plan for each landfill property and specifically for the property in the landfill. We will designate the use for the landfill property. Specifically for East Bethel we have identified two uses for the land and one is to maintain and operate our remediation system that exists on the land. The other is through our partnership, our MOU with the Sandhill Crane Natural Area, to manage that land along with that partnership. So those are the two uses we have identified for the landfill property. The LGU has to adopt and be consistent with those designations. That could be done with a new zoning ordinance for the landfill property. Hanson said when we met with the city planner, Stephanie Hanson and city administrator, Jack Davis; we presented a draft that we are calling, Closed Landfill Restricted Zone. She said within that new ordinance would be just the two uses we have identified.

Hanson explained that Subd. 4, breaks down into what the MPCA responsibilities are and the LGUs are. MPCA is providing the LGU with maps showing ground water contaminant plumes and areas of concern (AOCs) for ground water and methane gas; and narratives (Hanson said just like you have seen). And we work with you, a partnership even after the zoning is written up to assist you so we can control the landfill uses and even any subdivision around it. When you receive this information it is to be incorporated into any local land use plans and that includes affected property. With any tools you have, setbacks, overlay districts. We don't dictate how you do that, but we highly encourage you do that. Especially at the local level, especially if you recall what the groundwater contamination can look like. Also it is the responsibility of the LGU to notify anyone wishing to develop in the area of the information we sent to you.

Boyer asked are you the owner of this property? Hanson said yes. Boyer said he understands the issue of outside the property. Hanson said we don't own all the property within the land management area. Boyer said but you do own the landfill property itself. Hanson said yes. DeRoche asked what is being done to make sure the water is not leaching out and contaminating the other areas. He said from the way you are making this sound, this area could just get bigger and bigger and bigger, correct? Hanson said since we have installed the active gas extractive system, there has been a very large quick clean up of the groundwater contamination at this site. She said that is close to the 7.5 million we have spent at the site. It helps remove the volatile organics within the groundwater as well.

DeRoche asked so he can understand this, the MPCA goes around and shuts down landfills? He asked is that basically what you do? DeRoche asked you take them over and make sure everyone is safe and there is no contamination anywhere? Hanson said we didn't close them down. DeRoche said you go in after they close down. Hanson said yes, we do. That is part of the statutes, the laws we work under. DeRoche asked what is the time limit on this property, is it never going to be useable again? Hanson said some of them that is a true statement for, East Bethel it will be decades.

Joe Julik said he is the hydrologist with the MPCA on this site. He said in about 2006 was the construction; we found waste that was outside the cover. Julik said we brought all the waste we could find into one pile and covered it with 40 mil plastic and that keeps any water from percolating through and keeps the groundwater from getting any worse. He said we installed the active gas system to pump out the methane and it runs 24/7/365 days a year. Burning at approximately 1400-1500 degrees. Julik said so that is helping the problem. He said we have a series of eight groundwater pump out systems, that are also pumping 24/7/365 days a year. Julik said what this shows is the last seven years the groundwater plume is shrinking. He said we are drawing it back on to the property, not quite all the way back in yet. He showed it on the map and what it has been shrunk down to. Julik said between the cover, gas extraction system and pump and treatment system we are doing a good job. He said we are very happy with the results at this site. The reason we have a fairly large area of concern is, if there was unrestricted development in this area of concern, say the city wanted to go in and put in a well field, pumping three/four wells at 500 gallons per minute, that would go against our remediation. We couldn't fight that. Julik said over the last 20 years, anytime someone proposes to put in a well in that yellow triangle area, the Minnesota Department of Health contacts him, and he works with the driller. He said there have been wells put in; they have to have special construction. Julik said that means they have to go deep and they have to case off the upper aquifers, so they aren't drawing any of the impacted groundwater into those wells. He said that is the main reason we have such a large area. Julik said the short answer to your question is we are doing a number of things and spending a significant number of resources to keep the problem on the site. He said in terms of terms of how long that will take to get that 1.2 million cubic yards of waste is benign, a really long time. Julik said we are not going away from this site. We do have sites that are small under a 100,000 cubic yards, where we dig them up and put in a state of art facility.

DeRoche asked what makes this different than any other landfill, is this common with other landfills? Julik said this is very common with other landfills that MPCA permitted in the late 60s and early 70s. Julik said they were built to get rid of 1,500 dumps in the state. He said they permitted about 100 landfills to get rid of vermin, rats and litter and fires. Julik said and they did that, but they weren't lined. He said one of the drivers for this legislation that was passed between 1992 and 1994 was society in general created this problem by building unlined landfills. Julik said every landfill in the state now is on a liner. He said these 109 landfills we have in our program were built without liners.

DeRoche asked so what is the potential of this area getting bigger? He said so what you are telling me is that the MPCA back in the 70's authorized this landfill and for all the crap from the cities to come up and be dumped, is that correct? Julik said that is correct. DeRoche asked what is the liability to the city for this? He said what he is looking at is here is this great big piece of property the city can't do anything with, can't develop it, and basically it is just being controlled. DeRoche said and that is why he wants to know if at any point will we be able to use it for anything or it is pretty much just written off? Julik

said the practical remediation is what we are doing. He said as far as putting it back to taxable use, not for a long, long time. Voss said the way this one is constructed; he doesn't think there is any foreseeable use for it. He said a lot of times, and we are involved in quite a few that are turned into soccer fields or football fields because they are constructed differently. Voss said but this one is certainly constructed differently, is a mound.

Moegerle asked the soil is not toxic right, because that is fresh soil that was put over the liner? Julik said that is right, anything above the liner is clean. Moegerle asked could that ever be opened for a sledding hill? She said the view from up there is beautiful. Moegerle asked is there no way to logistically handle that? Julik said he doesn't see that. He said along with our responsibility is a lot of liability. Julik said essentially this is very common with sites of this size and nature where there is an active gas extraction system, every acre or so has a gas wellhead coming out of it. He said we would have the potential of a gas well head being damaged, vandalized, run into by a sled; we would have all those issues there.

Lawrence asked it says you are checking at 15-25 feet, 30-40 feet and 50-60 feet, are these all the same aquifers? Julik said no, they are all the drift aquifers; they are all above the bedrock. He said if you go down to the bedrock it is clean. Julik said so the contamination at this site hasn't gotten below the third aquifer. He said the ones below it are clean and we advise if you have a well in this area that you go deep and double case, but it is more expensive. Julik said if someone's well is impacted, we will drill them a new well or put in a GAK, galvanized activated carbon filter and we will install and maintain them. He said but if someone comes in and puts in a new well, we will tell them how to put in a safe well, but to date don't think we will pay the additional expense.

DeRoche asked what would happen with sewer and water if it went in that area? Julik said that would be fine. Lawrence asked on the site of the waste, the only proper way to clean that up would be to move the toxic ground soil, right? Julik said right. He said when this program was initiated we looked at the cost of removing these and putting them on liners or incinerating them and then instead of 10's of millions, we were talking billions of dollars to deal with all these old sites. Julik said it was mind boggling what it would cost to go in there and move it out. Lawrence asked what is the life of liner you have over the top right now? Peter Tiffany said he is the engineer with the MPCA. He said these liners are considered to never degrade. Tiffany said he seen studies to try to degrade them and they are supposedly good for 998 years. He said really probably the biggest problem would be settlement and that might put some stress on it and might tear it. Tiffany said hopefully with the design it would not tear it, but we monitor it. He said if it did, we could go in and dig it out and patch the liner. Moegerle asked Julik when we took that tour; you told us how quickly that mound is collapsing per year, settlement rates? Tiffany said initially we did consolidate some of the waste and we dug up the off landfill site footprint waste and put it on there. He said so it was not as compacted and we did see some settlement. Tiffany said the soil has pulled down and it has pulled the boot down, but that is not going to continue at that rate at all, it is probably just about finished with any significant settling. He said what it will look like is that the well heads are growing, and every once in a while you just have to cut them off and put the well head back on.

#### 2012 Budget Hearing

Davis explained that Minnesota Statute 275.065 requires cities to conduct a hearing whereat residents are offered the opportunity to provide input to City Council on proposed budgets and tax levies. The State requires that each City announce the date, time and place of the meeting whereat residents can provide City Council feedback on proposed budgets and tax levies. The date selected must be done at the meeting when the City Council adopts the

preliminary budget and levy in September. This meeting date is also listed on the parcel-specific notices for proposed 2012 taxes that the taxpayers received in November from Anoka County.

Council directed that December 7, 2011 as the regular meeting for this opportunity. City Council has afforded a number of occasions during the budget development process to residents for this input.

For those interested, the 2012 Preliminary Budget has been available on the City's website and a paper copy has been at the city hall receptionist area since its adoption in September 2011.

Later on this agenda, Council will have the opportunity to consider tax levies and budgets for 2012.

Staff is recommending that Council consider input from residents on the 2012 tax levies and 2012 budgets.

There were no public comments.

**Boyer made a motion to close the public hearing. Moegerle seconded; all in favor, motion carries.**

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

Consent Agenda **Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, November 16, 2011, Regular Meeting; C) Meeting Minutes, October 27, 2011, Work Meeting; D) Meeting Minutes, November 22, 2011, City Council Special Meeting; E) 2012 GIS Contract; F) Appoint New Fire Fighters; G) Fire Officers Appointments; H) Anoka County – Blaine Airport Advisory Commission; Resolution 2011-59 Supporting St. Croix Minimal Impact Design Standards. Moegerle said she has her normal punctuation and grammar changes to the minutes. Voss seconded; all in favor, motion carries.**

Joint Powers Agreement between Anoka County and City of East Bethel for Signalization Project at Hwy. 65 and 221<sup>st</sup> Ave. NE Davis explained that The Anoka County Highway Department (ACHD) presented a proposed Joint Powers Agreement (JPA) for the 221<sup>st</sup> Ave. /Hwy 65 Signalization Project to City Council on November 16, 2011. Council expressed concerns with several of the conditions of the agreement and tabled the matter for future consideration. City staff met with representatives of the ACHD on November 22, 2011 to address the issues as presented in the City Attorney's comments regarding the JPA. The resolution and explanation of these items is as follows:

Purpose and Understanding. The ACHD presented the modified layout of the intersection design to Council. The JPA as presented for consideration, if approved, would be the final design suitable for final construction documents as shown in Exhibit A. Council would be approving the final design (Exhibit A) with approval of the JPA. Exhibit A is the modified design that minimizes the right of way and easement acquisition and reduces the size of the retention pond on the Phyllis Kable property.

Right of Way. The City has no existing plans for improvements beyond the limits of the proposed project as shown in Exhibit A and, therefore, all the right of way acquisition will be the responsibility of the County for the project.

Traffic Signals. The City's share of the cost will be 25% of cost for the CR 74 legs with the costs being those that aren't covered by the grant. It is anticipated that City's portion of the cost will be \$5,675 for the signal portion and \$250 for EVP construction. Final costs will not be known until the bids are received for this project.

Drainage. The City share of this portion of the project is anticipated to be \$2,250. This cost is based on the estimated contributing flow attributable to the City that is outside the County right of way.

Traffic Control. Previous JPA's for signalization projects did not include this item since no County road improvements were required. This project will require extensive work on CR 74 and it is current County policy to cost share this part of the project with the City. It is anticipated that the City share of this cost would be \$348.

Driveways and Landscaping/Streetscaping. There are no planned upgrades for driveways, landscaping or streetscaping on the City's part. Therefore, there will no additional expense to the City for these items of the project.

Utilities. Design and construction costs of the force main that will cross this intersection will be the responsibility of MCES. Bolton & Menk, engineers for this portion of the MCES project have been made aware of this condition of the JPA. There will be no City utilities at this intersection during the time of construction.

Permits. The City has provided the ACHD a copy of our Right of Way Ordinance. As is currently planned, there will be no construction of any portion of this project on City right of way.

Signalization Power. The City has been responsible for providing a source of power for the connection and operation of street lights and signals for all three previous traffic light projects on Hwy. 65 in East Bethel. The MnDOT agreement referenced in item IX is summarized in an attachment, MnDOT Signal Work Description. This is a standard County policy and consistent with previous signalization projects in the City.

Maintenance. Maintenance of the storm sewer (except catch basins and catch basin leads) and detention basins shall be the responsibility of the City. This is standard County policy and the ACHD will not deviate from this practice. This provision was not in previous JPA's for Sims Road and Coopers Corner because there were no ponds or storm sewers required in these projects.

Maintenance of the street lights and the cost of electrical power for these lights shall be the responsibility of the City. This item is contained in all prior JPA's for City traffic signal projects.

Signal maintenance will be as outlined in the attached MnDOT Signal Work Description. This description is consistent with City responsibilities for Viking Blvd., Sims Road and Coopers Corner intersections.

## Project Costs

Construction costs presented in the JPA are best estimates at this time. Final participation of each party will be based on the actual construction bid. The estimated construction cost of the total project is \$999,158.87. Federal funds available for the Project are capped at \$1,100,000. The federal funds will be split based on the ratio of eligible costs incurred by each party to the total eligible project cost. In general the federal funds will pay 90 percent of the City's construction costs.

Prior to the application of federal funds, the total estimated construction cost to the City is \$116,172.29. After the federal funding percentage is applied, the cost to the City for their share of the construction items \$11,612.09.

The City participation in construction engineering will be at a rate of eight percent (8%) of their designated construction share of \$116,172.29. The estimated cost to the City for construction engineering is \$9,293.78.

In summary, the total City share of this project for the construction items and construction engineering is \$20,905.87. The cost breakdown is as follows:

In addition to the above referenced costs the City would be responsible for costs related to the EVP system and power supply to the signal. These costs are estimated to be approximately \$6,000. It also has not been determined if MnDOT will participate in the cost of the signal. If MnDOT does not participate in the signal it is estimated that the City's cost share would increase \$11,243. In conclusion the maximum City contribution for this project is \$38,148.86.

The JPA for this project differs from previous projects due to the fact that no County road improvements were required for the signalization of intersections at Viking Boulevard, Sims Road and Coopers Corner. In addition the last JPA the City executed with the County for a signalization project was in 1998 and since that time there have been significant changes in County and MnDOT policies in regards to project cost sharing. The Cities of Ham Lake and Blaine have recently signed JPA's that require the same conditions as those the County is requesting for our project.

Final costs will be dependent on project bids which are anticipated to be awarded by mid-August 2012.

Staff recommends Council consider approving the Joint Powers Agreement between the City of East Bethel and Anoka County with the understanding that MnDOT costs will be assigned consistent with current MnDOT Cost Share Policy.

**Boyer made a motion to approve the Joint Powers Agreement between the City of East Bethel and Anoka County for the Signalization Project at 221<sup>st</sup> and Highway 65 with the understanding that MnDOT costs will be assigned consistent with the current MnDOT Cost Share Policy. Voss seconded.** Boyer said he wants to do this so that possibly no more East Bethel residents die there. DeRoche asked dealing with utilities, granted at this time there won't be any utilities up there, but will Bolton and Menk and MCES going to have to take care of that when it does come time? Davis said the force main that goes to the rapid infiltration at 229<sup>th</sup> across this intersection and it will be the responsibility of Bolton and Menk and MCES to work with Anoka County to get the

necessary permits and comply with the design standards for the installation of that line. He said it won't be any of the cities responsibility.

DeRoche asked and the maintenance and streetlights why is the city paying for this? Davis said that is standard policy, we pay for the electrical service for all three streetlight at all three traffic intersections now and for the maintenance of all the lights. He said that is just the way these things have been structured. Davis said we do it at Viking Blvd, Sims Road and that is just part of the cost sharing of these agreements. Boyer said being the maker of the motion, he can highly see the absurdity of this, especially since it is a county road, he highly agrees with you on this. He said especially since the county collects funds from the State of Minnesota to maintain this. DeRoche said it seems like more and more of the costs are being put off on the city and it seems like we are giving them a blank check here. He said because all these costs are if this happens or if that happens, well if MnDOT does this or if they don't then it will be an extra \$11,000 or \$12,000. DeRoche said he doesn't like the fact that the city has to pay for the signal light. He said number one, we have no idea what it is going to cost. DeRoche said and if the light gets run over, the city has to pay to replace it. He said this is one of those projects, it is kind of like a trail, you have to pay to build it, buy equipment to maintain it, hire someone to fix it, and the costs are going to just keep adding on. DeRoche said it is kind of an open ended deal from what he sees.

Davis said costs are pretty well capped at \$38,000. He said the determining factor on the costs will be the bids on the project. Davis said we won't know those until July. He said if we wait until July to do this that means the project won't be installed until perhaps 2014. Davis said the reason to approve this now is to accelerate the project, to take advantage of the savings that will be afforded the project because of traffic light. He said this is being recommended by staff. Davis said this is based on standard MnDOT policies which will be in effect whether we approve it now or in August.

Boyer asked Jochum is there anything unusual about this agreement. Jochum said not from the ones in the past. He said just to clarify (page 121) the city is only responsible for the minor maintenance of the streetlights. Davis said we don't have any responsibility for maintenance of the signals, just for the streetlights at that intersection. He said the signal maintenance is performed by Anoka County. Voss said it is a streetlight like any other streetlight we have in the city. Jochum said correct, except it is on the signal. Voss said that is the only difference and we maintain our streetlights now.

DeRoche asked where it says this item is contained in all JPAs, is that just for East Bethel or is that what they do with all cities. Davis explained that is essentially what they do with all the cities; it is contained in all three of the JPAs we have signed for all three previous signal projects. He said we provide the electrical service for streetlight and traffic signal and we provide the maintenance for the streetlights. Davis said that is pretty standard policy. He said he completely understands your position, it is a county and/or state road and we are required to pay some maintenance on it. Davis said unfortunately that is the price for being able to get some grant money. He said sharing some cost around. Davis said the first one we did was on Viking Blvd. in 1984.

Moegerle asked you use the acronym EVP, what does that stand for? Davis said Emergency Vehicle Preemption. He said that is the little light on the overhead arm that flashes to allow emergency vehicles to pass. Moegerle asked the city attorney if he has any concerns with the JPA? Vierling said he corresponded with the city and Davis is correct that we do see MnDOT and the county looking for greater cost participation from the cities. He said he

doesn't see that being changed at all. Vierling said from that perspective, it is just more of the same.

Moegerle asked do we need to purchase any easements for this? Davis said no, the county will handle all the easements. He said all of the project will be built in county right-of-way. DeRoche said it says here "If MnDOT does not participate, it is anticipated city portion will increase 11,243." He asked has MnDOT expressed that they will not be participating? Davis said this is only for the grant share portion of it, the 10% of it. He said we haven't received word, nor has the county received word what MnDOT participation is going to be. Davis said that is the only really open-ended thing on this, are we going to have to pay \$0 or \$11,000. DeRoche said so they are getting the for the city, so if MnDOT doesn't participate is that the handling charge? Jochum said their argument is they have done the signal design, and they consider the grant their money.

Moegerle asked so if we were to amend the motion to limit at \$38,200, would that assist in limiting any changes they might make that would make our responsibility greater? Davis said he would caution everyone that final cost will not be know until bids are taken in January. He said and as far as the JPA we do have the option of getting out of it with 30 days notice. Davis said we would be liable for any of our costs. Davis said bids have been running at fairly good prices. He said will they be that way in July, he cannot assure that. Moegerle said if it is open-ended it can be anything. She said but if we have a not to exceed number it will limit this. DeRoche asked will they come back to us or will they just shut it down? Davis said he thinks they will come back to us and see if we want to continue it. Moegerle asked if we didn't have a not to exceed would we be helpless?

DeRoche asked who put the numbers together, how are they figuring this out? Davis said he is sure they are basing this on what they have recently bid and what they have historically had for bids. Boyer said he would gladly put in \$38,000, but would do so at your request, but frankly we have lost so many residents at this intersection that quibbling over a small amount of money seems. Moegerle said she requests we put a \$38,000 cap on this. **Boyer said he will amend his motion to add a cap of \$38,000. Voss agreed to that amendment to his second.**

Voss said in terms of comments by the city attorney of what the state and county have been doing. He said one of the pushbacks on the part of the municipalities has been the maintenance of the ponds. Voss said part of that has been because this doesn't happen for 10 to 20 years after it is built. He said cities are really getting sticker shock now of what it costs. It might be \$25,000 to \$30,000 to clean the pond up. Voss said he finds it interesting that there is a calculation in this agreement about contribution of flow to the pond. Don't want to hold up the JPA, but would seem to him there should be a cost sharing on cleaning of the pond. Davis said this is the item we argued with them most strongly. He said we suggested they put up some kind of bond that would cover the initial. Davis said they said it was county policy, you got the ponds. He said we checked with Ham Lake and Blaine and they had to sign the same agreement to get the money. Voss said he understands, but some municipalities have done push back. Vierling said the only place he has seen this work is where the cities have leverage is where MnDOT or the county wants the project and the city is ambivalent. He said unfortunately this is not that type of project. Vierling said it is an extraction, that they are using and it is not fair. But it is a way for them to shift future liability and costs and that is quite frankly what they are doing. Voss said it was more of a comment than anything else. **All in favor, motion carries.** Lawrence said he wants to comment on the accidents we had up there this year. He said the one was fatal; don't know

if the other was. Hopefully this will solve some issues for those.

Pay Est. #7,  
Phase 1,  
Project 1,  
Utilities

Jochum explained that Council has been provided with a copy of Pay Estimate #7 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 at the north end of the theater and across 187<sup>th</sup> Avenue, street construction on Ulysses Street north of 187<sup>th</sup> Avenue, clearing and grubbing and constructing an access road in the wetland area adjacent to TH 65 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. We recommend partial payment of \$626,942.98. A summary of the recommended payment breakdown is as follows:

<b>Contractor Payment Summary</b>			
	Totals to Date	Less Previous Payments	Amount Due this Estimat
MCES	\$3,008,047.89	\$2,529,249.05	\$478,798.84
City	\$2,102,725.52	\$1,985,928.53	\$116,796.99
<b>Total</b>	<b>\$5,110,773.41</b>	<b>\$4,515,177.58</b>	<b>\$595,595.83</b>

<b>Escrow Payment Summary</b>			
	Totals to Date	Less Previous Payments	Amount Due this Estimat
MCES	\$158,318.31	\$133,118.37	\$25,199.94
City	\$110,669.76	\$104,522.55	\$6,147.21
<b>Total</b>	<b>\$268,988.07</b>	<b>\$237,640.92</b>	<b>\$31,347.15</b>

Staff recommends Council consider approval of Pay Estimate #7 in the amount of \$595,595.83 to S.R. Weidema and \$31,347.15 to the TCF Bank escrow account for the Phase 1, Project 1 Utility Improvements.

**Boyer made a motion to approve Pay Estimate #7 to in the amount of \$595,595.83 to S.R. Weidema and \$31,347.15 to the TCF Bank escrow for the Phase 1, Project 1, Utility Improvements for a total of \$626,942.98. Lawrence seconded; all in favor, motion carries.**

Construction  
Administra-  
tion Costs for  
Phase 1,  
Project 1,  
Utility Project

Jochum explained that the City has an agreement with Bolton & Menk for construction administration services for the Phase 1 Project 1 Utility Project. Although the agreement specified the not-to-exceed costs, it did not specify the cost split between the City and Metropolitan Council Environmental Services (MCES). The cost split is proposed to follow the construction cost split of 61% MCES and 39% City. MCES has approved this cost split. The City is also responsible for 39% of the material testing services performed by Braun Intertec. Staff has reviewed the current outstanding invoices from Bolton & Menk and Braun Intertec. The invoices include work performed from March through October 14, 2011. The cost split totals based on the 61% / 39% split are as follows:

<u>Company</u>	<u>City Share</u>	<u>MCES Share</u>
Bolton & Menk	\$194,609.24	\$304,388.80
Braun Intertec	\$ 5,668.55	\$ 8,866.20
<b>Total</b>	<b>\$200,277.79</b>	<b>\$313,255.00</b>

These costs will be paid by the bond proceeds from the Phase 1 Project 1 Utility Project.

Staff recommends that Council consider approving the outstanding invoices for construction services to Bolton & Menk in the amount of \$498,998.04 and Braun Intertec in the amount of \$14,534.75. Upon approval of these payments staff will submit a reimbursement request to MCES in the amount of \$313,255.

**Moegerle made a motion to table this whole issue until we resolve the issue with Met Council to extend the pipelines to Castle Tower. DeRoche seconded.** Voss asked what does that have to do with this. Boyer said he doesn't see the connection either. Moegerle said it will give us some leverage to get Met Council to the table. Voss asked do we not have an agreement with Met Council on this? Moegerle said not to go up to Castle Tower. She said we have been trying to get this extended up to Castle Tower so we don't have to replace the system up there. Moegerle said negotiations have not been going well. Boyer said be careful when you say we. Davis said he would ask that you reconsider this and give us the opportunity to continue working with Met Council on this. Jochum and I are trying to set up another meeting with Pickart which we hope to have done Monday. Moegerle said if we table this for two weeks, would that not create an incentive to get him to the table in a more emulatory approach. Boyer said it might have the opposite affect, quite frankly.

Jochum said actually according to the agreement, the city has to pay Bolton and Menk and then get reimbursed so, the longer we wait, the longer they can wait to pay us back. Voss said don't we have a contract with terms and terms of payment. Vierling said yes, the contract does have time deadlines that are specified within it that upon the certification of the engineer the payments are due. He said he is not sure how close we are in terms of where that certification came in. Vierling said ultimately there is a day clock running on this payment and there are penalties for non payment and terms for interest. Voss asked if he knows what the penalties are? Vierling said he does not know them off hand. Moegerle said and we don't know when these are due. Jochum said he would say these are overdue; we did not pay them because there was not a cost split in place. He said Bolton and Menk has been working on a cost split for quite some time. Moegerle said on that basis that your representation (which she hopes to be truthful) that it is overdue, she will withdraw her motion. She said she has suffered from bad facts lately. Jochum said he is pretty sure the agreement says within 30 days. DeRoche asked what this is about there not being a cost sharing agreement in place and now there is? Jochum said there was a not to exceed.

**Boyer made a motion to pay the outstanding invoices for construction services to Bolton and Menk in the amount of \$598,998.04 and Braun Intertec in the amount of \$14,534.75. Upon approval of these payments staff will submit a reimbursement request to MCES in the amount of \$313,255.00. Lawrence seconded; all in favor, motion carries.**

Lawrence asked how the project is coming along. Jochum said we are past jacking on the pond, into open cut. He said they have done some more testing, digging and such. Jochum said it sounds like the piling will be cut down from 1200 linear feet to about 500 linear feet. He said this is good news, that was an expensive portion of project. Jochum said now they will proceed north, starting open cut again and heading north. Lawrence asked are the beyond bank now. Jochum said yes. Boyer asked have we reached the mid-point of water tower, are we at the maximum diameter? Jochum said we are close.

December 7, 2011  
for General  
Fund, Debt  
Service Funds,  
Special  
Revenue  
Funds, Capital  
Project Funds  
and  
Proprietary  
Funds for  
2012

The following items represent increases and decreases to the 2012 Preliminary General Fund Budget due to additional information received after the Preliminary Budget was adopted. These changes reduce the 2012 General Fund budget by \$700.

Finance Department

301-Auditing & Accounting Services

Approved: \$25,000  
Proposed: \$20,000  
Decrease: \$ 5,000

Decrease \$5,000 due to change in accounting firms to provide Auditing services

Fire Department

103-Part-Time Employees

Approved: \$108,223  
Proposed: \$106,133  
Decrease: \$ 2,090

Decrease \$2,090 to reflect reduction in pay to paid-on-call firefighters

125-FICA/Medicare

Approved: \$14,778  
Proposed: \$14,618  
Decrease: \$ 160

Decrease \$160 to reflect reduction in pay to paid-on-call firefighters

231-Small Tools & Minor Equipment

Approved: \$7,275  
Proposed: \$6,525  
Decrease: \$ 750

Decrease \$750 by reducing purchases of minor equipment

309-Information Systems

Approved: \$1,500  
Proposed: \$ 0  
Decrease: \$1,500

Decrease \$1,500 by delaying purchase of Fire Inspector computer

434-Conferences/Meetings

Approved: \$1,500  
Proposed: \$1,000  
Increase: \$ 500

Decrease \$500 to account for reduced conference expenses

Building Inspection Department

141-Unemployment Benefits

Approved: \$0  
Proposed: \$12,250  
Increase: \$12,250

Increase \$12,250 to account for unemployment compensation for support staff position eliminated in 2011.

434-Conferences/Meetings

Approved: \$1,300

Proposed: \$4,800

Increase: \$3,500

Increase \$3,500 to reflect the education required for sewage treatment systems

Park Department103-Part-Time Employees

Approved: \$18,000

Proposed: \$12,000

Decrease: \$ 6,000

Decrease \$6,000 to eliminate 1 seasonal part time helper during the summer season.

125-FICA/Medicare

Approved: \$22,141

Proposed: \$21,691

Decrease: \$ 450

Decrease \$450 to eliminate 1 seasonal part time helper during the summer season.

These changes to the 2011 Preliminary General Fund budget total \$700 resulting in a decrease in expenditures of \$170,667 over the 2011 final budget.

Budgets for Special Revenue Funds, Capital Project Funds, Enterprise Funds and Internal Service Funds were presented and also discussed by Council at meetings in July, August and September.

Projected expenditures for 2012 are below 2011 adopted levels by 3.44%. The budget resolution presented reflects direction from Council from the budget discussions and the changes identified above.

With the changes noted above, the City tax levy for General Fund activities would decrease 10.5% from pay 2011 to pay 2012 reflecting reduced operating expenses.

These budgets establish the City's legal level of spending within the respective funds.

Staff seeks direction on budget reductions and approval of Resolution 2011-60 setting the final budgets for 2012.

DeRoche asked in the building department, what is the \$3,500 increase for? Davis said for building official ISTS Certification. DeRoche asked why is the city paying for that? Davis said there is a precedent for the city to pay for certification. He said the last one that was done was the sewer operator. Moegerle said but wasn't that done upon him passing the certification. Davis said that is correct. He said that is what this would be. Davis said the money would be there, the individual would take the class and passing the examination he could apply for the reimbursement for that. DeRoche said the building official job; part of the job description was to have this certification. He said and now we are going to pay for him to get this certification as kind of an afterthought. DeRoche said he has a problem with that. Voss asked was it not a requirement to get the certification? Davis said yes it was. He said and it was relayed to him by the building official that the year he was supposed to get his certification, the city cut all funding for training. He said so that was one reason he did not obtain the certification. Davis said there are five classes in all and the cost is around

\$1,400 – \$1,500 for tuition. Boyer said but this is not his building inspector certification. Davis said no, this is for the septic certification. He said the building official does have all his certifications for his building official license. Davis said the problem with these classes is there is only one that can be considered within a driveable distance the rest are scattered all over the state, Rochester, etc. Could be less depending on what the accommodation costs are.

DeRoche asked so you said the classes were \$1400, but now we are at \$3,500, what is the extra for? Davis said for lodging, transportation and meals for the individual. DeRoche said he has a real problem with that. Moegerle said she agrees, it is a problem. DeRoche said and it is nothing personal. He said any jobs he has had in the past that had certain criteria you had to meet, he has paid for the classes. DeRoche said and even at that, he paid to drive, he paid pretty much for everything. He asked where are the classes at that he has to go lodge somewhere for? Davis said there is one in St. Cloud, but rest are well over a 100 miles. Moegerle said she commuted to Rochester for the LMC class, it was not easy, but it was doable. She said when she worked for the law firm; they paid for continuing education, but not for lodging and mileage. DeRoche said we put out \$3,500 for training and who knows what will happen, he can decide to go somewhere else.

DeRoche said it is not even like the fire fighters, it is a completely different job. They are training, they are saving peoples lives, they are pretty much going to stay here. DeRoche said we are paying for this certification. Voss said in terms of any other staff; in terms of training, is mileage and lodging paid for is that generally coverage. Davis said only other he has been experience with is our sewer operator, he was reimbursed for mileage and meals. He said he is not sure if there was any lodging involved. Davis said he thinks there was one where he had to go and stay and take the test, and outstate class. Voss asked does any of the other staff go to conferences and training. Davis said the only ones we go to are in a day and we return in a day. Voss said and these are not doable. Davis said these are three days of classes. Lawrence said this is relatively like an update; this is relatively a new certification that came out. He said so when he was hired, this certification was being required at that time, so that is why the city offered him that education. DeRoche said he wasn't aware that the city offered him that education; he thought that was part of the conditions.

Davis said it was a condition of his employment, however, what arrangements were made to reimburse him for that training or other accommodations he has no knowledge of and we have no record of. He said all he is basing this item here is on is, we have paid for this training for people in the past and we do have a precedent set for that, and that is the only reason we put this in the budget. Moegerle said of course this is contingent on his turning this in and if he passes the class. DeRoche said he just plain and simply has a problem with something that is required for job; you come in and don't get it. He said it seems it would behoove me to get it to keep my job. Voss said it seems we are going back to the issue that this should have been done a long time ago. He said so he doesn't know if we would have been having this argument in 2007 when it was supposed to have been done, or whenever it was. Voss said what he remembers from discussions before is it was expected to get it done within that year. He said because as Lawrence said, it was fairly new at that time, so he may not have had it at the time, but there was an expectation to get it. Davis said Martin was given a directive to complete this within the classes scheduled. He said so based on Council's direction he thinks in September he would have to complete this in June. DeRoche asked fire department to cut, police department to cut, asked everyone else to cut, and we want to give the building department \$3,500 to get his certification? Voss asked

didn't you just cut his salary by 20%? DeRoche said the alternative to that was we could have just let everyone go. Voss said you are making it sound like there weren't any cuts to the building department. DeRoche said no, there were some. He said that was a cut straight across and we let a support staff go. Voss said we are requiring him to have this training. DeRoche said we already have one with training. Voss said we have a building inspector.

**Lawrence made a motion to adopt Resolution 2011-60 Approving Final Budgets for General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2012. Voss seconded. Boyer and DeRoche, nay; Lawrence, Moegerle and Voss; aye; motion carries.**

Resolution  
2011-61  
Setting the  
Final Property  
Tax Levies for  
2012

Davis explained that Council, through discussions at several City Council meetings throughout the summer has determined that a property tax levy for 2012 be set such that funds are available to accomplish the goals and objectives Council has identified. To make provisions for these goals and objectives, a General Fund levy of \$4,191,470 is necessary.

To service existing debt, a tax capacity based debt levy of \$158,000 is necessary to make principal and interest payments on the 2008 Sewer Revenue Bonds. Further, a market value based levy of \$147,328 is necessary for principal and interest on the 2005 Public Safety Bonds that were issued for the Fire Station and Weather Warning Sirens projects.

When the debt service levy of \$305,328 is added to the General Fund levy of \$4,191,470, the total levy amount proposed is \$4,496,798. This represents an 8.89 percent decrease from the 2011 total levy amount.

Resolution 2011-61 provides for the property tax levy required for the current spending proposed for the General Fund and the debt service requirements of the 2008 Sewer Revenue Bonds and the 2005 Public Safety Bonds.

Staff recommends approval of Resolution 2011-61 setting the final property tax levy for 2012 and direction this resolution be forwarded to the Anoka County Auditor.

**Moegerle motion to adopt Resolution 2011-61 Setting the Final Property Tax Levy for 2012 and direction to forward the resolution to the Anoka County Auditor. Voss seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

Resolution  
2011-62  
Setting the  
Final EDA  
Levy and  
Budget 2012

Davis explained that the East Bethel City Council passed enabling Resolution No. 2008-83 establishing the East Bethel Economic Development Authority (EBEDA) on July 16, 2008. Resolution No. 2011-27 amending Resolution No. 2008-83 was approved on August 17, 2011 and limited the powers of the EBEDA to levy a tax within the City of East Bethel.

City Council has directed the EBEDA to become an active board to address economic planning, marketing and improve the economic vitality within the City. In order to accomplish these goals the EBEDA requires financial resources.

The EBEDA is a special taxing district and the City of East Bethel is authorized by Minnesota Statute 469.107 to levy a tax in any year for the benefit of the authority. The tax must not be more than 0.01813 percent of the taxable market value.

The maximum levy allowed for pay 2012 taxes is \$163,428 (East Bethel Market Value of \$901,424,900 X 0.0183%). The resolution presented for your approval provides for the

maximum tax levy for pay 2012.

The final tax levy must be submitted to Anoka County by December 28, 2011.

Staff recommends adoption of Resolution 2011-62 approving the final EBEDA property tax levy and proposed budget for 2012 at \$163,428. Further, that a copy of the approved resolution be transmitted to the County on or before December 28, 2011.

**Moegerle motion to adopt Resolution 2011-62 Approving the Final EBEDA Property Tax Levy and Proposed Budget for 2012 and direction to submit the resolution to Anoka County. DeRoche seconded.**

Voss asked on page 148 it talks about professional service fees of \$25,000 is this for marketing and branding? He asked from the proposals we got, those weren't cost proposals correct? Davis said those weren't, those will have to be negotiated. Voss asked are those the approximate costs? Davis said yes. He said those are based on the level of service they proposed. Davis said depending on the level of service, we might have to do a line item amendment. Voss asked would the budget be more than this? Davis said no, the total would remain the same; it would be a line item amendment. Voss asked and there is \$50,000 for a city sign. Davis said that was a item that the EDA discussed at an October meeting. He said to see if it is feasible to install a reader board. Voss said this is building a fund for a city sign. Davis said that is correct. He said if it is not started this year, it could be used the next year. Davis said the last time we looked at it, was \$65,000. Voss said because it would be far more than this, he thinks Ham Lake paid well over a \$100,000. He said so \$25,000 is for consultant fees. Davis said we do have a contingency item in there that would make up the difference if we needed to. **Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

2012 Proposed  
Fee Schedule

Staff has reviewed the 2011 fee schedule and proposes the following changes for 2012:

The following Utility Operations 2012 Fee Schedule Charges are proposed:

Current: \$10,205                      Proposed: \$6,000

Decrease Sewer System Access Charge – Whispering Aspen to reflect prior agreements restricting this charge to \$6,000 per connection for the Whispering Aspen Development.

Current: No Charge                      Proposed: \$3,600

Water System Access Charge – Non Whispering Aspen setting the charge for connections made to Phase 1 Project 1 of the new Infrastructure Project. Fee developed by engineers during feasibility phase of project.

Current: No Charge                      Proposed: \$2,000

Sewer System Access Charge – Non Whispering Aspen setting the charge for connections made to Phase 1 Project 1 of the new Infrastructure Project. Fee developed by engineers during feasibility phase of project.

The following General Charges 2012 Fee Schedule Charges are proposed:

Current: \$500                              Proposed: \$500

Resolution 2011-08 modified the 2011 fee schedule to establish this new fee.

No fee increase for Peddler License. Change to Peddler/Solicitor License which was

The following Building Fee Schedule change is proposed:

Electrical Inspections Fee Schedule

Resolution 2011-26 modified the 2011 fee schedule to establish these new fees.

The following Fire Department 2011 Fee Schedule Change is proposed:

Current: \$70

Proposed: \$70

No change in fee. Language in fee schedule needs revision to include all unpaid fire charges. Tax Certification of Unpaid False Alarms Fire should be changed to Tax Certification of Unpaid Fire Charges.

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

Staff requests direction regarding the proposed 2012 Fee Schedule. The final Fee Schedule will be provided for consideration on December 21, 2011.

DeRoche asked on these fees such as alcohol and cigarettes we are considerably higher and he is wondering how that came about? Davis said that is the fee schedule that was established previously and the reasoning for that he doesn't have an explanation. DeRoche gave some examples of the fees for liquor licenses. He asked if there was a reason for it, maybe to generate more funds? Moegerle said she supposes because liquor establishments were not favored. Lawrence said after reviewing that he would like to see cigarette fee lowered, it is way out of line. Boyer said there are enforcement costs. He said we have had a number of hearings. Boyer said generally when the city is prosecuting misdemeanors of that sort; it does not make money on these things. He said it usually ends up costing the money to prosecute these people. Vierling said in fairness you don't make money on any one of those. He said it is a question of how far do you want to go in subsidizing this. Lawrence said he has changes he would like to put forth on these.

Lawrence said he would like to see the cigarette fee at \$100. Boyer said he would like to suggest we put them at writing to consider at the next meeting. Lawrence said he would like to see a comparison on transient merchant, peddler and vehicle dealer's license fees with other cities. Moegerle said she thinks the pawn broker fees are high too. DeRoche said he would suggest we e-mail our changes we would like to see to the city administrator. Voss said it is worthwhile, it has been a long time since we changed the liquor license fees, but he remembers when we did that, we went through the whole looking at other communities and they changed their fees as well. He said but we should also know the effect it is going to have on the general fund.

Fire  
Department  
Reports

Davis explained that the November Fire Calls and October Fire Inspector Reports are included for your review. DeRoche said there are a lot of medicals. Davis said the medicals account for about 70% of the calls. DeRoche said it is good to see this in the packet. Davis said we will have the fire chief at the next meeting, with the end of the year report. Moegerle asked about the new fire fighters. Davis said eight applied, two dropped out. He said three passed all the tests. Three still have to take the haz mats. Davis said we have approved three and have three pending. DeRoche said last year the fire chief brought them in and introduced them. Davis said think he is waiting to bring them in all at the same time. Voss asked how many will that bring us up to? Davis said 36. Voss asked were we not set at 35? Davis said we have four that retirement is pending on. He said so the eight will get

us to that total. Voss said so we will be below 35. Davis said that is correct.

Approve  
Quote from  
Dascom for  
City Council  
Chambers AV  
Upgrade and  
Cablecast  
System

Davis explained that the control panel in the A/V system has not operated correctly since February of 2011. Staff requested quotes for repair and upgrade of the system. We received two quotes and one bidder was non-responsive.

Dascom Systems Group was the low bid at \$19,896.00. They have installed systems for the cities of Burnsville, Inver Grove Heights, Ostego, Prior Lake and Albertville.

The upgrade includes replacing the control system which is not operating with a new control system and a 5.7" touch panel in the equipment rack. Currently staff uses four remote controls to override the different functions of the system that the control system and touch panel operate.

The sound system in the City Council Chambers will be re-commissioned with a Digital Sound Processor. The volume control for the Council Chambers and the hallway will be separated. A switch will be installed next to the deputy clerk's desk to allow staff control of the volume of the sound system right from Council Chambers during the meetings.

The cablecast system will be upgraded to an automated system which includes digital recording of events. This will allow playback of more than one meeting on our Cable Channel 10. Currently we use a DVD player and can only play the City Council meetings once a day unless staff manually puts a DVD in the player and plays it back.

Our current Carousel system which is used to program the Cable Access Channel 10 will be upgraded to the latest software. Staff will be able to update the cable channel from their PC's instead of going to the Carousel system in the back room. This will make the system available to updating by additional staff members.

Dascom provides a one year warranty on all materials. A training session will be provided upon completion of the installation.

\$14,729 is available in Public, Educational, Government (PEG) User Fees collected from the cable company. The remaining balance of \$5,167 is proposed to be funded from General Government Buildings.

Staff is recommending City Council approve the quote in the amount of \$19,896 from Dascom for the City Council Chambers AV Upgrade and Cablecast System.

**DeRoche made a motion to approve the quote from Dascom in the amount of \$19,896 for the City Council Chambers AV Upgrade and Cablecast System. Moegerle seconded.** She asked is this funding from the general government buildings going to be an interfund loan until we get more PEG fees in? Davis said we do get more PEG fees. He said he would recommend that you don't do that. He said we get quarterly payments from the cable company and he would recommend that we start banking this back up, because either way it will be a wash. Boyer asked do we have these funds. Davis said yes, we do. Voss questioned the amount listed; he said there is a discrepancy. DeRoche said it is a typographical error. Warren said that is her mistake. She said the correct amount is **DeRoche amended his motion to a not to exceed \$20,000. Moegerle seconded the amendment.** Moegerle asked the microphones are fine. Warren said yes, the microphones are fine. We will be able to control the speakers in the different areas. Boyer asked if we

checked references in the other cities. Warren said yes, she checked references. Jochum said the A/V in Ostego is pretty good. **All in favor, motion carries.**

Council  
Reports -  
DeRoche

DeRoche said the fire fighters have an appreciation dinner Saturday night, he is going. He said the lakes are just getting to the point where they are dangerous. DeRoche said people are out fishing on Coon Lake. He said public works did a good job on the roads during the last storm. DeRoche said Ayshford is doing a good job.

Council  
Reports -  
Boyer

Boyer said Moegerle and Davis and he were in mediation for the GRE case for 13 ½ hours yesterday. He said personally he would rather set his hair on fire than do that again, but he thinks it was worthwhile. Boyer said he was traveling down Wild Rice around 6:00 a.m. in the morning of the snow storm and he watched two cars almost plow into the ditch at EJ's as they attempted to stop at the stop sign at that corner. He said he called Davis about this, but we could have easily put out more salt.

Council  
Reports -  
Moegerle

Moegerle said she has been busy with DeRoche and staff working on the ATV ordinance and we hope to have it available for Council to look at in two weeks. She said she did attend the GRE mediation and she has more mixed results. Moegerle said we have had several EDA meetings and met with some developers and it looks like there will be some more and we have an interesting opportunity on the horizon. She said she did visit Sand Hill Crane and went on top of landfill, the view is magnificent. Moegerle said it is too bad it can't be sledding hill.

Council  
Reports -  
Voss

Voss said he has two things, both sent out. He said the letter regarding Lowell Friday; it seems it was referred to the city. He asked are we proceeding with anything? Vierling said we are waiting for the transmission of some reports from Anoka County and then we will make the decision on whether or not to charge. He said we will keep the council abreast of the decision.

Voss said you mentioned the ATV Ordinance, which he wasn't aware we were working on. He asked how did this start? DeRoche said there seems to be a lot of interest in the community. He said people want to use them for plowing, moving docks, ice fishing, and want to drive them down the roads. DeRoche said and he guesses trying to use discretion of deputies to delineate between someone who is racing around being crazy or someone just using it for what is intended for is getting harder. He said he is one of the first ATV instructors in the State of Minnesota and he thinks there are a lot of misnomers about ATVs.

DeRoche said in the city there is a lot of money that is being lost. He said we are looking at possible ATV/snowmobile trails in the city. This would be paid for by state grant aid. DeRoche said he is affiliated with a club down here and a club out of Isle. He said we maintain about 99 miles of trail, we maintain the trail on 22. He said we came in and cleaned the ditch. If we see any rutting we fix it. DeRoche said people are going to ride and we need to somehow give them a way to do it. He said he doesn't think we can legislate stupidity. DeRoche said he thinks when the last ATV ordinance was passed; it was a blanket ordinance because of certain instances that had happened. He said there are more than enough state laws that govern snowmobiles and ATVs. He said he is still an instructor and he thinks it needs to be looked at. DeRoche said some of the other townships/cities are and if we were in the middle of downtown Blaine it would be different. He said everyone thinks if we do this and all these problems are going to arise. DeRoche said he doesn't

agree with this.

DeRoche explained that Linwood uses their ordinance as a nuisance which he thinks it should be under, because if someone has loud pipes, whether on a tractor, or ATV, snowmobile, car, he doesn't think everyone should be pinned. He said and personally he does have an ATV and he does drive it down to the Purple Rain because that is where the city puts the big container to put all the weeds in. He said it is a heck of a lot easier to hook up my trailer to my ATV and unload it down there. DeRoche said we can help people by plowing their driveways out. He said and now you can't do that because you are going to get a ticket and it is \$140.

Boyer asked why we are not going through the normal ordinance development procedure. Moegerle said this will be going to the Road Commission. Voss said he would like to see a redline version. He said because what staff gave us did not have the redline, the changes. Davis said this is a draft that is going to be used as a guideline. DeRoche said this is not going to be coming to Council until December 21<sup>st</sup>. He said this was just to be given for a notice that it is being reviewed. Voss asked what is the state law in regards to ATVs on public roads. Moegerle said it is quite lengthy. Voss said it must be legal to ride ATVs on public roads. Vierling said in some areas. Voss said he seems to recall something about riding on MSA roads.

DeRoche said he will bring in a synopsis for the ATVs with all the laws. Voss said he is talking about operating them on the roads. DeRoche said it depends on the area. He said if it is a county road, it is different. DeRoche said if it is a city road, it is their rules. He said he recommends adults take the ATV safety class. DeRoche said there are more than enough state laws that apply to ATVs. He said you have to understand and read the synopsis. DeRoche said and if you are going to ride in a different city you better contact them and find out their rules. Voss asked but his question is, is it legal to ride on city streets by state law? Vierling said if the city does not prohibit it. Moegerle said that is why we have an ATV ordinance. Lawrence said he has had a complaint from our sheriff's office that our ATV ordinance is hard to enforce. Voss said that is fine, but that is the first he has heard of it. He said it would have been nice to know the reasoning and background on this. Lawrence said he knows Oak Grove is working on theirs, along with Andover. He said in fact they are forming a city relationship where ATVs can go back and forth without any issues.

Council Reports - Lawrence

Lawrence said he got a complaint about plowing snow and how it was a waste of time. He said but he also got people that wanted more ice control. Lawrence said he also had complaints about the aroma at Sims and 65. He said they were spreading manure in a field. Lawrence said and since it was a fertilizing operation there was not much we could do about it.

Closed Session – GRE Litigation

**Moegerle made a motion to go into closed session to discuss the GRE Lawsuit. Lawrence seconded.**

Vierling said for the benefit of the public and for the record staff is recommending we go into closed session per MN. Statute 13.D to discuss issues relative to litigation regarding GRE, a Minnesota Cooperative Corporation vs. the City of East Bethel, Anoka County Court File 02-CV-115368 and the mediation session that was held yesterday, so this will not be recorded. Council will reconvene after the session to announce any action that has been taken.

**All in favor, motion carries.**

Vierling said for the record and for the benefit of the public the City Council has concluded the closed session regarding GRE, a Minnesota Cooperative Corporation vs. the City of East Bethel, Anoka County Court File 02-CV-115368. The closed session was attended by all members of the City Council; at 9:53 p.m. Council Member Boyer left the session. Also in attendance were Jack Davis and myself. Council reviewed elements of discussion of the mediation that had gone on yesterday, but took no specific motions during the course of the meeting.

Adjourn

**Voss made a motion to adjourn at 10:20 PM. Moegerle seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk

DRAFT

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

**RESOLUTION NO. 2011-63**

**RESOLUTION AFFIRMING MUNICIPAL TORT LIABILITY LIMITS ESTABLISHED BY  
MINNESOTA STATUTES 466.04**

**WHEREAS**, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

**WHEREAS**, Minnesota Statute 466.04 provides for Municipal tort liability limits for Minnesota cities; and

**WHEREAS**, the League of Minnesota Cities Insurance Trust has asked that each city review the tort liability limits and determine if the respective city would choose to waive its limits; and

**WHEREAS**, such decision to affirm or waive the tort liability limits must be filed with the League of Minnesota Cities Insurance Trust at the insurance renewal date.

**NOW, THEREFORE, BE IT RESOLVED** that the Fiscal Services Director is directed to report to the League of Minnesota Cities Insurance Trust that the East Bethel City Council does not waive the January 1, 2012 monetary limits on the municipal tort liability established by Minnesota statutes 466.04.

Adopted this 21<sup>st</sup> day of December, 2011 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. 2011-64**

**RESOLUTION ACCEPTING DONATION FROM  
DIANE & SHAWN HARDER**

**WHEREAS**, Residential Mortgage Group located in Minnetonka, Minnesota, provides mortgage banking services to real estate, commercial and homebuyers; and,

**WHEREAS**, Residential Mortgage Group has a charitable donation initiative program called "Refer a Friend, Build *your* community" that works in conjunction with loan closings; and

**WHEREAS**, Diane & Shawn Harder, a client of Residential Mortgage Group, selected the City of East Bethel as the recipient of \$100 from this program that has been identified for the Fire Department.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the City hereby acknowledges receipt of the donation in the amount of \$100.00 from Diane & Shawn Harder.

**BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT:** the City hereby expresses its thanks and appreciation to Diane & Shawn Harder for the donation for the City Fire Department.

Adopted this 21st day of December, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

---

Richard Lawrence, Mayor

ATTEST:

---

Jack Davis, City Administrator

## APPLICATIONS COMPLETED FOR CIGARETTE LICENSING -- 2012

App Recd	Ck Depos	Ins. Stmt.	License #	Company
12/14/2011	X	X	2012-01	Black Bear Liquors, Inc.
12/13/2011	X	X	2012-02	Coon Lake Market
11/23/2011	X	X	2012-03	Cooper's Corner Store
11/23/2011	X	X	2012-04	Cooper's Corner Liquor
12/14/2011	X	X	2012-05	Corner Express
12/13/2011	x	x	2012-06	Hidden Haven Country Club
12/14/2011	X	X	2012-07	Lynn's Grocery
11/28/2011	X	X	2012-08	Marathon/River Country Coop
12/13/2011	X	X	2012-09	Wayne's Liquor

**APPLICATIONS COMPLETED FOR GARBAGE HAULERS LICENSE -- 2012**

<b>App Recd</b>	<b>Ck Depos</b>	<b>Ins. Stmt.</b>	<b>License #</b>	<b>Company</b>		
12/13/2011	X	X	<b>2012-001</b>	Ace Solid Waste		
11/23/2011	X	X	<b>2012-002</b>	Allied Waste Services of North America		
12/9/2011	X	X	<b>2012-003</b>	East Central Sanitation		
12/14/2011	X	X	<b>2012-004</b>	SRC, Inc. (Town & Country Disposal)		
12/14/2011	X	X	<b>2012-005</b>	Walters Recycling & Refuse		
12/15/2011	X	X	<b>2012-006</b>	Waste Management of Minnesota, Inc. Blaine		

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

**RESOLUTION NO. 2011-65**

**RESOLUTION REQUIRING THE PHASE DESIGNATIONS FOR THE MUNICIPAL  
UTILITIES PROJECTS BE DISCONTINUED UNTIL THE TIME OF THEIR  
CONSTRUCTION**

**WHEREAS**, The City of East Bethel is currently contracting the installation of water and sewer utility infrastructure between 185<sup>th</sup> Avenue and Viking Boulevard on the west side of Highway 65 ;

**WHEREAS**, This area is the only portion of the City where these services are being constructed;

**WHEREAS**, Future extensions of this service will be determined by development demands and the ability of those developments to fund those services;

**WHEREAS**, Existing designations of future project phases are no longer required due to the uncertainty of their timing for implementation;

**WHEREAS**, It is the desire of City Council to eliminate any confusion or misconceptions regarding areas of future service extensions;

**NOW THEREFORE, BE IT RESOLVED**, by the City Council of East Bethel that the existing water and sewer project being constructed between 185<sup>th</sup> Avenue and Viking Boulevard shall be described as the Municipal Utilities Project-185<sup>th</sup> Avenue to Viking Boulevard, existing phase designations are cancelled and all references to or naming of future extensions or phases shall be designated only at their time of construction.

Adopted by the City Council for the City of East Bethel, this 21<sup>st</sup> day of December, 2011.

---

Richard Lawrence, Mayor

ATTEST:

---

Jack Davis, City Administrator



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 A.1

\*\*\*\*\*

**Agenda Item:**

Marketing and Branding Strategy

\*\*\*\*\*

**Requested Action:**

Consider selecting a consultant for the City of East Bethel Marketing and Branding Project

\*\*\*\*\*

**Background Information:**

On December 14, 2011, EDA and City Council held a special meeting to interview four (4) potential consultants to market and brand the City of East Bethel. These candidates were selected from RFP's that were submitted by 7 firms and screened by the EDA at their November 2, 2011 meeting.

Based on interviews at the December 14, 2011 meeting, the EDA narrowed the selection to Sharp Creative/Landform and Ady Voltedge as the top firms. Each firm proposes to begin work on this project in January 2012 with a completion date of all deliverables in May 2012.

Landform is a multi-discipline firm, based in Minneapolis, providing development services to both public and private clients throughout the United States. Some of their more recent work includes work in several communities to assist EDA's or HRA's to manage and facilitate growth in their communities. The most applicable example is for the City of Ramsey, MN HRA to re-vision, re-brand, and re-develop their downtown development known as The COR.

Sharp Creative is a separate, but in-house entity of Landform, focused solely on the branding, marketing, and communications. Their work includes the creative components such as logos, and marketing materials, but also concentrates on the market forces and factors that make those efforts effective. Their recent work on Ramsey, Stones Throw, and Minneapolis Parks Board are examples of effective repositioning efforts and establishing brand identity. The costs proposed by Sharp Creative/Landform are estimated at \$43,880 as outlined in their RFP proposal.

Ady Voltedge is a market research, design and communications firm based out of Madison, WI. This consulting firm has extensive experience with community and economic development branding capabilities and provided many examples of successful projects during their interview. Ady Voltedge also has regional connections through MetroMSP and serves on the Mid America Economic Development Council. Ady/Voltedge has extensive experience with a broad based clientele throughout the Midwest. The costs proposed by Ady/Voltedge are as outlined in their

RFP proposal and not to exceed \$31,005 with an option of repeating the survey up to two years from the completion of the initial contract for an additional cost of \$5,000.

**Attachments:**

Cost Proposals

\*\*\*\*\*

**Fiscal Impact:**

There is currently \$25,000 in the EDA budget included in the professional service fees and \$22,488 in the EDA's contingency fund to cover this cost.

\*\*\*\*\*

**Recommendation:**

EDA recommends to City Council that Sharp Creative/Landform and Ady Voltedge be considered as the top candidates for the Marketing and Branding Project for the City of East Bethel. EDA further recommends that City Council select one of these firms as the Council's choice as the consultant to be awarded the contract for the Marketing and Branding Project.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**INVESTMENT**

City of East Bethel, Minnesota Branding & Marketing Plan						
Overview of Approach	Timeline (weeks)					
	Janet Ady	Bennett S.	Brandon Rutz	Ryne Eberle	Total	
<b>POSITIONING &amp; BRANDING</b>						
<b>1. Collection and Analysis of Data</b>						<b>\$1,845</b>
a. Locational criteria collection and synthesis;	1		1	8	\$965	
b. Preparation of PowerPoint to use in stakeholder meetings	2			2	\$560	
c. Review current collateral and website		2			\$320	
<b>2. In-Person Kick-Off Meeting &amp; In-Person Stakeholder Input</b>						<b>\$6,880</b>
a. Travel at half rate (shown as half time)	6	6			\$2,160	
b. Meetings in East Bethel	12	12			\$4,320	
c. Wrap up after the meeting	2				\$400	
<b>3. Additional Stakeholder Input (online survey)</b>						<b>\$5,690</b>
a. Baseline Survey Analysis	17.5				\$3,500	
b. Modification and administration of survey	2			6	880	
c. Presentation of survey findings	2		6	2	\$1,310	

<b>4. Development and Presentation of Positioning Statement</b>					<b>\$1,440</b>
a. Synthesis of data in previous steps and recommendations	4	4			\$1,440
<b>5. Recommendation on Logo</b>					<b>\$1,080</b>
a. Provide recommendations on whether to keep current logo or revise	3	3			\$1,080
<b>MARKETING PLAN</b>					
<b>6. *Retail Market Analysis(optional)</b>					<b>\$3,500</b>
a. Analysis of market-level retail data	4		8	5	\$2,200
b. Reporting	2		2		\$650
c. Presenting	2		2		\$650
<b>7. Development of Comprehensive Marketing Plan</b>					<b>\$6,510</b>
a. Development of plan, additional research, synthesis	10	8	22	6	\$6,510
<b>8. Presentation of Comprehensive Marketing Plan &amp; Discussion of Next Steps</b>					<b>\$3,060</b>
a. Presentation to East Bethel	2.5	2.5			\$900
b. Travel at half rate (shown as half time)	6	6			\$2,160
<b>Mileage and Travel Expenses</b>	Not To Exceed \$1,000				<b>\$1,000</b>
<b>Total Cost Not To Exceed:</b>					<b>\$31,005</b>

East Bethel Branding and Marketing Strategy Landform/Sharp Creative Team Work Plan and Budget October 21, 2011

	Dec-11	Jan-12	Feb-12	Mar-12	Apr-12	May-12	\$/HR	Ben Harris, Managing Partner	Darren Lazan, R/LA, President	Robert Schunicht, PE, Vice President	Kendra Lindahl, AICP, Principal Planner	TOTAL HOURS	TOTAL FEE/EST
								Sharp Creative \$95.00	Landform \$195.00	\$165.00	\$140.00		
<b>Research</b>								66	44	12	12	134	\$18,510
Review of Current Plans/Prior Plans/Online Presence								8	8	6			\$3,310
Review of Comprehensive Plan								4	8		4		\$2,500
Community Involvement								30	16	6	8		\$8,080
Surveys – on-line/mailer													
Open House													
Targeted Meetings								24	12				\$4,620
<b>Deliverables</b>													
Compilation and summary report			★					32	14	0	0	46	\$5,770
<b>Analyze</b>								12	6				\$2,310
Review Background Information								8					\$760
Solicit Community Feedback								12	8				\$2,700
Develop Consensus of Stakeholder Direction								70	28	2	2	102	\$12,720
<b>Create</b>								32	12	2	2		\$5,990
Summary Identity, Marketing, and Communications Plan													
Summary and Basis of Identity Effort													
Basic Graphic Identity usage and components													
Identification of potential Marketing efforts													
Identify viable communication directives								8					\$760
Project roll-out													
PR and Marketing Plan								30	16				\$5,970
<b>Base Deliverables</b>													
Basic Identity Package - Logo/Tagline, Graphic Files													
Basic Stationary Package – Letterhead, Envelopes, Business Cards													
Status meetings with Staff and EDA	★	★		★	★	★		18	6	0	0	24	\$2,880
Present to Council								12					\$1,140
<b>Follow-up</b>								6	6				\$1,740
Consultant Support													
Evaluation of Process and Results								186	92	14	14	306	\$39,880
Reimbursables Estimate													\$4,000
												Estimated TOTAL	\$43,880.00





# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 B.1

\*\*\*\*\*

**Agenda Item:**

Planning Commission Meeting Minutes for November 22, 2011.

\*\*\*\*\*

**Requested Action:**

Information Only

\*\*\*\*\*

**Background Information:**

Information Only. These minutes are in draft form. They have not been approved by the Planning Commission.

\*\*\*\*\*

**Fiscal Impact:**

None

\*\*\*\*\*

**Recommendation(s):**

Information Only

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:   X

## EAST BETHEL PLANNING COMMISSION MEETING

November 22, 2011

The East Bethel Planning Commission met on November 22, 2011 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Lorraine Bonin Brian Mundle, Jr. Tanner Balfany  
Dale Voltin Glenn Terry Lou Cornicelli

MEMBERS ABSENT: Joe Pelawa

ALSO PRESENT: Stephanie Hanson, City Planner

### Adopt Agenda

Chairperson Terry called the November 22, 2011 meeting to order at 7:02 P.M.

**Terry motioned to adopt the November 22, 2011 agenda. Mundle seconded; all in favor, motion carries.**

### Metes and Bounds Subdivision for Genevieve Sylvester Family Limited Partnership to

subdivide a 40-acre parcel into 2 metes and bounds lots: one lot being a 10-acre parcel (zoned B-3, Highway Business), the other lot being a 30-acre parcel (zoned I, Light Industrial); located at 1742 221<sup>st</sup> Ave. NE, PIN 08-33-23-11-0003.

Consider Approval of the Metes and Bounds Subdivision Request for Genevieve Sylvester Family Limited Partnership

#### Background Information:

##### Property Owner:

Genevieve Sylvester Limited Partnership  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

##### Applicant:

Eileen Frisch  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

##### Property Location:

1742 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011  
PIN 08-33-23-11-0003

Genevieve Sylvester Limited Partnership and the applicant are requesting approval for a metes and bounds subdivision. The original parcel is forty (40) acres in size. The subdivision would create two (2) parcels: one (1) parcel being ten (10) acres (original homestead site) and one (1) parcel being thirty (30) acres. City Code states that metes and bounds subdivisions are required to have a minimum of 5 acres, however, if the parcel is in the future municipal services area, 10 acre minimums are required. The subdivision meets current city code requirements.

The property is zoned B3- Highway Business and I-Light Industrial (attachment 3). The legal, non-conforming homestead is located on the B3 – Highway Business zoned property. Once the property is subdivided, the homestead will be ten (10) acres in size and zoned B3 – Highway Business. The remaining thirty (30) acres is zoned I-light industrial with the northwest corner zoned B3- Highway business.

Lot information is as follows after the metes/bounds subdivision request (attachment 5):

**Parcel A**

Lot Size: 10 acres  
Buildable Area: +/- 8 acres  
Street Access: 221st Avenue NE  
Street Frontage: 789+ feet

**Parcel B**

Lot Size: 30 acres  
Buildable Area: +/- 20 acres  
Street Access: 221st Avenue NE  
Street Frontage: 538 feet

The homestead has four (4) detached accessory structures that total 3,600 square feet. City code allows four structures on parcels greater than five (5) acres. 3,600 square feet is the maximum amount of square footage allowed on a ten (10) acre parcel.

The metes and bounds subdivision has been placed on the December 14, 2011 Parks Commission meeting agenda, at which time the Parks Commission will recommend to City Council the park dedication. City code requires park dedication for commercial parcels to be either five (5) percent of land or cash equal to the market value of the land, not to exceed \$4,500 per acre. If cash is the recommended park dedication, the property owners will be required to submit an appraisal to City Council. The park dedication fee will be determined by the approved appraisal.

At this time the property owner(s) are requesting the park dedication fees be paid at the time "parcel B" is platted. Park dedication fees will be paid for parcel A and parcel B at the time of platting. It has been recommended by Mark Vierling, City Attorney, that a pre-development agreement be executed. The agreement will state that the property owners for parcel B will assume the responsibility of paying park land dedication fees for parcel A and parcel B at the time parcel B is platted. A draft of the agreement will be presented to City Council.

**Attachments:**

1. Site Location
2. Application
3. Zoning Map of Property
4. Existing Survey
5. Proposed Subdivision Survey

**Recommendation:**

City staff is requesting Planning Commission recommend a metes and bounds subdivision approval to subdivide 40 acres to create two (2) parcels being 10 acres, and 30 acres for the parcel known as 1742 221<sup>st</sup> Avenue NE, PIN 08-33-23-11-0003, with the following conditions:

1. Property owners must file a drawing identifying the location of the current septic system, well, and secondary location for the septic system.
2. A current ownership and lien report must be provided for the affected lands.
3. Prior to building permits being issued for “parcel B”, primary and secondary sites for water and septic systems must be identified.
4. Dedication of storm water ponding area is required before any further development is allowed or building permits issued.
5. Pre-development Agreement must be executed to address future payment of park dedication fees for parcel A and parcel B.

Ray Sylvester is here to answer any questions the Commission may have.

Mundle asked why they would like the property split up. Sylvester said to segregate the house from the rest of the property. It currently is a 40 acre parcel that is not sellable. Hopefully the parcel where the house is can be sold and then move on. They will retain the other 30 acres. If properties were moving, they would like to sell the whole parcel.

Balfany asked if the home is currently occupied. Yes, it is maintained stated Sylvester. Balfany said once this happens, then the house would go on the market. Sylvester said yes. Balfany asked about the septic. Sylvester stated it is all on parcel B.

**Volin motioned to recommend to City Council a metes and bounds subdivision approval to subdivide 40 acres to create two (2) parcels being 10 acres, and 30 acres for the parcel known as 1742 221<sup>st</sup> Avenue NE, PIN 08-33-23-11-0003, with the following conditions:**

- 1. Property owners must file a drawing identifying the location of the current septic system, well, and secondary location for the septic system.**
- 2. A current ownership and lien report must be provided for the affected lands.**
- 3. Prior to building permits being issued for “parcel B”, primary and secondary sites for water and septic systems must be identified.**
- 4. Dedication of storm water ponding area is required before any further development is allowed or building permits issued.**
- 5. Pre-development Agreement must be executed to address future payment of park dedication fees for parcel A and parcel B.**

**Balfany seconded; all in favor, motion carries unanimously.**

This will go before the City Council on December 22, 2011.

**Discussion  
concerning Home  
Occupations**

Attachment #1 is East Bethel Zoning Code Section 10. home occupation requirements. There have been some concerns and questions regarding certain home occupations in residential districts such as automotive repair facilities and landscaping businesses and whether or not these types of home occupations should be permitted.

It is not uncommon for metro area cities to list occupations such as body shops, landscaping businesses, and motor vehicle repairs or sales as prohibited home occupations. The reason why is because these are uses in more intense land use areas. Therefore they don't allow these uses in a residential area with just a permit. Also, many cities do not allow any person, other than the property owner, whom must reside on the premise, to be engaged in the home occupation. Some cities have it if you employ other people outside of the house, you have to get a permit from the City for the other persons.

Also, it is common if you have a beauty salon or are a tax preparer, they don't require the permit process.

Staff suggests Planning Commission members discuss current home occupation requirements with the possibility of recommending an amendment to current regulations.

**Recommendation:**

Staff recommends Planning Commission to discuss current home occupation requirements and possible code amendments.

Hanson wants to know if there should be more recommendations on home occupations. Bonin said we are looking to have a City Centre where we can be really restrictive on these things. Then we should leave the rest of the City rural, with not a lot of restrictions. That is part of keeping the rural feeling to the rest of it.

Hanson said some of the cities that are fully developed, like Hanover, have in their code rural residential home occupations versus urban residential home occupations. Bonin said it is more complicated in a way, but more clear also.

Mundle said is this no matter what, or dependent on acreage. Hanson said no matter what. Mundle said if someone had 320 acres, they would have to follow the same regulations as someone who has one parcel. Voltin said everyone has to come in before us right now for a home occupation, correct.

Cornicelli asked if there have been issues in the past. Hanson said no. Bonin said since there haven't been complaints from the neighbors, then there is nothing to fix. Mundle said they must be well maintained. Mundle thinks the rules are okay. Voltin said leave it as it is.

Cornicelli asked are you trying to get ahead of things that are coming down the road. Hanson said this was a question that was proposed to staff. The Commission asked by whom? Hanson advised a council member. Balfany said it seems like they are planning for the future.

Cornicelli wanted to know how many home occupations there are. Hanson said there are quite a few. Voltin said we have had a few this year come before the Commission.

Planning Commission directed staff to leave it as is, and make no changes to the code. Bonin stated if it isn't broke don't fix it. Mundle said if staff could look at potential problems that other cities face. Hanson said the number one issue with home occupation is auto repair. If it is an issue, they modify their ordinances. The issues they usually face are too many cars, noisy, and the business on a city lot. Voltin said they are a hard one to control. Mundle said right now, if there is no problem and someday we reach 50,000 people, we can then readdress it. Terry said we have covered outdoor storage and issues like that. Balfany said if there is a problem, where would it go, to us or Council. Hanson said it would most likely come back here.

**Discussion  
concerning Closed  
Landfill Program**

The East Bethel landfill is located just south of City Hall. It was permitted in 1971. The landfill accepted demolition, and mixed municipal and industrial wastes. The landfill was covered and a groundwater pump was installed and began operating in 1994. In 2006-07, the MPCA installed a new landfill cover and an active gas extraction system.

The MPCA must develop a land use plan for the landfill property as part of the Closed Landfill Program. This program requires municipalities to adopt land use controls to better manage the landfills. This includes a comprehensive plan amendment (CPA) to change the existing land use to something more restrictive such as Closed Landfill Restrictive Area and possibly adopting new zoning regulations for the landfill property. The MPCA will offer technical advice to assist staff in the adoption of the land use controls. Staff will be incorporating the required changes in the CPA and may require a zoning text amendment (ZTA).

Staff has invited MPCA to give a brief presentation about the Closed Landfill Program to the City Council at the regular scheduled meeting on December 7. Planning Commission is encouraged to attend the presentation. Hanson encouraged the Commission members to attend the City Council meeting.

On January 24, 2012, Planning Commission will be presented with a ZTA and a CPA to address the Closed Landfill Program requirements.

Mundle said in the future we will be reviewing what the PCA has been putting together for the Comp Plan and Zoning Text Amendment. Hanson stated the Comp Plan has to be formally approved before the Zoning Text Amendment can be brought forward.

**Approve October 25,  
2011 Planning  
Commission Meeting  
Minutes**

Terry said he has a bone to pick with page 10. He has two jokes that he would like to have removed. The first paragraph can be removed. At the bottom on the last paragraph, and he said Bonin and him will be the architectural committee that can be removed.

**Terry motioned to approve the minutes with said changes. Balfany seconded; all in favor, motion carries.**

**Adjourn**

**Mundle made a motion to adjourn the meeting at 7:32. Balfany seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel  
Recording Secretary

DRAFT



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 B.2

\*\*\*\*\*

**Agenda Item:**

Metes and Bounds Subdivision for Genevieve Sylvester Limited Partnership

\*\*\*\*\*

**Requested Action:**

Consider Approval of the Metes and Bounds Subdivision Request for Genevieve Sylvester Family Limited Partnership

\*\*\*\*\*

**Background Information:**

**Property Owner:**

Genevieve Sylvester Limited Partnership  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

**Applicant:**

Eileen Frisch  
933 135<sup>th</sup> Court NE  
Ham Lake, MN 55304

**Property Location:**

1742 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011  
PIN 08-33-23-11-0003

Genevieve Sylvester Limited Partnership and the applicant are requesting approval for a metes and bounds subdivision. The original parcel is forty (40) acres in size. The subdivision would create two (2) parcels: one (1) parcel being ten (10) acres (original homestead site) and one (1) parcel being thirty (30) acres. City Code states that metes and bounds subdivisions are required to have a minimum of 5 acres, however, if the parcel is in the future municipal services area, 10 acre minimums are required. The subdivision meets current city code requirements.

The property is zoned B3- Highway Business and I-Light Industrial (attachment 3). The legal, non-conforming homestead is located on the B3 – Highway Business zoned property. Once the property is subdivided, the homestead will be ten (10) acres in size and zoned B3 – Highway Business. The remaining thirty (30) acres is zoned I-light industrial with the northwest corner zoned B3-Highway business.

Lot information is as follows after the metes/bounds subdivision request (attachment 5):

**Parcel A**

Lot Size: 10 acres  
Buildable Area: +/- 8 acres  
Street Access: 221st Avenue NE  
Street Frontage: 789+ feet

**Parcel B**

Lot Size: 30 acres  
Buildable Area: +/- 20 acres  
Street Access: 221st Avenue NE  
Street Frontage: 538 feet

The homestead has four (4) detached accessory structures that totals 3,600 square feet. City code allows four structures on parcels greater than five (5) acres. 3,600 square feet is the maximum amount of square footage allowed on a ten (10) acre parcel.

City code requires park dedication for commercial parcels to be either five (5) percent of land or cash equal to the market value of the land, not to exceed \$4,500 per acre. If cash is the recommended park dedication, the property owners will be required to submit an appraisal to City Council. The park dedication fee will be determined by the approved appraisal. At this time the property owner(s) are requesting the park dedication fees be paid at the time "parcel B" is platted. Park dedication fees will be paid for parcel A and parcel B at the time of platting. If park land dedication is paid at a later date, it has been recommended by Mark Vierling, City Attorney, that a pre-development agreement be executed. The agreement will state that the property owners for parcel B will assume the responsibility of paying park land dedication fees for parcel A and parcel B at the time parcel B is platted.

The metes and bounds subdivision was placed on the December 14, 2011 Parks Commission meeting agenda, at which time the Parks Commission recommended to City Council the park dedication be paid at a later date contingent on a pre-development agreement to be executed.

Attachments:

1. Site Location
2. Application
3. Zoning Map of Property
4. Existing Survey
5. Proposed Subdivision Survey

\*\*\*\*\*

**Fiscal Impact:**

Not Available

\*\*\*\*\*

**Recommendation:**

Planning Commission recommends a metes and bounds subdivision approval to subdivide 40 acres to create two (2) parcels being 10 acres, and 30 acres for the parcel known as 1742 221<sup>st</sup> Avenue NE, PIN 08-33-23-11-0003, with the following conditions:

1. Property owners must file a drawing identifying the location of the current septic system, well, and secondary location for the septic system.
2. A current ownership and lien report must be provided for the affected lands.
3. Prior to building permits being issued for “parcel B”, primary and secondary sites for water and septic systems must be identified.
4. Dedication of storm water ponding area is required before any further development is allowed or building permits issued.
5. Pre-development Agreement must be executed to address future payment of park dedication fees for parcel A and parcel B.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

---

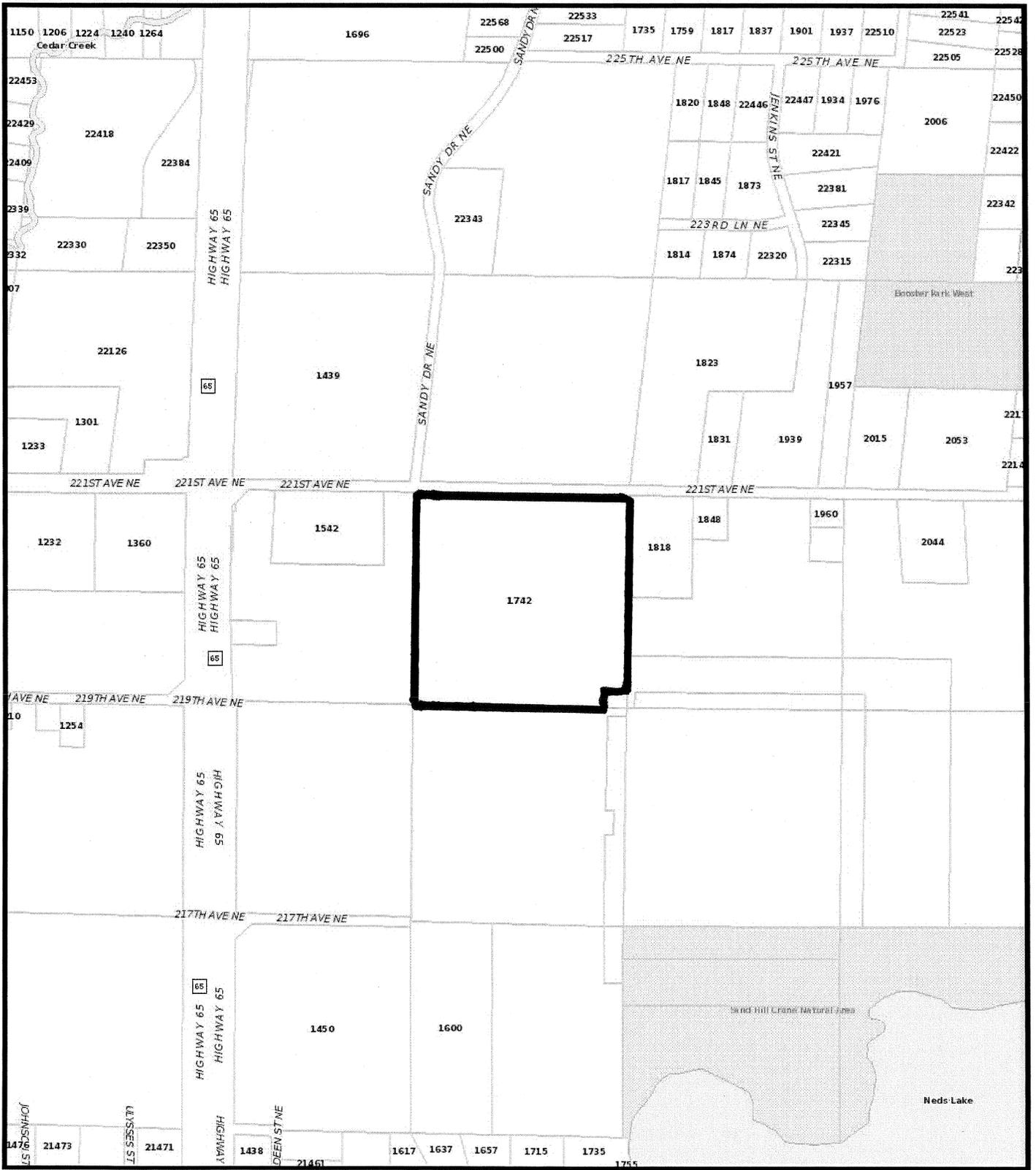
---

---

Vote Yes: \_\_\_\_\_

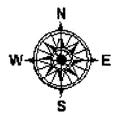
Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



Attachment #1

Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes at this time. This information is to be used for reference purposes only.  
Copyright © 2010 City of East Bethel, All Rights Reserved



RECEIVED OCT 28 2011



LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	10/28
By	<i>[Signature]</i>
Fee \$	_____

Check appropriate box:  VARIANCE  CUP  IUP  FINAL PLAT

BUSINESS CONCEPT PLAN  PRELIMINARY PLAN  SITE PLAN REVIEW  OTHER METES & BOUNDS SUBDIVISION

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for \_\_\_\_\_ (provide narrative below describing proposed use).

METES AND BOUNDS SUBDIVISION FOR ONE 10-ACRE LOT.

LOCATION: PID 08-33-23-11-0003 Legal: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_

PROPERTY ADDRESS: 1742 221<sup>ST</sup> AVENUE NE PRESENT ZONING: B-3

PROPERTY OWNER

CONTACT NAME Genevieve Sylvester Family PHONE 763 862 3274

ADDRESS 933 135<sup>th</sup> Ct NE limited partnership FAX \_\_\_\_\_

CITY/STATE/ZIP Ham Lake, MN 55304 E-MAIL efrisch1@msn.com

APPLICANT

CONTACT NAME Eileen Frisch PHONE 763 862 3274

ADDRESS 933 135<sup>th</sup> Ct NE FAX \_\_\_\_\_

CITY/STATE/ZIP Ham Lake MN 55304 E-MAIL efrisch1@msn.com

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

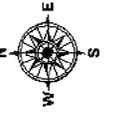
*[Signature]*  
Property Owner's Signature

Eileen Sylvester Frisch  
Printed Name

10-26-11  
Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>10/28/11</u>	_____	
Planning Commission	<u>11/22/11</u>	_____	
City Council	<u>12/7/11</u>	_____	
<u>12/27/11</u> 60 Day _____ 120 Day			

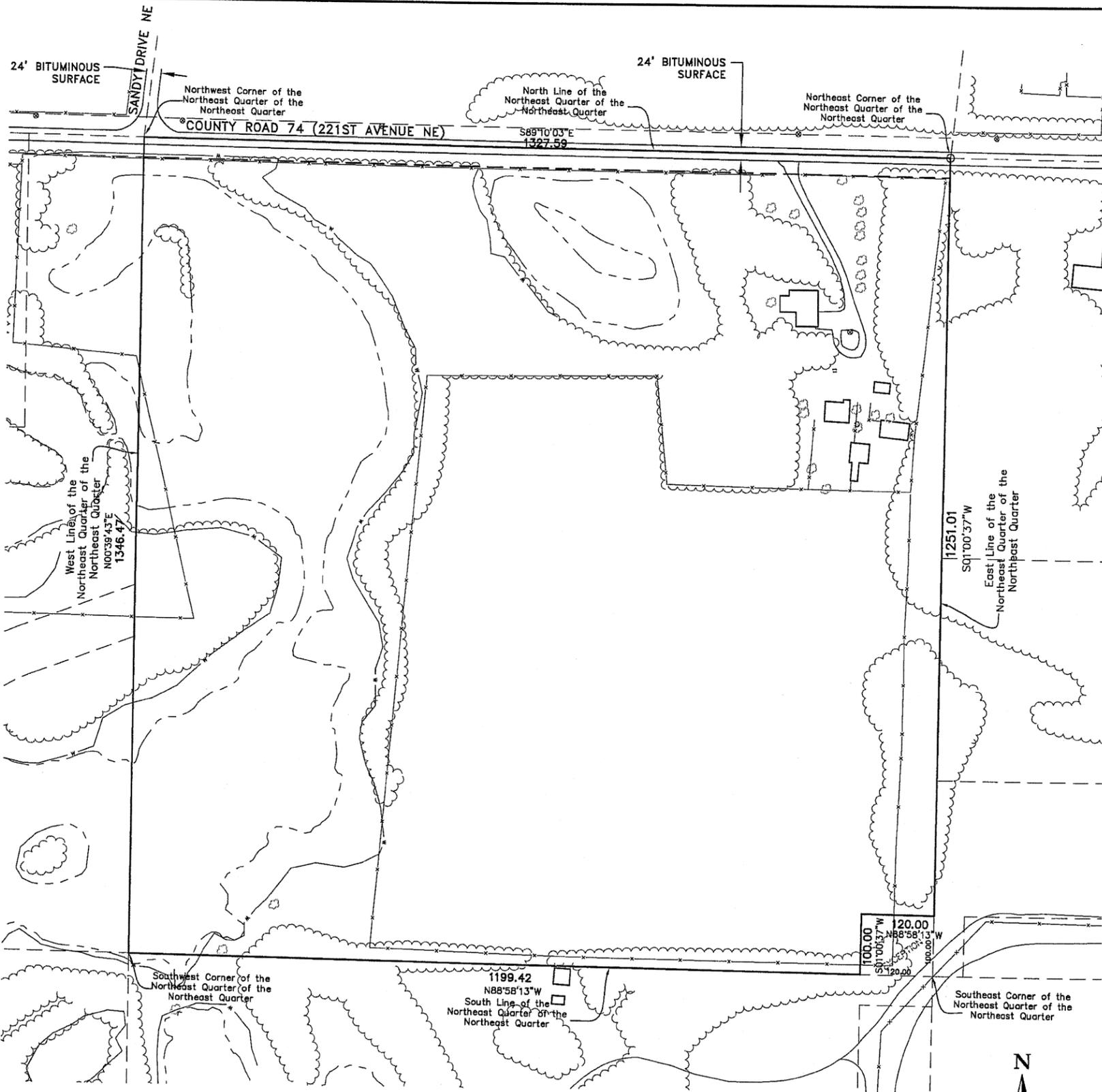
Attachment #2



Disclaimer: This information is being distributed as demonstration data only. You should not use the data for any other purposes at this time. This information is to be used for reference purposes only.

# Attachment #3

Copyright © 2010 City of East Bethel, All Rights Reserved



**NOTES:**

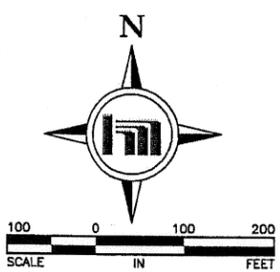
1. In providing this boundary survey no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on the site, whether private, municipal or public owned.
2. The professional surveyor has made no investigation or independent search for easements of record, encumbrance, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
3. This lot is in Section 08 Township 33 Range 23
4. Area of Property = 1,773,076 sq. ft. or 40.70 acres

**Property Owner**  
 Genevieve T. Sylvester Limited Partnership  
 1742 221st Avenue NE  
 East Bethel, MN 55011  
 Phone: 763-862-3274 (Eileen Frisch)

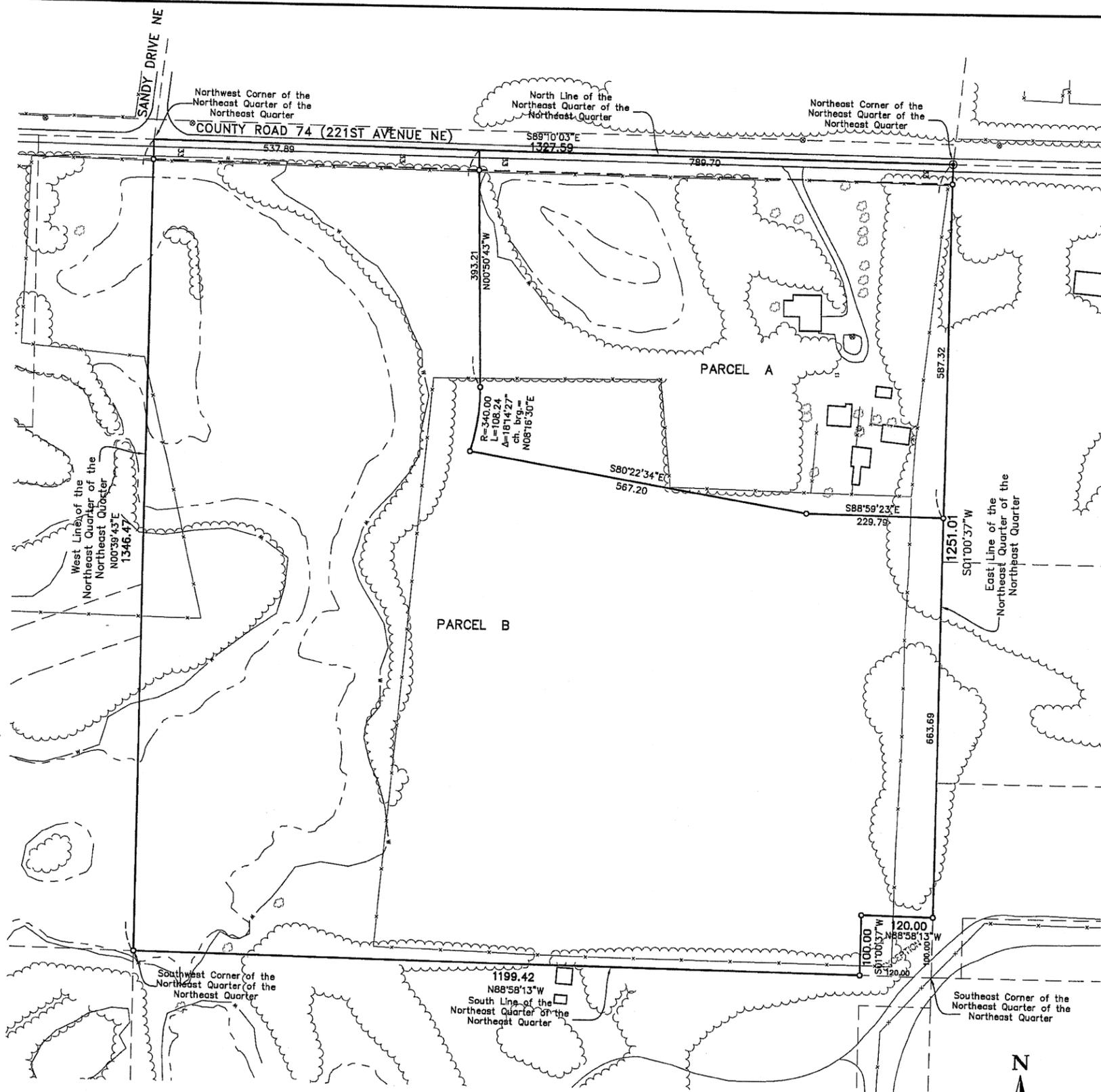
**EXISTING PROPERTY DESCRIPTION:** (From Doc#2016410.001 Exhibit A)  
 Unplatted Village of East Bethel Northeast Quarter of the Northeast Quarter, Section 8, Township 33, Range 23 EXCEPT that part for Highway and the South 100.00 feet of the East 120.00 feet of the Northeast Quarter of the Northeast Quarter of Section 8, Township 33, Range 23.

**LEGEND**

- x—x— FENCE LINE
- - - - - EDGE OF WATER
- · - · - · DELINEATED WETLAND EDGE
- ~~~~~ EDGE OF WOODS
- EXISTING PROPERTY BOUNDARY



<b>SKETCH OF DESCRIPTION</b> ~ for ~ <b>GENEVIEVE SYLVESTER</b> <b>FAMILY LIMITED PARTNERSHIP</b>	DESIGNED BY DRAWN BY CHECKED BY BOOK PAGE SCALE DATE FILE NO.
	REVISION 11/14/11 revised property dimensions
DATE 11/14/11	I hereby certify that this survey, plan or report was prepared by me or under my supervision and that I am a duly Licensed Professional Land Surveyor under the laws of the State of Minnesota. <i>Charles R. Christopher</i> Charles R. Christopher, Date 08/20/11 MN License No. 18420
<b>Hakanson</b> <b>Anderson</b> Civil Engineers and Land Surveyors 3601 Thurston Avenue, Anoka, Minnesota 55303 763-427-5860 www.hab-and.com	<b>Northwest Quarter of the Northeast Quarter, Section 8, Township 33, Range 23, Anoka County, Minnesota.</b>
SHEET NUMBER <b>1 of 2</b>	© 2011 HAKANSON ANDERSON, INC.



- NOTES:**
- In providing this boundary survey no attempt has been made to obtain or show data concerning existence, size, depth, condition, capacity or location of any utility existing on the site, whether private, municipal or public owned.
  - The professional surveyor has made no investigation or independent search for easements of record, encumbrance, restrictive covenants, ownership title evidence, or any other facts that an accurate and current title search may disclose.
  - Parcel A = 435,652 sq. ft. or 10.00 acres  
Parcel B = 1,337,506 sq. ft. or 30.07 acres

**PROPOSED PROPERTY DESCRIPTIONS:**

**PARCEL A**

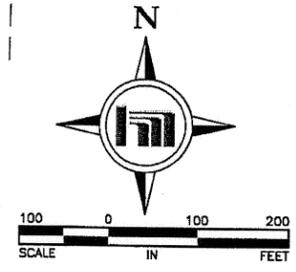
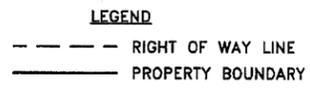
That part of the Northeast Quarter of the Northeast Quarter of Section 8, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Beginning at the Northeast Corner of said Northeast Quarter of the Northeast Quarter; thence South 01 degrees 00 minutes 37 seconds West assumed bearing along the East line of said Northeast Quarter of the Northeast Quarter a distance of 587.32 feet; thence North 88 degrees 59 minutes 23 seconds West a distance of 229.79 feet; thence North 80 degrees 22 minutes 34 seconds West a distance of 567.20 feet; thence northerly along a non tangential curve concave to the West, a distance of 108.24 feet, said curve having a radius of 340.00 feet a central angle of 18 degrees 14 minutes 27 seconds and chord which bears North 08 degrees 16 minutes 30 seconds East; thence North 00 degrees 50 minutes 43 seconds West, tangent to last described curve, a distance of 393.21 feet to the North line of said Northeast Quarter of the Northeast Quarter; thence South 89 degrees 10 minutes 03 seconds East along said North line a distance of 789.70 feet to the point of beginning.

**PARCEL B**

The Northeast Quarter of the Northeast Quarter of Section 8, Township 33, Range 23 Anoka County, Minnesota, EXCEPT the South 100 feet of the East 120 feet, and EXCEPT that part of said Northeast Quarter of the Northeast Quarter described as follows:

Beginning at the Northeast Corner of said Northeast Quarter of the Northeast Quarter; thence South 01 degrees 00 minutes 37 seconds West assumed bearing along the East line of said Northeast Quarter of the Northeast Quarter a distance of 587.32 feet; thence North 88 degrees 59 minutes 23 seconds West a distance of 229.79 feet; thence North 80 degrees 22 minutes 34 seconds West a distance of 567.20 feet; thence northerly along a non tangential curve concave to the West, a distance of 108.24 feet, said curve having a radius of 340.00 feet a central angle of 18 degrees 14 minutes 27 seconds and chord which bears North 08 degrees 16 minutes 30 seconds East; thence North 00 degrees 50 minutes 43 seconds West, tangent to last described curve, a distance of 393.21 feet to the North line of said Northeast Quarter of the Northeast Quarter; thence South 89 degrees 10 minutes 03 seconds East along said North line a distance of 789.70 feet to the point of beginning.



<b>SKETCH OF DESCRIPTION</b> ~ for ~ <b>GENEVIEVE SYLVESTER</b> <b>FAMILY LIMITED PARTNERSHIP</b>	DESIGNED BY DRAWN BY CHECKED BY BOOK PAGE SCALE DATE FILE NO.
	REVISION related property dimensions removed Parcel 2
DATE 11/23/11 11/15/11	I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Surveyor under the laws of the State of Minnesota. <i>Charles R. Christopherson</i> Charles R. Christopherson, MN License No. 18420 Date 08/20/11
<b>Northwest Quarter of the Northeast Quarter, Section 8, Township 33, Range 23, Anoka County, Minnesota.</b>	<b>Hakanson Anderson</b> Civil Engineers and Land Surveyors 3601 Thurston Avenue, Anoka, Minnesota 55303 763-427-8880 FAX 763-427-0520 www.haa-inc.com
SHEET NUMBER <b>2 of 2</b>	© 2011 HAKANSON ANDERSON, INC.



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 C.1

\*\*\*\*\*

**Agenda Item:**

Park Commission Meeting Minutes for November 9, 2011.

\*\*\*\*\*

**Requested Action:**

Information Only

\*\*\*\*\*

**Background Information:**

Information Only. These minutes are in draft form. They have not been approved by the Park Commission.

\*\*\*\*\*

**Fiscal Impact:**

None

\*\*\*\*\*

**Recommendation(s):**

Information Only

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X

## EAST BETHEL PARKS COMMISSION MEETING

November 9, 2011

The East Bethel Parks Commission met on November 9, 2011 at 7:02 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Dan Kretchmar Dan Butler Sue Jefferson  
Denise Lachinski

MEMBERS EXCUSED: Bonnie Harvey Tim Hoffman

ALSO PRESENT: Nate Ayshford, Public Works Manager  
Richard Lawrence, Mayor

Adopt  
Agenda

**Butler motioned to adopt the agenda as submitted. Kretchmar seconded; all in favor, motion carries.**

Approve –  
October 12,  
2011 Meeting  
Minutes

**Butler made a motion to approve the October 12, 2011 minutes. Lachinski seconded; all in favor, motion carries unanimously.**

Parks  
Financial  
Information –  
Parks Capital  
Funds  
Summary

The expenditure summary shows where we are at for the rest of the year. Most of the Park activities are winding down and we will be near zero. Langmade asked about conference meetings showing a negative, and he was wondering what it is for. Ayshford said he was unsure what it was for.

Butler said we are ten months in, and in Parks Maintenance we are at \$305,000, about \$30,000 a month. The balance remainder is about \$90,000. It should leave a positive balance of about \$20,000-\$30,000. Wondering if the remaining funds could be used for the schoolhouse. Ayshford said the fixed costs would be at zero, the equipment replacement costs would be reduced to zero. Ayshford said we will be at about \$10,000 and then there is still the cost of the fuel deliveries that will be coming.

Butler said we had requested some numbers to be pulled together for the schoolhouse. Ayshford said yes, he was going to go over that later in the meeting.

Lachinski asked about the conferences, and Ayshford will check on it. He believes some of it came out of the training in St. Cloud, but it could be incorrect also.

There will be another transfer going into the Park Capitol fund. That will go for equipment and mulch. Kretchmar asked if the playground equipment got purchased. Ayshford said yes, it has been ordered and will be delivered in a few months and installed in the spring. It will be stored in the maintenance area outside.

**Jefferson motioned to accept the financial reports as presented. Kretchmar seconded; all in favor, motion carries unanimously.**

**Coopers Lake Ordinance**

A resident has proposed a change to Ordinance No. 57 that would allow the use of motor powered watercraft on Cooper's Lake. Park Commissioners directed staff to notify neighboring property owners of the proposed change and allow public comment and feedback on the issue. Attachment #1 is a letter sent out to property owners near Cooper's Lake and John Anderson Park asking for input on the issue and inviting them to speak at November 9<sup>th</sup> Park Commission meeting.

This has been discussed at the last few Parks Commission meetings. We have discussed shutting down the beach or putting up a buoy system.

One resident asked what the DNR found. Ayshford said they were studying water levels, which is in a handout the residents have received. It has gone down over two feet since mid summer. Anoka County is trying to find out why the water level is so low.

Another resident stated a resident on Menard Lake damns it up, with concrete. The resident has talked with the DNR about it, and they won't do anything about it. The City Attorney would have to decide to prosecute it. There had been a petition going to clean it out, since there is a natural flow from Menard Lake to Coopers Lake. This is the first that Ayshford hasn't heard of it, and he will look into it. We have Anoka County looking into it to find out what is going on and how Menard Lake affects the level of Cooper Lake. It was stated that the man has a path going right down to the creek where he pours concrete. Ayshford asked the residents to get in contact with him tomorrow and he will go out and take a look at it.

Mike Stewart – 23558 Ulysses Street. This is the highest Coopers Lake has ever been. That lake average depth is probably five to seven feet. The only big holes are ones that are dug illegally. The lake won't sustain boat traffic or jet skis. In the spring of the year, there are trumpeter swans, geese, eagles, and that would all be gone if there are boats out there, water skiing jet skiing, when the water is down, four wheelers go around on the shoreline.

Marilyn Timm – 215 233<sup>rd</sup>. Her land butts up to John Anderson Park. She has lived there ¼ of a century. There have been trumpeter swans. There were ducks killed. They poached a whole slew of geese. She has the original footings from Coopers house on her lands. On her property she has seen coyote, wolves, turkey, deer and bear, but there is nothing as destructive as the human animal. The animals come and go, and they respect each other. Then you have someone who comes in and wants to destroy the lake. She believes something needs to happen about the Menard blockage. There are 10,000 lakes in this state and they looked for months to build on a lake. Some place that was pristine and quiet. We didn't want motorized vehicles on the lake. If someone wants to be on a big lake, with a big jet engine, go to a different lake. The City wanted to build a path, but the nature will go if there are motorized vehicles on the lake. We come to live in this special area, not so one person can ruin it. She hopes that is taken into consideration.

Langemade said his wife use to swim there and his wife is a Cooper. He is well acquainted with the lake. His wife has the same feeling as the resident. Stewart said in 1974 they put in the ordinance in, probably because they want the serenity to stay there. He purchased the piece of property for the quietness. The biggest thing is, the lake is quiet. The wildlife would be impacted. He likes to sit out and watch the swans, see an eagle and know that some boat or jet ski will come by and then you won't see them again. Those are the kind of things that should be considered. Changing the ordinance he is highly against it

Butler wanted to know what response they have received from the Sheriff said about the issue with people poaching. Timm said she has called the DNR and didn't get any response. Stewart said he called the DNR on them driving up and down the lake area. The DNR didn't respond. The residents stated that the Sheriff and DNR don't respond. Residents advised they should contact the Mayor if they don't get a response.

Dave Wetterland – 232 Taylor Street. He has two lots in the area. There is a back pond in his property. He has lived there for over 16 years.

Timm said she has seen people out there massacring the birds at night. They go out in their boats and slay the birds and in the morning you will see them floating up on shore.

Tim Gemo – 23254 Ulysses Street. They are against motorized vehicles on the lake. If there is no postings or signage, that should be posted.

Ayshford said you can't dump in a lake. Timm asked how many people have heard about any of these issues before. The only one who had heard anything was Langemade. He said he had heard there wasn't any dumping there. Timm said old man Cooper gave his land to the City with stipulation. Mr. Cooper didn't pay his taxes; his property was handed over to the County so they offered it to the City. The County gave the City it free, so it would be turned into a park. It has to be a park and it is our responsibility to keep it a park. A resident stated one resident, jet skiing, it is kind of a no brainer, that house has been turned over a few times. It is not a hunting area.

There is no law in the Park Ordinance that you can't carry fire arms through that park. The residents would like that change. Kretchmar said when the person who made this request, we are coming into this blind. The first thing is to find out what people want. We are not trying to thrust this information on you. We listen to all of you, and we make a recommendation and that goes through Ayshford, and to the City Council. All Park Commission does is make a recommendation, but not make a law.

Stewart requested a recommendation of no discharge of firearms on Cooper Lake. It needs to be something that protects the lake in its entirety. Those that are living on the lake, when we built, we had to build 200 feet back from the water. That is very close to the houses if they discharge 500 feet. If you have a motorized boat, the ducks all hide out at Timm's house. One of them comes with their dog to chase them away from their property.

Baker asked where this alleged person lives where they do the dumping. They live on County Road 24. His kid lives there, and his father lives back there also. Kretchmar said we are trying to identify this person.

Carey Wetterland – 3253 Taylor Street. How wide is the lake? Even in a big lake, you have to be 150 feet from both shorelines for a jet skis to run. That lake would have to be bigger to accommodate that.

Jefferson said if she could get some evidence. Lachinski asked if there are a lot of people on the lake. There have been about 250-500 people using the beach and parks. Timm said we should probably get some signs up, that say no hunting, no this that or the other thing, or they are going to assume that they can't do that. Timm said the Commission should be concerned since it is happening on the City land. The hunting, dumping, etc.

Ayshford thanked everyone for coming.

One resident was upset about dumping clippings in the street. It has been mentioned to the workers. Ayshford will follow up on this.

Langmade mentioned that the Mayor is here, and he will be conveying this information to the Council.

The gate going to the back part of the park, why is it locked up? The City is keeping it locked, because people were dumping things back there. There should be no motorized vehicles in the park.

Butler asked if anyone is interested in putting motorized vehicles on the lake. No one stated they were.

Resident said maybe stakes should be put in along the wall, for snowmobilers, they need to be closest to the wall, the fence falls down with the wind. The septic is important to protect. Last year they took the fence down, and went in between the posts.

More people use that little beach. Kretchmar said how many people live around the lake about 11 residents.

Ayshford will discuss this with the Council and get these items researched. If you have any other questions please contact him.

**Butler motioned to recommend to the City Council to make no change in the regulations on Coopers Lake and keep them as they currently are - banning motors. Kretchmar seconded; all those in favor, motion carries unanimously.**

Parks and  
Trails Survey

Members of the Park Commission and City Staff have developed a draft survey for gathering additional public opinion on parks and trails in the City of East Bethel. This information could be used to help guide future planning, management and policy decisions. Staff is seeking input on how the survey will be performed, what information it should contain, and how the survey will be distributed.

The cost of the newsletter, to add the survey is about \$2000.00 and it won't happen until 2012. Some ideas were talked about making it more in depth, with other ideas, such as adding some indoor activities, and stuff like that, recreational programming. Also some discussion on having someone writes the survey that does surveys for a living. Davis was wondering if we should have a consultant take care of it. Kretchmar looked at the survey and Frisbee golf needs to be changed to disk golf.

What are the park commission costs on this? Butler said with the cost being \$2000 already. If you get a consultant involved, you will spend another grand to have someone look over wording. Our thought process wasn't to be so scientific and in depth. We just want the general feel on what the citizenry wants. There are over 4000 households in the city. Lachinski said we talked about doing it online and there are only about 100 emails that the City has.

Ayshford said we talked about doing an online survey, but then it is skewed. Kretchmar is fine with this survey and wouldn't go to get money to change the survey. Lachinski said what if we printed these out and went to a locale event (church, baseball, etc) and conducted the surveys. Butler said did a consultant draft the last survey. Ayshford said yes, they did have someone do the survey. Jefferson said she would like open ended questions. Lachinski said it was removed. Ayshford said open ended questions are hard to show answers on. Langmade said they are more likely to answer with check boxes. Butler said check all that apply is maybe too broad. Maybe it should be check your top four. Kretchmar wanted to add hunting to activities. You can't hunt on City property. Kretchmar asked what outdoor activities you enjoy in the City parks.

Two concerns that were brought to Ayshford will there be different results than the City got in 2007. Butler said we will get a different result due to our change to the demographics. Lachinski said she was unaware of the facilities that can be rented or the parks that can be rented. That is something that we should get out there. Ayshford said this something that we should put in the City's newsletter. Mayor said not too many people know that if you want to have something in the City park, you need to contact the City for tables to be dropped off. It was suggested maybe signs should be put up, but it costs a lot of money to put signs up. Jefferson said she likes question six, it talks about the economic conditions. It should be limited to trails and parks, and still doesn't give us any idea on what we want to do with the parks. We should look at specification of nature or bike trail.

Butler said maybe it should be asked how many times you have used the City parks in the past year. 1-5, 6-12, etc. Lachinski said then you have to ask what season you are using the parks in. Butler said he is going back to other survey and question number 8. Do you think our parks are attractive?

Parks and  
Trails Survey

Jefferson said why we care where they live. Lachinski said people might use parks that aren't near where they live, because they like the parks. The reason we asked where you live and what parks you use, is so we can find out where people are going to and what they need.

Ayshford said it won't be done for this news letter. The next newsletter will be in February/March. We should have goals on what we want to achieve. Are there other questions that the Roads Commission would like to put in the survey and possibly split the cost of the survey?

Jefferson said would this be discussed at the next Parks Commission. Ayshford said yes, it would be on the next Park Commission. Butler asked who is the person taking suggestion for changes to the survey. Kretchmar will take all the comments from Commission members. Ayshford will send everyone the 2006 and current draft survey. We want to keep it as easy and simple for mailing purposes. If Roads Commission is interested their questions can be added to it.

Council  
Report and  
Other  
Business

Ayshford confirmed the email address list for commissioners.  
Mayor was wondering how the School House project was going.

Ayshford said one contractor showed up to look at the school house. He provided a rough estimated on putting in the windows/doors in is less than \$1000. Lachinski said she went and saw the building in Alexandria and took pictures of it. Lachinski has one door. Ayshford said two antique desks were donated and one of the seniors has books they want to donate. We still need one door and a number of windows.

Kretchmar said there is a place in Minneapolis where you can buy reused items. Lachinski said they have closed. Butler hasn't heard from Menards, and the guy is typically off.

Lachinski said now that we know the building is salvageable. Butler said we did talk about using it as a geocaching center. You can pick up your slip there. Kretchmar said we don't have the money to keep it open 24/7. Ayshford said it could be open during the day and closed at night. Kretchmar said it could be a historical site. Langmade said that was the thought, of using it as a historical site. Lachinski said it could be used for kid's activities.

Jefferson said are there seniors that want to be a on a committee. Lachinski said there are three people on the school house committee. Langmade said he will ask at the next senior meeting if there are any seniors interested on being on the committee.

## Adjourn

**Butler made a motion to adjourn the meeting at 8:37 p.m. Kretchmar seconded; all in favor, motion carries.**



## **SNOW PLOWING/ICE CONTROL POLICY**

### **I. PURPOSE AND NEED FOR POLICY**

The City of East Bethel, being a growing City, needs to annually review and adopt a policy regarding efficient and timely removal of snow and control of ice in order to best provide for safe travel for the greatest number of persons in a cost effective manner and within the constraints created by funding, equipment, and personnel. This policy outlines the responsibility within the Public Works Department in order to accomplish this goal.

### **II. POLICY**

Each year the Public Works Department prepares a map of the City showing the public street system. This map clearly delineates thoroughfare and local residential streets. The map is then divided into individual plow routes and cul-de-sac routes for purposes of snow and ice control.

Within each of the areas, the City has classified city streets based on the street function, relative traffic volume, and importance to the welfare of the community. Those streets classified as priority "A" streets will be plowed first. These are higher volume streets, which connect major sections of the city and provide access for emergency fire, police and medical services and access to schools. The second priority streets (priority "B") are those streets providing access to commercial businesses. The third priority streets (priority "C") are low volume residential streets. The fourth priority street sections (priority "D") are cul-de-sacs. (See Exhibit A).

### **III. PROCEDURES**

The Public Works Manager or designated representative monitors the street conditions and notifies Public Works personnel of snow and ice conditions needing attention. Public Works personnel are notified in accordance with the Public Works Department Procedure for Emergency Calls.

The Public Works Manager or designated representative monitors street conditions and is responsible for making the decision to call out personnel and equipment to begin snow and ice control operations.

#### IV. RESPONSIBILITY

The Public Works Manager or designated representative monitors the street conditions to determine the timing and amount of equipment and personnel necessary to clear the streets.

The Public Works Manager or designated representative has the responsibility of determining plow routes and sequencing of operations in accordance with priorities as established in Exhibit A. The manager shall retain the latitude to adjust sequencing or route assignments based on storm conditions, equipment availability and/or other conditions warranting changes.

It is the responsibility of each Snow Plow Operator in the Public Works Department to be aware of the department guidelines for Snow Plow Operators. (See Exhibit B). It is the Public Works Managers responsibility to discuss these guidelines as well as the entire Snow Plowing/Ice Control Policy with all Public Works personnel on an annual basis.

#### V. COMMENCEMENT OF OPERATIONS

Snow plowing and/or ice control operations shall commence under the direction of the Public Works Manager. In his absence, a designated representative will consult and determine when and what operations will begin in accordance with provisions below.

The following guidelines will be used in determining the commencement of operations:

- A. Snow accumulation of 2 inches, with continual snowfall.
- B. Drifting of snow may warrant commencement of partial or full operations depending upon conditions.
- C. Icing of pavements may warrant partial or full operation depending upon extent and conditions.

#### VI. HOW SNOW WILL BE PLOWED

Snow shall be plowed in a manner so as to minimize traffic obstructions. The center of the roadway will be plowed first. The snow shall then be pushed from left to right with the discharge going onto the boulevard area of the right-of-way. It is the goal of Public Works to have the street system cleaned after a "typical" snowfall in approximately 12 hours following commencement of operations. Depending on snowfall conditions and duration of the storm, cleanup operations can widely fluctuate.

#### VII. USE OF SAND AND SALT

The City is concerned about the effect of sand and salt on the environment and will limit its use for that reason. Therefore, it is the policy of the City to utilize a sand and salt mixture in a manner appropriate for snow and ice conditions. This provides for traction, but is not intended to provide bare pavement during winter conditions. Application of the sand/salt mixture is generally limited to priority "A" routes, steep grades and high volume intersections. Application is limited on lower

volume streets and cul-de-sacs. The City cannot be responsible for damage to grass caused by the sand/salt mixture and therefore will not make repairs or compensate residents for salt damage to turf areas in the street right-of-way.

### VIII. SUSPENSION OF OPERATIONS

Generally, operations shall continue until all roads are passable. Widening and clean up operations may continue immediately or on the following working day depending upon conditions and circumstances. Safety of the plow operators and the public is important. Therefore, snow plowing/removal operations may be terminated after 10-12 hours to allow personnel adequate time for rest. There may be instances when this is not possible depending on storm conditions and other circumstances. Factors that may delay snow and ice control operations include: severe cold, significant winds and limited visibility. Any decision to suspend operations shall be made by the Public Works Manager or designated representative and shall be based on the conditions of the storm. The City will still provide access for emergency fire, police and medical services during a major snow or ice storm.

### IX. PROPERTY DAMAGE

Snow plowing and ice control operations can cause property damage even under the best of circumstances and care on the part of the operators. The major types of damage are to improvements in the City right-of-way, which extends approximately 15' beyond the curb location. The intent of the right-of-way is to provide room for snow storage, utilities and other City uses. However, certain private improvements such as mailboxes are required within this area. Therefore, the City will cooperate with the property owner to determine if the damage is the responsibility of the City and when it shall be the responsibility of the resident. The City accepts responsibility for mailboxes, which are allowed to be placed in the road right-of-way, if the damage is by physically being struck by a plow blade, wing, or other piece of equipment. Mailboxes should be constructed sturdily enough to withstand snow rolling off a plow or a wing. Therefore, damage resulting from snow is the responsibility of the resident. The City will repair or replace mailboxes in those instances where the City is responsible for the damage. To be properly placed, a mailbox should be installed so its bottom edge is 45" to 47" above street level; with the post 36" back from the curb or front of the box. That amount of clearance is needed to keep the plow's wing from hitting the box. If there are any plastic newspaper tubes attached to the mailbox, they must be above 45" height requirement. The Public Works Department will replace damaged mailboxes with standard metal mailboxes on treated 4 x 4 wood posts or other posts approved by the Public Works Manager. In instances where there is a disagreement as to the source of the damage and the responsibility therefore, the Public Works Manager shall determine the responsibility.

### X. DRIVEWAYS AND SIDEWALKS

One of the most frequent and irritating problems in removal of snow from public streets is the snow deposited in driveways during plowing operations. Snow being accumulated on the plow blade has no place to go but in the driveway. The driver's make every attempt to minimize the amount of snow deposited in driveways, but the amount can still be significant. City personnel do

not provide driveway cleaning. The City shovels sidewalks for government buildings and does not shovel and/or plow any other sidewalks or trails within the city.

Minnesota Highway Traffic Regulations

160.27 Sub (5) Misdemeanors:

It shall be unlawful to obstruct any highway or to deposit snow or ice thereon.

169.42 Sub (1)

No person shall throw, deposit, place, or dump upon any street or highway, any snow, ice, etc.

XI. MAIL DELIVERY

The snowplow operators make every effort to remove snow as close to the curb line as practical and to provide access to mailboxes for the Postal Department. However, it is not possible to provide perfect conditions and minimize damage to mailboxes with the size and type of equipment the City operates. Therefore, in situations where city equipment is unable to remove the snow pile, the final cleaning adjacent to mailboxes is the responsibility of each resident.

XII. COMPLAINTS

Complaints regarding snow and ice control or damage shall be taken during normal working hours and handled in accordance with the City's complaint procedures. Complaints involving access to property or problems requiring immediate attention shall be handled on a priority basis. It should be understood that complaint responses are to ensure that the provisions of this policy have been fulfilled and that all residents of the City have been treated uniformly. It is the City's intention to log all complaints and upgrade this policy as necessary in consideration of the constraints of our resources.

Adopted by the East Bethel City Council December 21, 2011

EXHIBIT A

**PLOWING/SANDING PRIORITIES**

PRIORITY "A"

High volume connector streets, MSA roads, streets providing access to schools

PRIORITY "B"

Streets providing access to commercial property

PRIORITY "C"

Lower volume residential streets

PRIORITY "D"

Cul-de-sacs

## EXHIBIT B

### GUIDELINES FOR SNOW PLOW OPERATORS

1. Operators will be required to be on stand-by and able to report to work within one and one-half hours notice from November 1st to April 1st unless arrangements are made with the Public Works Manager or designated representative.
2. Operators will be responsible for the vehicle they are assigned to. This includes completing a daily maintenance and equipment check before and after each shift and reporting all deficiencies to the Public Works Manager. During snowplowing operations any and all downtime or breakdowns will be reported to the Public Works Manager or designated representative.
3. No snow removal vehicles shall be parked with less than three-quarters tank of fuel.
4. Operators shall not assist stranded vehicles by pushing, pulling or jump-starting. Operators may assist by calling for help, offering sand, or offering a helping hand.
5. To minimize damage, no equipment will exceed twenty miles per hour in residential areas.
6. The City recognizes that snowplow operators are exempt from traffic regulations set forth in Minnesota Statutes, Chapter 169 while actually engaged in work on streets and highways, except for regulations related to driving while impaired and the safety of school children. The privileges granted herein to snow removal and ice control vehicles shall apply only if the vehicle is equipped with one lighted lamp displaying a flashing, oscillating or rotating amber or blue light placed in such a position on the vehicle as to be visible throughout an arc of 360 degrees. The foregoing provisions do not relieve the driver of an authorized snow removal or ice control vehicle from the duty to drive with due regard for the safety of all persons.
7. Operators will report all damage to the Public Works Manager or designated representative at the end of each shift.
8. When plowing and sanding is complete after each storm, salt/sand should be emptied from all trucks and all equipment should be cleaned and washed within a reasonable timeframe.
9. If the operator has completed assigned route, the operator will contact the Public Works Manager and will be assigned to assist with other routes.
10. Before leaving duty at the end of the shift, contact will be made with the Public Works Manager or designated representative.
11. No plowing of private property or towing of vehicles will be permitted unless it directly affects traffic. Any questions should be directed to the Public Works Manager.
12. Every effort will be made not to damage mailboxes and trash containers or other structures in the right-of-way.



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.1

\*\*\*\*\*

**Agenda Item:**

Snow Plow Policy

\*\*\*\*\*

**Requested Action**

Consider approval of a Snow Plow Policy

\*\*\*\*\*

**Background Information**

The League of Minnesota Cities Insurance Trust has requested municipalities to establish a written policy for the management of snow and ice event maintenance. Per the recommendations from the League, a written policy is needed because it provides the city with a consistent and documented method of doing snow and ice removal. It also provides guidance and assistance to employees on how to do the work and a way to measure employee performance. The existence of and adherence to an adopted policy is another layer of liability protection and is recommended as a standard operating procedure by our insurance carrier.

**Attachment #1**

Draft snow plow policy

\*\*\*\*\*

**Fiscal Impact:**

None at this time.

\*\*\*\*\*

**Recommendation(s):** Road Commission has reviewed the Snow Plow Policy and recommends approval of the policy for consideration by City Council.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

---

---

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required:\_\_\_\_\_



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 D.2

\*\*\*\*\*

**Agenda Item:**

Street Sign Maintenance and Retro-reflectivity Policy

\*\*\*\*\*

**Requested Action**

Consider approving Street Sign Maintenance and Retro-reflectivity Policy

\*\*\*\*\*

**Background Information**

The Manual on Uniform Traffic Control Devices ( MUTCD) of the Federal Highway Safety Administration establishes standards for traffic signs on public roads. Recently adopted regulations for MUTCD now require all agencies/municipalities to adopt a sign maintenance program which meets the new minimum retro-reflectivity requirements for traffic signs. All agencies/municipalities that own and maintain traffic signage, are required to meet these new requirements.

Agencies/municipalities have until January 2012, to establish and implement a sign assessment or management method to maintain minimum levels of sign retro-reflectivity. The compliance date for regulatory, warning and ground mounted guide signs is January 2015. For overhead signs and street name signs, the date is January 2018. City staff has drafted a street sign maintenance policy that meets the requirements of the MUTCD.

**Attachments**

Attachment #1 Draft Street Sign Maintenance Policy

Attachment #2 MUTCD Retro Requirements

\*\*\*\*\*

**Fiscal Impact:**

There are approximately 1,500 to 2,000 signs in the City that may need to be replaced as a requirement of the Retro-Reflectivity Standards over the next 6 years. The estimated cost of this mandated requirement at this time is \$60,000 or \$10,000 on annual basis if the replacement program commences in 2013. This cost is for signage only.

\*\*\*\*\*

**Recommendation(s):** The Road Commission has reviewed the Street Sign Maintenance and Retro-reflectivity Policy and recommends approval to City Council

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

---

---

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

# **City of East Bethel**

Anoka County Minnesota

## **RETRO-REFLECTIVITY SIGN MAINTENANCE PROGRAM**

Prepared: November 2011

Adopted:

# TABLE OF CONTENTS

I.	INTRODUCTION .....	PAGE 1
II.	OBJECTIVES .....	PAGE 1
III.	UNIFORM STANDARDS FOR SIGNS .....	PAGE 1
IV.	TRAFFIC CONTROL FOR LOW VOLUME ROADS.....	PAGE 2
V.	SIGN RETRO-REFLECTIVITY ASSESSMENT.....	PAGE 2
VI.	SIGN REPLACEMENT PLAN.....	PAGE 4
VII.	RETRO-REFLECTIVE SHEETING MATERIALS.....	PAGE 5
VIII.	ONGOING REPLACEMENT PLAN .....	PAGE 5
IX.	CONCLUSION.....	PAGE 6

## **I. INTRODUCTION**

Retro-reflectivity refers to the property of an object to reflect light back to the source. In this case, retro-reflective traffic sign sheeting is used to reflect light from vehicles headlamps back to the driver's eyes, thus increasing the sign visibility at night. Retro-reflective traffic sign sheeting is created using tiny glass beads or prismatic reflectors, which has been developed to reflect light.

Maintaining traffic sign retro-reflectivity is increasingly more important as the older driver population increases. Therefore, the Federal Highway Administration (FHWA) recently adopted language that requires all agencies that maintain roadways open to the traveling public to adopt a sign maintenance program which is designed to maintain traffic sign retro-reflectivity at or above specific levels. The 2003 Manual of Uniform Traffic Control Devices (MUTCD), revision 2, identifies the minimum retro-reflectivity levels.

## **II. OBJECTIVE**

The objective for this retro-reflectivity sign maintenance program is to identify the method(s) that the City will use to maintain minimum retro-reflectivity levels for all City signs subject to the new requirements.

## **III. UNIFORM STANDARDS FOR SIGNS**

FHWA establishes basic standards for signs as found in the Manual on Uniform Traffic Control Devices (MUTCD). The Minnesota Department of Transportation (Mn/DOT) has established their own (MN MUTCD) policy for traffic control on all public streets, roads and highways within the State of Minnesota. Most of the text, figures and tables are identical to the Federal MUTCD, while others have been modified to meet state laws, or to more closely reflect the conditions and policies of Minnesota.

The MN MUTCD regulates the different types of signs, such as regulatory, warning and guide signs. This document also establishes standards for temporary traffic controls, traffic signals, and pavement markings.

In order to ensure the safety and efficiency of City roads, the City will install and maintain their signs in accordance with the MN MUTCD.

## **IV. TRAFFIC CONTROL FOR LOW VOLUME ROADS**

Part 5 of the MN MUTCD is titled “Traffic Control for Low–Volume Roads”. This section of the manual is the basis for signing local low-volume roadways, with traffic volumes of less than 400 AADT.

This section of the manual specifically supplements and references the criteria for traffic control devices commonly used on low volume roads. While certain roadway signs are required, others are suggested with the statement “should be used”, or “may be used”.

- A. The MN MUTCD **requires** very few signs on low volume roads. The following signs are included as **required** signs:
  - 1. Minimum Maintenance Road – Shall be posted at the entry points to all minimum maintenance roads.
  - 2. Railroad crossing and advance railroad crossing signs shall be posted for all at grade intersections between roadways and railroads.
- B. Part 5 of the MN MUTCD provides guidance for the use of regulatory signs, warning signs, guide signs, pavement markings, highway-rail grade crossings, and temporary traffic control zones for low volume roads. The application of “suggested” traffic control devices on low volume roads will be based on engineering judgment or studies.

## **V. SIGN RETRO-REFLECTIVITY ASSESSMENT**

The City will initially utilize the Visual Nighttime Inspection Method to identify which existing signs fail to meet the established minimum levels of retro-reflectivity. This method is the most practical method allowed because it does not require any specialized equipment or other large investments by the City.

The City will utilize either the Consistent Parameters Procedure or the Calibration Signs Procedure of the Visual Inspection Method. The following is an outline of the procedures to be followed by the City in performing the visual nighttime inspection of the signs:

### **Procedure 1 – Consistent Parameters Procedure:**

- A.) The assessment shall be done by a team of two trained inspectors, one driver and one inspector over the age of 60 years old.
- B.) The team shall be driving a model year 2000 or newer SUV or pickup truck.
- C.) The inspector shall evaluate the existing retro-reflectivity of all signs while traveling at or near the posted speed limit with the headlights on low beam. Signs shall be rated according to the following:
  - Fail: Signs with retro-reflectivity below that of the calibration test panels.
  - Marginal: Signs with retro-reflectivity at or slightly above that of the calibration test panels.
  - Adequate: Signs with retro-reflectivity clearly above that of the calibration test panels.
- D.) Consistency of testing conditions. Inspections will be conducted during consistent nighttime conditions whenever possible. More specifically, inspections will be conducted on clear nights, when there is no rain or fog. The interior light of the inspection vehicle will be off. A pen light will be used for recording the results of the inspection.

**Procedure 2 – Calibration Signs Procedure:**

- A.) The assessment shall be done by a team of two trained inspectors.
- B.) The team shall be driving a model year 2000 or newer SUV or pickup truck.
- C.) The team shall view a set of calibration signs of each color each night before beginning the inspections, which are known to be slightly above the established minimum retro-reflectivity levels. Viewing the calibration signs shall be done with the headlights on low beam at or near the speed limit of the roadway, or at a typical viewing distance which would be adequate to react to the traffic control device.
- D.) The inspector shall evaluate the existing retro-reflectivity of all signs while traveling at or near the posted speed limit with the headlights on low beam. Signs shall be rated according to the following:

Fail: Signs with retro-reflectivity below that of the calibration test panels.

Marginal: Signs with retro-reflectivity at or slightly above that of the calibration test panels.

Adequate: Signs with retro-reflectivity clearly above that of the calibration test panels.

E.) Consistency of testing conditions. Inspections will be conducted during consistent nighttime conditions whenever possible more specifically, inspections will be conducted on clear nights, when there is no rain or fog. The interior light of the inspection vehicle will be off. A pen light will be used for recording the results of the inspection.

## **VI. SIGN REPLACEMENT PLAN**

Signs with a rating of “fail” will be scheduled for replacement as soon as possible. Regulatory sign replacement will take precedence with regards to funding.

Signs with retro-reflectivity ratings of “marginal” will be scheduled for replacement as soon as practical and in accordance with the schedule below. Although the signs may be at, or slightly above, the minimum retro-reflectivity levels at the time of the inspection, the retro-reflectivity levels will degrade over time and will eventually fall below the minimum levels. Therefore, signs with a rating of “marginal” will be scheduled for replacement and replaced according to the following schedule:

**By January 2015:** All regulatory, warning, and green and white ground mounted guide signs (except street name signs) with “marginal” ratings will be replaced.

**By January 2018:** All street name signs with “marginal” ratings will be replaced.

Signs with a rating of adequate shall be reviewed on a biannual basis. When the retro-reflectivity reaches a marginal condition, the sign shall be scheduled for replacement.

## **VII. RETRO-REFLECTIVE SHEETING MATERIALS**

ASTM D4956 describes the types of retro-reflective sheeting materials that can be used on traffic signs. The new MUTCD minimum retro-reflectivity requirements refer to sheeting types as defined in ASTM

D4956. Sheeting types that can be used according to the new requirements are as follows (current as of March 2008):

- All prismatic sheeting materials may be used for all signs.
- High Intensity Beaded (Type III) and Super Engineer Grade (Type II) may be used for all signs except for the white legend on overhead guide signs.
- Engineer Grade (Type I) may be used for all signs except for:
  - the white legend on guide signs,
  - the white legend on street name signs, and
  - all yellow and orange warning signs.

Even though a particular type of sheeting might initially meet the minimum retro-reflectivity levels when new, it may quickly degrade to below the minimum retro-reflectivity levels.

The use of higher performance sheeting, even though it has a higher initial cost, might provide a better life cycle cost for the agency.

The FHWA has developed a sheeting ID guide and has posted it at: [www.fhwa.dot.gov/retro](http://www.fhwa.dot.gov/retro).

## **VIII. ONGOING REPLACEMENT PLAN**

As the City replaces roadway signs, they will document the year installed and sheeting material used for each sign.

When the installation year and sheeting type of the sign are known, the City will use the Expected Sign Life method to maintain the minimum retro-reflectivity levels. Signs of known age and sheeting type will be replaced just before their expected life has expired. The City will utilize the following schedule for replacement of signs with known age and sheeting type:

<u>Material Grade</u>	<u>Replacement Interval</u>
Engineer Grade (Type I)	8 year replacement
High Intensity Beaded (Type III)	10 year replacement
Prismatic Sheeting	12 year replacement

If the sign sheeting has a warranty exceeding the above interval, the replacement interval may be extended to the number of years of the warranty. If an engineering study is available showing that the expected life may differ or be extended from the above schedule, the City may consider revising the above schedule as supported by the engineering study. The City may only consider engineering studies that have consistent parameters and were performed in a similar geographic area.

## **IX. CONCLUSIONS**

Implementation of this program will ensure that the minimum retro-reflectivity levels, as determined by the Federal Highway Administration (FHWA), will be maintained to the best of the City's ability.

The information in this report is intended to serve as a framework for ensuring that all traffic signs under jurisdiction of the City are maintained at or above the minimum retro-reflectivity levels as determined by the FHWA.

A retro-reflectivity assessment shall be completed by the City as outlined in Section V of this report, for all signs with an unknown age or sheeting type. After completion of the Visual Nighttime Assessment, a replacement plan shall be implemented for all signs not meeting the minimum retro-reflectivity requirements.

As the City replaces signs, the City will document the year installed and sheeting type and will use the Expected Sign Life Method for maintaining minimum retro-reflectivity levels.

Therefore, the retro-reflectivity levels of all signs subject to the retro-reflectivity standards will be maintained using a combination of the Visual Nighttime Assessment Method and Expected Sign Life Method, as described herein.

As signs are replaced under this program, the City will consider the need for each sign. However, the City will not eliminate any signs from its roadway system without first adopting a written sign removal policy.



# RETROREFLECTIVITY REQUIREMENTS

Traffic signs provide important information to drivers at all times, both day and night. To be effective, their visibility must be maintained. The 2003 *Manual on Uniform Traffic Control Devices* (MUTCD) addresses sign visibility in several places, including Sections 1A.03, 1A.04, 1A.05, 2A.06, 2A.08, and 2A.22. These sections address factors such as uniformity, design, placement, operation, and maintenance. Previously, the MUTCD did not specify minimum retroreflectivity levels.

The second revision of the 2003 MUTCD introduces new language establishing minimum retroreflectivity levels that must be maintained for traffic signs.

**Agencies have until January 2012, to establish and implement a sign assessment or management method to maintain minimum levels of sign retroreflectivity.**

The compliance date for regulatory, warning, and ground-mounted guide signs is January 2015. For overhead guide signs and street name signs, the compliance date is January 2018. The new MUTCD language is shown on page 2 and 3 of this document.

The new standard in Section 2A.09 requires that agencies maintain traffic signs to a minimum level of retroreflectivity outlined in Table 2A-3 of the MUTCD. The Federal Highway Administration (FHWA) believes that this proposed change will promote safety while providing sufficient flexibility for agencies to choose a maintenance method that best matches their specific conditions.

Including Table 2A-3 in the MUTCD does not imply that an agency must measure the retroreflectivity of every sign. Rather, the new MUTCD language describes five methods that agencies can use to maintain traffic sign retroreflectivity at or above the minimum levels. Agencies can choose from these methods or combine them. Agencies are allowed to develop other appropriate methods based on engineering studies. However, agencies should adopt a consistent method that produces results that correspond to the values in Table 2A-3.

The new MUTCD language recognizes that there may be some

individual signs that do not meet the minimum retroreflectivity levels at a particular point in time. As long as the agency with jurisdiction is maintaining signs in accordance with Section 2A.09 of the MUTCD, the agency will be considered to be in compliance. This document describes methods that can be used to maintain sign retroreflectivity at or above the MUTCD's minimum maintained retroreflectivity levels.

## RETROREFLECTIVITY MAINTENANCE

The MUTCD describes two basic types of methods that agencies can use to maintain sign retroreflectivity at or above the MUTCD minimum maintained retroreflectivity levels — assessment methods and management methods. The FHWA has identified and listed assessment and management methods for maintaining sign retroreflectivity in accordance with Section 2A.09. These methods are described on page four. A full report on these methods can be found at [www.fhwa.dot.gov/retro](http://www.fhwa.dot.gov/retro).

## New MUTCD Minimum Retroreflectivity Compliance Periods

- Four years for implementation and continued use of an assessment or management method that is designed to maintain traffic sign retroreflectivity at or above the established minimum levels;
- Seven years for replacement of regulatory, warning, and ground-mounted guide (except street name) signs that are identified using the assessment or management methods as failing to meet the established minimum levels; and
- Ten years for replacement of street name signs and overhead guide signs that are identified using the assessment or management method as failing to meet the established minimum levels.

## New MUTCD Section 2A.09 Maintaining Minimum Retroreflectivity

### Support:

Retroreflectivity is one of several factors associated with maintaining nighttime sign visibility (see Section 2A.22).

### Standard:

**Public agencies or officials having jurisdiction shall use an assessment or management method that is designed to maintain sign retroreflectivity at or above the minimum levels in Table 2A-3.**

### Support:

Compliance with the above Standard is achieved by having a method in place and using the method to maintain the minimum levels established in Table 2A-3. Provided that an assessment or management method is being used, an agency or official having jurisdiction would be in compliance with the above Standard even if there are some individual signs that do not meet the minimum retroreflectivity levels at a particular point in time.

### Guidance:

Except for those signs specifically identified in the Option portion of this Section, one or more of the following assessment or management methods should be used to maintain sign retroreflectivity:

- Visual Nighttime Inspection** – The retroreflectivity of an existing sign is assessed by a trained sign inspector conducting a visual inspection from a moving vehicle during nighttime conditions. Signs that are visually identified by the inspector to have retroreflectivity below the minimum levels should be replaced.
- Measured Sign Retroreflectivity** – Retroreflectivity is measured using a retroreflectometer. Signs with retroreflectivity below the minimum levels should be replaced.
- Expected Sign Life** – When signs are installed, the installation date is labeled or recorded so that the age of a sign is known. The age of the sign is compared to the expected sign life. The expected sign life is based on the experience of sign retroreflectivity degradation in a geographic area compared to the minimum levels. Signs older than the expected life should be replaced.

- Blanket Replacement** – All signs in an area/corridor, or of a given type, should be replaced at specified intervals. This eliminates the need to assess retroreflectivity or track the life of individual signs. The replacement interval is based on the expected sign life, compared to the minimum levels, for the shortest-life material used on the affected signs.
- Control Signs** – Replacement of signs in the field is based on the performance of a sample of control signs. The control signs might be a small sample located in a maintenance yard or a sample of signs in the field. The control signs are monitored to determine the end of retroreflective life for the associated signs. All field signs represented by the control sample should be replaced before the retroreflectivity levels of the control sample reach the minimum levels.
- Other Methods** – Other methods developed based on engineering studies can be used.

### Support:

Additional information about these methods is contained in the 2007 Edition of FHWA's *"Maintaining Traffic Sign Retroreflectivity"* (see Section 1A.11).

### Option:

Highway agencies may exclude the following signs from the retroreflectivity maintenance guidelines described in this Section:

- Parking, Standing, and Stopping signs (R7 and R8 series)
- Walking/Hitchhiking/Crossing signs (R9 series, R10-1 through R10-4b)
- Adopt-A-Highway signs
- All signs with blue or brown backgrounds
- Bikeway signs that are intended for exclusive use by bicyclists or pedestrians

**New MUTCD Table 2A-3. Minimum Maintained Retroreflectivity Levels ①**

SIGN COLOR	SHEETING TYPE (ASTM D4956-04)				ADDITIONAL CRITERIA
	Beaded Sheeting			Prismatic Sheeting	
	I	II	III	III, IV, VI, VII, VIII, IX, X	
White on Green	W*; G ≥ 7	W*; G ≥ 15	W*; G ≥ 25	W ≥ 250; G ≥ 25	Overhead
	W*; G ≥ 7	W ≥ 120; G ≥ 15			Ground-mounted
Black on Yellow or Black on Orange	Y*; O*	Y ≥ 50; O ≥ 50			②
	Y*; O*	Y ≥ 75; O ≥ 75			③
White on Red	W ≥ 35; R ≥ 7				④
Black on White	W ≥ 50				—

① The minimum maintained retroreflectivity levels shown in this table are in units of cd/lx/m<sup>2</sup> measured at an observation angle of 0.2° and an entrance angle of -4.0°.

② For text and fine symbol signs measuring at least 1200 mm (48 in) and for all sizes of bold symbol signs

③ For text and fine symbol signs measuring less than 1200 mm (48 in)

④ Minimum Sign Contrast Ratio ≥ 3:1 (white retroreflectivity ÷ red retroreflectivity)

\* This sheeting type should not be used for this color for this application.

**BOLD SYMBOL SIGNS**

- W1-1, -2 – Turn and Curve
- W1-3, -4 – Reverse Turn and Curve
- W1-5 – Winding Road
- W1-6, -7 – Large Arrow
- W1-8 – Chevron
- W1-10 – Intersection in Curve
- W1-15 – 270 Degree Loop
- W2-1 – Cross Road
- W2-2, -3 – Side Road
- W2-4, -5 – T and Y Intersection
- W2-6 – Circular Intersection
- W3-1 – Stop Ahead
- W3-2 – Yield Ahead
- W3-3 – Signal Ahead
- W4-1 – Merge
- W4-2 – Lane Ends
- W4-3 – Added Lane
- W4-6 – Entering Roadway Added Lane
- W6-1, -2 – Divided Highway Begins and Ends
- W6-3 – Two-Way Traffic
- W10-1, -2, -3, -4, -11, -12 – Highway-Railroad Advance Warning
- W11-2 – Pedestrian Crossing
- W11-3 – Deer Crossing
- W11-4 – Cattle Crossing
- W11-5 – Farm Equipment
- W11-6 – Snowmobile Crossing
- W11-7 – Equestrian Crossing
- W11-8 – Fire Station
- W11-10 – Truck Crossing
- W12-1 – Double Arrow
- W16-5p, -6p, -7p – Pointing Arrow Plaques
- W20-7a – Flagger
- W21-1a – Worker

**FINE SYMBOL SIGNS – Symbol Signs Not Listed As Bold Symbol Signs**

**SPECIAL CASES**

- W3-1 – Stop Ahead: Red retroreflectivity ≥ 7
- W3-2 – Yield Ahead: Red retroreflectivity ≥ 7; White retroreflectivity ≥ 35
- W3-3 – Signal Ahead: Red retroreflectivity ≥ 7; Green retroreflectivity ≥ 7
- W3-5 – Speed Reduction: White retroreflectivity ≥ 50
- For non-diamond shaped signs such as W14-3 (No Passing Zone), W4-4p (Cross Traffic Does Not Stop), or W13-1, -2, -3, -5 (Speed Advisory Plaques), use largest sign dimension to determine proper minimum retroreflectivity level.

## ASSESSMENT METHODS

Assessment methods require evaluation of individual signs within an agency's jurisdiction. There are two basic assessment methods — visual assessment and measured sign retroreflectivity.

### 1. VISUAL ASSESSMENT

#### Nighttime Inspection

In the visual nighttime inspection method, on-the-fly assessments of retroreflectivity are made by an inspector during nighttime conditions. The following recommendations provide general guidance for the inspections:

- Develop guidelines and procedures for inspectors to use in conducting the nighttime inspections and train inspectors in the use of these procedures.
- Conduct inspections at normal speed from the travel lane(s).
- Conduct inspections using low-beam headlights while minimizing interior vehicle lighting.
- Evaluate signs at typical viewing distances so that adequate time is available for an appropriate driving response.

One or more of the following procedures should be used to support visual inspections.

#### Calibration Signs Procedure

In this procedure, an inspector views a “calibration sign” prior to conducting the nighttime inspection described above. Calibration signs have known retroreflectivity levels at or above minimum levels. These signs are set up where the inspector can view the calibration signs in a manner similar to nighttime field inspections. The inspector uses the visual appearance of the calibration sign to establish the evaluation threshold for that night's inspection activities. The following factors provide additional information on the use of this procedure:

- Calibration signs are needed for each color of sign in Table 2A-3.
- Calibration signs are viewed at typical viewing distances using the inspection vehicle.
- Calibration signs need to be properly stored between inspections so that their retroreflectivity does not deteriorate over time.
- Calibration sign retroreflectivity should be verified periodically.

#### Comparison Panels Procedure

Comparison panels are used to assess signs that have marginal retroreflectivity. The comparison panels are fabricated at retroreflectivity levels at or above the minimum levels. When the visual inspection identifies the retroreflectivity of a sign as marginal, a comparison panel is attached to the sign and the sign/panel combination is viewed and compared by the inspector.

#### Consistent Parameters Procedure

Nighttime inspections are conducted under similar factors that were used in the research to develop the minimum retroreflectivity levels. These factors include:

- Using a sport utility vehicle or pick-up truck to conduct the inspection.
- Using a model year 2000 or newer vehicle for the inspection.
- Using an inspector who is at least 60 years old.

### 2. MEASURED SIGN RETROREFLECTIVITY

In this method the retroreflectivity of a sign is measured and directly compared to the minimum level appropriate for that sign. ASTM E1709, Standard Test Method for Measurement of Retroreflective Signs Using a Portable Retroreflectometer, provides a standard method for measuring sign retroreflectivity.

An agency can choose to use either an assessment method or a management method, or a combination of the two. Agencies may develop other methods as long as they are documented in an engineering study and correspond to the values in Table 2A.3.

## MANAGEMENT METHODS

Management methods provide an agency with the ability to maintain sign retroreflectivity without having to assess individual signs. There are three basic management methods — sign replacement based on expected sign life, blanket replacement of large numbers of signs at appropriate intervals, and use of control signs.

### 1. EXPECTED SIGN LIFE

In this method, individual signs are replaced before they reach the end of their expected service life, which is the time anticipated for the retroreflective material to degrade to the appropriate minimum level. Expected service life can be based on sign sheeting warranties, weathering deck results, measurements of field signs, or other criteria.

This method requires a system for tracking sign age. A common approach for identifying the age of individual signs uses a label on the sign to mark the year of fabrication or installation. Sign management systems can also be used to track the age of individual signs.

### 2. BLANKET REPLACEMENT

With this method, an agency replaces all signs in an area, or of a given type, at specified time intervals based on the relevant expected sign life. This method typically requires that all of the designated signs within a replacement area, or of the particular sign type, be replaced even if a sign was recently installed.

### 3. CONTROL SIGNS

In this method, a control sample of signs is used to represent all of an agency's signs. The retroreflectivity of the control signs is monitored and sign replacement is based on the performance of the control signs.

- Agencies should develop a sampling plan to determine the appropriate number and type of control signs needed to represent the agency's signs.
- Control signs may be actual signs in the field or signs in a maintenance yard (for convenience).
- The retroreflectivity of the control signs should be monitored using an assessment method.





# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 B.1

\*\*\*\*\*

**Agenda Item:**

Pay Estimate #6 for the Construction of Municipal Well No. 3 and No. 4

\*\*\*\*\*

**Requested Action:**

Consider approval of Pay Estimate #6

\*\*\*\*\*

**Background Information:**

Attached is a copy of Pay Estimate #6 to Traut Wells, Inc. for the Construction of Municipal Well No. 3 and No. 4. The major pay items for this pay request include the DNR 7 day pump test and the installation of the pitless adaptors for both wells. Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$81,025.50. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 288,624.25
Less Previous Payments	\$ 193,167.54
Less 5% Retainage	<u>\$ 14,431.21</u>
Total payment	\$ 81,025.50

**Attachments:**

1. Pay Estimate #6

\*\*\*\*\*

**Fiscal Impact:**

This estimate includes payment of \$81,025.50 to Traut Wells, Inc. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends Council consider approval of Pay Estimate #6 and direct staff to release payment in the amount of \$81,025.50 to Traut Wells, Inc. for the Construction of Municipal Well No. 3 and No. 4.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**PAY ESTIMATE #6**  
**CITY OF EAST BETHEL**  
**Construction of Municipal Well No. 3 and No. 4**

Contractor

December 6, 2011

Honorable Mayor & City Council  
 City of East Bethel  
 2241 221st Avenue NE  
 East Bethel, MN 55011

RE: Construction of Municipal Well No. 3 & No. 4

Contractor: Mark J. Traut Wells, Inc.

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Mark J. Traut Wells, Inc.

**Bid Schedule "A" - Construction of Municipal Well No. 3**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Mobilization, demobilization, site clean-up	LS	\$ 17,750.00	0.50	\$ 8,875.00
2	Drill 6" pilot hole	LF	\$ 15.00	355	\$ 5,325.00
3	Drill and drive 18" dia. surface casing (contractor may drill an oversized hole & install the casing and grout)	LF	\$ 105.00	322	\$ 33,810.00
4	Drill 17" dia. open hole	LF	\$ 50.00		\$ -
5	Furnish and install 12" casing	LF	\$ 54.00	322	\$ 17,388.00
6	Grout	CY	\$ 375.00	3.75	\$ 1,406.25
7	Drill 11.5" dia. open hole	LF	\$ 40.00	25	\$ 1,000.00
8	Furnish and install 8" telescopic screen	LF	\$ 135.00		\$ -
9	Gravel pack	CY	\$ 400.00		\$ -
10	Furnish, install and remove well development equipment	LS	\$ 4,500.00	1	\$ 4,500.00
11	Well development	HRS	\$ 135.00	55	\$ 7,425.00
12	Dynamite for blasting	LBS	\$ 20.00		\$ -
13	Bailing	CY	\$ 65.00		\$ -
14	Furnish, install and remove test pump	LS	\$ 4,200.00	1	\$ 4,200.00
15	Test pumping DNR 7-day aquifer test (including diesel genset)	HRS	\$ 75.00	72	\$ 5,400.00
16	Furnish and install submersible level transducers for monitoring water level in pumping and monitoring wells	UNIT	\$ 250.00	8	\$ 2,000.00
17	Download water level data from data recorders and provide data in an Excel spreadsheet for pumping and monitoring wells	LS	\$ 500.00	1	\$ 500.00
18	Water analysis (see Appendix for parameters)	LS	\$ 950.00	1	\$ 950.00
19	Video taping	LS	\$ 1,350.00	1	\$ 1,350.00
20	Gamma log	LS	\$ 1,350.00	1	\$ 1,350.00
21	Furnish and install 60 HP well pump	LS	\$ 30,500.00		\$ -
22	Furnish and install pitless unit	LS	\$ 17,000.00		\$ -
23	Site work including compacted Class 5 aggregate, concrete pad with woven wire reinforcement	LS	\$ 2,500.00		\$ -
24	Construction allowance	LS	\$ 5,000.00		\$ -

**Total Bid Schedule "A" - Construction of Municipal Well No. 1 \$ 95,479.25**

**PAY ESTIMATE #6**  
**CITY OF EAST BETHEL**  
**Construction of Municipal Well No. 3 and No. 4**

Contractor

**Bid Schedule "B" - Construction of Municipal Well No. 4**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Mobilization, demobilization, site clean-up	LS	\$ 17,750.00	0.50	\$ 8,875.00
2	Drill 6" pilot hole	LF	\$ 15.00	350	\$ 5,250.00
3	Drill and drive 18" dia. surface casing (contractor may drill an oversized hole & install the casing and grout)	LF	\$ 105.00	283	\$ 29,715.00
4	Drill 17" dia. open hole	LF	\$ 50.00		\$ -
5	Furnish and install 12" casing	LF	\$ 54.00	283	\$ 15,282.00
6	Grout	CY	\$ 375.00	8.5	\$ 3,187.50
7	Drill 11.5" dia. open hole	LF	\$ 40.00	62	\$ 2,480.00
8	Furnish and install 8" telescopic screen	LF	\$ 135.00	65	\$ 8,775.00
9	Gravel pack	CY	\$ 400.00	1.77	\$ 708.00
10	Furnish, install and remove well development equipment	LS	\$ 4,500.00	1	\$ 4,500.00
11	Well development	HRS	\$ 135.00	59	\$ 7,965.00
12	Dynamite for blasting	LBS	\$ 20.00		\$ -
13	Bailing	CY	\$ 65.00		\$ -
14	Furnish, install and remove test pump	LS	\$ 4,200.00	1	\$ 4,200.00
15	Test pumping DNR 7-day aquifer test (including diesel genset)	HRS	\$ 75.00	168	\$ 12,600.00
16	Furnish and install submersible level transducers for monitoring water level in pumping and monitoring wells	UNIT	\$ 250.00		\$ -
17	Download water level data from data recorders and provide data in an Excel spreadsheet for pumping and monitoring wells	LS	\$ 500.00		\$ -
18	Water analysis (see Appendix for parameters)	LS	\$ 950.00	1	\$ 950.00
19	Video taping	LS	\$ 1,350.00	1	\$ 1,350.00
20	Gamma log	LS	\$ 1,350.00	1	\$ 1,350.00
21	Furnish and install 60 HP well pump	LS	\$ 30,500.00		\$ -
22	Furnish and install pitless unit	LS	\$ 17,000.00	1	\$ 17,000.00
23	Site work including compacted Class 5 aggregate, concrete pad with woven wire reinforcement	LS	\$ 2,500.00		\$ -
24	Construction allowance	LS	\$ 5,000.00		\$ -

**Total Bid Schedule "B" - Construction of Municipal Well No. 2 \$ 124,187.50**

**Bid Schedule "C" - Change Order No. 1**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Mobilization & demobilization	LS	\$ 850.00	1	\$ 850.00
2	Bid item #6 (6" pilot bore)	LF	\$ 15.00	350	\$ 5,250.00
3	Bid item #20 (Gamma log)	LS	\$ 1,350.00	1	\$ 1,350.00
4	F&I 4" steel casing	LF	\$ 10.75	307	\$ 3,300.25
5	Bid item #6 (grout)	CY	\$ 375.00	3.5	\$ 1,312.50
6	Bid item #18 (complete water test)	LS	\$ 950.00	1	\$ 950.00
7	F&I & remove test pump (up to 60 gpm)	LS	\$ 650.00	1	\$ 650.00
8	Operate test pump and generator	HR	\$ 125.00	26	\$ 3,250.00
9	Mob and demob (to abandon well @ a later date)	LS	\$ 450.00		\$ -
10	Bid item #6 (grout for well abandonment)	CY	\$ 375.00		\$ -

**Total Bid Schedule "C" - Change Order No. 1 \$ 16,912.75**

**PAY ESTIMATE #6**  
**CITY OF EAST BETHEL**  
**Construction of Municipal Well No. 3 and No. 4**

Contractor

**Bid Schedule "D" - Change Order No. 2**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Mobilization & demobilization	LS	\$ 850.00	1	\$ 850.00
2	F&I 4" stainless steel screen	LF	\$ 115.00	10	\$ 1,150.00
3	F&I 4" Steel casing	LF	\$ 10.75	247	\$ 2,655.25
4	F&I & remove test pump (up to 60 gpm)	LS	\$ 650.00	1	\$ 650.00
5	Operate test pump and generator	HR	\$ 125.00	18.5	\$ 2,312.50
6	Mob and demob (to abandon well @ a later date)	LS	\$ 450.00		\$ -
7	Bid item #6 (grout for well abandonment)	CY	\$ 375.00		\$ -
<b>Total Bid Schedule "D" - Change Order No. 2</b>					<b>\$ 7,617.75</b>

**Bid Schedule "E1" - Change Order No. 3 - Deduct Amounts**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
5	Furnish and install 12" casing	LF	\$ 54.00	-322	\$ (17,388.00)
25	Salvaged 18" Casing	LF	\$ 48.00	-50	\$ (2,400.00)
<b>Total Bid Schedule "E1" - Change Order No. 3 - Deduct Amounts</b>					<b>\$ (19,788.00)</b>

**Bid Schedule "E2" - Change Order No. 3 - Add Amounts**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	Remove 12" Casing Pipe	HRS	\$ 225.00	22	\$ 4,950.00
2	Furnish and Install 18" Telescopic Screen	LF	\$ 382.00	50	\$ 19,100.00
3	Pull Back 18" Casing	LF	\$ 95.00	52	\$ 4,940.00
5	Set and Remove Trimmie Pipe	EACH	\$ 350.00	3	\$ 1,050.00
6	Furnish and Install 18" Pitless Unit	LS	\$ 32,500.00	1	\$ 32,500.00
7	Rebevel and Restock 12" Casing and 8" Screen	LS	\$ 1,675.00	1	\$ 1,675.00
<b>Total Bid Schedule "E2" - Change Order No. 3 - Add Amounts</b>					<b>\$ 64,215.00</b>

Bid Schedule "A" - Construction of Municipal Well No. 3	<u>\$ 95,479.25</u>
Bid Schedule "B" - Construction of Municipal Well No. 4	<u>\$ 124,187.50</u>
Bid Schedule "C" - Change Order No. 1	<u>\$ 16,912.75</u>
Bid Schedule "D" - Change Order No. 2	<u>\$ 7,617.75</u>
Bid Schedule "E1" - Change Order No. 3 - Deduct Amounts	<u>\$ (19,788.00)</u>
Bid Schedule "E2" - Change Order No. 3 - Add Amounts	<u>\$ 64,215.00</u>
Total Work Completed to Date	<u>\$ 288,624.25</u>
Less Pay Estimate #1	<u>\$ 15,164.61</u>
Less Pay Estimate #2	<u>\$ 22,721.86</u>
Less Pay Estimate #3	<u>\$ 77,211.25</u>
Less Pay Estimate #4	<u>\$ 53,358.65</u>
Less Pay Estimate #5	<u>\$ 24,711.17</u>
Less 5% Retainage	<u>\$ 14,431.21</u>
<b>WE RECOMMEND PAYMENT OF:</b>	<u><b>\$ 81,025.50</b></u>

**PAY ESTIMATE #6  
CITY OF EAST BETHEL  
Construction of Municipal Well No. 3 and No. 4**

Contractor

**APPROVALS:**

**CONTRACTOR: MARK J. TRAUT WELLS, INC.**

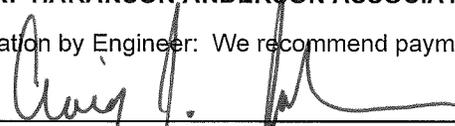
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_

**ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.**

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

Signed:  \_\_\_\_\_

Title: City Engineer Date 12/12/11

**OWNER: CITY OF EAST BETHEL**

Signed: \_\_\_\_\_

Title: \_\_\_\_\_ Date \_\_\_\_\_



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 B.2

\*\*\*\*\*

**Agenda Item:**

Change Order No. 4 to Traut Wells for Municipal Well No. 3 and No. 4

\*\*\*\*\*

**Requested Action:**

Consider approval of Change Order No. 4 to Traut Wells for the construction of Municipal Well No. 3. and No. 4

\*\*\*\*\*

**Background Information:**

Well No. 3 was designed for 500 gallons per minute. It was anticipated that this well would be constructing in Wonewoc Sandstone Formation. A yield test was completed and it was determined that the Wonewoc Formation would not produce an adequate quantity of water.

At the August 17, 2011 Council meeting it was proposed to construct a naturally developed 18-inch telescopic screen well through a coarse gravel formation. At that time it was anticipated that the redesigned well would provide at least twice the quantity of water as the original design. The recent test pumping confirmed that this well will produce in excess of 1,000 gallons per minute. In order to obtain the 1,000 gallons per minute the well pump motor must be upsized from a 60 H.P. to 75 H.P. and the drop pipe must be upsized from a 6 inch to an 8 inch.

The drop pipe length in both wells can be shortened from the original design. The cost savings from the shorter drop pipes and the cost increase from the larger pump motor and drop pipe for well No. 3 result in a net increase in this project of \$3,868.58 as summarized on the attached change order.

The variable frequency drive (VFD) and power supply line for well No. 3 will be included in the Water Treatment Plant bid. It is estimated that the increase in wire size and VFD will increase the Water Treatment Plant cost \$5,000. Therefore, the total increase in costs anticipated for the proposed changes is \$8,868.58.

With the proposed upgrades to well No. 3, the total pumping capacity for both wells would be approximately 1,500 gpm. The footprint of the Water Treatment Plant is designed for 1,500 gpm; therefore a third well will not be required to meet the design capacity of the Water Treatment Plant.

**Attachment(s):**

- 1. Change Order No. 4

\*\*\*\*\*

**Fiscal Impact:**

The net increase in cost to upsize the well pump motor and drop pipe for well No. 3 is \$3,868.58 for this project. It is also anticipated that the Water Treatment Plant bid will increase approximately \$5,000. Bond proceeds within the project construction fund are available to pay the costs associated with this well revision.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends Council approve Change Order No. 4 to Traut Wells, Inc. in the amount of \$3,868.58.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**SECTION 00991 – CHANGE ORDER**

No. 4

Date of December 21, 2011 Effective December 22, 2011

Project: Construction of Municipal Well No. 3 & No. 4	Owner: City of East Bethel	Owner's Contract No.:
Contractor: Traut Wells, Inc.	Engineer's Project No.: EB502	

**The Contract Documents are modified as follows upon execution of this Change Order:**

Description:  
Increase motor size and drop pipe size for Well No. 3 and decrease drop pipe length for Well No. 3 and No. 4.

**Attachments (list documents supporting change):**

Revised Quantities

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 336,875.00	Original <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): 180 Ready for final payment (days or date): 210
Net changes from previous Change Orders No. <u>1</u> to No. <u>3</u> : \$ 30,927.00	Net Changes from previous approved Change Orders No. <u>0</u> to No. <u>0</u> : Substantial completion (days): 0 Ready for final payment (days): 0
Contract Price prior to this Change Order: \$ 367,802.00	Contract Times prior to this Change Order: Substantial completion (days or date): 180 Ready for final payment (days or date): 210
Net (Increase/Decrease/No Change) of this Change Order: \$ 3,868.56	Net (Increase/Decrease/No Change) of this Change Order: Substantial completion (days or date): 0 Ready for final payment (days or date): 0
Contract Price incorporating this Change Order: \$ 371,670.56	Contract Times with all approved Change Orders: Substantial completion (days or date): 180 Ready for final payment (days or date): 210

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: _____ Engineer (Authorized Signature)	By: _____ Owner (Authorized Signature)	By: _____ Contractor (Authorized Signature)
Date: _____	Date: _____	Date: _____

**REVISED QUANTITIES  
CHANGE ORDER NO. 4  
CITY OF EAST BETHEL  
Construction of Municipal Well No. 3 and No. 4**

**CHANGE ORDER #4**

**Deduct Amounts for Construction of Municipal Well No. 3**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	Quantity	Deduct Amount
21	Furnish and Install 60 Hp Pump	LS	\$ 30,500.00	1	\$ 30,500.00
<b>Total Deduct</b>					<b>\$ 30,500.00</b>

**Increase Amounts for Construction of Municipal Well No. 3**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	Quantity	Increase Amount
1	Furnish 75 Hp Motor	LS	\$ 8,150.00	1	\$ 8,150.00
2	Furnish Pump	LS	\$ 4,385.00	1	\$ 4,385.00
3	Wire Double Jacketed #1	LF	\$ 17.50	145	\$ 2,537.50
4	8" Drop Pipe Epoxy Coated	LF	\$ 95.00	140	\$ 13,300.00
5	Reducer 8" x 6" Swedge	EACH	\$ 670.00	2	\$ 1,340.00
6	Coupling 6"	EACH	\$ 82.00	1	\$ 82.00
7	Coupling 8"	EACH	\$ 160.00	1	\$ 160.00
8	Mobilization, Labor and Misc. hardware	LS	\$ 6,850.68	1	\$ 6,850.68
<b>Total Increase</b>					<b>\$ 36,805.18</b>

**Well No. 3 Net Increase \$ 6,305.18**

**Deduct Amounts for Construction of Municipal Well No. 4**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	Quantity	Deduct Amount
21	Furnish and Install 60 Hp Pump	LS	\$ 30,500.00	1	\$ 30,500.00
<b>Total Deduct</b>					<b>\$ 30,500.00</b>

**Increase Amounts for Construction of Municipal Well No. 4**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	Quantity	Increase Amount
1	Furnish 60 Hp Motor	LS	\$ 4,725.00	1	\$ 4,725.00
2	Furnish Pump	LS	\$ 4,250.00	1	\$ 4,250.00
3	6" Drop Pipe Epoxy Coated	LF	\$ 51.00	200	\$ 10,200.00
4	Wire Double Jacketed #2	LF	\$ 9.94	205	\$ 2,037.70
5	Mobilization, Labor and Misc. hardware	LS	\$ 6,850.68	1	\$ 6,850.68
<b>Total Increase</b>					<b>\$ 28,063.38</b>

**Well No. 4 Net Increase \$ (2,436.62)**

**Total Increase Change Order No. 4 - Well No. 3 and 4 \$ 3,868.56**



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 B.3

\*\*\*\*\*

**Agenda Item:**

Change Order No. 4 – S.R. Weidema

\*\*\*\*\*

**Requested Action:**

Consider approval of Change Order No. 4 to S.R. Weidema for the construction of the Phase 1 Project 1 Utility Improvements.

\*\*\*\*\*

**Background Information:**

The bids for the proposed Water Treatment Plant (WTP) will be opened on December 28, 2011. This project will include the construction of sanitary manholes and sewer pipe extensions to service future areas and extension of service to the WTP. One of the manholes and 72 feet of sewer pipe require dewatering as part of the construction of the sanitary facilities. This piping and the manhole are directly connected to the last manhole that S.R. Weidema will be installing as part of the Phase 1 Project 1 Utility Improvements. Also with the redesign of the WTP the top of one of the manholes that S.R. Weidema will be installing needs to be raised 6 feet. The improvements considered with this change order are highlighted on Attachment 2.

This change order will not increase the overall cost of the phase 1 municipal utility projects. This work will either need to be completed with the current contract with S.R. Weidema for the Phase 1 Project 1 Utility Improvements or with the contractor that is awarded the Water Treatment Plant project.

Since S.R. Weidema will have dewatering set up to install the manhole adjacent to these improvements and given that their bid prices are based on much larger quantities than those needed for the WTP staff anticipates that construction of these adjacent deep facilities will be less expensive adding them to the S.R. Weidema contract. The improvements considered with this change order are highlighted on Attachment 2.

**Attachment(s):**

- 1. Change Order No. 4
- 2. Map of the Proposed Improvements

\*\*\*\*\*

**Fiscal Impact:**

The total change order amount is \$18,823.65. This change order will not increase the overall cost of the phase 1 municipal utility projects. This work will either need to be completed with the current contract with S.R. Weidema for the Phase 1 Project 1 Utility Improvements or with the contractor that is awarded the Water Treatment Plant project.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends Council consider approval of Change Order No. 4 to S.R. Weidema in the amount of \$18,823.65.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

---

---

---

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**SECTION 00991 – CHANGE ORDER**

No. 4

PROJECT: Phase I Project 1 Utility Improvements & East Bethel Gravity Interceptor & Discharge, MCES  
Project No. 801621

DATE OF ISSUANCE: 12/21/11

EFFECTIVE DATE: 12/22/11

OWNER: City of East Bethel

ENGINEER'S Project No.: C12.100028

CONTRACTOR: S.R. Weidema, Inc.

ENGINEER: Craig J. Jochum, P.E.

You are directed to make the following changes in the Contract Documents.

**Quantity Additions**

Item No.	Description	Unit	Unit Price	Add Quantity	Amount
32	48" Diameter Manhole	LF	\$371.25	22.76	\$8,449.65
42	8" Outside Drop	LF	\$220.00	6.9	\$1,518.00
50	12" PVC SDR 26 Sewer Pipe	LF	\$58.00	72	\$4,176.00
87	Dewatering	LF	\$65.00	72	\$4,680.00

Total Amount Added to Contract      **\$18,823.65**

**Reason for Change Order:**

Extending sanitary to water treatment plant site.

**MCES and City Cost Share:**

The City of East Bethel will pay for the additional costs associated with this sanitary sewer extension.

**Attachments: (List documents supporting change)**

None

CHANGE IN CONTRACT PRICE: Original Contract Price	CHANGE IN CONTRACT TIMES: Original Contract Times
--	--

C12.100028 – East Bethel, MN  
Phase I Project 1 Utility Improvements & East  
Bethel Interceptor and Discharge, MCES No.  
801621

CHANGE ORDER  
PAGE 00991-1

<u>\$11,686,468.20</u>	Completion Date : <u>7/31/12</u> days or dates Ready for final payment : _____ days or dates
Net changes from previous Change Orders No. 1 to No. 3	Net changes from previous Change Orders No. ___ to No. ___
<u>\$359,407.45</u>	<u>N/A</u> days
Contract Price Prior to this Change Order	Contract Times prior to this Change Order
<u>\$12,045,875.65</u>	Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates
Net Increase (Increase/Decrease/No Change) of this Change Order	Net (Increase/Decrease/No Change) of this Change Order
<u>\$18,823.65</u>	<u>0</u> days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
<u>\$12,064,699.30</u>	Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates

RECOMMENDED:

APPROVED:

ACCEPTED:

By: \_\_\_\_\_  
Engineer (Authorized Signature)

By: \_\_\_\_\_  
Owner (Authorized Signature)

By: \_\_\_\_\_  
Contractor (Authorized Signature)

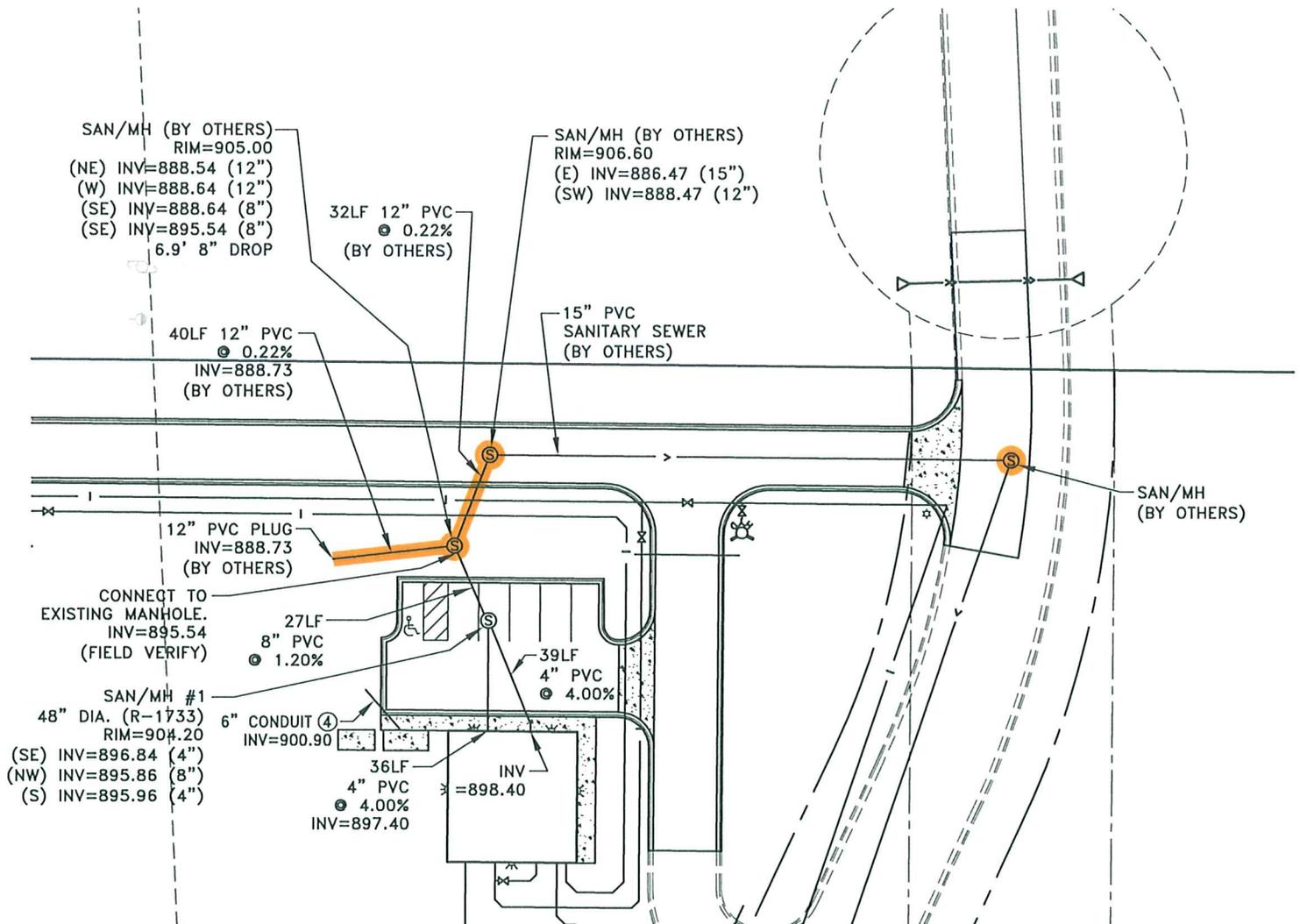
Date: \_\_\_\_\_

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.



# ATTACHMENT 2



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 B.4

\*\*\*\*\*

**Agenda Item:**

Landborg Wetland Credits

\*\*\*\*\*

**Requested Action:**

Staff is requesting direction regarding the Landborg Wetland Credits

\*\*\*\*\*

**Background Information:**

In 2007 Tim Landborg permitted a mining operation on property that he owned. The property is located north of 205<sup>th</sup> Avenue and directly east of the East Bethel Ice Arena property. A location map is included as Attachment 1. The main purpose of the mining operation was to create new wetlands to replace the wetlands that were impacted as part of the mining operation that was completed on the property in the northwest quadrant of Trunk Highway 65 and Viking Boulevard. At that time Mr. Landborg also planned to create a wetland bank for the excess credits. The wetland bank permit was started in 2007 however the excess credits have not to date been established in a wetland bank.

In 2008 the 9.68 acres of property, that a majority of the wetland credits were constructed on, were dedicated as park property for future obligations for the development of the Viking Boulevard / TH65 parcel.

Mr. Landborg currently has a \$4,500 escrow account established at the City. Mr. Landborgs current outstanding development review cost are \$2,453. Mr. Landborg has requested that the City consider returning the \$4,500 escrow and forgiving the current development review cost in exchange for the excess wetland credits. A final delineation of the wetland area was completed. It was determined the 4.8 acres of wetland credits were created. Mr. Landborgs site at Viking and TH65 requires 3.3 acres of replacement therefore there currently is an excess of approximately 1.5 acres. The area of wetland created is shown on Attachment 2. Staff has outlined the following three options for consideration:

**Option 1:**

Mr. Landborg pays for costs incurred so far by the City, completes the work needed to finalize his wetland obligations on the Viking/TH65 site, and keeps the right to bank the excess wetland credits. The City would not incur any costs with this option.

**Option 2:**

The City assists Mr. Landborg with the final wetland monitoring and finalizes the certificate of completion in order for him to receive credit for his wetland impacts on the Viking/TH65 site. The City could then request the Technical Evaluation Panel (TEP) to allow the City to utilize the remaining credits on the City’s Water Treatment Plant access road which will require approximately 0.9 acres of wetland replacement. The remaining 0.6 acres of available wetland credits would then expire.

City-incurred costs would include approximately **\$5,553** as outlined below:

- Monitoring Report: \$1,500
- Certificate of Compliance: \$100
- Additional TEP meetings/correspondence/permits: \$1,500
- Current Landborg review costs: \$2,453

**Estimated Cost Savings for the Water Treatment Plant is \$49,000.**

**Option 3:**

The City assists Mr. Landborg with the final wetland monitoring and finalizes the certificate of completion in order for him to receive credit for his wetland impacts on the Viking/TH65 site. The City could then request the Technical Evaluation Panel (TEP) to allow the City to bank the remaining 1.5 acres of wetland credits which could in turn be used for the Water Treatment Plant project and future projects. This option would require dededication of a conservation easement over the wetland bank. A sample copy of the easement is included as Attachment 3.

City-incurred costs would include approximately **\$11,553** as outlined below:

- Monitoring Report: \$1,500
- Certificate of Compliance: \$100
- Additional TEP meetings/correspondence/permits: \$2,500
- Current Landborg review costs: \$2,453
- Additional vegetative management of wetland bank: \$3,000
- Conservation easement: \$2,000

**Estimate Value of the Wetland Credits is \$81,675.**

**Attachments:**

1. Location Map
2. Wetland Exhibit
3. Sample Conservation Easement

\*\*\*\*\*

**Fiscal Impact:**

As noted above.

\*\*\*\*\*

**Recommendation(s):**

Staff is requesting direction regarding Mr. Landborgs request regarding the excess wetland credits, current escrow account and development review invoices.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

---

---

---

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



SOURCE: ANOKA COUNTY SURVEY DEPARTMENT MCES, CITY OF EAST BETHEL & MNDNR



Location Map

ATTACHMENT 1



(Above Space is Reserved for Recording Information)

**PERPETUAL CONSERVATION EASEMENT  
FOR WETLAND BANK**

**Grantor:** \_\_\_\_\_ **BWSR Easement #** \_\_\_\_\_

**Grantee:** State of Minnesota, acting by the Board of Water and Soil Resources, hereinafter referred to as "State".

**Location:** within Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, County of \_\_\_\_\_

This Perpetual Conservation Easement for Wetland Bank ("Easement") is made on \_\_\_\_\_ (date) by the undersigned, hereinafter referred to collectively as the "Grantor":

**RECITALS**

A. This Easement is made pursuant to and in furtherance of the Wetland Conservation Act of 1991, as amended, Minn. Stat. §103G.222, *et. seq.* ("WCA") and the rules implementing WCA, Minn. R. ch. 8420 ("WCA Rules").

B. This Easement pertains to all or part of the real property in \_\_\_\_\_ County, Minnesota, which is legally described on *Legal Description* attached hereto and made a part hereof ("Real Property").

C. The Real Property is the subject of a wetland bank plan pursuant to Minn. R.8420.0700 to Minn. R.8420.0755.

D. The Grantors include all of the following (1) all the fee owners of the Real Property and (2) the applicants under the bank plan if different from the fee owners. The term "Grantor" includes all of the Grantors if there is more than one. The Grantors are jointly and severally responsible for

complying with the terms of this instrument. This Easement and the duties and restrictions contained in it shall also run with the land.

E. WCA is administered by the State.

F. The local government unit ("LGU") charged under WCA with approval of the subject wetland bank plan ("bank plan") is ----- . The subject bank plan includes all fully executed forms provided by the State, all supporting maps, engineering plans, drawings, monitoring plan, vegetation establishment plan and management plan and facilities maintenance plan. A complete copy of the bank plan is on file at the LGU. The address of the LGU is:

---

. The State is responsible for the acceptance of this Easement.

G. The bank plan requires the restoration or creation of a wetland on the portion of the Real Property designated in Exhibit B attached hereto and made a part hereof ("Bank Easement Area"). The bank plan may also require the establishment of upland buffer within the Bank Easement Area. This Easement pertains to both wetlands and uplands within the Bank Easement Area.

H. The Bank Easement Area is subject to WCA, WCA Rules and all other provisions of law that apply to wetlands, except that the exemptions in Minn. Stat. §103G.2241 do not apply to the Bank Easement Area, pursuant to Minn. Stat. §103G.222, subd. 1(h).

I. All references in this Easement to Minnesota Statutes and to Minnesota Rules are to the statutes and rules currently in effect and as amended or renumbered in the future.

J. The purposes of this Easement are to maintain and improve the ecological values of the Bank Easement Area through the means identified in the bank plan and to preserve the Bank Easement Area in a natural condition in perpetuity.

IN ADDITION, THE GRANTORS, FOR THEMSELVES, THEIR HEIRS, SUCCESSORS AND ASSIGNS COVENANT THAT THEY:

1. Shall establish and maintain wetlands and upland buffers within the Bank Easement Area as specified in the bank plan approved by the LGU and on file at the offices of the LGU. The wetland and any upland buffer area shall be the size and type specified in the bank plan. Grantor shall not make any use of the Bank Easement Area that would adversely affect any of the functions or values of the area. Those functions and values are identified in Minn. R. 8420.0522 subp. 1, or specified in the approved bank plan.

2. Shall pay the costs of establishment, maintenance, repairs and reconstruction of the wetlands and upland buffers within the Bank Easement Area, which the LGU or the State may deem necessary to comply with the specifications for the Bank Easement Area in the approved bank plan. The Grantor's obligations under this paragraph include the payment of any lawful taxes or assessments on the Real Property.

3. Shall establish and maintain visible monuments such as signs, numbered fence posts or survey posts at prominent locations along the boundary of the Bank Easement Area in accordance with the approved bank plan. If numbered fence posts are used, Grantor's Bank Plan must contain a survey or scaled drawing of the property that corresponds to the fence post numbering. Posts must be at least 4 feet high and notably visible on the landscape. If signs are used, such signs must have a surface area of at least one quarter (1/4) square feet, mounted on a fence post at least 4 feet above ground, and minimally contain the words "Boundary of Wetland Bank Easement Area - Subject to Perpetual Conservation Easement Restrictions – Contact MN Board of Water and Soil Resources or Local Soil and Water Conservation District for Further Information." Said monuments must be made of non-degradable material and shall be at least four feet in height.

4. Grants to the LGU, the State, and the agents and employees of the LGU and the State, reasonable access to the Bank Easement Area for inspection, monitoring and enforcement purposes. The LGU, the State, and the agents and employees of the State are hereby granted a perpetual ingress and egress easement ("Access Easement") for access to and from the Bank Easement Area. The Access Easement shall be over and across the area ("Easement Access Area") that is specified on Legal Description and or Exhibit B attached hereto and made a part hereof or, if not specified on Legal Description and or Exhibit B, the most reasonably direct and convenient route between the Bank Easement Area and a public road. If all or any part of the Easement Access Area is owned by a person or entity other than Grantor, then the owner has joined in this Easement for purposes of granting the Access Easement by signing below. The signed written consent and subordination of all other holders of interests in the Easement Access Area has been or will be obtained by Grantor and recorded in the same manner as specified in paragraph 5 below. This Easement grants no access to or entry to the Real Property, the Bank Easement Area, or the Easement Access Area to the general public.

5. Represents that Grantor is (a) the fee owner of the Real Property and (b) the applicant under the replacement plan or bank plan, if different from the fee owner. Grantor represents that all other parties who may have an interest in the Real Property (e.g., mortgagees, contract for deed vendees, holders of easements, etc.) have consented and subordinated their interests to this Easement by signing below. If it is determined at any time that there is any other party who may have an interest in the Real Property that is prior to this Easement, then Grantor shall immediately obtain and record a consent and subordination agreement signed by such other party. Acceptance of this Easement does not release Grantor from the obligation to obtain and record a consent and subordination agreement signed by any party who may have an interest in the Real Property that is prior to this Easement, even if such interest was of record at the time of acceptance.

6. Will record this easement at Grantor's expense in the real property records of the county where the Real Property is located. Said recording shall take place within 30 days of the State's acceptance of this Easement. The Grantor shall provide the original copy of the recorded easement to the State prior to making any credits from this bank available for sale or use.

7. Acknowledge that this Easement shall be unlimited in duration, without being re-recorded. This Easement shall be deemed to be a perpetual conservation easement pursuant to Minn. Stat. ch. 84C.

8. Acknowledge that, unless expressly authorized in writing by the LGU in the approved bank plan, Grantor:

- (a) Shall not produce agricultural crops on the Bank Easement Area, except that this provision does not restrict the harvest of the seeds of native vegetation if only the seed-head is removed in the process of harvest and does not involve the use vehicular, motorized equipment;
- (b) Shall not cut hay, mow vegetation or cut timber on the Bank Easement Area except as allowed or prescribed in the Bank Plan;
- (c) Shall not make any vegetative alterations on the Bank Easement Area that do not enhance or would degrade the ecological functions and values of the Bank Easement Area. Vegetative alterations shall be limited to those listed in the approved bank plan;
- (d) Shall not graze livestock on the Bank Easement Area;
- (e) Shall not place any materials, substances or other objects, nor erect or construct any type of structure, temporary or permanent, on the Bank Easement Area.
- (f) Shall not allow vehicular traffic on the Bank Easement Area except for the purpose of implementing construction or maintenance activities specifically authorized in the bank plan.
- (g) Shall not alter the topography of the Bank Easement Area by any means including plowing, dredging, filling, mining or drilling.
- (h) Shall not modify the hydrology of the Bank Easement Area in any way or by any means including pumping, draining, ditching, diking, impounding or diverting surface or ground water into or out of the Bank Easement Area.

9. Acknowledge that the Grantor is responsible, at Grantor's cost, for weed control by complying with noxious weed control laws and emergency control of pests necessary to protect the public health on the Bank Easement Area.

10. Acknowledge that this Easement may be modified only by the joint written approval of the LGU and the State. If the Bank Easement Area has been used to mitigate wetland losses under the Federal Water Pollution Control Act, the U.S. Army Corps of Engineers (or successor agency) must also agree to the modification in writing.

11. Acknowledge that this Easement may be enforced, at law or in equity, by the LGU or the State. The LGU and the State shall be entitled to recover an award of reasonable attorney's fees from Grantor in any action to enforce this Easement. The right to enforce the terms of this Easement is not waived or forfeited by any forbearance or failure to act on the part of the State or LGU. If the subject Bank Easement Area is to be used partially or wholly to fulfill permit requirements under the Federal Water Pollution Control Act or a federal farm program, then the provisions of this Easement

that run to the State or the LGU may also be enforced by the United States of America in a court of competent jurisdiction.

12. Acknowledge that this Easement is not valid, nor can an account for wetland credits be established until the Easement has been accepted by the State, the Grantor has recorded this Easement and the State has received evidence of such recording.





# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 D.1

\*\*\*\*\*

**Agenda Item:**

2011 Budget Amendments

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2011-66 amending the 2011 Budget

\*\*\*\*\*

**Background Information:**

The 2011 Budget was adopted by City Council on December 1, 2010. Since that time a number of changes have occurred that affect the current years budget, resulting in both increases and decreases to several General Fund departments.

The following is a detail of proposed amendments to the adopted 2011 Budget.

City Administration

		Adopted	Proposed	Increase (Decrease)
101	Full-Time Employees Regular Salaries	\$139,589	\$199,619	\$60,030
122	PERA-Coordinated Plan	\$10,298	\$6,598	(\$3,700)
125	FICA/Medicare	\$9,165	\$14,085	\$4,920
126	Deferred Compensation	\$6,500	\$1,750	(\$4,750)

The above increases and decreases totaling \$56,500 in the City Administration Department reflect the City Administrator settlement, the Acting City Administrator and the current salaries of the City Administrator and the addition of the Receptionist positions.

141-Unemployment Benefit Payments

Approved: \$3,091  
Proposed: \$6,091  
Increase: \$3,000

Increase reflecting the unemployment benefits for support staff position eliminated in 2009.

231-Small Tools & Minor Equipment

Approved: \$ 0  
Proposed: \$1,000  
Increase: \$1,000

Increase due to laptop computer purchased for former Acting City Administrator

City Clerk

102-Overtime

Approved: \$ 500  
Proposed: \$11,500  
Increase: \$11,000

Increase to account for the overtime hours worked by the Deputy City Clerk and the recording of evening meetings when the cable technician is unavailable.

103-Part-Time Employees

Approved: \$9,996  
Proposed: \$ 996  
Decrease: \$9,000

Part time employees were budgeted in 2011 to work on a laser fiche scanning project. That project did not take place in 2011.

Legal Department

303- Legal Fees

Approved: \$140,000  
Proposed: \$160,000  
Increase: \$ 20,000

Estimated legal fees for 2011 are \$160,000 reflecting the change in City and Prosecuting attorney along with expenses incurred in 2011 with the League of MN Cities who is representing the City in the Great River Energy case.

Human Resources

	Adopted	Proposed	Increase (Decrease)
101 Full-Time Employees Regular	\$85,085	\$10,885	(\$74,200)
106 Temporary Wages and Salaries	\$0	\$2,600	\$2,600
122 PERA-Coordinated Plan	\$6,083	\$383	(\$5,700)
125 FICA/Medicare	\$7,395	\$1,095	(\$6,300)
126 Deferred Compensation	\$2,000	\$0	(\$2,000)
131 Cafeteria Contribution	\$10,732	\$732	(\$10,000)
141 Unemployment Benefit Payments	\$0	\$13,100	\$13,100

These increases and decreases totaling a reduction \$82,500 in the Human Resources Department reflect the elimination of the Assistant City Administrator/Human Resources position along with unemployment benefits and the employment of temporary staff as the City receptionist.

Recommendations

With the proposed changes noted above, there is no increase or decrease in the total General Fund Budget.

\*\*\*\*\*

**Fiscal Impact:**

As noted.

\*\*\*\*\*

**Recommendation(s):**

Staff is looking for direction on adoption of Resolution 2011-66 the amends the 2011 General Fund Budget and allows the expenditure of \$9,750 to Landform, originally charged to the City Council's budget to be transferred to the Utility Construction funds which were financed by bond proceeds.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

---

---

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

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

**RESOLUTION NO. 2011-66**

**RESOLUTION AMENDING THE 2011 BUDGET**

**WHEREAS**, the City Council approved the 2011 General Fund budget on December 1, 2010; and

**WHEREAS**, during 2011 the City Council authorized City staff changes that have had affect on the adopted 2011 General Fund budget; and

**WHEREAS**, during 2011 the City Council authorized expenditures for the services of the Landform which were initially charged to the General Fund but can be expended from bond proceeds; and

**WHEREAS**, during 2011 the City Council authorized increases and decreases in expenditures not a part of the adopted General Fund budget.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT:** the Budget for 2011 is hereby amended as follows:

<b>GENERAL FUND DEPARTMENT</b>	2011		2011
	Adopted Budget	2011 Changes	Amended Budget
Mayor/City Council	\$80,049	\$0	\$80,049
City Administration	\$184,925	\$60,500	\$245,425
Elections	\$25	\$0	\$25
City Clerk	\$99,393	\$2,000	\$101,393
Finance	\$225,607	\$0	\$225,607
Assessing	\$50,000	\$0	\$50,000
Legal	\$140,000	\$20,000	\$160,000
Human Resources	\$115,183	(\$82,500)	\$32,683
Planning and Zoning	\$208,608	\$0	\$208,608
General Govt Buildings/Plant	\$49,400	\$0	\$49,400
Police	\$1,037,218	\$0	\$1,037,218
Fire Department	\$551,373	\$0	\$551,373
Building Inspection	\$265,066	\$0	\$265,066
Engineering	\$48,000	\$0	\$48,000
Park Maintenance	\$400,798	\$0	\$400,798
Street Maintenance	\$764,781	\$0	\$764,781
Civic Events	\$5,000	\$0	\$5,000
Risk Management	\$97,784	\$0	\$97,784

Central Services/Supplies	\$90,751	\$0	\$90,751
Transfers Out/Contingency	\$552,604	\$0	\$552,604
TOTAL GENERAL FUND	<u>\$4,966,565</u>	\$0	<u>\$4,966,565</u>

**BE IT FURTHER RESOLVED THAT:** These amendments will be effective immediately and the Landform expenditure of \$9,750 is financed by the 2010A & 2010B Utility Bonds and credited to the General Fund department of the City Council.

Adopted this 21st day of December, 2011 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 City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 D.2

\*\*\*\*\*

**Agenda Item:**

GASB 54 Fund Balance Policy

\*\*\*\*\*

**Requested Action:**

Consider adopting Resolution 2011-67 adopting the GASB 54 Fund Balance policy

\*\*\*\*\*

**Background Information:**

The Governmental Accounting Standards Board (GASB) has issued GASB 54 statement which requires government to establish and implement a fund balance policy that includes five categories for fund balance reporting.

The following is a description of the new categories:

**Non-spendable:** This category includes fund balance that cannot be spent because it is either (i) not in spendable form or (ii) is legally or contractually required to be maintained intact. Examples include inventories and prepaid amounts.

**Restricted:** This category includes amounts that have an externally imposed constraint for a specific purpose, by external parties or legislation. Constraints are legally enforceable. Examples include unspent bond proceeds, park dedication fees, unspent grant proceeds, Cable PEG Access fees and accumulated amounts in debt service funds.

**Committed:** This category includes amounts that have a self-imposed constraint for a specific purpose. Commitments require a Council resolution to make the constraint and a Council resolution to change or remove the constraint. Fund balance commitment resolutions must be adopted before the end of the year, but the exact amounts can be determined after year-end. The specific purpose can range from not very specific (i.e., for building improvements, street capital improvements, park capital improvements and park trail improvements) to very specific.

**Assigned:** This category also includes amounts that have a self-imposed constraint for a specific purpose. The constraint demonstrates the Council’s intent. The Council authorizes the Administrator and the Fiscal Services Director to assign fund balance that reflects the Council’s intended use of those funds. Assignments will be approved by Council motion. Remaining positive amounts in governmental funds other than the general fund are considered assigned.

**Unassigned:** This category includes amounts that are available for any purpose. Unassigned fund balance is reported only in the general fund and in other funds with negative fund balances.

\*\*\*\*\*

**Fiscal Impact:**

None.

\*\*\*\*\*

**Recommendation(s):**

Staff is recommending review of Resolution 2011-67 and adopting the GASB 54 Fund Balance policy.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

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

**RESOLUTION NO. 2011-67**

**RESOLUTION ADOPTING THE GASB 54 FUND BALANCE POLICY**

**WHEREAS**, the Governmental Accounting Standards Board (GASB) Statement No. 54: Fund Balance Reporting and Governmental Fund Type Definitions was issued for fiscal years beginning after June 15, 2010; and,

**WHEREAS**, the Office of the State Auditor recommends that, at year end, local governments maintain an unrestricted fund balance in their general fund of approximately 35 to 50 percent of fund operating revenues or no less than five months of operating expenditures in order to provide the local government with adequate funds until the next property tax revenue collection cycle;

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE COUNCIL** that the following shall be the City of East Bethel's GASB 54 Fund Balance Policy, beginning with the year ending December 31, 2011.

**I. Purpose**

The purpose of this policy is to establish specific guidelines the City of East Bethel will use to classify fund balances into categories based primarily on the extent to which the City is bound to honor constraints on the specific purposes for which amounts in these funds can be spent.

The purpose of this policy is also to establish specific guidelines the City of East Bethel will use to maintain an adequate level of fund balance to provide for cash flow requirements and contingency needs.

**II. GASB 54 Definitions – Fund Types**

Fund types are defined as follows:

**General fund** - Used to account for and report all the financial resources not accounted for in another fund.

**Debt service funds** – Used to account for and report financial resources that are restricted, committed, or assigned for principal and interest on debt.

**Special revenue funds** – Used to account for and report the proceeds of specific revenue sources that are restricted or committed for specified purposes other than debt service or capital projects.

**Capital projects funds** – Used to account for and report resources that are restricted, committed, or assigned to expenditures for capital outlays, including the acquisition or construction of capital facilities and other capital assets.

### III. GASB 54 – Governmental Fund Balance Classifications

Governmental fund balance classifications, rules and examples are as follows:

**Nonspendable** - This category includes the following:

Amounts that are not expected to be converted to cash, such as prepaid items, inventory, long-term receivables not expected to be converted to cash in the near term (unless offset by deferred revenues).

**Restricted** – This category includes amounts that have an externally imposed constraint for a specific purpose, by external parties or legislation.

Constraints are legally enforceable.

Examples include unspent bond proceeds, park dedication fees, unspent grant proceeds, Cable PEG Access fees and accumulated amounts in debt service funds.

**Committed** – This category includes amounts that have a self-imposed constraint for a specific purpose.

Commitments require a Council resolution to make the constraint and a Council resolution to change or remove the constraint.

Fund balance commitment resolutions must be adopted before the end of the year, but the exact amounts can be determined after year-end.

The specific purpose can range from not very specific (i.e., for building improvements, street capital improvements, park capital improvements and park trail improvements) to very specific.

**Assigned** – This category also includes amounts that have a self-imposed constraint for a specific purpose.

The constraint demonstrates the Council's intent.

The Council authorizes the Administrator and Fiscal Services Director to assign fund balance that reflects the Council's intended use of those funds. Assignments will be approved by Council motion.

Remaining positive amounts in governmental funds other than the general fund are considered assigned.

**Unassigned** – This category includes amounts that are available for any purpose

Unassigned fund balance is reported only in the general fund and in other funds with negative fund balances.

If a fund has a negative fund balance, there may not be a positive assigned balance and a negative unassigned balance. The assigned balance must be reduced until the deficit unassigned balance is eliminated.

It is acceptable to have a restricted or committed amount and a negative unassigned amount (as in a debt service fund).

### IV. Order of Spending

When a fund has both restricted and unrestricted fund balance, it is the City's policy to use restricted resources first, then unrestricted resources as they are needed.

When a fund has any combination of committed, assigned, and unassigned fund balance, it is the City's policy to use committed resources first, then assigned, and then unassigned resources as they are needed.

**V. General Fund Balance**

The City currently has a fund balance policy to maintain an unassigned fund balance of 35% of the next year's property tax levy. This will assist in maintaining an adequate level of fund balance to provide for cash flow requirements and contingency needs because the first payment of property taxes, the City's major funding source, is not received until the beginning of July.

Adopted by the City Council for the City of East Bethel, this 21st of December, 2011.

CITY OF EAST BETHEL

---

Richard Lawrence, Mayor

ATTEST:

---

Jack Davis, City Administrator



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 D.3

\*\*\*\*\*

**Agenda Item**

2012 Fee Schedule

\*\*\*\*\*

**Requested Action:**

Review information provided & give staff direction regarding the 2012 Fee Schedule

\*\*\*\*\*

**Background Information:**

At the December 7, 2011 City Council meeting staff was directed to provide information to Council on a number of fees on the current fee schedule.

The attached spreadsheet provides information on liquor, tobacco and automobile dealer license fees in several area communities and Resolution 2011-68 Establishing the Fees to be Collected in the City of East Bethel.

**Attachment(s):**

1. Comparable License Fees
2. Resolution 2011-68 Establishing 2012 Fee Schedule

\*\*\*\*\*

**Fiscal Impact:**

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

\*\*\*\*\*

**Recommendation(s):**

Staff requests direction regarding the proposed 2012 Fee Schedule and approval of Resolution 2011-68 Establishing the 2012 Fee Schedule.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

---



---



---

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

FEE	EAST BETHEL	ANDOVER	ANOKA	BETHEL	BLAINE	CENTER VILLE	CIRCLE PINES	COL. HEIGHTS	COLUMBUS	COON RAPIDS	FRIDLEY	HAM LAKE	LINO LAKES	OAK GROVE	RAMSEY	ST. FRANCIS	Cambridge	Forest Lake	Harris	Hugo	Stillwater	Wyoming	
<b>LIQUOR LICENSES</b>																							
<b>3.2 Liquor Off Sale</b>	\$250	\$75	\$150	\$100	\$75	\$20	\$50	\$150	\$2,700	\$200	\$60	\$50	\$200	\$50	\$100	\$50	\$400	\$200	\$100	\$100	\$57.25	\$220	
<b>3.2 Liquor On Sale</b>	\$150	\$200	\$300	\$100	\$300	\$250	\$200	\$400	\$6,000	\$200	\$325	\$100	\$300	\$200	\$200	\$200	\$400	\$200	\$750 (beer and wine license)	\$150	\$162.75	\$32	
<b>3.2 Liquor Temporary/Special Event*</b>	n/a	\$25 (3-day max)	\$75	\$10	\$50	\$35 plus \$5 for each add'l day	n/a	\$100	\$100		\$60	\$25	\$50 (+\$5/day)	\$25	\$50	\$25/event	\$25	n/a	\$50	\$15	\$25	n/a	
<b>Liquor On Sale</b>	\$3,500	\$5,250	\$5,000	\$3,788	\$5,500	**	\$5,000	**	\$6,000	\$3,000	**	\$4,600	\$4,500	\$2,500	\$5,000	\$4,000	\$2,500	\$3,000	\$2,000	\$2,300	\$2,887.50	\$3,150	
<b>Liquor Off Sale</b>	\$380	\$200	n/a	\$100	\$200	\$100	\$250	n/a	\$240	\$200	n/a	\$380	\$200	\$250	\$380	n/a	n/a	\$200	\$150	\$100	\$200	\$100	
<b>(Reductions offered for Off-Sale Liquor license fees)</b>	\$100 (meet state criteria See Below)	n/a	n/a	n/a	n/a	10% reduction for meeting "Best Practices" program criteria	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	\$100 (meet state criteria), \$100 (purchase/use ID tech)	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
<b>Wine</b>	\$500	\$500	\$400	n/a	\$1000 (seating)	\$300	\$300	\$2,000	\$3,000		\$1,000	\$700	\$500	\$200	\$1,000	\$200	\$400	\$500	n/a	\$200	\$315	n/a	
<b>Club</b>	n/a	n/a	\$200	n/a	\$300	n/a	n/a	n/a	**	\$300	\$300	\$300	\$300	\$200	n/a	\$200	\$650	\$300	n/a	\$200	\$446.25	n/a	
<b>Sunday Liquor Sale</b>	\$200	\$200	\$200	\$100	\$200	\$200	\$200	\$200	\$200	NA	\$200	\$200	\$200	\$200	\$200	\$200	\$200	n/a	\$200	\$200	\$200	\$200	
<b>Liquor Temporary/Special Event*</b>	n/a	n/a	\$75 (4 day max)	n/a	n/a	n/a	n/a	\$100	\$100		\$25	\$10	\$50	n/a	\$50	n/a	n/a	n/a	\$150	\$15	\$25	n/a	
<b>Setups</b>	n/a	n/a	n/a	n/a	n/a	n/a	\$25	n/a	n/a		n/a	n/a	\$25 (temporary)	n/a	n/a	n/a	\$200	\$100	n/a	n/a	n/a	n/a	
<b>Investigative Fees - Single (MN App)</b>	\$300	n/a	\$160	n/a	\$500	n/a	n/a	\$150	\$500		\$200	\$500	\$250	\$200	\$500	\$200	\$500	\$500	\$500	n/a	\$300	n/a	
<b>Investigative Fees - Other Conditions (listed)</b>	n/a	n/a	\$35 for Partnership, \$550 for Corporation	n/a	n/a	n/a	n/a	n/a	\$10,000 (outstate)		\$400 Partnership or Corporation	n/a	\$450 (3+)	Not to exceed \$10,000 (Out-of-state applicants)	\$500 for Partnership or Corporation	\$300 for Partnership, \$400 for Corporation	Not to exceed \$10,000 (Out-of-state applicants)	n/a	\$200 add'l per person, \$1000 escrow for out-of-state app., \$300 for Manager	n/a	n/a	n/a	
<b>Tobacco/Cigarette License</b>	\$300	\$250	\$250	n/a	\$150	\$85	\$200	\$300	n/a		\$125	\$75	\$50	\$100	\$250	\$150	\$200	\$250	\$175 (add'l \$100 when rec'd after due)	\$100	\$250	n/a	
<b>Automobile Dealer License Fee - Annual</b>	\$350	\$105	\$75 (used vehicles)	n/a	\$75	n/a	n/a	\$300	n/a		\$150 (used)	\$100	n/a	n/a	\$175	n/a	n/a	n/a	n/a		n/a	n/a	

\*Temporary/Special Event license fees are charged per day, unless otherwise indicated

\*\*See corresponding inset below for license fees

CENTERVILLE - On-Sale Liquor License Fees		COLUMBIA HEIGHTS - On-Sale Liquor License Fees		COLUMBUS - Club Liquor License Fees		FRIDLEY - On-Sale Liquor License Fees	
Category	Fees	Category	Fees	Category	Fees	Category	Fees
Interior	\$.60/sq ft	Class A	\$8,000	≤ 200 members	\$300	No Entertainment	
Exterior	\$.30/sq ft	Class B	\$6,500	201-500	\$500	0-3000 sq ft	\$6,000
Minimum	\$2,500	Class C	\$6,500	501-1000	\$650	1-6000 sq ft	\$7,000
Maximum	\$4,000	Class D	\$8,000	1001-2000	\$800	er 6000 sq ft	\$8,000
		Class E	\$5,500	2001-4000	\$1,000	Entertainment/Dancing	
				4001-6000	\$2,000	0-3000 sq ft	\$7,000
				> 6000	\$3,000	1-6000 sq ft	\$8,000

**Off Sale Reduction:**

c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met: (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors; (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

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

**RESOLUTION NO. 2011-68**

**A RESOLUTION ESTABLISHING FEES TO BE COLLECTED BY THE CITY OF  
EAST BETHEL IN 2012**

**WHEREAS**, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

**WHEREAS**, due to amendments to the various services and inclusion of new fees, a revision of the 2011 Fee Schedule is necessary.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** the City of East Bethel, Minnesota hereby establishes the following fee schedule for 2012:

**UTILITY OPERATIONS:**

WASTEWATER TREATMENT-WHISPERING ASPEN

BASE CHARGE	\$18.38 PER QUARTER
USAGE CHARGES:	
(BASED ON WATER USE DURING JANUARY, FEBRUARY AND MARCH)	
0-6,000 GALLONS PER QUARTER	\$6.30 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$7.56 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$9.07 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$10.89 PER 1,000 GALLONS

WATER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$2,000
SEWER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$6,000

WATER SYSTEM ACCESS CHARGE-NON-WHISPERING ASPEN	\$3,600
SEWER SYSTEM ACCESS CHARGE-NON-WHISPERING ASPEN	\$2,000

(does not include Metropolitan Council SAC fee)

WASTEWATER TREATMENT-CASTLE TOWERS

BASE CHARGE	\$912.44 PER MONTH
USAGE CHARGE	\$8.08 PER 1,000 GALLONS

WATER USE CHARGES

BASE CHARGE	\$56.30 PER QUARTER
USAGE CHARGES:	
0-6,000 GALLONS PER QUARTER	\$10.60 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$12.72 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$15.26 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$18.32 PER 1,000 GALLONS

RADIUM REMEDIATION FEE-WHISPERING ASPEN	\$30 PER QUARTER
---	------------------

WATER TURN ON/OFF FEE	\$75
CONNECTION INSPECTION - SEWER	\$75
CONNECTION INSPECTION - WATER	\$75
STREET LIGHTING CHARGE - WHISPERING ASPEN	\$1.50 PER MONTH

**PENALTY CHARGES**

Bills are due within 14 days from the date of billing. Bills not paid in full by the due date will pay a service charge of 10% of the current charges. Beginning 30 days after the due date, all unpaid balances will accrue interest at the rate of 1.5% per month. All amounts that more than 30 days past due on the last day of November each year may be certified to the County Auditor as unpaid and delinquent. The certified amount, plus a service charge to pay for the assessment process, shall be extended as a tax lien on the respective property. This amount will be added to the following year's property tax assessment.

TAX CERTIFICATION OF DELINQUENT ACCOUNTS	\$70.00
--	---------

**GENERAL CHARGES:**

DATA/INFORMATION RETRIEVAL FEE - STAFF TIME	2.5 TIMES HOURLY RATE
(REQUESTS MUST BE IN WRITING, NO CHARGE IF LESS THAN 30 MINUTES STAFF TIME)	
NOTARY FEE	\$1
ASSESSMENT SEARCH	\$20
(ALL REQUESTS MUST BE IN WRITING, NO CHARGE TO HOMEOWNERS)	
COPY CHARGE	\$.25 PER PAGE
FAX CHARGE (SEND OR RECEIVE)	\$1.00 PER PAGE
RESEARCH FEE	\$50.00 MINIMUM FEE PLUS ANY ADDITIONAL COSTS BILLED TO CITY OVER MINIMUM
CITY MAPS-COUNTY PROVIDED (IF CURRENT)	\$2
CITY MAPS - 11 X 17	\$5
CITY MAPS - 36 X 36	\$10
VIDEOTAPE COPY OF MEETING	\$10
RETURNED CHECK CHARGE	\$30
ELECTION FILING FEE	\$5
GARBAGE HAULER'S LICENSE	\$300
CIGARETTE VENDOR LICENSE	\$300
STRAY ANIMAL PICKUP FEE: 8:00 A.M. - 7:00 P.M.	contracted
STRAY ANIMAL PICKUP FEE: 7:00 P.M. - 8:00 A.M.	contracted
ANIMAL BOARDING FEE	contracted
POTENTIALLY DANGEROUS DOG REGISTRATION	\$250
DANGEROUS DOG REGISTRATION	\$500
KENNEL LICENSE APPLICATION FEE	\$150
KENNEL LICENSE ANNUAL FEE	\$50
CEMETERY PLOTS	\$800
SUMMER PLOT DIGGING	\$600
WINTER PLOT DIGGING (NOVEMBER 1 THRU MAY 1)	\$800
SUMMER CREMATION PLOT DIGGING	\$300
WINTER CREMATION PLOT DIGGING (NOVEMBER 1 THRU MAY 1)	\$400
ADDITIONAL DIGGING FEE, IF AFTER HOURS	\$100
(AFTER 3:00 MONDAY - FRIDAY, ALL SATURDAYS, SUNDAYS & HOLIDAYS)	
MARKER SETTING FEE	\$50
<b>LIQUOR LICENSES:</b>	
3.2 LIQUOR ON SALE	\$250

3.2 LIQUOR OFF SALE	\$150
LIQUOR ON SALE	\$3,500
LIQUOR OFF SALE***	\$380
SUNDAY LIQUOR SALE	\$200
WINE	\$500
LICENSEE INVESTIGATION FEE	\$300
MASSAGE ESTABLISHMENT LICENSE	
INITIAL FEE	\$200
ANNUAL RENEWAL FEE	\$100
LICENSEE INVESTIGATION FEE	\$300
MASSAGE THERAPIST LICENSE	
INITIAL FEE	\$100
ANNUAL RENEWAL FEE	\$100
LICENSEE INVESTIGATION FEE	\$300
PAWNBROKER/SECONDHAND GOODS DEALER	\$5,000 ANNUAL FEE
DEALER INVESTIGATION FEE	\$3,000
TRANSACTION FEE	\$5 PER TRANSACTION
TRANSIENT MERCHANT LICENSE	\$500 ANNUAL/\$250 60 DAYS
PEDDLER/SOLICITOR LICENSE	\$1,000 ANNUAL/IF CITED FOR OPERATING WITHOUT A LICENSE \$1,000 ADDITIONAL
APPLICATION INVESTIGATION FEE	\$50 PER PERSON/ MINIMUM \$150
SEXUALLY ORIENTED BUSINESS LICENSE	\$10,000
LICENSEE INVESTIGATION FEE	\$3,000
VEHICLE DEALER LICENSE	\$350 ANNUAL FEE
RIGHT OF WAY ACCESS FEE	\$300
NUISANCE ABATEMENT	\$150 OR 25% OF ACTUAL COSTS, WHICHEVER IS GREATER + ACTUAL COSTS
TAX CERTIFICATION OF NUISANCE ABATEMENT	\$70

\*\*\*

(c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:

- (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
- (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and
- (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

## PLANNING AND ZONING:

CONSULTING FEES	ACTUAL COSTS BILLED TO THE CITY; ENGINEERING, LEGAL, ETC.
VARIANCE	\$300 + CONSULTING FEES; \$500 ESCROW REQUIRED
CONDITIONAL USE PERMIT	\$500 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
CONDITIONAL USE PERMIT AMENDMENT	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
COUNTY FILING FEE REIMBURSEMENT	\$55
VACATION	\$200 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
INTERIM USE PERMIT	\$150 + CONSULTING FEES; \$300 ESCROW REQUIRED
INTERIM USE PERMIT AMENDMENT	\$150 + CONSULTING FEES; \$300 ESCROW REQUIRED
METES AND BOUNDS SPLIT	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
LOT SEPARATION	\$200 + CONSULTING FEES; \$500 ESCROW REQUIRED
SITE PLAN REVIEW	\$500 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
CONCEPT PLAN REVIEW	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PRELIMINARY PLAT	\$500 + \$25.00/lot + CONSULTING FEES
ESCROW	\$3,000
FINAL PLAT	\$300 + CONSULTING FEES
ESCROW	\$3,000 + \$50/LOT IF NEW ROAD
PLANNED UNIT DEVELOPMENT	\$700 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
PLANNED UNIT DEVELOPMENT AMENDMENT	\$300 + CONSULTING FEES; \$500 ESCROW REQUIRED

ADMINISTRATIVE SUBDIVISION	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
REZONING	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
COMPREHENSIVE PLAN AMENDMENT	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
ZONING TEXT AMENDMENT	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PERMANENT SIGN PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION
TEMPORARY SIGN PERMIT - BEFORE SIGN PLACEMENT	\$40
TEMPORARY SIGN PERMIT - AFTER SIGN PLACEMENT	\$80
ADVISORY SIGNAGE RENTAL	USAGE FEE - \$125; DEPOSIT OF \$650 REQUIRED
OUTDOOR ENTERTAINMENT PERMIT	\$150
PARK DEDICATION	
	UP TO 6 UNITS/ACRE: 10% OF LAND OR CASH = TO MARKET VALUE OF LAND; 6 OR MORE UNITS/ACRE: 10% OF LAND + 1% FOR EACH UNIT OVER 6 UNITS/ACRE OR CASH = TO MARKET VALUE OF LAND
RESIDENTIAL	
COMMERCIAL	5% OF LAND OR CASH = TO MARKET VALUE OF LAND
GRADING PERMIT	\$50 + CONSULTING FEES
ESCROW	\$500
LANDSCAPE PLAN ESCROW	125% OF THE APPROVED ESTIMATED LANDSCAPING COSTS
STREET SIGN	\$150
CERTIFICATE OF COMPLIANCE - TEMP/SEASONAL SALES	\$150
COMPREHENSIVE PLAN DOCUMENT	\$40
ZONING ORDINANCE DOCUMENT	\$40

### **BUILDING FEES:**

BUILDING PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FINE FOR FAILING TO OBTAIN REQUIRED PERMIT	EQUAL TO THE CALCULATED PERMIT FEE AMOUNT
PLAN CHECK	65% OF BUILDING PERMIT FEE
SPRINKLER INSTALLATIONS	
RESIDENTIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
COMMERCIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FIRE ALARM	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
MECHANICAL PERMIT	\$50 OR 1% OF VALUATION, WHICHEVER IS GREATER
PLUMBING PERMIT	\$50 OR \$5 PER OPENING, WHICHEVER IS GREATER
SIDING PERMIT	\$80
WINDOW PERMIT	\$50
ROOFING PERMIT	\$100
CERTIFICATE OF COMPLIANCE - FENCE	\$50
SPECIAL INSPECTIONS - HOURLY RATE	\$50
SEPTIC INSTALLATION PERMIT	\$200
SEPTIC PUMPING PERMIT	\$5
DRIVEWAY PERMIT	\$50
ALL OTHER REQUIRED PERMITS NOT REQUIRING A PLAN REVIEW	\$50
VERIFICATION OF STATE CONTRACTOR LICENSE	\$5
MANUFACTURED HOME INSTALLATION PERMIT	\$100
BUILDING MOVING FEE	\$100
BUILDING DEMOLITION FEE	\$50
RE-INSPECTION/ADMINISTRATIVE FEE	\$65 PER INSPECTION
DECK	\$150
ELECTRIC INSPECTIONS:	
MINIMUM INSPECTION FEES	\$35 PER TRIP
SINGLE FAMILY RESIDENTIAL (UP TO 200 AMP's & 30 CIRCUITS) (NEW OR REMODEL)	\$150 MAXIMUM (FOR 3 INSPECTIONS); NO MAXIMUM IF OVER 200 AMPs; ADDITIONAL TRIPS - \$35
MULTI FAMILY UNITS (SERVICE & HOUSE WIRING SEPARATE)	\$70/UNIT
SWIMMING POOL (TRIP FEE PLUS CIRCUITS)	\$35 PER TRIP; PLUS CIRCUITS

CHANGE OUT, UPGRADE SERVICE OR REPAIR	\$50
0-400 AMP	\$14/EACH
EACH ADDITIONAL 100 AMPS	PLUS \$3 PER RECONNECTED CB
EACH CIRCUIT OR FEEDER 0-30 AMP	\$8/EACH
EACH CIRCUIT OR FEEDER 31 TO 100 AMP	\$10/EACH
EACH ADDITIONAL 100 AMP	ADD \$5 PER 100 AMP
STREET LIGHTS	\$4/EACH
STANDARD TRAFFIC SIGNAL	\$7/EACH
TRANSFORMER 0-10 KILOVOLT-AMPERES	\$10
11-76 KILOVOLT-AMPERES	\$40
OVER 76 KILOVOLT-AMPERES	\$80
FIRE ALARM & ENERGY MANAGEMENT DEVICE	\$10 FIRST 10 OPENINGS OR FIXTURES, \$6.50 EACH ADDITIONAL 10
LIGHTING RETROFIT/REMOTE CONTROL/SIGNALS	
INVESTIGATION FEE	\$100 MINIMUM OR DOUBLE THE PERMIT FEE
CANCELED PERMIT HANDLING FEE	\$35
REINSPECTION FEE	\$35

CIRCUITS & FEEDERS: THE INSPECTION FEE FOR THE INSTALLATION, ADDITION, ALTERATION, OR REPAIR OF EACH CIRCUIT, FEEDER, FEEDER TAP, OR SET OF TRANSFORMER SECONDARY CONDUCTORS.

### **FIRE DEPARTMENT:**

#### FIRE RESPONSE REIMBURSEMENTS:

MOTOR VEHICLE ACCIDENTS	\$300
PUBLIC UTILITY EMERGENCY SERVICE AND HAZARDOUS MATERIAL SPILL OR LEAK:	
LABOR CHARGE	\$15/HOUR
TRUCK CHARGE	\$150/HOUR
COMMERCIAL INSPECTIONS:	
INITIAL & 1ST RE-INSPECTION	NO CHARGE
EACH ADDITIONAL RE-INSPECTION	\$65
FALSE ALARMS - EACH OCCURRENCE	
AFTER 2 FALSE ALARMS WITHIN A CALENDAR YEAR	\$200
TAX CERTIFICATION OF UNPAID-FIRE CHARGES	\$70

### **RECREATIONAL FEES:**

#### ICE ARENA:

ICE ARENA ICE RENTAL - PRIME TIME	\$180/HR - \$185/HR (THROUGH MARCH 2012)
ICE ARENA ICE RENTAL - NON PRIME TIME	\$155/HR (THROUGH MARCH 2012)
OPEN HOCKEY, PER PERSON	\$7/HR. (THROUGH MARCH 2012)
LOCKER ROOM RENTAL	\$7,500
ADVERTISING	NEGOTIABLE
DRY FLOOR EVENTS	NEGOTIABLE

#### PARKS:

PAVILIONS/SHELTERS - NON RESIDENT	\$50; \$100 DEPOSIT
PAVILIONS/SHELTERS - RESIDENT	\$100 DEPOSIT
IRRIGATED BALLFIELDS - NON RESIDENT	\$20; \$100 DEPOSIT
IRRIGATED BALLFIELDS - RESIDENT	\$20; \$100 DEPOSIT
IRRIGATED BALLFIELDS; TOURNAMENT	\$350; \$200 DEPOSIT
NON IRRIGATED BALLFIELDS - NON RESIDENT	\$10; \$100 DEPOSIT
NON IRRIGATED BALLFIELDS - RESIDENT	\$100 DEPOSIT

IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT
IRRIGATED SOCCER FIELD - TOURNAMENT	\$200; \$200 DEPOSIT
NON IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT
NON IRRIGATED SOCCER FIELD - TOURNAMENT	\$25; \$100 DEPOSIT
HORSESHOE PITS - LEAGUE SEASON	\$100; \$100 DEPOSIT
HORSESHOE PITS - TOURNAMENT	\$50; \$100 DEPOSIT
CONCESSION STAND; SAA SEASON, MONDAY-FRIDAY	\$1,000
CONCESSION STAND; WEEKEND TOURNAMENTS	\$300; \$300 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - NON RESIDENT	\$50; \$100 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - RESIDENT	\$100 DEPOSIT

Adopted by the East Bethel City Council on this 21st day of December, 2011.

CITY OF EAST BETHEL

---

Richard Lawrence, Mayor

ATTEST:

---

Jack Davis, City Administrator



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

December 21, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 9.0 G.1

\*\*\*\*\*

**Agenda Item:**

ATV Ordinance Change Proposal

\*\*\*\*\*

**Requested Action**

Consider approval of an Amendment to Chapter 70 of the City Code Concerning ATV Use

\*\*\*\*\*

**Background Information**

At the request of Council Member Bob DeRoche, changes have been made to the City ATV ordinance. This proposed Ordinance amendment would amend Sections 70-85, 70-86 and 70-88 of the Code of Ordinances of the City of East Bethel. The proposed amendment would delete these sections and replace them in their entirety with the changes as submitted in the attachments.

**Attachments**

- 1) Proposed Amendment to Chapter 70 of the City Code
- 2) Chapter 70 of City Code General
- 3) Chapter 70 of City Code Use
- 4) Redline Amendment Version

\*\*\*\*\*

**Fiscal Impact:**

To be determined

\*\*\*\*\*

**Recommendation(s):**

The Road Commission has reviewed the proposed changes and recommends approval of the amendments to the ATV Ordinance to City Council for consideration.

\*\*\*\*\*

**Road Commission Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

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

**ORDINANCE NO. 33, Second Series**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF  
ORDINANCES OF THE CITY OF EAST BETHEL, BY AMENDING  
SECTIONS 70-85, 70-86, 70-87 , 70-88, 70-89, 70-110, 70-111 and 70-112.**

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

**Section 1. Amendment.** Sections 70-85, 70-86, and 70-88 of Chapter 70 of the Code of Ordinances of the City of East Bethel are hereby amended to delete the same in their entirety and substitute the following therefore:

***Section 70-85 – Incorporation.*** Any person operating an all-terrain vehicle, off-road motorcycle or off-road vehicle upon the public right of ways and waters within the City, or as otherwise provided in this Chapter, shall be subject to the provisions of the Rules of the Commissioner of Natural Resources and the Commissioner of Public Safety, which are incorporated herein and made part of this Chapter as if set out in full herein, as well as these regulations.

***Section 70-86 – Definitions.*** The following words, terms and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

***All-terrain vehicle (Class 1)*** means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of less than 1000 pounds.

***All-terrain vehicle (Class 2)*** means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of 1000 to 1800 pounds.

***Off-road motorcycle*** means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Rules Ch. 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

***Off-road vehicle means*** a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a paved road or trail. The term “off-road vehicle” does not include a snowmobile; an all-terrain vehicle; a off-road motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

City right of way means the shoulder or ditch abutting the traveled portion of a City street or road.

***Section 70-87 – Operation on private property.*** No person shall operate an all-terrain vehicle, off-road vehicle or off-road motorcycle upon private property or upon lands not belonging to the operator of the vehicle without the expressed permission of the landowner or other person entitled to the use and possession of the property, provided that in the case of oral permission, the land owner, or other person entitled to the use and possession of the property is present on the property at all times during the operation of the vehicle.

***Section 70-88 – Operating on City right of ways and waters.*** No person, except a resident of the City of East Bethel or a person accompanied by a resident of the City, shall operate an all-terrain vehicle, off-road motorcycle, or off-road vehicle upon the streets, roads, highways or waters within its city limits except as provided in the following subsections:

1. A direct crossing of a street, road or state highway is permitted if:
  - a.) The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet;
  - b.) The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway;
  - c.) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
  - d.) In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road; and
  - e.) If the crossing is made during period of one-half hour after

sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle must be on.

2. An all-terrain vehicle, off-road motorcycle, or off-road vehicle may be operated upon City roads and bridges, when required for the purpose of avoiding obstructions to safe travel in the City right of way and when no other route of avoidance is available within that right of way; provided that the all-terrain vehicle, off-road motorcycle or off-road vehicle is operated in the extreme right-hand lane of the roadway, the entrance upon the roadway is made within 100 feet of the obstruction, the travel within the roadway is made without undue delay and it does not impede the normal flow of traffic.

3. An all-terrain vehicle, off-road motorcycle or off-road vehicle may be operated upon a City street, road or highway other than as provided by this section:

a. In an emergency when the roadways are impassable by passenger vehicles.

b. Where the public right of way is non-existent, flooded, beneath a snowdrift or at dangerously steep angle to the street, road or highway.

4. Registration Card. No person all operate an all-terrain vehicle, off-road motorcycle or off-road vehicle in the City of East Bethel without having on their person the registration card provided by the Commissioner of Natural Resources of the State of Minnesota which shall include the registration number, the date of registration, the make and serial number of the vehicle, the owner(s) name and address, and such other information as is required by the Commissioner.

5. To be “accompanied by a resident of the City of East Bethel” the vehicle operator must establish the identity, residency, present whereabouts, and verbal acknowledgment of the accompanying resident within one hour of being requested to do so by a law enforcement officer.

Change Sec. 70-89. Operation on public property not under the jurisdiction of the city.

Operation of an off-road vehicle, off-road motorcycle, or all-terrain vehicle on public property not under the jurisdiction of the city is subject to the regulation of the public entity having jurisdiction upon said property.

(1) Operation of an off-road vehicle, off-road motorcycle, or all-terrain vehicle upon the right-of-way of any state highway within the city is subject to the regulations of the ~~state department of transportation~~ **Minnesota Department of Transportation (MnDOT)**.

DIVISION 2. USE

## Sec. 70-110. Definitions

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

Change the definition of All-Terrain Vehicle as follows:

*All-terrain vehicle (Class 1)* means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of less than 1000 pounds.

*All-terrain vehicle (Class 2)* means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of 1000 to 1800 pounds.

~~Delete: Off highway vehicle or OHV means both an all-terrain vehicle or ATV and a motorized dirt bike as defined herein or either of them.~~

## Sec. 70-111 ~~Use of Highway Vehicles~~ Use of All-terrain Vehicles and Off-road Motorcycles

(4) ~~An off highway vehicle~~ **All-terrain vehicles and Off-road motorcycles** may be operated on residential property only during the following hours: Monday through Fridays, 9:00 a.m. through 8:00 p.m., and Saturdays and Sundays, 10:00 a.m. through 5:00 p.m.

(5) After two consecutive hours of operation of one or more ~~off highway vehicle~~ **All-terrain vehicles and Off-road motorcycles** on any residential property (or operation thereof for any part of two consecutive hours) there must be at least one hour during which there is no operation of an ~~off highway vehicle~~ **All-terrain vehicles and Off-road motorcycles** on the residential property.

(6) Operation of an ~~off highway vehicle~~ **All-terrain vehicles and Off-road motorcycles** is not allowed on either a primary or secondary individual sewage treatment system site.

## Sec. 70-112 Exemptions.

The use of any all -terrain vehicle and/or ~~motorized dirt bike~~ **Off-road motorcycle** by any officer, employee, or agent of the city or of any other governmental unit in the course of official governmental business is exempt from this division.

**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 21st day of December, 2011.

---

Richard Lawrence

ATTEST:

---

Jack Davis, City Administrator

Adopted: December 21, 2011  
Published: December 30, 2011  
Effective: December 30, 2011

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF  
ORDINANCES OF THE CITY OF EAST BETHEL, BY AMENDING  
SECTIONS 70-85, 70-86, AND 70-88.**

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

**Section 1. Amendment.** Sections 70-85, 70-86, and 70-88 of Chapter 70 of the Code of Ordinances of the City of East Bethel are hereby amended to delete the same in their entirety and substitute the following therefore:

***Section 70-85 – Incorporation.*** Any person operating an all-terrain vehicle, off-road motorcycle or off-road vehicle upon the public right of ways and waters within the City, or as otherwise provided in this Chapter, shall be subject to the provisions of the Rules of the Commissioner of Natural Resources and the Commissioner of Public Safety, which are incorporated herein and made part of this Chapter as if set out in full herein, as well as these regulations.

***Section 70-86 – Definitions.*** The following words, terms and phrases, when used in this Chapter, shall have the following meanings, except where the context clearly indicates a different meaning:

***All-terrain vehicle (Class 1)*** means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of less than 1000 pounds.

***All-terrain vehicle (Class 2)*** means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of 1000 to 1800 pounds.

***Off-road motorcycle*** means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Rules Ch. 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

***Off-road vehicle means*** a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a paved road or trail. The term “off-road vehicle” does not include a snowmobile; an all-terrain vehicle; a off-road motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

City right of way means the shoulder or ditch abutting the traveled portion of a City street or road.

***Section 70-887 – Operating on City right of ways and waters.*** No person, except a resident of the City of East Bethel or a person accompanied by a resident of the City, shall operate an all-terrain vehicle, off-road motorcycle, or off-road vehicle upon the streets, roads, highways or waters within its city limits except as provided in the following subsections:

1. A direct crossing of a street, road or state highway is permitted if:
  - a.) The crossing is made at an angle of approximately 90 degrees to the roadway at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet;
  - b.) The vehicle is brought to a complete stop before crossing the shoulder or entering upon the traveled portion of the street, road or highway;
  - c.) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
  - d.) In the case of a divided highway, the crossing shall be made only at an intersection of the highway with another street or road; and
  - e.) If the crossing is made during period of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, the front and rear lights of the vehicle must be on.
2. An all-terrain vehicle, off-road motorcycle, or off-road vehicle may be operated upon City roads and bridges, when required for the purpose of avoiding obstructions to safe travel in the City right of way and when no other route of avoidance is available within that right of way; provided that the all-terrain vehicle, off-road motorcycle or off-road vehicle is operated in

the extreme right-hand lane of the roadway, the entrance upon the roadway is made within 100 feet of the obstruction, the travel within the roadway is made without undue delay and it does not impede the normal flow of traffic.

3. An all-terrain vehicle, off-road motorcycle or off-road vehicle may be operated upon a City street, road or highway other than as provided by this section:

a. In an emergency when the roadways are impassable by passenger vehicles.

b. Where the public right of way is non-existent, flooded, beneath a snowdrift or at dangerously steep angle to the street, road or highway.

4. Registration Card. No person shall operate an all-terrain vehicle, off-road motorcycle or off-road vehicle in the City of East Bethel without having on their person the registration card provided by the Commissioner of Natural Resources of the State of Minnesota which shall include the registration number, the date of registration, the make and serial number of the vehicle, the owner(s) name and address, and such other information as is required by the Commissioner.

5. To be “accompanied by a resident of the City of East Bethel” the vehicle operator must establish the identity, residency, present whereabouts, and verbal acknowledgment of the accompanying resident within one hour of being requested to do so by a law enforcement officer.

**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 December, 2011.

---

Richard Lawrence

ATTEST:

---

Jack Davis, City Administrator

## DIVISION 1. - GENERALLY

[Sec. 70-85. - Incorporation.](#)

[Sec. 70-86. - Definitions.](#)

[Sec. 70-87. - Operation on private property.](#)

[Sec. 70-88. - Operation on city property.](#)

[Sec. 70-89. - Operation on public property not under the jurisdiction of the city.](#)

[Sec. 70-90. - Penalty.](#)

[Secs. 70-91—70-108. - Reserved.](#)

### **Sec. 70-85. - Incorporation.**

Any person operating an off-road vehicle, off-highway motorcycle, or all-terrain vehicle in the city, unless provided otherwise herein, shall be subject to the provisions of the rules of the commissioner of natural resources and the commissioner of public safety, which are incorporated in and made a part of this article as completely as if set out here in full.

(Ord. No. 143A, § 1, 3-2-2005)

### **Sec. 70-86. - Definitions.**

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

*All-terrain vehicle* or *vehicle* means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.

*Off-highway motorcycle* means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Rules ch. 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

*Off-road vehicle* or *vehicle* means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. The term "off-road vehicle" does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

(Ord. No. 143A, § 2, 3-2-2005)

### **Sec. 70-87. - Operation on private property.**

No person shall operate an off-road vehicle, off-road motorcycle, or all-terrain vehicle upon private

CODE OF ORDINANCES  
Chapter 70 - TRAFFIC AND MOTOR VEHICLES  
ARTICLE IV. - OPERATION OF OFF-ROAD VEHICLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES  
DIVISION 1. - GENERALLY

property or upon lands not belonging to the operator of such vehicle without the expressed written permission of the landowner or other person entitled to the use and possession of such property provided that in the case of oral permission, the landowner or other person entitled to the use and possession of the property is present.

(Ord. No. 143A, § 3, 3-2-2005)

**Sec. 70-88. - Operation on city property.**

No person shall operate an off-road vehicle, off-road motorcycle, or all-terrain vehicle in the city upon public lands, waters or property under the jurisdiction of the city or upon streets and highways within the city except as provided in the following subsections:

- (1) A direct crossing of a street or highway is permitted if:
  - a. Made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
  - b. The vehicle is brought to a complete stop before crossing the shoulder or main traveled way of the highway;
  - c. The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;
  - d. In crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or highway; and
  - e. If the crossing is made between the hours of one-half hour after sunset to one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights must be on.
- (2) An off-road vehicle may be operated upon a bridge, other than a bridge that is part of the main traveled lanes of an interstate highway, when required for the purpose of avoiding obstructions to travel when no other method of avoidance is possible; provided the off-road vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, and the crossing is made without undue delay.
- (3) An off-road vehicle may be operated upon a public street or highway other than as provided by subsection (1) of this section in an emergency during the period of time when and at locations where the condition of the roadway renders travel by automobile impractical.

(Ord. No. 143A, § 4, 3-2-2005)

**Sec. 70-89. - Operation on public property not under the jurisdiction of the city.**

Operation of an off-road vehicle, off-road motorcycle, or all-terrain vehicle on public property not under the jurisdiction of the city is subject to the regulation of the public entity having jurisdiction upon said property.

- (1) Operation of an off-road vehicle, off-road motorcycle, or all-terrain vehicle upon the right-of-way of any state highway within the city is subject to the regulations of the state department of transportation.

CODE OF ORDINANCES  
Chapter 70 - TRAFFIC AND MOTOR VEHICLES  
ARTICLE IV. - OPERATION OF OFF-ROAD VEHICLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES  
DIVISION 1. - GENERALLY

(2) Operation of an off-road vehicle, off-road motorcycle, or all-terrain vehicle upon the right-of-way of any county road within the city is subject to the regulations of the county highway department.

(Ord. No. 143A, § 5, 3-2-2005)

**Sec. 70-90. - Penalty.**

Any person who violates any provision of this article shall be guilty of a misdemeanor, and upon conviction thereof, may be punished as provided in section 1-14, and be required to complete eight hours of community service for each violation. Violators will be responsible for all costs of prosecution.

(Ord. No. 143A, § 6, 3-2-2005)

**Secs. 70-91—70-108. - Reserved.**

## DIVISION 2. - USE

[Sec. 70-109. - Purpose.](#)  
[Sec. 70-110. - Definitions.](#)  
[Sec. 70-111. - Use of off-highway vehicles.](#)  
[Sec. 70-112. - Exemptions.](#)  
[Sec. 70-113. - Penalty.](#)  
[Secs. 70-114—70-139. - Reserved.](#)

### **Sec. 70-109. - Purpose.**

It is the purpose of this division to regulate the use of all-terrain vehicles and motorized dirt bikes in the city.

(Ord. No. 197, § 1, 9-7-2005)

### **Sec. 70-110. - Definitions.**

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

*All-terrain vehicle* or *ATV* means a motorized flotation-tired vehicle of not less than three low pressure tires, but not more than eight tires, that is limited in engine displacement of less than 800 cubic centimeters and total dry weight less than 900 pounds.

*Established riding area* means a course, track, or other area on a residential property for use of an all-terrain vehicle and/or a motorized dirt bike.

*Motorized dirt bike* means a vehicle traveling on two wheels and capable of cross-country travel on natural terrain without benefit of a road or trail.

*Off-highway vehicle* or *OHV* means both an all-terrain vehicle or ATV and a motorized dirt bike as defined herein or either of them.

*Residential property* means real property used for residential purposes, including all parcels of real property located within the RR residential district under the city's zoning ordinance, set forth in Appendix A to this Code.

(Ord. No. 197, § 2, 9-7-2005)

### **Sec. 70-111. - Use of off-highway vehicles.**

An off-highway vehicle may be used on residential property within the city, but only on the condition that the operator adheres to the following:

- (1) An off-highway vehicle may be used on an established riding area only if it is no closer than 50 feet from any lot boundary line and no closer than 100 feet from any dwelling unit.

CODE OF ORDINANCES  
Chapter 70 - TRAFFIC AND MOTOR VEHICLES  
ARTICLE IV. - OPERATION OF OFF-ROAD VEHICLES, MOTORCYCLES AND ALL-TERRAIN VEHICLES  
DIVISION 2. - USE

(2) Article III of chapter 26 establishes the noise standards that apply to the operation of off-highway vehicles in the city.

(3) No more than two persons who are not residents of any particular residential property may simultaneously use off-highway vehicles on the residential property. It is the responsibility of the owner of that residential property to enforce this restriction.

(4) An off-highway vehicle may be operated on residential property only during the following hours: Mondays through Fridays, 9:00 a.m. through 8:00 p.m., and Saturdays and Sundays, 10:00 a.m. through 5:00 p.m.

(5) After two consecutive hours of operation of one or more off-highway vehicles on any residential property (or operation thereof for any part of two consecutive hours) there must be at least one hour during which there is no operation of an off-highway vehicle on the residential property.

(6) Operation of an off-highway vehicle is not allowed on either a primary or a secondary individual sewage treatment system site.

(Ord. No. 197, § 3, 9-7-2005)

**Sec. 70-112. - Exemptions.**

The use of any all-terrain vehicle and/or motorized dirt bike by an officer, employee, or agent of the city or of any other governmental unit in the course of official governmental business is exempt from this division.

(Ord. No. 197, § 4, 9-7-2005)

**Sec. 70-113. - Penalty.**

Any person who violates any provision of this division shall be guilty of a misdemeanor, and upon conviction thereof may be punished as provided in section 1-14, and may be required to complete eight hours of community service for each violation. Violators will be responsible for all costs of prosecution.

(Ord. No. 197, § 5, 9-7-2005)

**Secs. 70-114—70-139. - Reserved.**

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

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 70 OF THE CODE OF  
ORDINANCES OF THE CITY OF EAST BETHEL, BY AMENDING  
SECTIONS 70-85, 70-86, AND 70-88.**

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

**Section 1. Amendment.** Sections 70-85, 70-86, and 70-88 of Chapter 70 of the Code of Ordinances of the City of East Bethel are hereby amended to delete the same in their entirety and substitute the following therefore:

**Section 70-85 – Incorporation.** Any person operating an off-road vehicle, off-road highway motorcycle, or all-terrain vehicle in the eCity upon the public right of ways lands; and water and property under the jurisdiction of the eCity of East Bethel, or as otherwise provided in this Chapter, unless provided otherwise herein, shall be subject to the provisions of the Rules of the Commissioner of Natural Resources and the Commissioner of Public Safety, which are incorporated herein and made part of this Chapter article as if completely as if set out in full herein. here in full.

**Comment [H1]:** "public lands" = park lands??? Shouldn't this be restricted? It would be good if the current ordinance so that we know if this issue has been covered. It is not clear from what has been presented if park land is exempt.

**Comment [H2]:** Again this could be read as park land.

**Comment [H3]:** Substitute "or as otherwise provided in this chapter."

**Section 70-86 – Definitions.** The following words, terms and phrases, when used in this Chapter article, shall have the following meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**All-terrain vehicle (Class 1) ~~le or vehicle~~** (hereinafter ATV) means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than ~~8~~1000 cubic centimeters and total dry weight of less than ~~109~~00 pounds.

**All-terrain vehicle (Class 2)** means a motorized floatation-tired vehicle of not less than three low pressure tires, but not more than six tires, that is limited in engine displacement of less than 1000 cubic centimeters and total dry weight of 1000 to 1800 pounds.

**Formatted:** Font: Bold, Italic

**Off-highway motorcycle** means a motorized, off-highway vehicle traveling on two wheels and having a seat or saddle designed to be straddled by the operator and handlebars for steering control, including a vehicle that is registered under Minnesota Rules Ch. 168 for highway use if it is also used for off-highway operation on trails or unimproved terrain.

Off-road ~~vehicle~~ ~~vehicle~~ ~~-or-~~ ~~vehicle~~ means a motor-driven recreational vehicle capable of cross-country travel on natural terrain without benefit of a road or trail. Term "off-road vehicle" does not include a snowmobile; an all-terrain vehicle; a motorcycle; a watercraft; a farm vehicle being used for farming; a vehicle used for military, fire, emergency, or law enforcement purposes; a construction or logging vehicle used in the performance of its common function; a motor vehicle owned by or operated under contract with a utility, whether publicly or privately owned, when used for work on utilities; a commercial vehicle being used for its intended purpose; snow-grooming equipment when used for its intended purpose; or an aircraft.

Comment [H4]: What about the golf carts at Coon Lake Beach?????

Comment [H5]: Is it the intent of this section to limit this Chapter to All-terrain vehicles and Off-highway motorcycles?? If it is, why not say THAT? It is much simpler than defining these as "Not" all other things.

Comment [H6]: Why is an "off-road vehicle" NOT an all-terrain vehicle??

City Right of Way means the shoulder or ditch abutting the traveled portion of a City street or road.

Comment [H7]: There is no such thing as a City Highway...and I object to using that term. We are just talking about city streets and roads...and crossing state highways...Right?

Section 70-887 - Operating on ~~e~~City right of ways and waters. ~~property~~. No person, except a resident of the City of East Bethel or a person accompanied by a resident of the eCity of East Bethel, shall operate an off-road vehicle, off-road motorcycle, or all-terrain vehicle ~~in the city upon public the streets, roads, highways, lands, or waters or property under the jurisdiction of the city or upon streets and highways within the city~~ except as provided in the following subsections:

Comment [H8]: For parallel construction, shouldn't the order of "Off-road vehicle" and "all-terrain vehicle" be switched??

Comment [H9]: "Right of way" here means the shoulder and/or ditch or a road...not the traveled portion of a street or road. Perhaps this term needs to be defined. Again, it would help if the entire chapter were provided so the changes could be read as a whole.

1. A direct crossing of a street, road or state highway is permitted if:

a.) ~~M~~The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing or blocks the view of oncoming traffic for 300 feet;

b.) The vehicle is brought to a complete stop before crossing the shoulder or entering upon the main traveled portion way of the street, road or highway;

c.) The driver yields the right-of-way to all oncoming traffic that constitutes an immediate hazard;

d.) In the case of in-crossing a divided highway, the crossing is made only at an intersection of the highway with another public street or road highway; and

e.) If the crossing is made between the hours of on-half hour after sunset to the one-half hour before sunrise or in conditions of reduced visibility, both front and rear lights must be on.

2. An all-terrain vehicle, off-road motorcycle, or off-road vehicle may

Comment [H10]: What about All Terrain Vehicles and Off Road Motorcycles?

be operated upon ~~a City bridge, other than a bridge that is part of the main traveled lanes of an interstate highway,~~ when required for the purpose of avoiding obstructions to travel ~~in the City right of way~~ when no other method of avoiding ~~ing the obstruction while a~~ using the public right of way is possible; provided the ~~all-terrain vehicle, off-road motorcycle or~~ off-road vehicle is operated in the extreme right-hand lane, the entrance to the roadway is made within 100 feet of the bridge, ~~and~~ the crossing is made without undue delay ~~and it does not impede the normal flow of traffic.-~~

**Comment [H11]:** There are NO interstate highways in EB. There IS a state highway. If that is what is meant say it.

**Comment [H12]:** See Comment H5 above.

**Comment [H13]:** Don't we want to say that driving on private property is forbidden to avoid an obstruction?

3. An ~~all-terrain vehicle, off-road motorcycle or~~ off-road vehicle may be operated upon a ~~public City street or road~~ highway other than as provided by subsection (1) of this section:

**Comment [H14]:** What about All Terrain vehicles and Off-road Motorcycles?? Shouldn't they be included in this??

a. ~~in~~ In an emergency, ~~but only~~ during the period of time when, and at locations where, the condition of the roadway renders travel by automobile impractical ~~and~~

b. ~~Where the public right of way is non-existent, flooded or otherwise obstructed, or at dangerously steep angle to the street or highway.-~~

4. Registration Card. No person all operate an all terrain vehicle in the city of East Bethel without having on their person the registration card provided by the Commissioner of Natural Resources of the State of Minnesota which shall include the registration number, the date of registration, the make and serial number of the vehicle, the owner(s) name and address, and such other information as is required by the Commissioner.

5. To be "accompanied by a resident" of the ~~e~~City of East Bethel ~~required the ability of the ATV operator person operating the ATV to must~~ establish the identity, residency, present whereabouts, and verbal acknowledgment of ~~being- the accompanying- accompanying~~ ~~ied by the~~ resident ~~-~~ within one hour of being requested to do so by a law enforcement officer.

**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 ~~December~~ ~~November~~, 2011.

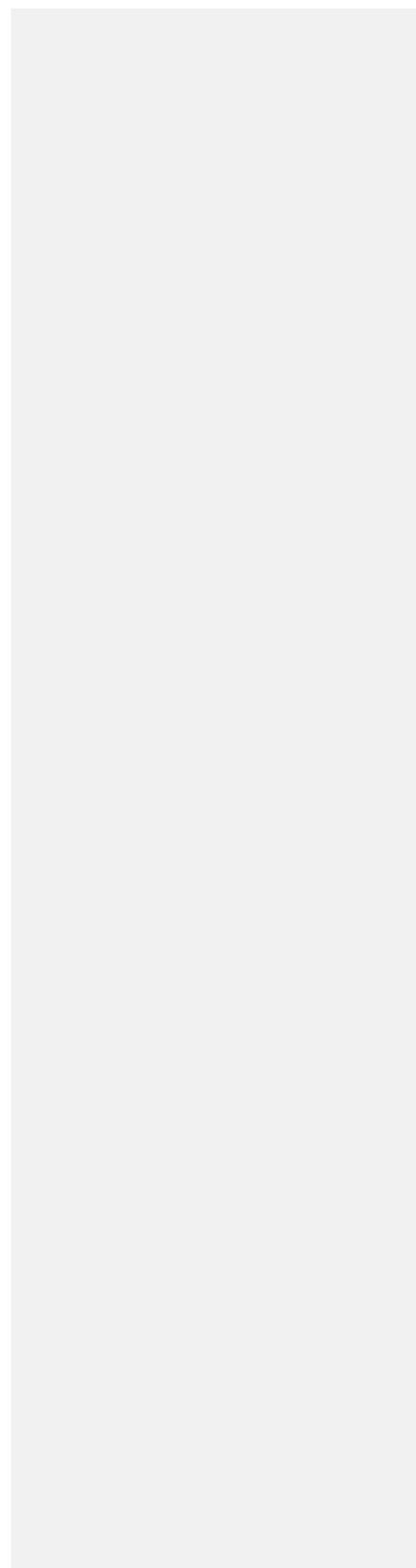
---

Richard Lawrence

ATTEST:

---

Jack Davis, City Administrator





## **PUBLIC FORUM SIGN UP SHEET**

December 21, 2011

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.

<b>NAME</b>	<b>ADDRESS</b>	<b>PHONE NUMBER</b>	<b>TOPIC</b>

