

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: August 3, 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 | Presentation |
| Page 1 | A. | Anoka County Sheriff's Office – 2012 Contract Options |
| 7:49 PM | 5.0 | Public Forum |
| 8:29 PM | 6.0 | Council Discussion & Possible Action |
| Page 2-14 | A. | Anoka County Sheriff's Office – 2012 Contract Options |
| 9:00 PM | 7.0 | Consent Agenda |
| | | <i>Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration</i> |
| Page 2-22 | A. | Approve Bills |
| Page 22-34 | B. | Meeting Minutes, July 20, 2011, Regular Meeting |
| Page 35 | C. | Resolution 2011-23 Acknowledging Donation from Chops, Inc. |
| Page 36 | D. | Resolution 2011-24 Appointing City Clerk/Treasurer |
| | | New Business |
| | 8.0 | Commission, Association and Task Force Reports |
| 9:05 PM | A. | Planning Commission |
| Page 37-60 | 1. | Wastewater Reclamation Plant – Site Plan Review – 18460 Buchanan St. NE – Met Council Environmental Services (MCES) |
| Page 61-76 | 2. | East Bethel Water Treatment Facility – Site Plan Review – 19458 Taylor St. NE – City of East Bethel |
| | B. | Park Commission (No Report) |
| | C. | Road Commission (No Report) |
| | 9.0 | Department Reports |
| 9:25 PM | A. | Community Development |
| Page 77-114 | 1. | Ordinance 31, Second Series, An Ordinance Amending Chapter 14, Buildings and Building Regulations |
| Page 115-118 | 2. | Summary of Ordinance 31, Second Series, An Ordinance Amending Chapter 14, Buildings and Building Regulations |
| 9:45 PM | B. | Engineer |
| Page 119-123 | 1. | Pay Estimate #4 for the Construction of Municipal Well No. 3 and No. 4 |
| Page 124-133 | 2. | Pay Estimate #3 for Phase 1, Project 1, Utility Project |
| 10:00 PM | C. | Attorney |
| Page 134-136 | 1. | Resolution 2011-25 US Cable/Mid Continent Acquisition |

- D. Finance (**No Report**)
 - E. Public Works (**No Report**)
 - F. Fire Department (**No Report**)
 - G. City Administrator
- 10:15 PM Page 137-139 1. Resolution 2011-26 Amending the Fee Schedule
Page 140-145 2. Contract for Electrical Inspection Services

10.0 Other

- 10:30 PM A. Council Reports
- 10:35 PM B. Other
- 10:40 PM Page 146 C. Closed Session – MBI Contract
- 10:40 PM Page 147 D. Closed Session - Land Acquisition – Service Road 221st to 215th Avenue NE–
MN Statute 13D.05, Subd.3
- 10:40 PM Page 148 E. Closed Session - Land/Easement Acquisition – Municipal Utilities

11:00 PM **11.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 4.0 A

Agenda Item:

Presentation – Anoka County Sheriff’s Office – 2012 Contract Options

Requested Action:

Information Item

Background Information:

Lt. Orlando will be presenting the 2012 Contract Options.

Attachment(s):

Please refer to your attachments in agenda Item 6.0 A

Fiscal Impact:

None at this time – presentation only.

Recommendation(s):

Discussion only at this time

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 6.0 A

Agenda Item:

Anoka County Sheriff's Department 2012 Contract Options

Requested Action:

Consider selecting an option for 2012 Law Enforcement Coverage from the Anoka County Sheriff's Department.

Background Information:

The Anoka County Sheriff's Office (ACSO) has provided the City of East Bethel with police services since 1973. The City has increased the scope of services over the past 38 years to currently include 40 hour per day- coverage.

The cost for police services has increased 80% over the past 6 years from \$571,786 in 2005 to \$1,029,218 in 2011. A significant portion of these costs reflect an increase in service. However, it must be noted that all calls for service have decreased by 29.1% between 2005 and 2010 (Attachment #1).

Except for medical calls, DUI arrests and domestics, all measured categories, as furnished by the ACSO(see Attachment #1)decreased by a minimum of 18.5% since 2005. Meth calls dropped by 68.8% and assault calls dropped by 67.7% for the same time period. Radio calls and incident reports decreased by 23.3%; investigative complaints decreased by 28.88%; and total arrests decreased by 36.9% during this period.

Medical calls increased by 23.4%; DUI arrests increased by 16.9% and Domestic arrests have increased by 10.71% during this period. East Bethel has a strong record of enforcing alcohol and abuse standards and that priority will continue-

Compared to 2005 and projecting through the remainder of 2011, it is anticipated that there will be a decrease of 29.1% in calls and reports, a decrease of 40.9% in investigative complaints and a decrease of 44.5% in total arrests.

This year to year decline in crime rate trends has been consistently decreasing during the years between 2005 and 2011. During this period of decreasing crime rates, the cost of Sheriff Department services increased 80%. Based on these statistics evaluation of the options for law enforcement services and their associated costs for the City is required.

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The justification for- reductions in the scope of our current law enforcement services- is based on the statistical evidence that shows a continual and significant downward trend in calls for service. Police protection is currently 21% of our total General Fund budget. It is critical to balance the need for law enforcement services with the value obtained by our expenditures for this item.

-The following options are presented for consideration for the 2012 law enforcement contract. All options provide the minimum coverage of 40% proactive time and include the cost of a 20 hour per week CSO. All options shall address issues of accountability and flexibility in final contract documents.

With the exception of Option 1, all the other proposals attempt to match the crime and call trends with a corresponding decrease of expenditures to reflect these conditions.

OPTION 1

Option 1 is a continuation of the current 40 hour week city boundary coverage that the City currently has contracted. The cost for this service in 2011 is \$1,037,218 and the proposed service agreement for the same coverage in 2012 would be \$1,092,641 not including any credits for State Police Aid. This coverage is exclusive to East Bethel.

This alternative would continue the current contract with 40 hour per day coverage with one CSO for 2012. The cost for this option would result in an increase of up to \$55,423 over the 2011 contract. This is an increase of 91.1% over the 2005 rate.

OPTION 2

This city boundary plan would result in a reduction in coverage from 40 to 32 hours per day. Again, under this plan, coverage is exclusive to East Bethel. The cost of this plan is \$897,112 including the cost of 20 hours per week of CSO service.

This plan represents a savings of up to \$195,529 over the estimated cost of the proposed 2012 forty hour coverage contract. This is 56.9% increase over the 2005 rate but a decrease of only 13.5% from ~~2011-2012~~ cost.

OPTION 3

The ACSO has made a proposal to consolidate police protection services into a single patrol "district" which would cover the Cities of East Bethel, Ham Lake and Oak Grove. This "District" concept would be administered under an agreement between the three cities and offer a reduction in the costs of police services.

Under the most recent proposal, the cost to the City of East Bethel would range from \$770,655 to \$849,826 depending on the final cost allocation formula for the "District" police services for 2012. The addition of a CSO would be at a cost of \$46,343 for 20 hour/week service.

Attached for your review is an outline of the program for 17 deputy coverage. There would no guaranteed or dedicated hours allocated to each City.

This option would result in a savings ranging from \$275,643 to \$190,001.

OPTION 4

This alternative would utilize the District concept of consolidated and shared services to provide for additional coverage over and above that available from Option 3. This option would provide

for approximately 88 hours of coverage per day for the three Cities. Again, there would no guaranteed or dedicated hours allocated to each City.

The cost for this option would range from \$814,270 to \$897,922 depending on the final allocation of costs. The addition of a CSO would add another \$46,343 to this cost.

Total savings for this option would range from \$232,028 to \$141,539.

OPTION 5

This plan proposes an individual contract with the ACSO for 32 hour per day coverage and a 20 hour per week CSO at a cost of \$897,112. In addition, this option proposes the sharing of one deputy for four hours per day with the City of Ham Lake. Both Cities would receive four hours of service per day from this officer. The additional cost of the shared officer would be \$63,440 per each City.

This plan would provide 36 hours per day armed officer coverage, including 4 hours per day patrol by the shared officer. With the addition of a CSO the total coverage would be 40 hours per day.

Total cost of this proposal is estimated to be \$960,552 or a savings of \$132,089 over the 2012 forty hour coverage contract, plus CSO. This is a 10% reduction in armed officer coverage and a 12.1% reduction in cost from the proposed 2012 contract.

The 36 hour coverage, plus CSO, plan appears to be justified in light of the 29.1% reduction in all calls and the overall reduction in the categories of reportable incidents as indicated in the attachments.

All costs for these options could vary slightly depending on any final adjustments in the ACSO contract. Any cost changes would be proportional. These figures do not account for reductions that could be credited from Police State Aid. This amount is to be determined.

Summary of Options

| Option | Cost | Savings* | Considerations |
|---------------|---------------------|---------------------|----------------------------|
| 1 | \$1,092,641 | <55,423>** | 40 hour exclusive coverage |
| 2 | \$ 897,112 | \$195,529 | 32 hour exclusive coverage |
| 3 | \$817,208-\$896,169 | \$275,643-\$196,472 | Shared Coverage |
| 4 | \$860,613-\$944,265 | \$232,028-\$148,376 | Shared Coverage |
| 5 | \$960,522 | \$132,089*** | 36 hour exclusive coverage |

* The lower amount of the costs and related savings are based on quotes from the ACSO. The higher amount is calculated assuming East Bethel would be responsible for 39.4% of the contract cost.

** Increase over 2011 Contract costs

*** This savings is calculated using a base cost of \$126,880 per deputy and halving this cost for East Bethel

Again, all options provide the minimum coverage of 40% proactive time and include the cost of a 20 hour per week CSO. All options shall address issues of accountability and flexibility in final contract documents.

Selection of Option 1 or 2 would only require a contract between East Bethel and the ACSO.

Should East Bethel, Ham Lake and Oak Grove approve either Option 3 or 4 there would have to be a contractual agreement between the three entities that outline the allocation of costs and the terms and conditions of the agreement. All three Cities would have to approve a contract in order to proceed with a shared services proposal. Upon executing this agreement the ACSO can prepare separate contracts for each of the three Cities.

Selection of Option 5 would require a contract between East Bethel and Ham Lake for the terms and conditions of the single shared officer. Option 5 would also offer the experience of a small scale shared service arrangement with Ham Lake. This experience would be valuable in assessing the direction of future contracts for law enforcement services.

The ACSO needs direction as to which of these options or variations thereof we are interested in pursuing. Once that is determined the ACSO can continue to move forward in completing a 2012 contract.

Attachment(s):

1. Attachment 1& 1.A, Statistical Analysis of ACSO Call Report and ACSO Call Report
2. ACSO Law Enforcement Quotes

Fiscal Impact:

As noted above.

Recommendation(s):

Staff is seeking direction from Council on this matter

City Council Action

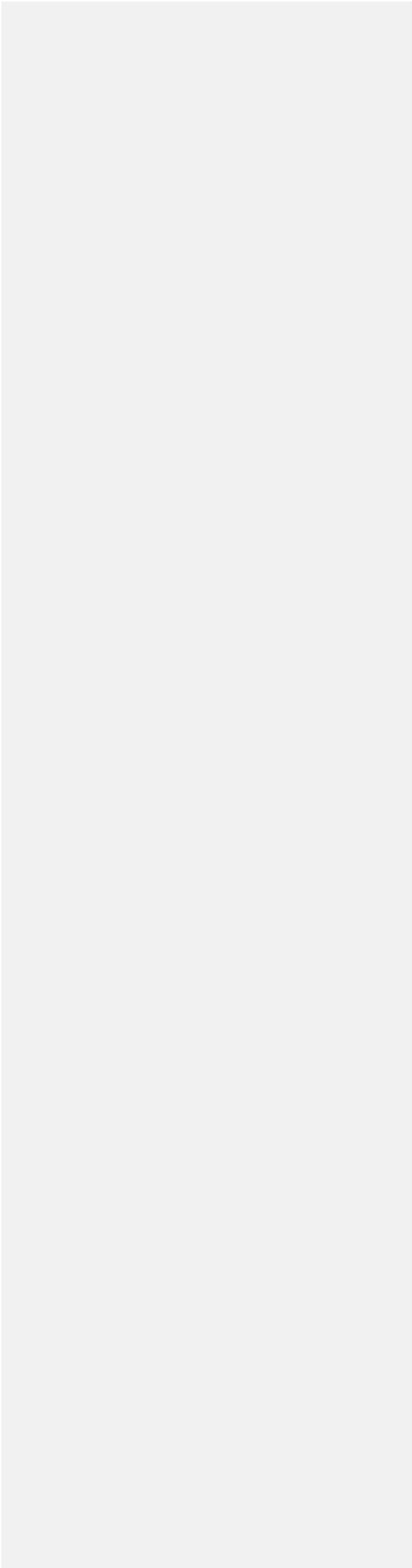
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel Additional Quote Requests

Enclosed you will find copies of four different quotes for law enforcement contract coverage as you requested for 2012: 40- hour contract coverage; 32-hour contract coverage; District coverage that includes 18 deputies; District coverage that includes 17 deputies.

The first quote is for your current contract coverage of 40 hours of Deputy coverage per day with 20 hours per week Community Service Officer coverage. This coverage allows for extended time for deputies to perform proactive activity in your city. The total cost to the City of East Bethel would be \$1,092,641.

The second quote would reduce your contract coverage to 32 hours of Deputy coverage per day with 20 hours per week Community Service Officer coverage. Please note that this will be a reduction of service and will reduce the amount of time that deputies will be able to perform proactive activity in your city. The total cost to the City of East Bethel would be \$897,112.

The third quote would expand the District coverage that you originally received and add an additional deputy. This option includes 18 deputies instead of the original 17 deputy coverage. In addition, a revised cost option sheet has been provided based on a percentage breakout using calls for service. Please note that this will be a reduction of service and will reduce the amount of time that deputies will be able to perform proactive activity in your city. The total cost to the City of East Bethel would be \$814,270 (not including CSO coverage) unless the Cities agree to some other percentage breakout between each city. If the breakout is based on some other formula then of course the cost to the City of East Bethel would change.

The last quote enclosed is the original District coverage quote that you have already received. This option includes coverage for 17 deputies. I have also included the cost option sheet that was also previously provided based on a percentage breakout using calls for service. Please note that this will be a reduction of service and will reduce the amount of time that deputies will be able to perform proactive activity in your city. The total cost to the City of East Bethel would be \$770,655 (not including CSO coverage) unless the Cities agree to some other percentage breakout between each city. If the breakout is based on some other formula then of course the cost to the City of East Bethel would change.

I. PERSONNEL

| | | |
|--|---|------------------|
| A. Sworn Deputy Sheriff | | |
| 1.) | 8.40 Deputies at \$5,316 /month | 535,823 |
| 2.) | 7 Overtime (Average hours/month per Deputy) | 32,458 |
| B. Non-Sworn C.S.O. | | 16,432 |
| C. Benefits for Sworn and Non-Sworn Personnel | | |
| | P.E.R.A. (Sworn) | 81,832 |
| | P.E.R.A. (Non-Sworn) | 1,191 |
| | FICA | 1,257 |
| | Medicare | 8,240 |
| | Severance Allowance | 14,467 |
| | Unemployment Compensation | 877 |
| | Life Insurance | 353 |
| | Health Insurance | 117,692 |
| | Dental Insurance | 4,007 |
| | Long Term Disability Insurance | 1,250 |
| | Worker's Compensation | 8,829 |
| | Uniforms | 8,568 |
| | <i>Total Benefits</i> | 248,565 |
| TOTAL PERSONNEL COSTS | | \$833,278 |

II. VEHICLE

| | | |
|------------------------------------|---|------------------|
| A. Police Equipped Vehicles | 2 Squads | 57,000 |
| B. C.S.O. Vehicle | 1 Vehicle | 7,200 |
| C. Maintenance Costs | | |
| 1.) | Vehicle | 90,313 |
| 2.) | Emergency & Communications Equipment & replc/maint fees | 8,159 |
| 3.) | Emergency Vehicle Equipment replc. Fee | 1,000 |
| 3.) | Insurance | 8,100 |
| 4.) | Cellular Telephone | 2,040 |
| | <i>Total Maintenance Costs</i> | 109,612 |
| TOTAL VEHICLE COSTS | | \$173,812 |

III. Administrative Costs

| | |
|--|-----------------|
| Administrative, Clerical,+ substation computer line charge, Etc. | \$85,552 |
|--|-----------------|

IV. TOTAL COST TO CONTRACTING MUNICIPALITY

| | |
|---|--------|
| *Less Amount Received From State for Police State Aid | 47,880 |
|---|--------|

| | |
|---|--------------------|
| NET COST TO CONTRACTING MUNICIPALITY | \$1,044,761 |
|---|--------------------|

*This figure is determined by the State and is subject to fluctuation.

The latest estimate is \$5,700 per Deputy. Revenue received is for previous year Deputy hours hired prior to August 1

I. PERSONNEL

| | | |
|--|---|---------|
| A. Sworn Deputy Sheriff | | |
| 1.) | 6.72 Deputies at \$5,316 /month | 428,658 |
| 2.) | 7 Overtime (Average hours/month per Deputy) | 25,967 |
| B. Non-Sworn C.S.O. | | 16,432 |
| C. Benefits for Sworn and Non-Sworn Personnel | | |
| | P.E.R.A. (Sworn) | 65,466 |
| | P.E.R.A. (Non-Sworn) | 1,191 |
| | FICA | 1,257 |
| | Medicare | 6,592 |
| | Severance Allowance | 11,574 |
| | Unemployment Compensation | 707 |
| | Life Insurance | 282 |
| | Health Insurance | 94,154 |
| | Dental Insurance | 3,205 |
| | Long Term Disability Insurance | 1,000 |
| | Worker's Compensation | 7,113 |
| | Uniforms | 6,972 |
| | <i>Total Benefits</i> | 199,513 |

TOTAL PERSONNEL COSTS

\$670,570

II. VEHICLE

| | | |
|------------------------------------|---|--------|
| A. Police Equipped Vehicles | 2 Squads | 57,000 |
| B. C.S.O. Vehicle | 1 Vehicle | 7,200 |
| C. Maintenance Costs | | |
| 1.) | Vehicle | 74,375 |
| 2.) | Emergency & Communications Equipment & replc/maint fees | 7,546 |
| 3.) | Emergency Vehicle Equipment replc. Fee | 1,000 |
| 3.) | Insurance | 8,100 |
| 4.) | Cellular Telephone | 2,040 |
| | <i>Total Maintenance Costs</i> | 93,061 |

TOTAL VEHICLE COSTS

\$157,261

III. Administrative Costs

Administrative, Clerical,+ substation computer line charge, Etc.

\$69,281

IV. TOTAL COST TO CONTRACTING MUNICIPALITY

\$897,112

*Less Amount Received From State for Police State Aid

38,304

NET COST TO CONTRACTING MUNICIPALITY

\$858,808

*This figure is determined by the State and is subject to fluctuation.

The latest estimate is \$5,700 per Deputy. Revenue received is for previous year Deputy hours hired prior to August 1

State aid would be reduced next year due to reduction in FTE

I. PERSONNEL

| | | |
|--|---|--------------------|
| A. Sworn Deputy Sheriff | | |
| 1.) | 18.00 Deputies at \$5,316 /month | 1,148,191 |
| 2.) | 7 Overtime (Average hours/month per Deputy) | 69,554 |
| B. Non-Sworn C.S.O. | | 0 |
| C. Benefits for Sworn and Non-Sworn Personnel | | |
| | P.E.R.A. (Sworn) | 175,355 |
| | P.E.R.A. (Non-Sworn) | 0 |
| | FICA | 0 |
| | Medicare | 17,657 |
| | Severance Allowance | 31,001 |
| | Unemployment Compensation | 1,827 |
| | Life Insurance | 756 |
| | Health Insurance | 252,198 |
| | Dental Insurance | 8,586 |
| | Long Term Disability Insurance | 2,679 |
| | Worker's Compensation | 18,388 |
| | Uniforms | 17,100 |
| | <i>Total Benefits</i> | 525,547 |
| TOTAL PERSONNEL COSTS | | \$1,743,292 |

II. VEHICLE

| | | |
|------------------------------------|---|------------------|
| A. Police Equipped Vehicles | 5 Squads | 142,500 |
| B. C.S.O. Vehicle | 0 Vehicle | 0 |
| C. Maintenance Costs | | |
| 1.) | Vehicle | 178,373 |
| 2.) | Emergency & Communications Equipment & replc/maint fees | 14,725 |
| 3.) | Emergency Vehicle Equipment replc. Fee | 2,500 |
| 4.) | Insurance | 13,500 |
| 5.) | Cellular Telephone | 6,300 |
| | <i>Total Maintenance Costs</i> | 215,398 |
| TOTAL VEHICLE COSTS | | \$357,898 |

III. Administrative Costs

| | |
|--|------------------|
| Administrative, Clerical,+ substation computer lines charges, Etc. | \$177,801 |
|--|------------------|

IV. TOTAL COST TO CONTRACTING MUNICIPALITY

| | |
|---|--------------------|
| *Less Amount Received From State for Police State Aid | 115,140 |
| NET COST TO CONTRACTING MUNICIPALITY | \$2,163,851 |

*This figure is determined by the State and is subject to fluctuation.

The latest estimate is \$5,700 per Deputy. Revenue received is for previous year Deputy hours hired prior to August 1

State aid would be reduced next year due to reduction in FTE

Law Enforcement Contracting Cost Option With 18 Deputies

Calls For Service Percentages

| CFS | % of Calls |
|-----------------------|--------------------------|
| Oak Grove | 2,976 21.01% |
| East Bethel | 5,060 35.73% |
| Ham Lake | 6,126 43.26% |
| Combined Calls | 14,162 100.00% |

| Actual | | Example Only | |
|----------------|------------------|----------------|------------------|
| 2011 | | 2011 District | |
| Contract Costs | 670,225 | Contract Costs | 446,266 |
| Difference | 223,959 | Contract Costs | 758,772 |
| Oak Grove ** | 1,031,380 | | 272,608 * |
| East Bethel * | 941,124 | | 22,500 |
| Ham Lake | | | |
| Total | 2,642,729 | | 2,123,661 |
| | 519,068 | | 519,068 |

* East Bethel would need to add CSO Costs of \$45,718

** Oak Grove's expansion was annualized for comparison purposes

| Proposed | | Proposed | |
|-----------------|------------------|----------------|------------------|
| 2012 Individual | | 2012 District | |
| Contract Costs | 641,656 | Contract Costs | 478,907 |
| Difference | 162,749 | Contract Costs | 814,270 |
| Oak Grove | 1,046,298 | | 232,028 * |
| East Bethel * | 955,573 | | -30,241 |
| Ham Lake | | | |
| Total | 2,643,527 | | 2,278,991 |
| | 364,536 | | 364,536 |

* East Bethel would need to add CSO Costs of \$46,343

*** The Total Cost for this option is \$2,156,919. It is up to the cities to determine the final cost distribution between each of the cities.

I. PERSONNEL

| | | |
|--|---------|--------------------|
| A. Sworn Deputy Sheriff | | |
| 1.) 17.00 Deputies at \$5,316 /month | | 1,084,403 |
| 2.) 7 Overtime (Average hours/month per Deputy) | | 65,690 |
| B. Non-Sworn C.S.O. | | 0 |
| C. Benefits for Sworn and Non-Sworn Personnel | | |
| P.E.R.A. (Sworn) | 165,613 | |
| P.E.R.A. (Non-Sworn) | 0 | |
| FICA | 0 | |
| Medicare | 16,676 | |
| Severance Allowance | 29,279 | |
| Unemployment Compensation | 1,725 | |
| Life Insurance | 714 | |
| Health Insurance | 238,187 | |
| Dental Insurance | 8,109 | |
| Long Term Disability Insurance | 2,530 | |
| Worker's Compensation | 17,366 | |
| Uniforms | 16,150 | |
| <i>Total Benefits</i> | | 496,350 |
| TOTAL PERSONNEL COSTS | | \$1,646,443 |

II. VEHICLE

| | | |
|---|-----------|------------------|
| A. Police Equipped Vehicles | 5 Squads | 142,500 |
| B. C.S.O. Vehicle | 0 Vehicle | 0 |
| C. Maintenance Costs | | |
| 1.) Vehicle | | 163,200 |
| 2.) Emergency & Communications Equipment & replc/maint fees | | 14,360 |
| 3.) Emergency Vehicle Equipment replc. Fee | | 2,500 |
| 4.) Insurance | | 13,500 |
| 5.) Cellular Telephone | | 6,300 |
| <i>Total Maintenance Costs</i> | | 199,860 |
| TOTAL VEHICLE COSTS | | \$342,360 |

III. Administrative Costs

| | |
|--|------------------|
| Administrative, Clerical,+ substation computer lines charges, Etc. | \$168,116 |
|--|------------------|

IV. TOTAL COST TO CONTRACTING MUNICIPALITY

| | |
|---|--------------------|
| | \$2,156,919 |
| *Less Amount Received From State for Police State Aid | 115,140 |
| NET COST TO CONTRACTING MUNICIPALITY | \$2,041,779 |

*This figure is determined by the State and is subject to fluctuation.

The latest estimate is \$5,700 per Deputy. Revenue received is for previous year Deputy hours hired prior to August 1

State aid would be reduced next year due to reduction in FTE

Law Enforcement Contracting Cost Option with 17 Deputies

| Actual | | Example Only | |
|----------------|------------------|------------------|----------------|
| 2011 | | 2011 District | |
| Contract Costs | Contract Costs | Contract Costs | Difference |
| Oak Grove ** | 670,225 | 446,266 | 223,959 |
| East Bethel * | 1,031,380 | 758,772 | 272,608 * |
| Ham Lake | 941,124 | 918,624 | 22,500 |
| Total | 2,642,729 | 2,123,661 | 519,068 |

* East Bethel would need to add CSO Costs of \$45,718
 ** Oak Grove's expansion was annualized for comparison purposes

Calls For Service Percentages

| CFS | % of Calls |
|-----------------------|--------------------------|
| Oak Grove | 2,976 21.01% |
| East Bethel | 5,060 35.73% |
| Ham Lake | 6,126 43.26% |
| Combined Calls | 14,162 100.00% |

| Proposed | | Proposed | |
|-----------------|------------------|------------------|----------------|
| 2012 Individual | | 2012 District | |
| Contract Costs | Contract Costs | Contract Costs | Difference |
| Oak Grove | 641,656 | 453,255 | 188,401 |
| East Bethel * | 1,046,298 | 770,655 | 275,643 * |
| Ham Lake | 955,573 | 933,010 | 22,563 |
| Total | 2,643,527 | 2,156,919 | 486,608 |

* East Bethel would need to add CSO Costs of \$46,343

*** The Total Cost for this option is \$2,156,919. It is up to the cities to determine the final cost distribution between each of the cities.

| YEAR | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | % Change | 1/2 2011 | 2011 Projections | Projected % Change |
|----------------------------|--------------|--------------|--------------|-------------|-------------|-------------|----------------|-------------|------------------|--------------------|
| CONTRACT PRICE | 571,786 | \$668,948 | 723,781 | 862,428 | 1,000,288 | 1,010,950 | 76.80% | | 1,029,218 | 80.00% |
| RADIO CALLS | 6032 | 5793 | 5603 | 4756 | 4741 | 4907 | -18.65% | 2306 | 4612 | -23.54% |
| INCIDENT REPORTS | 6111 | 5461 | 5228 | 4535 | 4845 | 4403 | -27.95% | 1998 | 3996 | -34.61% |
| TOTAL CALLS/REPORTS | 12143 | 11254 | 10831 | 9291 | 9586 | 9310 | -23.33% | 4304 | 8608 | -29.11% |
| BURGLARIES | 91 | 70 | 68 | 65 | 43 | 48 | -47.25% | 18 | 36 | -60.44% |
| THEFTS | 379 | 315 | 217 | 264 | 225 | 245 | -35.36% | 91 | 182 | -51.98% |
| CRIM SEX CONDUCT | 18 | 14 | 14 | 4 | 15 | 9 | -50.00% | 4 | 8 | -55.55% |
| ASSAULT | 93 | 85 | 45 | 24 | 32 | 30 | -67.74% | 12 | 24 | -74.19% |
| DAMAGE TO PROP | 171 | 178 | 136 | 141 | 103 | 96 | -43.86% | 37 | 74 | -56.73% |
| HARR COMM | 65 | 64 | 52 | 38 | 46 | 32 | -50.77% | 18 | 36 | -44.62% |
| MVA | 116 | 116 | 98 | 84 | 87 | 94 | -18.97% | 32 | 64 | -44.83% |
| DOMESTICS (NO ARR?) | 106 | 100 | 129 | 70 | 90 | 82 | -22.64% | 37 | 74 | -30.19% |
| MEDICAL | 201 | 255 | 297 | 249 | 262 | 248 | 23.38% | 126 | 252 | 25.37% |
| ORDINANCE COMPL. | 108 | 95 | 101 | 73 | 102 | 88 | -18.52% | 18 | 36 | -66.67% |
| ANIMAL COMPLAINTS | 178 | 202 | 210 | 198 | 155 | 122 | -31.46% | 55 | 110 | -38.20% |
| DRUGS, NOT METH | 10 | 5 | 5 | 6 | 10 | 7 | -30.00% | 3 | 6 | -40.00% |
| DRUGS , METH | 16 | 9 | 13 | 3 | 9 | 5 | -68.75% | 4 | 8 | -50.00% |
| DOMESTIC ASSAULTS | 48 | 47 | 53 | 46 | 28 | 32 | -33.33% | 18 | 36 | -25.00% |
| TOTAL COMPLAINTS | 1600 | 1555 | 1438 | 1265 | 1207 | 1138 | -28.88% | 473 | 946 | -40.88% |
| FELONY ARRESTS | 152 | 91 | 54 | 32 | 50 | 39 | -74.34% | 25 | 50 | -67.11% |
| GROSS MISDEM ARR | 86 | 54 | 23 | 30 | 6 | 4 | -95.35% | 2 | 4 | -95.35% |
| MISDEMEANOR ARR | 334 | 326 | 353 | 363 | 181 | 168 | -49.70% | 42 | 84 | -74.85% |
| DUI ARRESTS | 65 | 52 | 51 | 62 | 48 | 76 | 16.92% | 27 | 54 | -16.92% |
| DOMESTIC ARRESTS | 28 | 49 | 49 | 46 | 29 | 31 | 10.71% | 13 | 26 | -7.14% |
| WARRANT ARRESTS | 222 | 169 | 87 | 76 | 86 | 69 | -68.92% | 26 | 52 | -76.58% |
| TRAFFIC ARRESTS | 1045 | 735 | 815 | 777 | 1034 | 833 | -20.29% | 401 | 802 | -23.25% |
| TOTAL ARRESTS | 1932 | 1476 | 1432 | 1386 | 1434 | 1220 | -36.85% | 536 | 1072 | -44.51% |

ATTACHMENT #1

| | 2011 | 2010 | 2009 | 2008 | 2007 | 2006 | 2005 |
|-------------------------|------|------|------|------|------|------|------|
| Radio Calls | 2306 | 4907 | 4741 | 4756 | 5603 | 5793 | 6032 |
| Incident Reports | 1998 | 4403 | 4845 | 4535 | 5228 | 5461 | 6111 |
| Burglaries | 18 | 48 | 43 | 65 | 68 | 70 | 91 |
| Thefts | 91 | 245 | 225 | 264 | 217 | 315 | 379 |
| Crim Sex Conducts | 4 | 9 | 15 | 4 | 14 | 14 | 18 |
| Assault | 12 | 30 | 32 | 24 | 45 | 85 | 93 |
| Dam to Prop | 37 | 96 | 103 | 141 | 136 | 178 | 171 |
| Harr Comm | 18 | 32 | 46 | 38 | 52 | 64 | 65 |
| Felony Arrests | 25 | 39 | 50 | 32 | 54 | 91 | 152 |
| GM Arrests | 2 | 4 | 6 | 30 | 23 | 54 | 86 |
| Misd Arrests | 42 | 168 | 181 | 363 | 353 | 326 | 334 |
| DUI Arrests | 27 | 76 | 48 | 62 | 51 | 52 | 65 |
| Domestic Arrests | 13 | 31 | 29 | 46 | 49 | 49 | 28 |
| Warrant Arrests | 26 | 69 | 86 | 76 | 87 | 169 | 222 |
| Traffic Arrests | 401 | 833 | 1034 | 777 | 815 | 735 | 1045 |
| Motor Vehicle Accidents | 32 | 94 | 87 | 84 | 98 | 116 | 116 |
| Domestics | 37 | 82 | 90 | 70 | 129 | 100 | 106 |
| Medical | 126 | 248 | 262 | 249 | 297 | 255 | 201 |
| Ordinance Complaints | 18 | 88 | 102 | 73 | 101 | 95 | 108 |
| Animal Complaints | 55 | 122 | 155 | 198 | 210 | 202 | 178 |
| Drugs - Except Meth | 3 | 7 | 10 | 6 | 5 | 5 | 10 |
| Drugs - meth | 4 | 5 | 9 | 3 | 13 | 9 | 16 |
| Domestic Assaults | 18 | 32 | 28 | 46 | 53 | 47 | 48 |

ATTACHMENT # 1.1



Payments for Council Approval August 3, 2011

| | |
|---|---------------------|
| Bills to be Approved for Payment | \$918,627.71 |
| Electronic Payments | \$23,778.96 |
| Payroll City Council - July 21, 2011 | \$1,461.07 |
| Payroll City Staff - July 21, 2011 | \$32,389.63 |
| Total to be Approved for Payment | \$976,257.37 |

City of East Bethel

August 3, 2011

Payment Summary

| Department | Description | Invoice | Vendor | Fund | Dept | Amount |
|-------------------------------|-------------------------------|---------------|-------------------------------|------|-------|----------|
| Arena Operations | Bldgs/Facilities Repair/Maint | 72111 | Connexus Energy | 615 | 49851 | 21.32 |
| Arena Operations | Electric Utilities | 72111 | Connexus Energy | 615 | 49851 | 676.91 |
| Arena Operations | Gas Utilities | 289730046 | Xcel Energy | 615 | 49851 | 64.51 |
| Arena Operations | Refuse Removal | 1469785 | Walters Recycling, Inc. | 615 | 49851 | 154.44 |
| Arena Operations | Refuse Removal | 1469787 | Walters Recycling, Inc. | 615 | 49851 | 27.78 |
| Building Inspection | Surcharge Remittance | 2nd Qtr 11 | MN Dept Labor & Industry | 101 | | 653.59 |
| Building Inspection | Telephone | 332373310-116 | Nextel Communications | 101 | 42410 | 17.48 |
| Central Services/Supplies | Office Supplies | 570125756001 | Office Depot | 101 | 48150 | 53.63 |
| Central Services/Supplies | Office Supplies | 570125804001 | Office Depot | 101 | 48150 | 2.90 |
| Central Services/Supplies | Office Supplies | 570125805001 | Office Depot | 101 | 48150 | 2.90 |
| Central Services/Supplies | Office Supplies | 570912727001 | Office Depot | 101 | 48150 | 31.14 |
| Central Services/Supplies | Office Supplies | 571132249001 | Office Depot | 101 | 48150 | 8.01 |
| Central Services/Supplies | Office Supplies | 570738851001 | Office Depot | 101 | 48150 | 5.87 |
| Central Services/Supplies | Small Tools and Minor Equip | XZQ6898 | CDW Government, Inc. | 101 | 48150 | 215.09 |
| Central Services/Supplies | Telephone | 8550098 | Integra Telecom | 101 | 48150 | 221.36 |
| City Administration | Travel Expenses | 72611 | Jack Davis | 101 | 41320 | 110.19 |
| City Clerk | Office Supplies | 571132249001 | Office Depot | 101 | 41430 | 52.64 |
| City Clerk | Travel Expenses | 72611 | Wendy Warren | 101 | 41430 | 102.57 |
| Engineering | Architect/Engineering Fees | 28245 | Hakanson Anderson Assoc. Inc. | 101 | 43110 | 2,802.16 |
| Finance | Office Supplies | 570738851001 | Office Depot | 101 | 41520 | 45.05 |
| Fire Department | Bldg/Facility Repair Supplies | XZM0604 | CDW Government, Inc. | 101 | 42210 | 47.56 |
| Fire Department | Bldg/Facility Repair Supplies | 9575196796 | Grainger | 101 | 42210 | 37.70 |
| Fire Department | Bldg/Facility Repair Supplies | 9575385308 | Grainger | 101 | 42210 | 720.52 |
| Fire Department | Bldgs/Facilities Repair/Maint | 72111 | Connexus Energy | 101 | 42210 | 5.32 |
| Fire Department | Conferences/Meetings | 35148 | MFSCB | 101 | 42210 | 20.00 |
| Fire Department | Disability Insurance | 219307 | Bearence Management Group | 101 | 42210 | 890.00 |
| Fire Department | Electric Utilities | 72111 | Connexus Energy | 101 | 42210 | 793.37 |
| Fire Department | Gas Utilities | 289730046 | Xcel Energy | 101 | 42210 | 92.16 |
| Fire Department | Other Advertising | 110552 | Aspen Mills, Inc. | 231 | 42210 | 45.95 |
| Fire Department | Other Advertising | 110080 | Aspen Mills, Inc. | 231 | 42210 | 632.30 |
| Fire Department | Professional Services Fees | 61511 | City of East Bethel | 231 | 42210 | 1,666.67 |
| Fire Department | Professional Services Fees | 17864 | Med Compass, Inc. | 101 | 42210 | 2,732.50 |
| Fire Department | Refuse Removal | 1469784 | Walters Recycling, Inc. | 101 | 42210 | 39.35 |
| Fire Department | Safety Supplies | 110014286 | Allina Health System | 101 | 42210 | 582.61 |
| Fire Department | Telephone | 8550098 | Integra Telecom | 101 | 42210 | 138.37 |
| Fire Department | Telephone | 332373310-116 | Nextel Communications | 101 | 42210 | 103.42 |
| General Govt Buildings/Plant | Bldgs/Facilities Repair/Maint | 1014 | LowVolts LLC | 101 | 41940 | 1,975.00 |
| General Govt Buildings/Plant | Bldgs/Facilities Repair/Maint | 1015 | LowVolts LLC | 101 | 41940 | 2,865.00 |
| General Govt Buildings/Plant | Electric Utilities | 72111 | Connexus Energy | 101 | 41940 | 1,130.54 |
| General Govt Buildings/Plant | Gas Utilities | 289730046 | Xcel Energy | 101 | 41940 | 56.51 |
| General Govt Buildings/Plant | Refuse Removal | 1469788 | Walters Recycling, Inc. | 101 | 41940 | 27.78 |
| Housing & Redevelopment Autho | Legal Fees | 8948 | Hoff, Barry & Kozar, P.A. | 230 | 23000 | 693.96 |
| Mayor/City Council | Conferences/Meetings | 71911 | Heidi Moegerle | 101 | 41110 | 15.00 |
| Mayor/City Council | Travel Expenses | 71911 | Heidi Moegerle | 101 | 41110 | 21.09 |
| MSA Street Construction | Architect/Engineering Fees | 28246 | Hakanson Anderson Assoc. Inc. | 402 | 40200 | 135.00 |
| MSA Street Construction | Architect/Engineering Fees | 28254 | Hakanson Anderson Assoc. Inc. | 402 | 40200 | 108.68 |
| Park Acquisition/Development | Architect/Engineering Fees | 28254 | Hakanson Anderson Assoc. Inc. | 404 | 40400 | 362.26 |
| Park Maintenance | Bldg/Facility Repair Supplies | 4446 | Menards - Forest Lake | 101 | 43201 | 30.00 |
| Park Maintenance | Clothing & Personal Equipment | 470674955 | Cintas Corporation #470 | 101 | 43201 | 47.58 |
| Park Maintenance | Electric Utilities | 72111 | Connexus Energy | 101 | 43201 | 632.05 |
| Park Maintenance | Equipment Parts | 1539-483165 | O'Reilly Auto Parts | 101 | 43201 | 22.34 |
| Park Maintenance | General Operating Supplies | 166458 | Lehmann's Power Equipment | 101 | 43201 | 100.00 |

City of East Bethel

August 3, 2011

Payment Summary

| Department | Description | Invoice | Vendor | Fund | Dept | Amount |
|--------------------------------|-------------------------------|---------------|-------------------------------|------|-------|------------|
| Park Maintenance | Other Equipment Rentals | 46409 | Jimmy's Johnnys, Inc. | 101 | 43201 | 848.13 |
| Park Maintenance | Other Equipment Rentals | 46261 | Jimmy's Johnnys, Inc. | 101 | 43201 | 1,027.00 |
| Park Maintenance | Park/Landscaping Materials | 44181 | Hoffman Bros. Sod, Inc | 101 | 43201 | 71.61 |
| Park Maintenance | Park/Landscaping Materials | 44166 | Hoffman Bros. Sod, Inc | 101 | 43201 | 71.61 |
| Park Maintenance | Professional Services Fees | 72711 | Jill Teetzel | 101 | 43201 | 70.00 |
| Park Maintenance | Safety Supplies | 4446 | Menards - Forest Lake | 101 | 43201 | 14.84 |
| Park Maintenance | Telephone | 8550098 | Integra Telecom | 101 | 43201 | 50.72 |
| Park Maintenance | Telephone | 332373310-116 | Nextel Communications | 101 | 43201 | 69.92 |
| Payroll | Insurance Premium | 4656142 | Delta Dental | 101 | | 853.40 |
| Payroll | Insurance Premium | 40756 | Fort Dearborn Life Insurance | 101 | | 1,037.61 |
| Payroll | Insurance Premium | 24729120 | Medica Health Plans | 101 | | 7,294.05 |
| Planning and Zoning | Architect/Engineering Fees | 28253 | Hakanson Anderson Assoc. Inc. | 929 | | 53.44 |
| Planning and Zoning | Professional Services Fees | 72711 | Jill Teetzel | 101 | 41910 | 18.00 |
| Planning and Zoning | Telephone | 332373310-116 | Nextel Communications | 101 | 41910 | 17.48 |
| Recycling Operations | Electric Utilities | 72111 | Connexus Energy | 226 | 43235 | 121.72 |
| Recycling Operations | Gas Utilities | 289730046 | Xcel Energy | 226 | 43235 | 26.72 |
| Recycling Operations | Other Equipment Rentals | 46261 | Jimmy's Johnnys, Inc. | 226 | 43235 | 71.47 |
| Recycling Operations | Refuse Removal | 1469786 | Walters Recycling, Inc. | 226 | 43235 | 267.48 |
| Sewer Operations | Bldgs/Facilities Repair/Maint | 72111 | Connexus Energy | 602 | 49451 | 24.53 |
| Sewer Operations | Chemicals and Chem Products | 3242587 RI | Hawkins, Inc | 602 | 49451 | 3,491.61 |
| Sewer Operations | Electric Utilities | 72111 | Connexus Energy | 602 | 49451 | 820.54 |
| Sewer Utility Capital Projects | Architect/Engineering Fees | 28243 | Hakanson Anderson Assoc. Inc. | 434 | 49455 | 1,318.09 |
| Sewer Utility Capital Projects | Architect/Engineering Fees | 28244 | Hakanson Anderson Assoc. Inc. | 434 | 49455 | 1,263.71 |
| Sewer Utility Capital Projects | Improvements Other Than Bldgs | Pay Est #3 | S.R. Weidema Inc. | 434 | 49455 | 44,077.24 |
| Sewer Utility Capital Projects | Improvements Other Than Bldgs | Pay Est #3 | TCF Bank | 434 | 49455 | 2,304.67 |
| Sewer Utility Capital Projects | | Pay Est #3 | S.R. Weidema Inc. | 434 | | 494,292.23 |
| Sewer Utility Capital Projects | | Pay Est #3 | TCF Bank | 434 | | 26,015.38 |
| Street Capital Projects | Architect/Engineering Fees | 28254 | Hakanson Anderson Assoc. Inc. | 406 | 40600 | 626.82 |
| Street Capital Projects | Street Maint Services | 213307 | American Pavement Solutions | 406 | 40600 | 140,056.24 |
| Street Maintenance | Bldgs/Facilities Repair/Maint | 470674955 | Cintas Corporation #470 | 101 | 43220 | 26.50 |
| Street Maintenance | Bldgs/Facilities Repair/Maint | 72111 | Connexus Energy | 101 | 43220 | 21.29 |
| Street Maintenance | Clothing & Personal Equipment | 470674955 | Cintas Corporation #470 | 101 | 43220 | 78.36 |
| Street Maintenance | Clothing & Personal Equipment | 71811 | John Schaser | 101 | 43220 | 100.00 |
| Street Maintenance | Electric Utilities | 72111 | Connexus Energy | 101 | 43220 | 1,574.12 |
| Street Maintenance | Equipment Parts | 166458 | Lehmann's Power Equipment | 101 | 43220 | 165.43 |
| Street Maintenance | Gas Utilities | 289730046 | Xcel Energy | 101 | 43220 | 21.92 |
| Street Maintenance | Office Supplies | 1539-481974 | O'Reilly Auto Parts | 101 | 43220 | 26.70 |
| Street Maintenance | Professional Services Fees | 72711 | Jill Teetzel | 101 | 43220 | 70.00 |
| Street Maintenance | Refuse Removal | 1461384 | Walters Recycling, Inc. | 101 | 43220 | 361.07 |
| Street Maintenance | Shop Supplies | 1539-483165 | O'Reilly Auto Parts | 101 | 43220 | 32.94 |
| Street Maintenance | Street Maint Materials | 12935 | Bjorklund Trucking | 101 | 43220 | 491.01 |
| Street Maintenance | Telephone | 8550098 | Integra Telecom | 101 | 43220 | 50.72 |
| Street Maintenance | Telephone | 332373310-116 | Nextel Communications | 101 | 43220 | 136.41 |
| Water Utility Capital Projects | Architect/Engineering Fees | 28255 | Hakanson Anderson Assoc. Inc. | 433 | 49405 | 10,054.84 |
| Water Utility Capital Projects | Architect/Engineering Fees | 28252 | Hakanson Anderson Assoc. Inc. | 433 | 49405 | 11,787.07 |
| Water Utility Capital Projects | Architect/Engineering Fees | 28243 | Hakanson Anderson Assoc. Inc. | 433 | 49405 | 1,318.09 |
| Water Utility Capital Projects | Electric Utilities | 72111 | Connexus Energy | 433 | 49405 | 4.29 |
| Water Utility Capital Projects | Improvements Other Than Bldgs | Pay Est #4 | Mark J. Traut Wells Inc. | 433 | 49405 | 53,358.65 |
| Water Utility Capital Projects | Improvements Other Than Bldgs | Pay Est #3 | S.R. Weidema Inc. | 433 | 49405 | 84,713.16 |
| Water Utility Capital Projects | Improvements Other Than Bldgs | Pay Est #3 | TCF Bank | 433 | 49405 | 4,473.77 |
| Water Utility Operations | Bldgs/Facilities Repair/Maint | 72111 | Connexus Energy | 601 | 49401 | 26.67 |
| Water Utility Operations | Chemicals and Chem Products | 3242086 RI | Hawkins, Inc | 601 | 49401 | 1,059.43 |

City of East Bethel

August 3, 2011

Payment Summary

| Department | Description | Invoice | Vendor | Fund | Dept | Amount |
|------------|----------------------------|---------|--------|------|------|--------------------|
| | | | | | | |
| | Electronic Payments | | | | | |
| | PERA | | | | | \$5,451.05 |
| | Federal Withholding | | | | | \$5,292.13 |
| | Medicare Withholding | | | | | \$1,496.38 |
| | FICA Tax Withholding | | | | | \$5,366.36 |
| | State Withholding | | | | | \$2,642.71 |
| | MSRS | | | | | \$3,530.33 |
| | | | | | | \$23,778.96 |
| | | | | | | |
| | | | | | | |
| | | | | | | |



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 7.0 A-D

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, July 20, 2011 Regular City Council

Meeting minutes from the July 20, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

Resolution 2011-23 Accepting Donation from Chops, Inc.

The 3rd Annual City of East Bethel Family Fun Night was held Friday, July 15, 2011. Family Fun Night is held in conjunction with the Booster Day Event, held on Saturday, July 16, 2011. Residents are invited to bring their families and friends, grab a picnic basket, blankets, lawn chairs and enjoy an evening in the park. This event includes several activities, a Kiddie Parade at 7:30 p.m. followed by a movie “Yogi Bear”, that was moved to the East Bethel Ice Arena due to the weather.

The City of East Bethel has received a donation in the amount of \$1,000.00 from CHOPS, Inc. that was used for the Family Fun Night on Friday, July 15, 2011.

Staff is recommending Council adopt Resolution 2011-23 Accepting the Donation from Chops, Inc.

Item D

Resolution 2011-24 Appointing City Clerk/Treasurer

The City Council needs to appoint a City Clerk/Treasurer and should confirm the appointment of any Deputies the newly appointed Clerk/Treasurer would appoint. The effective date of the change would be upon adoption of the resolution. Currently, Wendy Warren serves as the Deputy City Clerk and Rita Pierce serves as the Deputy Treasurer. It is staff’s suggestion that Wendy and Rita be confirmed as Deputy Clerk and Deputy Treasurer respectively.

Staff recommends adoption of Resolution No. 2011-24 appointing Jack Davis, City Administrator as the City Clerk/Treasurer and Wendy Warren, Deputy City Clerk and Rita Pierce, Deputy City Treasurer.

Staff is recommending Council adopt Resolution 2011-24 Appointing City Clerk/Treasurer.

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

July 20, 2011

The East Bethel City Council met on July 20, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Bob DeRoche Heidi Moegerle
Steve Voss

MEMBERS EXCUSED: Richard Lawrence

ALSO PRESENT: Mark Vierling, City Attorney
Craig Jochum, City Engineer

Call to Order **The July 20, 2011 City Council meeting was called to order by Acting Mayor Moegerle at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the July 20, 2011 City Council agenda. Voss seconded; all in favor, motion carries.**

Sheriff's Report Lieutenant Orlando gave the June 2011 report as follows:

DUI Arrests:

There were 9 DWI arrests for the month of June. Two arrests occurred for traffic violations. Two arrests occurred as a result of "suspicious vehicles" – one where the driver claimed to have been the sober driver. Three involved property damage accidents. Two involved the same driver but two weeks apart.

Miscellaneous Reports:

There were 13 reports of damage to property. The majority of these reports involve damage that has occurred overnight, with no suspect information. It is important to call 911 if you see or hear anything suspicious.

Three juvenile males were caught burglarizing an attached garage by a homeowner. The three males were not from the East Bethel area. None of them would speak with the Detective, upon an interview attempt. Just a reminder to close and secure your garage and service doors, even during the day.

There were two incidents where arrests were made for possession of a controlled substance. One involved a juvenile male and one involved an adult male.

There were ten thefts from vehicles reported for the month. The majority involved items being taken from unlocked vehicles, while parked overnight in driveways. Items taken are GPS systems, iPods, cell phones and cell phone chargers, car stereos, and change. Many times car thieves will break windows to get items that they want so be sure to take your valuable items into your house.

Car Seats/Booster Seats:

If you or someone you know is in need of a car seat for an infant or a booster seat for a child,

please contact our office and speak with Laura Landes, she does have seats available at no charge. If you were involved in a car accident even if the car seat looks fine, it still should be changed out.

Boyer said he is looking at the year-to-date felony arrests and they are substantially higher this year and wondering do you have any insight on that. Lieutenant Orlando she can look at that. She said we looked at that a few months ago. Lieutenant Orlando said sometimes when an arrest takes place but they can end up having four felony arrests against them. Boyer said it struck him as odd because every where else there is a dramatic decrease but then he gets to felony arrests. Lieutenant Orlando said she will look at that and will get it to you next month.

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

Mike VanKirk, mayor of Ham Lake said he wanted to talk about the potential for the law enforcement district contract, there was talk at your last council meeting and he did want to clarify there was talk about the deal had been done. He said originally when Ham Lake had been looking at options he did contact the mayor of Oak Grove and the mayor of East Bethel, but that was only to see if there was enough interest to bring it to the Sheriff, to have him spend staff time on it, it wasn't a deal under the table or anything. VanKirk said there was some expression of interest and since then the Sheriff has put together a district concept. He said he is not here to sway you one way or the other, but he thinks with decreasing budgets this is one way we don't have to compromise a whole lot of active police coverage, because in essence we are already covering each other. He said with the district concept, when we are doing city by city, there is hesitancy to cross because if this car is seen in this city, and that car seen in that city, but if they worked it out, not going to tell them how to do their jobs, but guess there are areas they would stay in they could cover those better. VanKirk said our investigator is already the same for all three cities; we are just talking about dedicated service for all three cities. He said he knows East Bethel is a little lower in calls for service than Ham Lake, obviously yours have gone down, ours has gone down. He said we had less calls for service in 2010 than we had in 2001 when we only had 24 hours of coverage, but we aren't going to drop to 24 hours of coverage obviously.

VanKirk said but he thinks in this day and age with budget issues, it can be let's try this for a year and see. He said we put together a law enforcement committee between the three cities and for the first time between the three cities we would be talking to each other, instead of finger pointing and who is covering what. VanKirk said the other thing is you are going to be getting a sewer district so your chances for call for service are going to be coming up on the southern side of your border, the loop around Coon Lake would be quicker response. He said if you take into consideration these things and the sheriff thought it would work good, and he doesn't know about you but we are down \$600,000 to \$700,000 in our budget and when he knocked on doors last fall no one wanted a tax increases in this economy, not trying to put public safety under the bus, but this is a chance to potentially put together this district.

VanKirk said we are sharing fire departments, there are fire districts, he knows Ham Lake hooked up with East Bethel for a large piece of equipment for public works; it is kind of the way things are going. Boyer said we don't share a fire department, we have a mutual aid agreement, but we have a mutual aid agreement with every city in the State of Minnesota. VanKirk said he didn't mean you specifically, but there are other communities that are sharing these services to help cut costs. He said he just wanted to come tonight to let you

know that he didn't count anybody in, didn't cut a deal, nothing, he just had a consensus from the East Bethel mayor and Oak Grove mayor to have the sheriff go ahead and develop the concept and he is excited that he did. He said it might not be perfect and you might not want to do it, but he thinks collectively all three cities would benefit greatly.

Voss said just so VanKirk knows, the first East Bethel Council meeting in August we are having a public meeting on this issue. Van Kirk said he will be here for sure. He said he just wanted to be here because thought at the last meeting there had to be a vote and that is not the case. He said he has been busy behind the scenes. VanKirk said and you guys haven't really looked at it, you haven't had a chance to mull it over, and he didn't want you to think that his city or Oak Grove just wanted you to cut a deal, he doesn't want that, if this is going to work all three Councils and the law enforcement committee have to work together. He said otherwise we are just putting Band-Aids on it or labeling it something different and he doesn't want to do that, he wants to stay with a true district concept to open up dialogue between the three cities.

Voss asked out of curiosity what is your current coverage for 2011. VanKirk said we are at 36 hours. Voss asked and you would be going down to. VanKirk said it is not an hourly thing, he hasn't sat down with the Sheriff on that part, but he did definitely state that it is within his parameters for coverage for a district. DeRoche said he thinks he said it is not under 40% proactive time. Boyer said bigger thing is your calls are about 20% more than ours, and yet you are asking us to pay the same amount as you guys. He said which to me is just saying we are subsidizing Ham Lake. VanKirk said in order for you to get the \$850,000 all three cities have to play ball. Boyer said he can get that just by cutting service to 32 hours and we don't have to subsidize. VanKirk said at the time this was being put together there was no offer for the 32 on the table, you may go with your own, with the 32 and that is fine, he is not here to hustle the thing. He said but when he first heard about this there was no hour reduction on the table for you folks so it was a good opportunity at the time because it would have given you an opportunity to lower your costs.

Voss said what we are looking at is going from 40 hours to 32 hours, a 20% cut in our service and when we looked at the difference of cost between Oak Grove and Ham Lake and this is not to say we are in support of a 20% cut, but apples to apples you are not reducing your police coverage by 20% from 2011-2012. VanKirk said no we are not; we are reducing by 10%. Moegerle said but you reduced it last year, is that not correct. Voss said but that was last year, not this year. Voss said but in terms of service, and that is Ham Lakes choice to reduce you proactive police coverage. VanKirk said our proactive goes up by default as our calls for service goes down. Voss said right, but you are at 40% and we are at 50% so basically what it does is cuts our level of proactive police coverage. He said it cuts our level of service by 20% and the reason the sheriff's office presented it to us is because as a stand alone contract at 32 hours it is literally a \$9,000 difference between sharing a police force and having our own police force.

VanKirk said at the time when we looked at this was the sheriff office said no one was getting cuts. Voss said you have to cut because you are cutting time and he thinks you are cutting six officers. VanKirk said some of the cuts were backup time because the cities have to have X amount of hours and if you take with a whole district it is not that big of a deal. He said the other advantage with the district is if we increase coverage, say 8 hours with our three cities and say it is \$200,000 if we do this as a district we split that 40/40/20. VanKirk said it is not so painful then. Voss said that is just an increment of coverage however you want to cut the pot; it is just 2-3 hours for us, 2-3 hours for you and so on. He said it is not

eight hours. DeRoche said wouldn't the next meeting be a better forum for this discussion. Voss said he agrees but he brought this us. VanKirk said he agrees, but it is quiet tonight.

Mark Korin, mayor of Oak Grove said he is here tonight to try to dispel rumors, we were proposed this by Sheriff Stuart. He said this was a way to look at a joint view, a first blush, for similar savings between our cities. Korin said we went to Sheriff Andersohn at the time and said we don't want that 60% increase. He said they wanted to bump us up to 24 hours and we didn't want it. Korin said so our council last year decided to look at options going forward. He said the one thing that is overlooked here is this is patrol, the sheriff is going to be in the area anyways, they are all Anoka County officers, and they are already covering our cities. Korin said there is not a day that goes by that he doesn't see Ham Lake or East Bethel cars in Oak Grove or vice versa. He said when he had a discussion with the sheriff he said when the cavalry is needed they will be there. Korin said so essentially you are going to get that patrol service from one city to the next anyways. He said you may decide to not go with the districting, but our city is looking at all options, not only how can we reduce police costs, but ways to reduce costs in our city and reduce those costs to our citizens. Korin said it isn't trying to force it down your throat, we want to work together and we want you to at least think about is it viable to work together. He said we already have Anoka County together so it kind of made sense.

Korin said he brought council member Dan Deno with him and they can get on the agenda at the next meeting. Voss said it is already on the agenda. Korin said he didn't know if we need to get put on the agenda. Moegerle said to make a presentation. Korin said all he is here to do is to tag on to what VanKirk said, but also to calm people down, we are just looking at ways to reduce costs and to keep the minimum percentages recommended by Sheriff Stuart and go forward with what works for all of our cities. He said Boyer brought up a good point that Ham Lakes call rates are higher than yours, well think about our position here; our call rates are way low. He said we are going to be subsidizing East Bethel and Ham Lake, but he doesn't look at it like that, he looks at it as a joint venture between all three of our cities in a way that we can cut costs, that is it. Boyer said he would be more interested to see you come up to our rate of proactive, that would be a lot better than some kind of race to the bottom. Korin said we have had 16 hours of coverage for 20 years we have never had a catastrophe, our call rates are going down, just like yours and Ham Lakes and if there is a way we can look at that and say does this work for all three cities, so be it. He said but at least we want to have an opportunity to communicate and work together, to say how can we work together. Korin said if you don't then Ham Lake and Oak Grove can at least look at our options and say does it work for us and does it work with another community. He said all we are doing is asking does it work looking at it from a cost savings standpoint.

Voss said part of the problem with this discussion, and it has been longer for your communities than it has been here, is everything is focusing on response to calls and how we handle calls and will it increase or decrease safety. He said that is not what this is about, not even close. Voss said what the cut in police coverage of 20%, it will affect our proactive coverage, it will go from 50% to 40% and that is what we are talking about, that is the decision our city needs to make. He said do we want the officers less in the neighborhoods, less patrolling, they will respond to calls, and it will take them longer to get to the barking dogs, locked cars, mailbox baseball it will take them longer to get there because there is less officers responding to higher priority calls. Voss said this is a direct reduction in our proactive. Korin said the proposal came from the sheriff's office; it is his job to make sure we meet at least the minimums. Voss said right, he was asked; it was designed at the bare minimum of 40%. Korin said it is all a first blush of this, we don't have the details but if

you guys aren't absolutely interested we will go another way.

Voss said the other things that hasn't been discussed, the thing that concerns him the most that we are going to lose is the officers that are assigned to the cities, know our neighborhoods much better than if they had three cities and were spread around. Korin said we brought this up at one of our council meetings with Commander Podany who is our liaison officer and he said that typically happens anyways, the sergeants are responsible for creating the patrol routes and making sure that they are in their areas. He said but we are going so far forward anyways, all we are trying to do is look at our options. Korin said do we want to keep the police coverage we have, look at cost reduction with police districting, and he provided another option for us with reduced hours, we have three options now. He said in the past, a year ago, we didn't have any options, it was this is all you got, and you have to take it. Korin said well he is not taking it, he is going to ask the questions and is there something better, do we want to go with our own police force, all the questions, he is not going to be condemned for asking the questions. Voss said he is just trying to convey of the three cities we are the one it will have the biggest effect on. Korin said that is for your council to decide, think of this as patrol vs. what the sheriff's office is mandated to do. He said patrol vs. mandated coverage.

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

Consent
Agenda

Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, July 6, 2011 Regular Meeting; C) Meeting Minutes, June 15, 2011 Regular Meeting; D) Meeting Minutes, June 22, 2011 Regular Meeting; E) Purchase Wheel Loader – Equipment Replacement Schedule. DeRoche seconded; all in favor, motion carries.

Planning
Comm.
Minutes

Moegerle explained that the June 22, 2011 Planning Commission unapproved meeting minutes are provided for your review and information.

Park Comm.
Minutes

Moegerle explained that the June 14, 2011 Park Commission unapproved meeting minutes are provided for your review and information.

Road Comm.
Minutes

Moegerle explained that the June 8, 2011 Road Commission unapproved meeting minutes are provided for your review and information.

Whispering
Aspen WWTP

Jochum explained that the City currently owns and operates a Waste Water Treatment Plant (WWTP) on the north end of the City. The main components of the WWTP were built in 1971 and are beyond their design life.

The main components of concern for the WWTP include the lift station pumps, the integrity of the treatment tank and its mechanical components, the treatment building, the polishing pond sludge, the sludge drying beds, and the chemical building.

We have two alternatives that seem viable to resolve the issues at the existing plant. Alternative 1 includes replace the WWTP at its current location and Alternate 2 decommission the plant and construct a forcemain where the plant will be available in the southern end.

We also reviewed an Alternative 2A that constructed the facilities from Whispering Aspen to the proposed lift station at 226th Avenue based on the Master Plan. This Alternative was approximately \$1.3 million more than Alternative 2. This alternative was not considered

any further because of the cost/cash flow issues given the dire state of the cash flow of this system. Voss asked what portion of this alternative was road reconstruction, he assumes all the roads are being torn up and reconstructed. Jochum said basically we took this from Bolton & Menk’s report and they had it lumped together, it was just noted as road reconstruction. He said the only reason he thinks the forcemain follows this route is because they were putting gravity in here already, so he doesn’t think it would be any waste of money to follow the forcemain in the previous alternative, it doesn’t matter how the forcemain gets there. Jochum said the only reason he thinks it was in the master plan where it is shown here is because they were tearing up the roads anyways for gravity.

The City currently serves the Castle Towers Mobile Home Park and the Whispering Aspen development with sewer service. At full build of the Whispering Aspen development and the Castle Towers Mobile Home Park requires a capacity of approximately 90,000 gallons per day (GPD). The current plant capacity is permitted for 105,000 GPD (would never handle that in its current condition) therefore, there is an excess of approximately 15,000 GPD or 55 Equivalent Residential Units (ERU’s). Within the discussion of the Options below, when it refers to “new service areas” it is meant that areas outside the Castle Tower Mobile Home Park and Whispering Aspen development would be serviced with municipal sewer.

The following general assumptions were used for this analysis:

- Bond Rate 4%
- Bond Payment Period 20 years
- MCES Access Charge \$3,450 per ERU
- MCES User Charge \$2.25 per 1,000 gallons
- City Access Charge Varied - \$6,000, \$8,000, \$10,000
- City User Charge \$6.30 to \$8.08 per 1,000 gallons

Jochum said project is already in the deficit of 1.7 million. See attachment #7 in your packet.

Jochum said A, B and C options are the same, just different access charges.

A. Alternative 1

All Alternative 1 Options include the reconstruction of the existing plant in its current location.

Option A - Reconstruction of the plant with no new service areas and an access charge of \$6,000 per Equivalent Residential Unit (ERU).

A summary of the Capital Costs for this Option are as follows:

| Year | Description | Estimated Cost |
|--------------|---|--------------------|
| 2012 | Replace Lift Station Pumps, Treatment Tank, Building, Sludge Drying Beds, Chemical Building, and Polishing Pond Sludge Disposal | \$1,697,400 |
| 2021 | Polishing Pond and Sand Filter Replacement | \$253,000 |
| Total | | \$1,950,400 |

Option B - Same as Option A with a City access charge of \$8,000 per ERU.

Option C - Same as Option A with a City access charge of \$10,000 per ERU.

Option D - Same as Option A with 55 ERU’s allowed in new service areas between years 2026 – 2036. The 55 ERU’s represent the plant capacity after servicing Castle Towers and the full build out of Whispering Aspen.

Option E - Same as Option B with 55 ERU’s allowed in new service areas.

Option F - Same as Option C with 55 ERU’s allowed in new service areas.

Option G - Same as Option A with a plant expansion of 90,000 GPD in year 2026 and 300 ERU’s between the years 2026 – 2040 in new service areas.

A summary of the Capital Costs for this Option are as follows:

| Year | Description | Estimated Cost |
|--------------|---|--------------------|
| 2012 | Replace Lift Station Pumps, Treatment Tank, Building, Sludge Drying Beds, Chemical Building, and Polishing Pond Sludge Disposal | \$1,697,400 |
| 2021 | Polishing Pond and Sand Filter Replacement | \$253,000 |
| 2026 | Plant Expansion | \$1,000,000 |
| Total | | \$2,950,400 |

Option H - Same as Option G with a City access charge of \$8,000 per ERU.

B. Alternative 2

All Alternative 2 Options include construction of a forcemain from the Castle Towers WWTP to the MCES manhole which is just north of Viking Boulevard. This Alternative includes the construction of a new lift station on 241st Avenue. The current lift station adjacent to the wellhouse would be abandoned. A new gravity line would be constructed from the existing lift station to the new lift station along Pierce Street.

Option I - Construction of the forcemain with no new service areas, no MCES access charges on existing hookups, forcemain constructed in existing City easement and Mn/DOT right-of-way, and a City access charge of \$6,000 per ERU.

A summary of the Capital Costs for this Option are as follows:

| Year | Description | Estimated Cost |
|--------------|---|--------------------|
| 2012 | Forcemain and Lift Station Construction | \$2,003,300 |
| Total | | \$2,003,300 |

Option J - Same as Option I with a City access charge of \$8,000 per ERU.

Option K - Same as Option I with a City access charge of \$10,000 per ERU. Jochum said we didn’t use this one, because it cashed flowed at \$8,000.

Option L - Same as Option I with 300 ERU’s allowed in new service areas between the years 2026 – 2040. The 300 ERU’s were used to compare this Option to,

Option G.

Option M - Same as Option J with 300 ERU's allowed in new service areas.

Option N - Same as Option L with 400 ERU's allowed in new service areas between the years 2026 - 2045. The 400 ERU's are based on the capacity of the proposed lift station.

Option O - Same as Option M with 400 ERU's allowed in new service areas.

Option P - Same as Option L with the forcemain constructed outside the Mn/DOT right-of-way and MCES access charges on all existing hookups at the time of hookup.

A summary of the Capital Costs for this Option are as follows:

| Year | Description | Estimated Cost |
|------|---|--------------------|
| 2012 | Forcemain and Lift Station Construction | \$2,003,300 |
| 2012 | Right-of-way and MCES Access Charges | \$1,034,350 |
| | Total | \$3,037,650 |

Option Q - Same as Option P with a City access charge of \$8,000 per ERU.

Option R - Same as Option P with a City access charge of \$10,000 per ERU.

A cash flow summary includes the capital cost of each Option, the City access charge, the total new ERU's assumed, and a cash flow summary. The numbers presented on the summary include all applicable costs including operations and maintenance. A detailed Cash Flow Analysis was completed for each Option. A detailed Cash Flow Analysis for Option A was included in your packet. This does pick up if you allow new service areas.

The Alternatives Comparison Cash Flow Summary includes a comparison of the Alternative 1 and Alternative 2 Options that have common data inputs. For example, the table compares Option A to Option I, both of which have the same assumed City Access Charge of \$6,000 and total new ERU's.

Conclusions

The information presented is the basis for the feasibility report the Council directed staff to complete. Prior to finalizing the report, the following items need to be resolved.

1. It is not known at this time if the City will have to pay for the MCES access charge for those units that are already connected to the City's system. Section 5.6.2 of the Metropolitan Council Service Availability Charge (SAC) Procedure Manual indicates that properties being serviced by a local publicly owned treatment plant that is being phased out due to the MCES service area may be grandparented in and the City would not owe SAC for those properties. Staff has requested an official interpretation of this section from the MCES. The cost to pay the SAC charge for the existing hook-ups is \$576,150.
2. The Phase 1, Project 1 Utility Construction Project will include the construction of a MCES forcemain from Viking Boulevard to 229th Avenue. The MCES

started the planning process for this project about a month ago. We have had one meeting with the design engineer to discuss the possibilities of a joint project. One of the main factors in the decision of a joint project is whether the Minnesota Department of Health will allow the City's sewer forcemain to be adjacent to the MCES effluent discharge line. There may be a minimum separation distance of 10 feet. A future meeting is expected with the MCES once the separation distance is determined. This is how the forcemain idea started.

3. The forcemain cost estimates assume the pipe will be installed with an open cut trench. It may be possible to construct a large portion of the forcemain with a "tile" type machine. The savings in excavation and dewatering could be approximately \$200,000 – \$300,000. The feasibility of the "tile" type construction is based mostly on the interference of existing utilities. Also, as discussed in the Options, the forcemain could possibly be constructed in the Mn/DOT right-of-way. Again, this possibility would partially depend on the location of the existing utilities. Constructing the forcemain outside the Mn/DOT right-of-way would add approximately \$500,000 to the project.

If the City is considering the forcemain option, it would be recommended that a preliminary investigation be performed along the TH 65 right-of-way to detail the location of the utilities and the groundwater.

4. As shown on the Cost Summary, the City would need to promote new service areas sometime in the future to cash flow either Alternative. Options that consider ERU's in new service areas use the Year 2026 as a start date.
5. The City Attorney is currently reviewing the potential for accessing a portion of these costs within the current service area.

Boyer asked first of all can you generate the cash flow so it is readable, something in bigger type. Voss asked can you send this electronic. Jochum said he can send it electronic. Boyer asked what absolutely needs to be replaced, what is non-functioning. Jochum said the tank, the building and the pond is full of sludge. Boyer asked can we get a cost on just doing those. Voss said he thinks he presented this a few months ago, so just add this in. Jochum said you could just knock a hole in the building and try to put a new tank in. Voss said if you knock a hole in it, the whole building is going to fall down. DeRoche asked isn't that more like a Band-Aid. Jochum said to make that plant work the sludge should be cleaned out and the tank needs to be replaced. He said if that tank bursts he is not sure what you are going to do, you are going to be pumping, with trucks and hauling. Boyer said he doesn't think we are suggesting that, but there is an opportunity cost here, 2 million dollars is 2 million dollars. Jochum said you can shave some off the 2 million. Moegerle said one of the things she noticed with the SAC charges is as a practical matter they go up 3% a year, does that have any affect on your projections. Jochum said it was kind of assumed in the cost projections that everything will go up 3% a year so we didn't inflate anything, your user fees will go up, your costs will go up, and everything will go up.

Voss said you mentioned the attorney is looking at SAC charge issue. He asked Vierling if he had anything to report now. Vierling said no, we don't. He said it is a rather convoluted history, we are pouring through there now. Voss said the big question then is how is this going to pay for itself if we can't assess existing users. He said it is one thing to look at whether we can do it or not, but have we figured out what we are going to do if we can't, have we had those discussion. Jochum said no, we have not. He said each one of these includes cash flow in the options.

Jochum said attachment 5 shows what it is in the deficit or to the good by 2046, but it also tells you what year the maximum deficit is also. Voss said but this is assuming we can assess the charges. Jochum said no, none of this assumes we can assess the people that are hooked up today. He said this is new ERUs. Voss said but he thought some of these didn't include new users. Jochum said you are talking new service areas. He said they all include new ERUs. Jochum said none of these options include assessing the 42 in Whispering Aspen or 120 in Castle Towers.

Moegerle asked and theoretically this could be financed through the bonds that we already have. Jochum said that is his understanding from Davis, from the bond counsel is those can be used for any sewer and water type project. Voss said the question he has and it doesn't need to be answered now is, with the bond repayment structure we have right now and that hasn't been changed yet, with the reduction in cost to the water treatment plant, assume the cost to those users will go down because a portion of that will be used here and repayment of this will be assessed to a whole separate set of users. Jochum said right and he talked to Davis about this. He said there are two ways of looking at this, either this is a separate set of users or it is all wrapped together as one whole city. Jochum said he doesn't think because the bonding came from a certain point you have to separate them. Voss said he can see what you are getting at, these 80 acres whatever it is, north part of city collectively as this sewer district, Project 1, Phase 1, way the bond is set up for those users and now we are adding more users to the whole system. Jochum said this was not discussed, just in passing. He said that is the positive there is no more cash outlay, just using the savings from the treatment plant. Boyer said except you could pay the money back on the bonds, he thought you could in five years.

Voss asked where does this go from here, what is the next step. Jochum said he would like to resolve the five items he has in his conclusion and then present it in conclusion. He said one of his hopes tonight was to get some input, and then we won't waste our time in pursuing some of these options. Voss said we have a pending serious problem, and we need to find a way to deal with that. He said this is one of the ways to deal with that and he would think at the very least we want to continue the process and report and then council can decide to do nothing, or maybe do something, but at least then we have the analysis and it is out there. DeRoche said this was submitted a few months ago, is there anyway we can get those minutes/reports telling us what is going to fail in a certain amount of time. Voss said that is what Boyer was referring to that we should have in the final report. He said a timeline. Jochum said we can break the 1.6 million down and Davis can send that out in his update.

US
Cable/Midcont
inent
Acquisition
Resolution

Vierling said this is more of an informational item than an action item. He said the city received notice from US Cable of proposed sale of assets to MidContinent Communications. Vierling said we provided counsel on this matter with some of the initial detail we had. He said we are still trying to gather data back from US Cable as well as MidContinent. Vierling said if the council members have any questions; please forward them on to his office so he can forward them to MidContinent. He said he can tell you initially our recommendation on their proposal should you agree to the transfer will be under no circumstances to release US Cable from their obligations to the city, we want them to remain as a guarantor in performance to the City. Vierling said especially since we have had some issues with their payments in the last quarters. He said but from what we can see initially MidContinent is an experienced provider of cable services, this city though in your ordinance does reserve the right to purchase the cable system at a time if you wish to, you don't have to do it now, you don't have to do it as part of this proceeding. Vierling said one of the questions they had is if the city wanted to exercise this right sometime in the future and that is one of the areas of inquiry we certainly had with the council as well.

Steve Johnson, manager of US Cable said he is here to answer any questions you may have. He said MidContinent has been in business for 50 years, 40 some in the cable industry and from his prospective as a future employee of MidContinent this is a great opportunity for the communities we serve. Johnson said basically this strengthens our service by ten times from completely including infrastructure from South and North Dakota to Minneapolis as well as a number of other systems including in the last couple years they have acquired an number of systems in northern and southern Minnesota. He said this makes our network really tie all together. Johnson said this takes our 330,000 customers and adds about 250,000 more customers which brings a lot of opportunity to residents and businesses. He said they just announced last week that all their customers will be offered internet service up to 100 bps speed. Johnson said was 49% owed by Comcast and they asked to end the partnership last fall. He said we were not actively marketing, but MidContinent did end up being a high bidder very much to our joy from the existing group because they are a very well run company. Johnson said he manages 110 communities and he won't probably be able to attend the next meeting. Boyer said he doesn't think he is in a position to ask any questions now. Johnson said he respects that position. He said Cambridge has approved this, Isanti has it on their agenda for approval next week, and a number of communities have already approved it.

DeRoche asked what will happen to fee structure. Johnson said the fee structure by contract is guaranteed to stay the same. DeRoche said for how long, a year and then they are in here and they jack it up. Johnson said the internet growing and growing have increased the speed. He said the video increased cost is from programmers; have to pay for pro sports and others. Johnson said all of our fees on the video side of this are dictated by the cost of programming, we have to pass fees on. DeRoche asked who sets up these packages, you get two or three channels you like and the rest is useless. He asked is this set up by the industry. Johnson said each company is different, MidContinent is a little different. He said some of them you are forced into. Johnson said a lot of channels want carriage, want eyeballs. He said which means they give us a right to provide them to you for a fee or they attach a sister channel. DeRoche asked the question has been why a customer can't pick and choose what you want without picking a package. Johnson said this has been a question we have posed to the federal government, but it is all in advertising. He said advertising is one way for channels to make revenue.

Johnson said the issue at hand is MidContinent and US Cable in conjunction, the question is MidContinent has to show the have technical wherewithal and financial wherewithal to run the system, to do this. He said they are going to bring a lot of synergy. Johnson said to answer your question on pricing; he thinks this will bring a bigger pie, so it won't have to be so drastic for growth. DeRoche said this map is mostly North and South Dakota. Johnson said they are moving into Minnesota. He said US Cable is about 1/3 to 1/4 size of MidContinent. DeRoche said that is what scares him. Johnson said this is still a small company compared to Charter or Comcast who have millions of customers. He said it will be a lot bigger, but will still be able to give good customer service. Voss asked with this ownership change basically will there be a difference in services, in terms of how they are offered. Johnson said probably not, may be some channel changes, but will definitely connect infrastructure. He said they have a much better marketing department and much better staff support. Johnson said Little Falls will be our meet point. He said they have 100 channels in HD. Johnson said they have a video on demand product; we didn't have the scalability to make this an option. He said they have drastically increased the internet options, offering 30 bps. Johnson said we had 8 and 12. He said they are their own telephone company. Johnson said it is really exciting; he has been in the industry over 30

years.

2012 Budget
Work
Meetings

Moegerle said on Wednesday, July 6, 2011, staff provided Council with a proposed 2012 Budget. Staff is requesting Council set a work session(s) meeting date(s) to review the proposed 2012 Budget.

Council discussed different dates to meet. After much discussion, Wednesday, July 27, 2011 and Monday, August 1, 2011 at 6:00 p.m. to 7:00 p.m. were scheduled as work sessions to review the proposed 2012 Budget.

Council
Member
Report – Boyer

Boyer said he wanted to thank everyone that worked hard to make Booster Day a success.

Council
Member
Report - Voss
Council Report
- Moegerle

Voss said yes, it was a joy, as hot as it was, it was good.

Moegerle said she can't wait to see the parade and the special guess, the deer. She said the EDA we have been brainstorming, Jack and Richard and I, and it is soon to be announced. Moegerle said we met with Metro North Chamber of Commerce about a membership; it seems like an interesting endeavor.

Moegerle said we have this issue with the Sunrise Water Management Organization plan. She said if we allow the change to go through the total amount to be saved would be \$9450 and since we pay the majority of it, it would be a savings to our City.

Closed
Meeting –
MBI Contract

Vierling said at this time staff and the city attorney is recommending the council go into a closed session to discuss the MBI contract negotiation regarding MBI, Inc. and the City of East Bethel. For the members of the public the matter will be closed under attorney client privilege. The council will go into closed session and then will be returning to open session to review or take any actions from they closed session.

Voss made a motion to go into closed session to discuss the MBI contract negotiations. DeRoche seconded; all in favor, motion carries.

Vierling explained that for the public record, the Council went into closed session with regard to the contract dispute with MBI, Inc. The closed session was attended by Council Members Moegerle, Voss, Boyer and DeRoche, city engineer Craig Jochum, Deputy Clerk Wendy Warren, and myself. At the present time staff is recommending to Council that they authorize a settlement to MBI, Inc., in the amount of \$123,917 less the amount of \$63,574 that has already been paid to them, for a balance due of \$60,343. That would be a final payment to them for complete and final release and settlement between all parties, with documentation to be signed as authorized by our office. Vierling said he would ask for a motion authorizing that and as part of that motion authorizing that the city finance department be authorized to cut that check tomorrow.

DeRoche made a motion to authorize a settlement with MBI, Inc. in the amount of \$123,917 less the amount of \$63,574 for a balance due of \$60,343. This would be final payment to MBI, Inc. and a final release and settlement document prepared by Eckberg, Lammers, Briggs, Wolff, & Vierling, PLLP to be signed by all parties. Also, authorizing the city finance department to prepare the check for payment tomorrow.

Motion failed for lack of a second.

Adjourn

Boyer made a motion to adjourn at 9:00 PM. Moegerle seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

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

RESOLUTION NO. 2011-23

**RESOLUTION ACKNOWLEDGING THE DONATION FROM
CHOPS, INC.**

WHEREAS, the City of East Bethel has received a donation in the amount of \$1,000.00 from CHOPS, Inc. that was used towards the Family Fun Night that was held Friday, July 15, 2011.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council of the City of East Bethel acknowledges and accepts the \$1,000.00 donation from CHOPS, Inc.

BE IT FURTHER RESOLVED THAT: the City Council of the City of East Bethel expresses its thanks and appreciation to CHOPS, Inc. for their donation of \$1,000 towards Family Fun Night.

Adopted this 3rd day of August, 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. 2011-24

**RESOLUTION APPOINTING THE CITY ADMINISTRATOR THE CITY
CLERK/TREASURER AND CONFIRMING DEPUTY CITY CLERK AND DEPUTY CITY
TREASURER POSITIONS**

WHEREAS, Minnesota Statute 412.581 requires that each statutory city have a City Clerk and Treasurer and Minnesota Statute 412.02 permits the consolidation of these two functions into one position; and

WHEREAS, the City of East Bethel is a statutory city under Minnesota Statutes 412.016; and

WHEREAS, the City has opted to consolidate the Clerk and Treasurer functions into one position; and

WHEREAS, the City Council has appointed the City Administrator as the chief administrative officer under the provisions of Minnesota Statutes 412.221; and

WHEREAS, the City Council has determined that it is in the interest of the City to have the City Administrator fulfill the duties and responsibilities of the Clerk/Treasurer position.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Administrator is hereby appointed to the position of City Clerk/Treasurer and hereby charged with fulfilling all statutory responsibilities.

BE IT FURTHER RESOLVED THAT: Wendy Warren is confirmed as the Deputy City Clerk and charged with fulfilling all duties as assigned relating to this office.

BE IT FURTHER RESOLVED THAT: Rita Pierce is confirmed as the Deputy City Treasurer and charged with fulfilling all duties as assigned relating to this office.

Adopted this 3rd day of August, 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:

August 3, 2011

Agenda Item Number:

8.0 A.1

Agenda Item:

Site Plan Review – Metropolitan Council Environmental Services (MCES) Wastewater Reclamation Plant

Requested Action:

Consider Approval of the Site Plan Review of MCES Wastewater Reclamation Plant

Background Information:

Property Owner/Applicant:

James Roth
Metropolitan Council
390 Robert Street N.
St. Paul, MN 55101

Property Location:

Lot 1, Block 1, T & G First Addition
18460 Buchanan Street NE
East Bethel, MN
PIN 32-33-23-32-0003
Zoning: B3 - Highway Business

The property owner/applicant is requesting site plan approval to construct a wastewater reclamation plant. The plant will be owned and operated by Metropolitan Council Environmental Services (MCES). The wastewater reclamation plant is part of the city sewer and water project.

The site will consist of a pre-treatment building, multipurpose building, and bioreactor. There will be future expansions to include effluent storage tanks, solids handling, wet well/drywell, biofilter, and bioreactor. The site will be secured with an eight (8) foot chain link fence.

The installation of piping has begun on the southern end of East Bethel. Once the wastewater is treated, it will be piped to one of two sub-surface drain fields. One sub-surface drain field is located east of the East Bethel Ice Arena and the other is located at 229th Avenue and Highway 65.

The proposed site plan provides eight (8) parking stalls. One accessible stall has been provided to meet ADA requirements. In this particular instance, off-street parking requirements are based off the type of use and number of employees. Since the facility is not open to the public, the only expected traffic is from 1 - 3 employees that are staffed during the weekdays. There will be staff on call for overnight, weekends, and holidays.

Autumn blaze maples, black hills spruce, and Isanti dogwood will be planted throughout the site. Attachment #5 depicts planting locations. The landscape plan meets code requirements. According to East Bethel City Code, all new plantings, including turf establishment, must be guaranteed for one full year from the time the planting has been completed. A letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season.

As part of final plat approval, Metropolitan Council is not required to improve Buchanan Street; instead, it is required that a portion of Buchanan Street abutting 185th Ave is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface. Buchanan Street is to be improved when T & G First Addition Outlot A is platted (located to the east of the property). Staff and Metropolitan Council have begun discussions regarding the possibility of Buchanan Street being improved up to forty (40) feet beyond the site entrance by the Metropolitan Council. Staff recommends that discussions with Metropolitan Council continue.

The proposed lighting plan provides for wall lighting around the buildings and ten (10) downcast shielded lights mounted on a pole in the parking/drive area. Lighting sources will be hooded so as not to light adjacent property. Also, poles cannot exceed a height of thirty (30) feet.

The City Engineer has completed his review of the site plan. His comments are attached for your review (attachment 9, memo dated July 8, 2011). Many of the comments of the City Engineer have been addressed by the Applicant; storm water calculations and signed plans have been submitted. The Applicant will need to continue to work with the City Engineer until all comments have been satisfactorily addressed.

Attachments:

1. Site Location
2. Site Plan Application
3. Site Plan
4. Property Survey
5. Landscape Plan
6. Grading and Drainage Plan
7. Lighting Plan
8. Building Elevations
9. Memo from City Engineer Dated July 8, 2011
10. Planning Commission Minutes Dated July 26, 2011

Fiscal Impact:

Undetermined at this time

Staff Recommendations:

Planning Commission recommends approval to City Council of a site plan review for the construction of the Metropolitan Council Environmental Services Wastewater Reclamation Plant

on the property owned by Metropolitan Council, located at T & G First Addition, Lot 1, Block 1, PIN 32-33-23-32-0003, 18460 Buchanan Street, with the following conditions:

1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.
2. Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment.
3. Full set of the site plan must be signed by a licensed professional engineer.
4. Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel.
5. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.
6. Any modifications to the approved site plan shall be submitted to and approved by City Staff.
7. Continue discussions with staff regarding improvements to Buchanan Street. Improvements will be required to meet engineering standards and must be approved the City Engineer. If Buchanan Street improvements are not completed, the property owner will be required to pave a portion of Buchanan Street abutting 185th Ave. It is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface, as approved as part of the T & G First Addition final plat.
8. Building permit must be obtained for fencing over six (6) feet in height.
9. All conditions must be satisfied prior to the issuance of a building permit.

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



LAND USE APPLICATION

| | |
|-----------------|--------------------|
| OFFICE USE ONLY | |
| Date Rec'd | 7/8/11 |
| By | <i>[Signature]</i> |
| Fee \$ | 500 app fee |

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

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

Application is hereby made for Site Plan Review _____ (provide narrative below describing proposed use).

Construction of a Wastewater Reclamation Plant

LOCATION: PID 32-33-23-32-0003 Legal: Lot 1 Block 1 Subdivision T & G First Addition

PROPERTY ADDRESS: 18460 Buchanan Street NE PRESENT ZONING: B-3 Highway Business

PROPERTY OWNER Metropolitan Council

James Roth

CONTACT NAME Metropolitan Council Environmental Services PHONE 651-602-1123
390 Robert St No.

ADDRESS _____ FAX 651-602-1083

CITY/STATE/ZIP St Paul MN 55101 E-MAIL james.roth@metc.state.mn.us

APPLICANT Same as Above

CONTACT NAME _____ PHONE _____

ADDRESS _____ FAX _____

CITY/STATE/ZIP _____ E-MAIL _____

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.

Bryce J. Pickart
 Property Owner's Signature

Bryce J Pickart
 Printed Name

7/6/11
 Date

Attachment #2

| OFFICE USE ONLY – DO NOT COMPLETE | | | |
|--|----------------|-----------------|-------|
| | Received | Approved/Denied | Notes |
| Community Dvlp. | <u>7/8/11</u> | _____ | |
| Planning Commission | <u>7/26/11</u> | _____ | |
| City Council | <u>8/3/11</u> | _____ | |
| <u>9/6/11</u> 60 Day _____ 120 Day _____ | | | |

**SITE PLAN REVIEW
EAST BETHEL WATER RECLAMATION PLANT
MCES PROJECT 801620
TKDA PROJECT NO. 14529.000**

INTRODUCTION

This report is to serve as a narrative related to site plan review for a proposed water reclamation plan. The applicant is Metropolitan Council Environmental Services (MCES).

All residents and businesses in the City of East Bethel are currently served by individual on-site septic systems to treat their wastewater. The City does not own or operate a centralized wastewater treatment system. This creates an obstacle to growth and development, as well as a potential environmental health hazard, particularly in the Highway 65 corridor which the City has identified through its comprehensive planning process as a region of commercial and light industrial development. Working with the Metropolitan Council Environmental Services (MCES), whose authority regarding wastewater management extends into the East Bethel area, the City plans to construct a small, but expandable wastewater treatment system in the southwest area of the city. The system will provide a high quality effluent that is suitable for on-land disposal and other re-uses such as irrigation and golf course watering. As such, the system will not discharge to a local surface stream or water resource.

The proposed water reclamation project will be designed to treat up to 410,000 gallons per day, with construction done in cost-effective phases in which capacity will match growth. This capacity can serve an equivalent population of 4,000 if all users of the system were residential. The selected treatment process of the project—membrane biological reactor, or MBR—is one of the leading technologies for producing the highest effluent quality and is the technology of choice for water reclamation plants. Most of the treatment system will be indoors, including a storage reservoir for treated water prior to being pumped to on-land application sites.

SUMMARY OF PROJECT

MCES is proposing a water reclamation plant in Section 21 of Township 33 North, Range 23 West, City of East Bethel, Anoka County, Minnesota (see Appendix A and Appendix B for reference). The facility will be located near the intersection of 185th Avenue and Buchanan

Street. The property is currently owned by MCES with no delinquent property taxes, special assessments, interest, or City utility fees .

The property is bounded by commercial/construction yard to the north, undeveloped/open land zoned B-3 Highway Business to the east and south, and existing housing zoned R-1 Single Family Residential. The proposed improvements will be approximately 700 feet from parcels zoned residential, and approximately 1000 feet to the nearest residential structure.

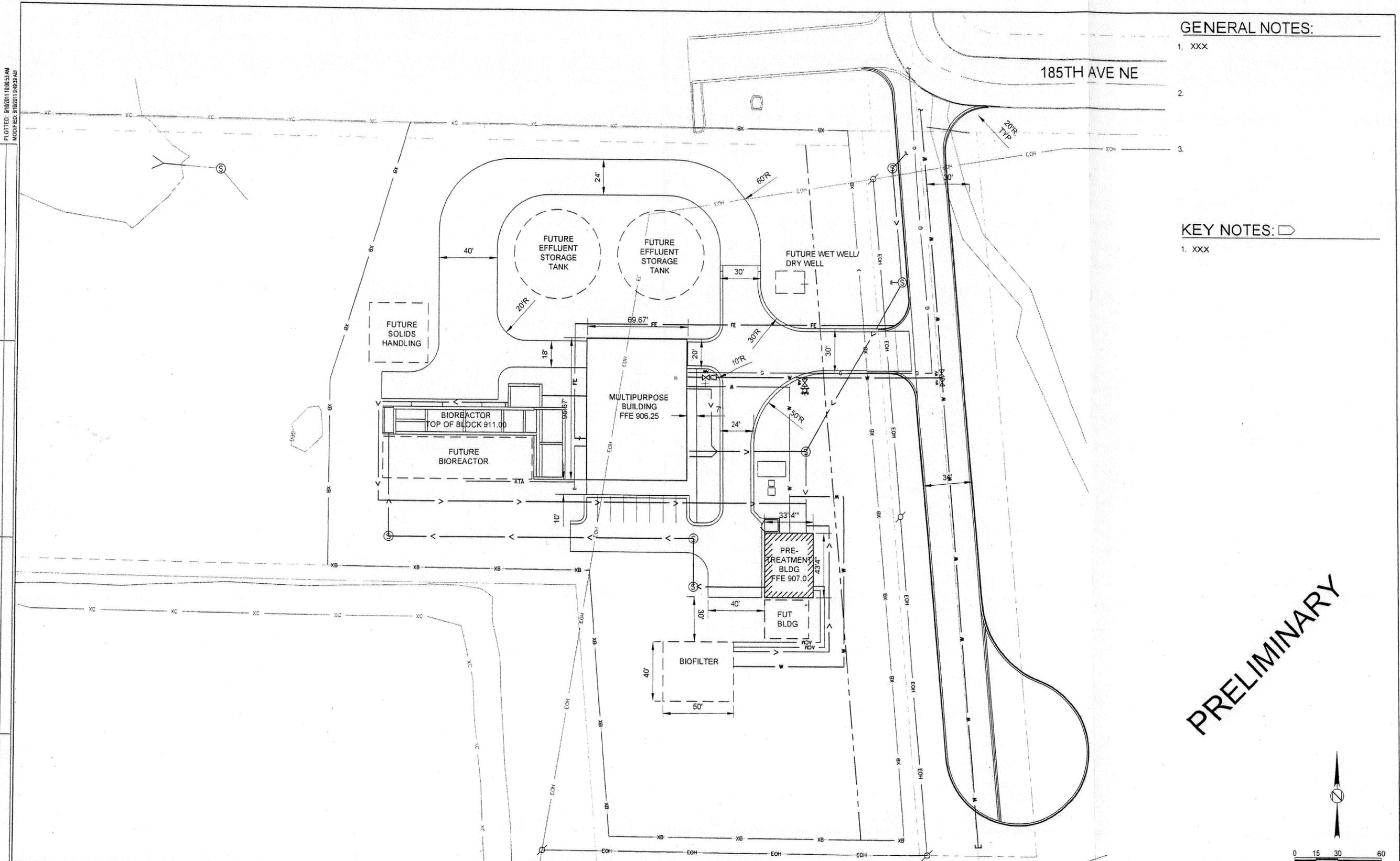
The facility being proposed includes a pre-treatment building, biofilter building, exterior bio reactor, multipurpose building including a subsurface storage tank, lift station, generator, access roads, and stormwater management facilities. Plans have been provided (see Appendix C-H) to show proposed grading and drainage, access, parking, structures, fencing, landscaping, and architectural elevations and floor plans. A geotechnical evaluation and wetland delineation report have been performed and can be provided upon request.

CODE COMPLIANCE

The proposed facility would be in compliance with all applicable City Codes, requiring no variances. All lot requirements, setbacks, building requirements, lighting requirements and other development regulations will be met.

CONCLUSION

We respectfully request approval of the site plan review based on the facts presented herein. The water reclamation plan will not only serve existing residents and businesses in the area, but will also serve future development in the service area. The facility will be compatible to permitted uses in B-3 – Highway Commercial zoning and will not be deleterious to neighboring properties.



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 X-BASE
 C-BASE

GENERAL NOTES:

1. XXX
- 2.
- 3.

KEY NOTES:

1. XXX

PRELIMINARY

| REVISIONS | | REVISIONS | |
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| MM/DD/YY | | TYPED OR PRINTED NAME: _____ |
| | | DATE: MM/DD/YY REG NO: ##### |

TKDA
 ENGINEERING - ARCHITECTURE - PLANNING

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| DATE | |
| MCES ENGR DEPT REP | |

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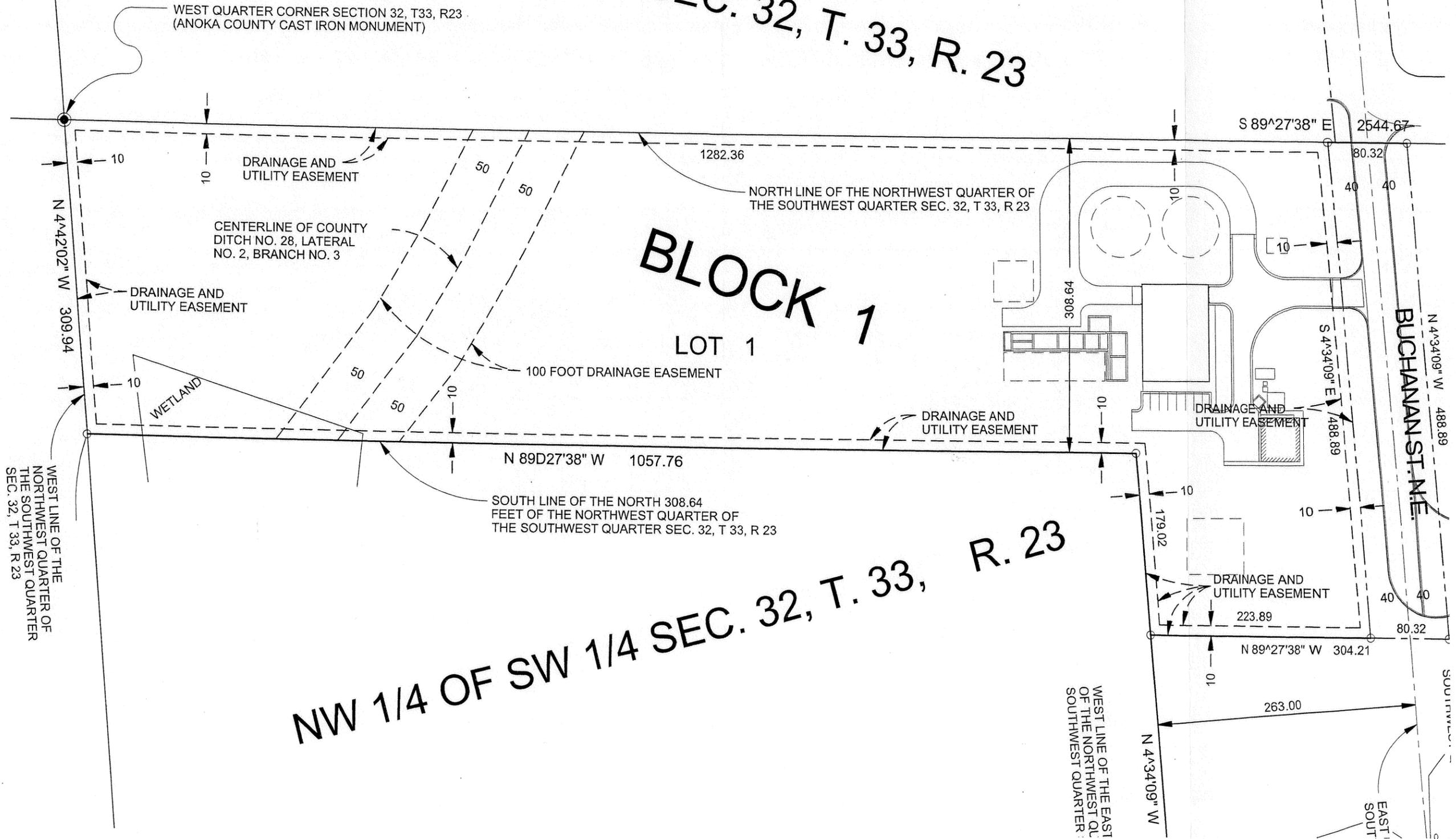
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| EAST BETHEL WATER RECLAMATION PLANT | SIT CS0001 |
| EAST BETHEL WATER RECLAMATION PLANT SITE SITE LAYOUT PLAN | |
| EAST BETHEL MINNESOTA | |

SW 1/4 OF NW 1/4 SEC. 32, T. 33, R. 23

WEST QUARTER CORNER SECTION 32, T33, R23
(ANOKA COUNTY CAST IRON MONUMENT)

BLOCK 1
LOT 1

NW 1/4 OF SW 1/4 SEC. 32, T. 33, R. 23



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| DATE | CONSULTANT NO | |

TKDA
ENGINEERING - ARCHITECTURE - PLANNING

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| MCES CONSTRUCTION DEPT REP | DATE | FILE NAME EBT_XXX_GEN_CI002 |
| MCES ENGR DEPT REP | DATE | |

EAST BETHEL WASTEWATER TREATMENT PLANT
WATER RECLAMATION FACILITY
GENERAL
BOUNDARY SURVEY

EAST BETHEL MINNESOTA

GEN CI002

12 of X

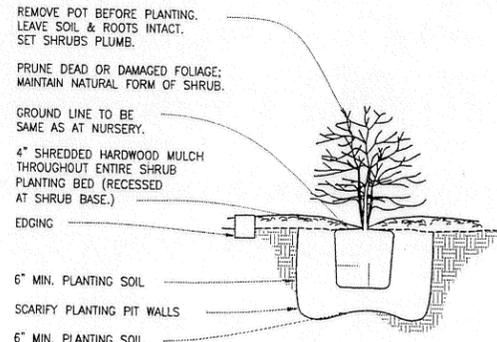
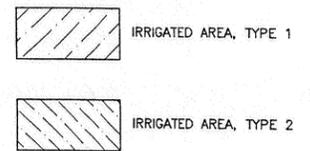
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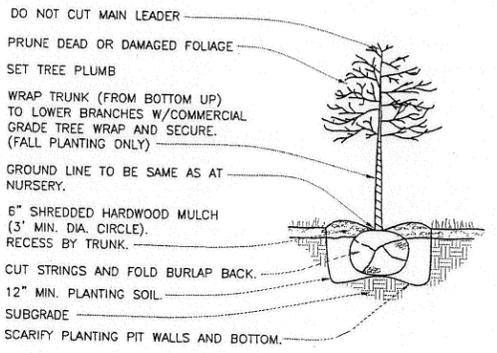
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1. ALL AREAS WITHIN VINYL EDGING SHALL BE MULCHED WITH NO LESS THAN 4" OF SHREDDED HARDWOOD MULCH
2. ALL LANDSCAPE AREAS WHERE SOD IS NOT APPLIED SHALL BE SEEDDED WITH AN APPROVED TURF GRASS MIX. SEE SPEC.
3. SEE SPECIFICATIONS FOR IRRIGATION SYSTEM REQUIREMENTS
4. SEE SHEET CU2B1 FOR IRRIGATION SUPPLY LOCATION

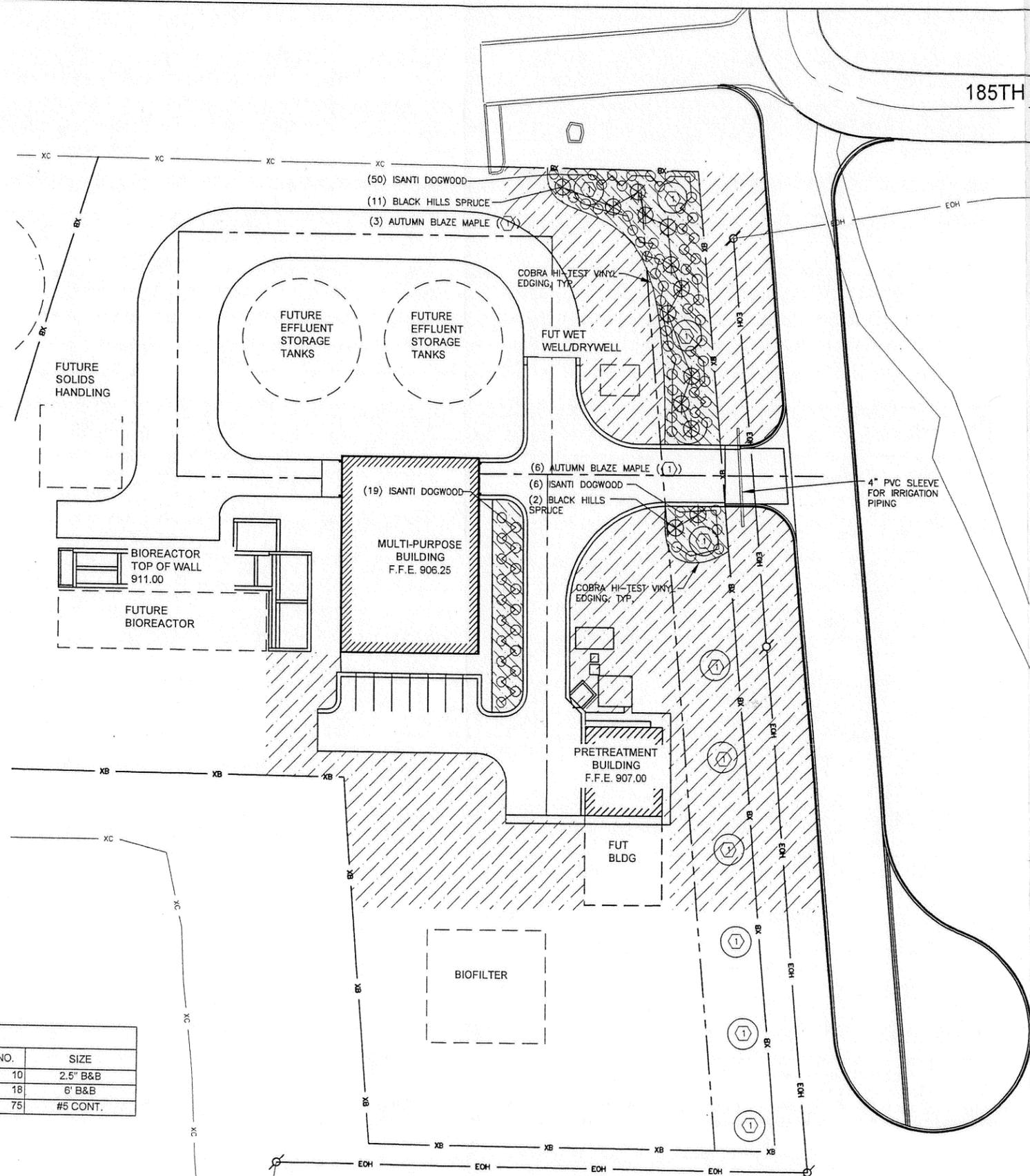
LEGEND:



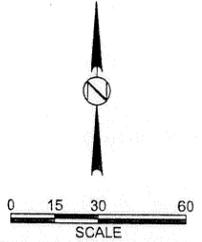
1 SHRUB PLANTING DETAIL
CL001



2 DECIDUOUS TREE PLANTING DETAIL
CL001



| PLANT LIST | | | |
|----------------------|----------------------------|-----|----------|
| COMMON NAME | SCIENTIFIC NAME | NO. | SIZE |
| 1 AUTUMN BLAZE MAPLE | ACER FREEMANI 'JEFFERSRED' | 10 | 2.5" B&B |
| BLACK HILLS SPRUCE | PICEA GLAUCA DENSATA | 18 | 6' B&B |
| ISANTI DOGWOOD | CORNUS SERICEA 'ISANTI' | 75 | #5 CONT. |



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DATE: MM/DD/YY CONSULTANT NO: _____

TYPED OR PRINTED NAME: _____ SIGNED BY: _____

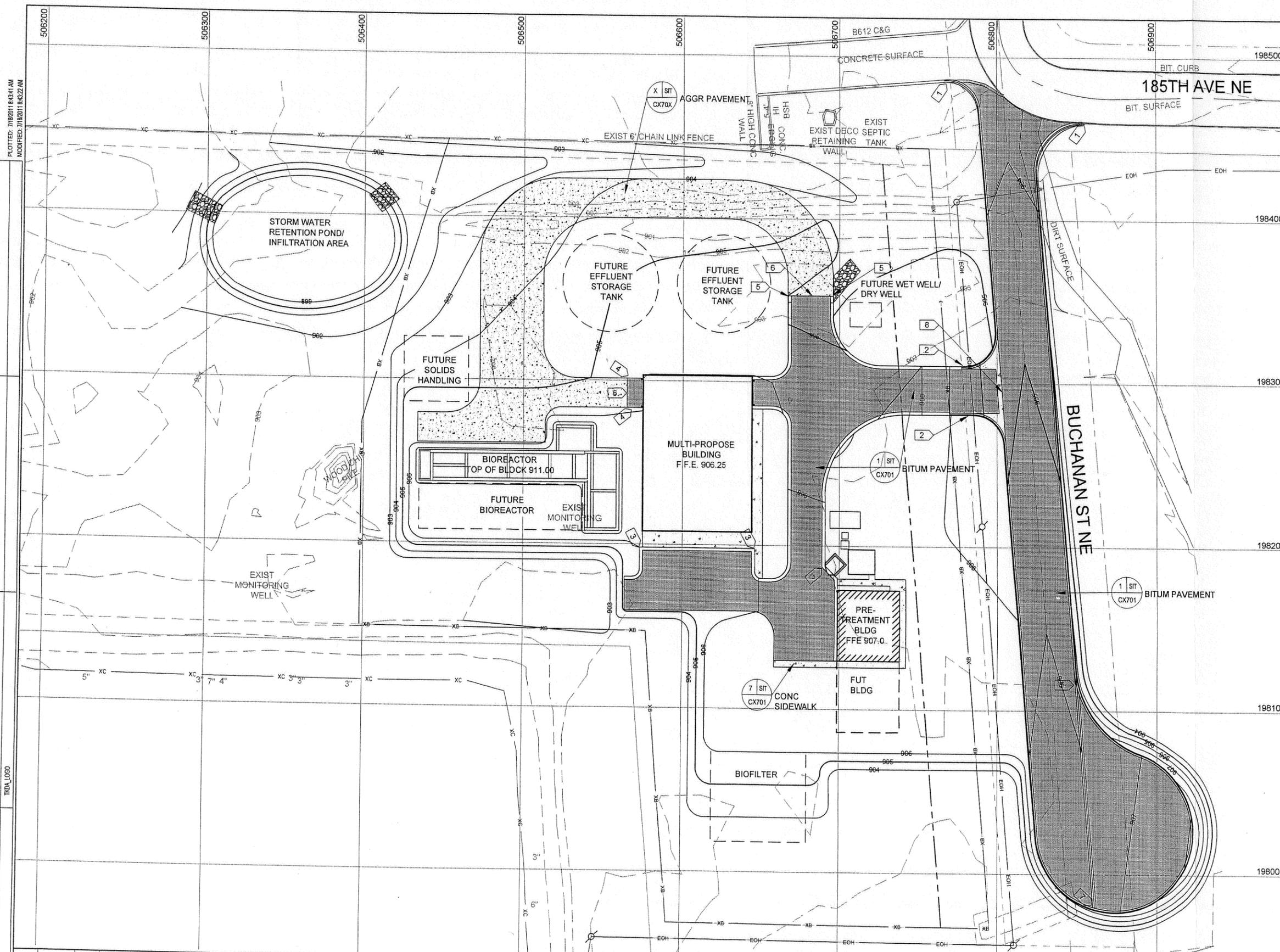
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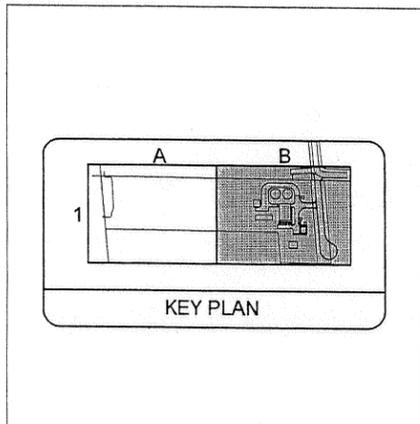
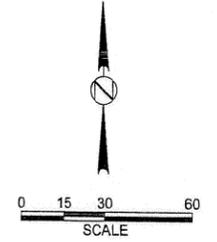
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| CONTRACT | 09P160 | | |
| FILE NAME | EBR_XXX_SIT_CL001 | WATER RECLAMATION FACILITY SITE LANDSCAPE PLAN | MINNESOTA |
| EAST BETHEL | | | |

Attachment #5



- GENERAL NOTES:**
1. REFER TO DETAILS ON CX701 FOR PAVEMENT SECTIONS
 2. REFER TO DETAIL 6/SIT ON CX701 FOR D412 CURB
 3. REFER TO DETAIL 5/SIT ON CX701 FOR B618 CURB
 4. REFER TO DETAIL 4/SIT ON CX701 FOR VALLEY GUTTER

- KEY NOTES:**
1. TIE INTO EXISTING CURB. BEGIN B618 CURB
 2. END B618 CURB. TRANSITION INTO D412 CURB
 3. D412 CURB. MAKE FLUSH WITH SIDEWALK WHERE APPLICABLE.
 4. D412 CURB
 5. END D412 CURB
 6. END BITUMINOUS PAVEMENT
 7. BEGIN/END 24" VALLEY GUTTER
 8. CURB RETURN



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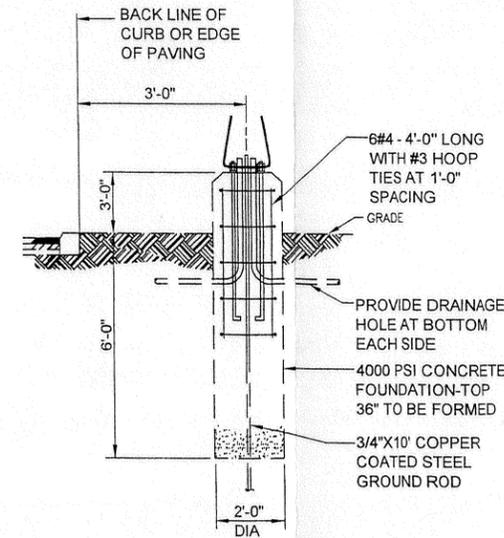
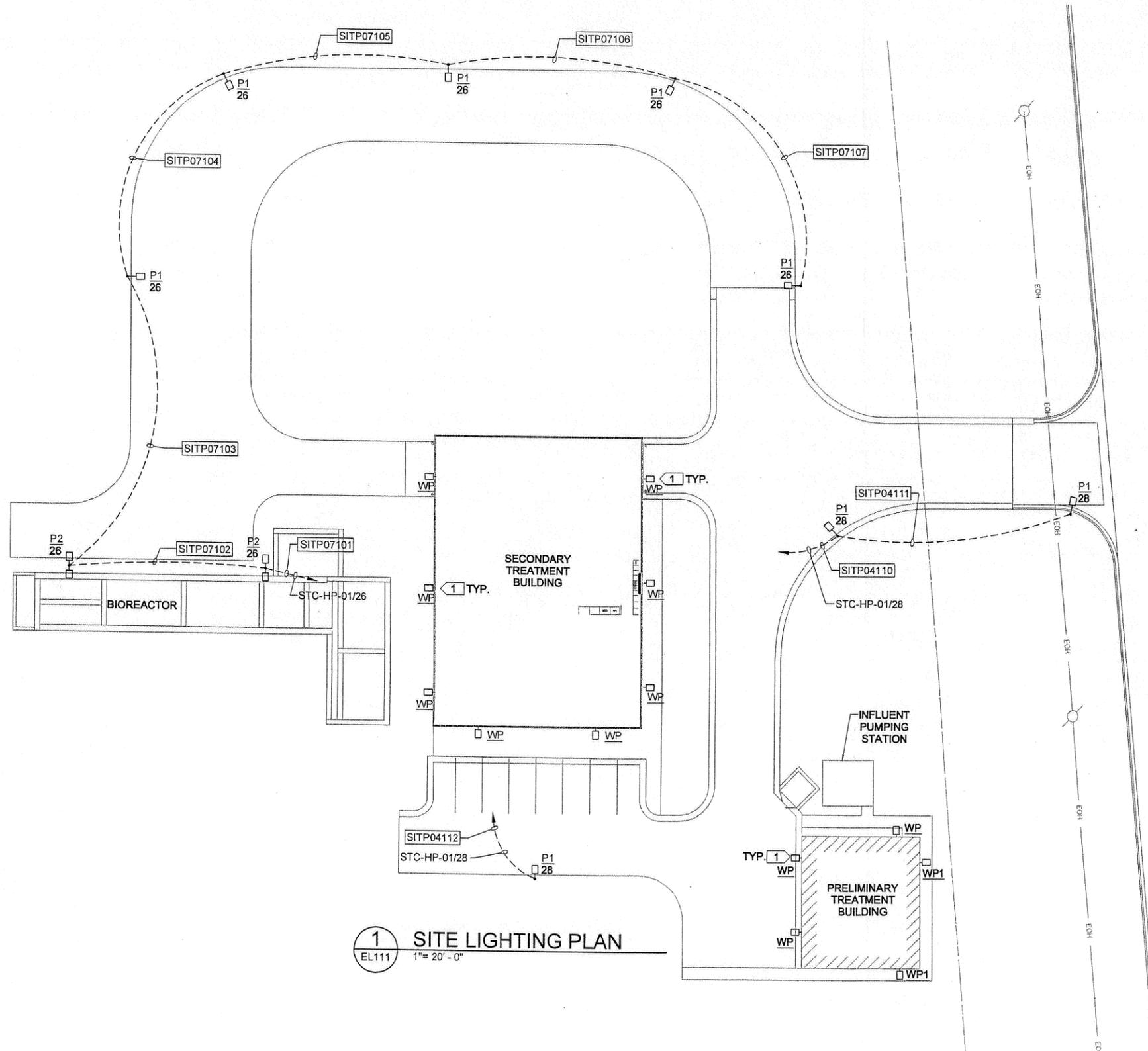
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| MCES CONSTRUCTION DEPT REP | DATE | FILE NAME | EBT_XXX_SIT_CG1B1 |
| MCES ENGR DEPT REP | DATE | | |

EAST BETHEL WASTEWATER TREATMENT PLANT
 WATER RECLAMATION FACILITY
 SITE
 PAVING AND GRADING PLAN-B1
 EAST BETHEL, MINNESOTA

SIT
 CG1B1
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Attachment #6

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GENERAL NOTES:

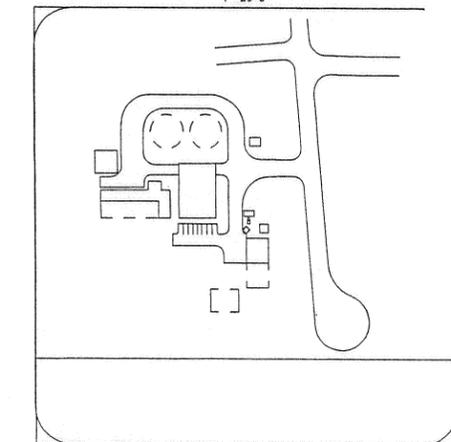
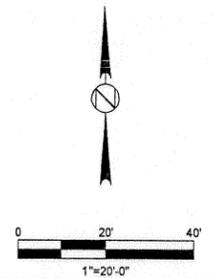
1. FIELD COORDINATE FIXTURE LOCATIONS WITH ALL SITE UTILITIES.

KEY NOTES:

1. FIXTURES SHOWN FOR REFERENCE ONLY. SEE BUILDING PLANS FOR WALL MOUNTED LIGHT FIXTURE INFORMATION.

CIRCUIT SCHEDULE
 CIRCUIT TAGS SHOWN ON DRAWING ARE OF THE FORM "ABCXXX###" (DIGP01001). ABC CHARACTERS INDICATE PLANT AREA. XXX INDICATES CONDUIT AND CONDUCTOR IDENTITY IN THIS SCHEDULE. ### IS UNIQUE

| IDENTITY | CONDUIT | CONDUCTORS |
|----------|---------|----------------|
| P07 | 3/4" | 2#8, 1#10 GND |
| P04 | 3/4" | 2#10, 1#10 GND |



Attachment #7

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| DESIGNED KMS | CHECKED CHZMILL | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Robert L. Young</i> ROBERT L. YOUNG |
| DRAWN RAB | APPROVED RLY | |
| DATE 07-18-11 | CONSULTANT NO 14529.000 | TYPED OR PRINTED NAME ROBERT L. YOUNG |
| | | DATE 07-18-11 |
| | | REG NO 26746 |

TKDA
 ENGINEERING • ARCHITECTURE • PLANNING

APPROVED RECORD DRAWING

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| MCS ENGR DEPT REP | DATE |

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| CONTRACT 09P160 |
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EAST BETHEL WASTEWATER TREATMENT PLANT

**WATER RECLAMATION FACILITY
 PLC PT
 SITE LIGHTING PLAN**

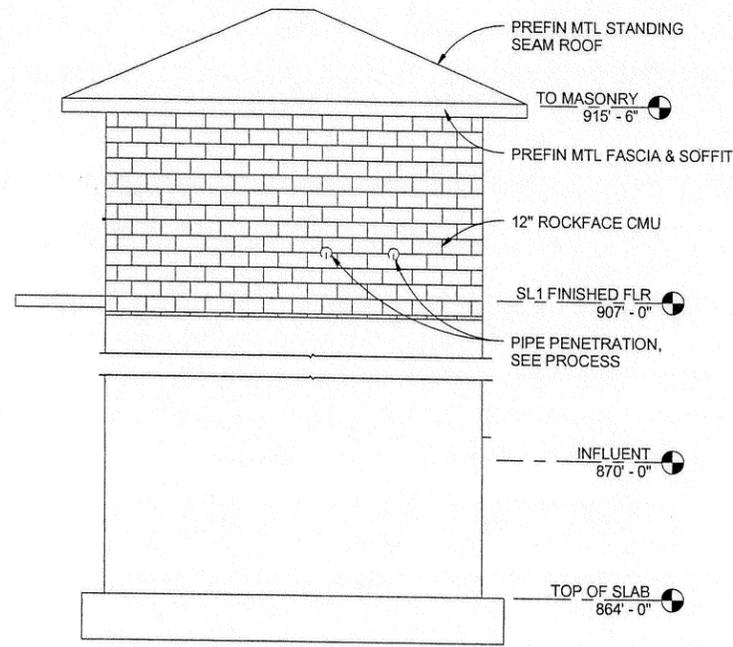
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MINNESOTA

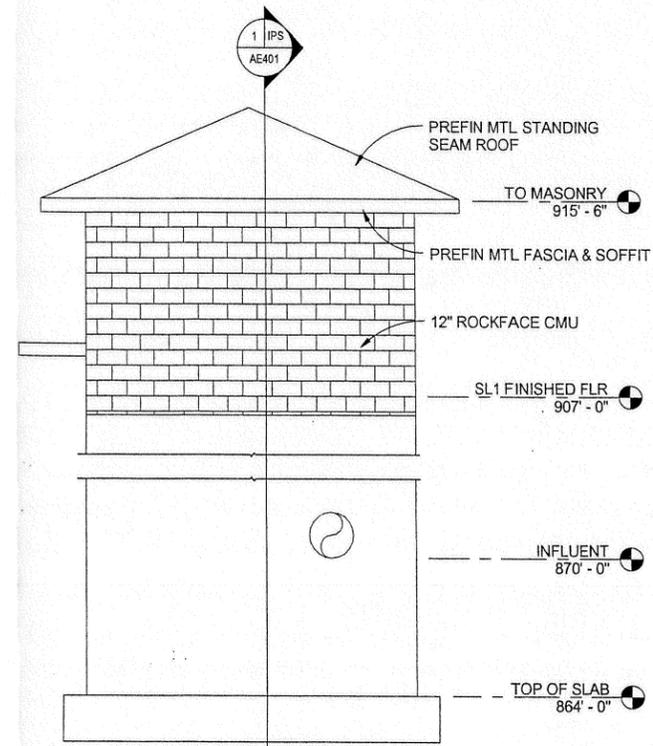
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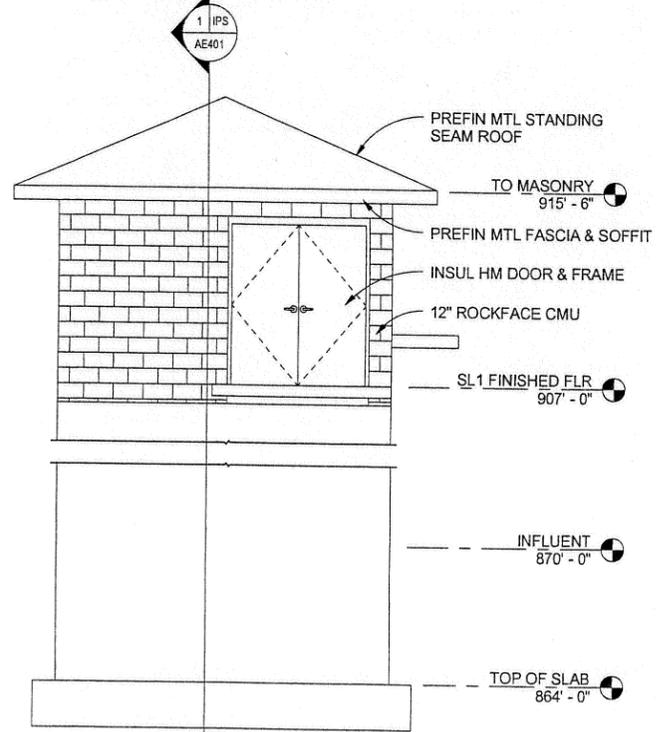
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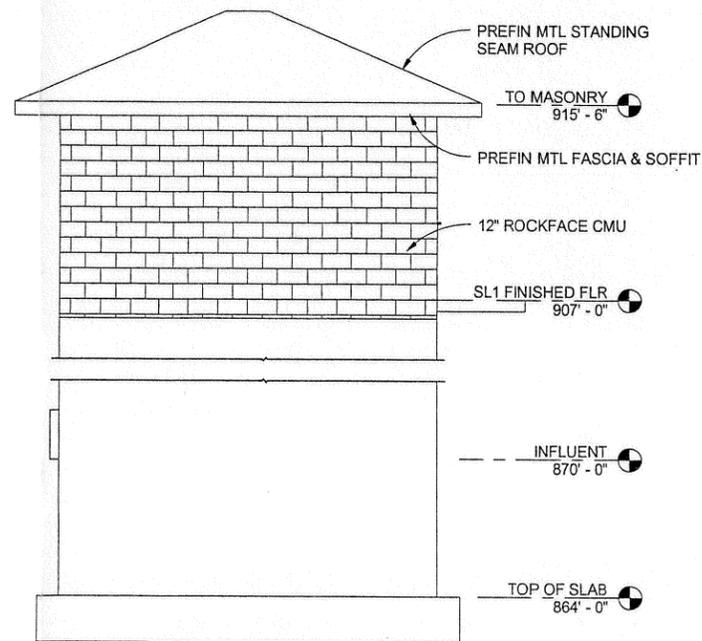
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 AE301 1/4" = 1'-0"
SOUTH ELEVATION



1 | SIT
 AE301 1/4" = 1'-0"
EAST ELEVATION

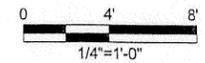


4 | SIT
 AE301 1/4" = 1'-0"
WEST ELEVATION



2 | SIT
 AE301 1/4" = 1'-0"
NORTH ELEVATION

**CITY SITE REVIEW
 NOT FOR CONSTRUCTION**



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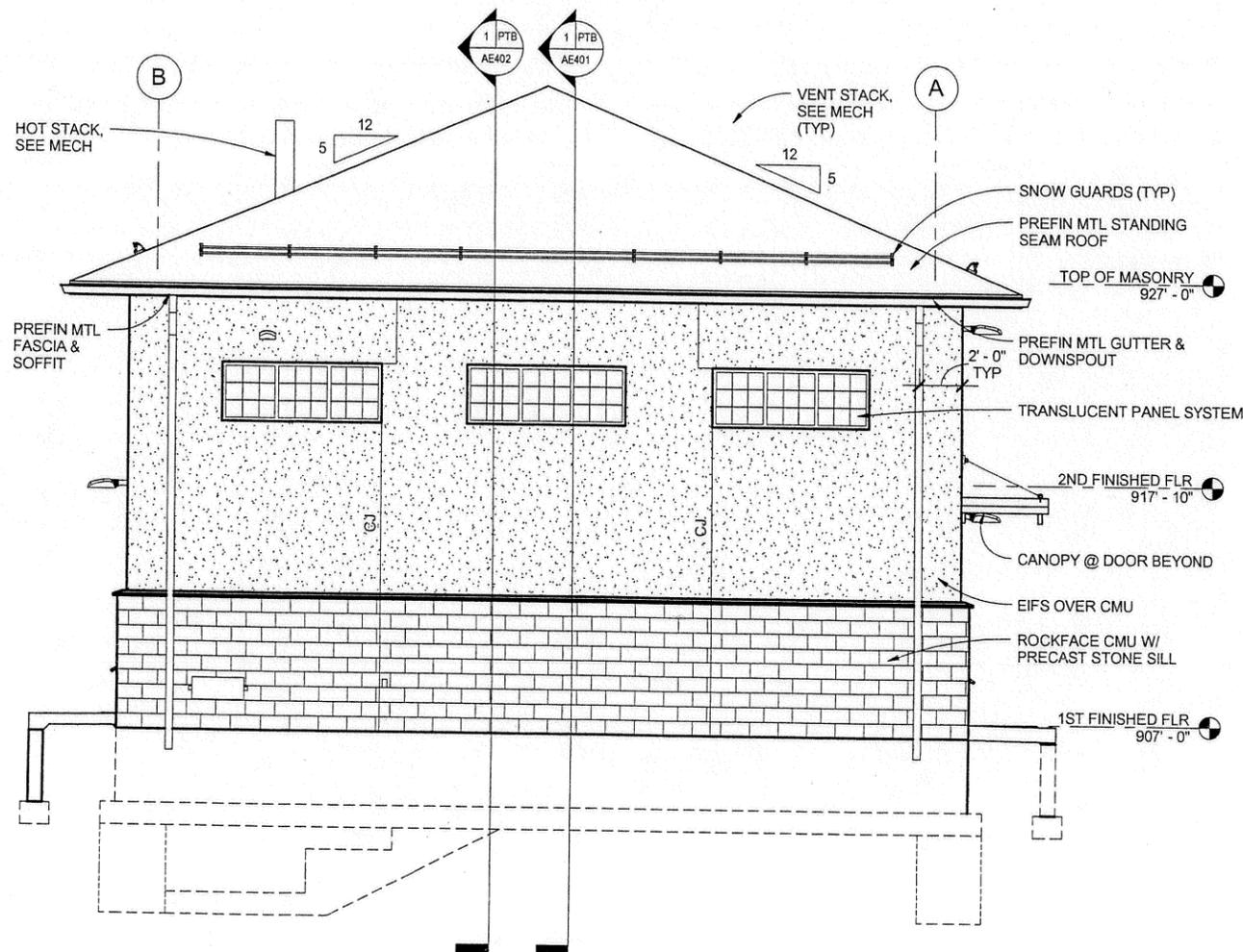
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| DESIGNED PJB/CWC | CHECKED DAJ | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Philip J. Briggs</i> PHILIP J. BRIGGS DATE: 7-18-11 REG NO: 44387 |
| DRAWN CWC | APPROVED Approver | |
| DATE MM/DD/YY | CONSULTANT NO 14529.000 | |

TKDA
 ENGINEERING • ARCHITECTURE • PLANNING

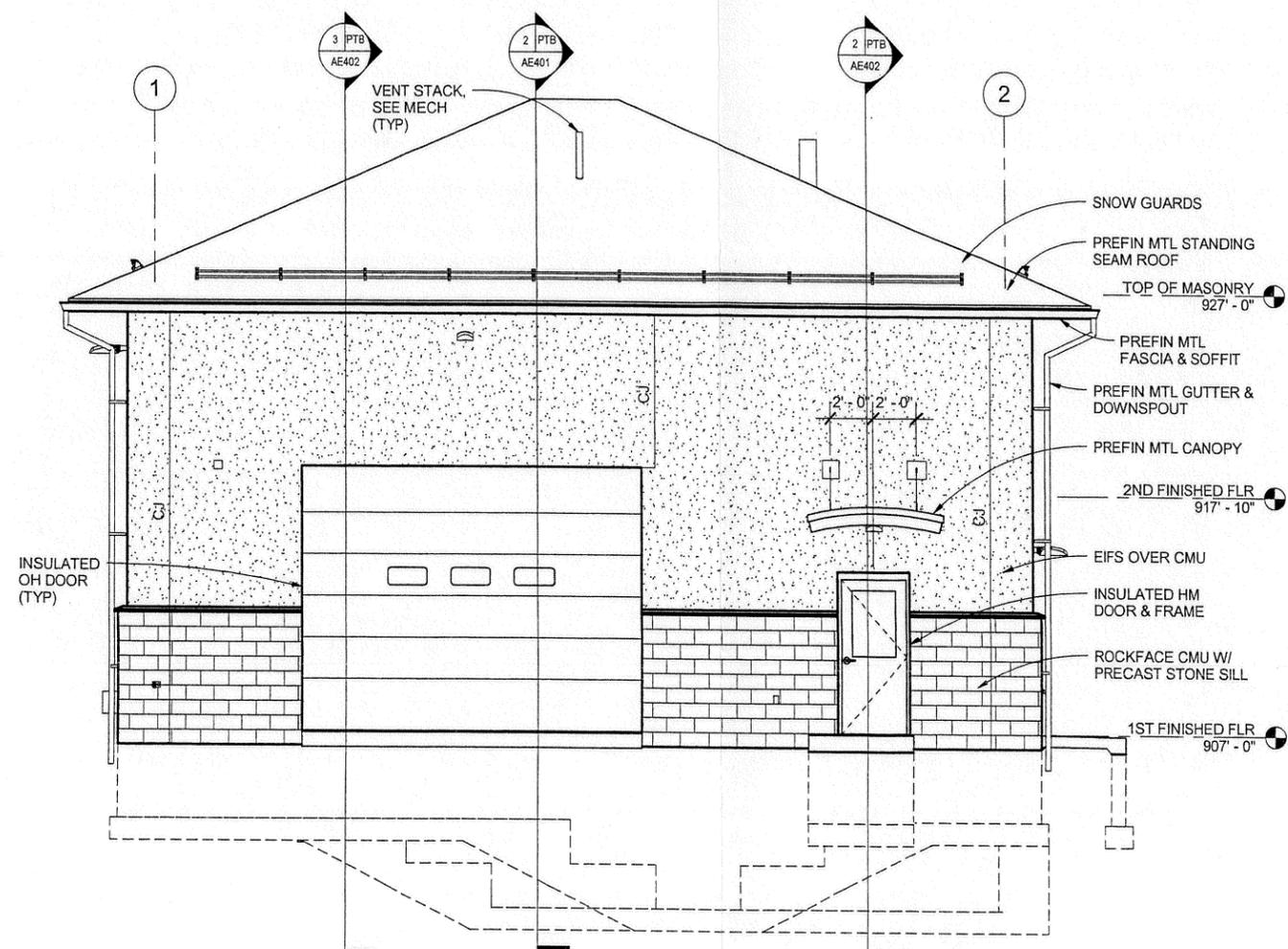
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| CONSULTING ENGR REP | CONTRACT 09P160 |
| MCS CONSTRUCTION DEPT REP | FILE NAME |
| MCS ENGR DEPT REP | |

EAST BETHEL WASTEWATER TREATMENT PLAN
 WATER RECLAMATION FACILITY
 INFLUENT PUMPING STATION
BUILDING ELEVATIONS
 EAST BETHEL MINNESOTA

IPS
 AE301

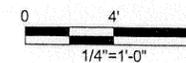


2 PTB
 AE301
NORTH ELEVATION
 1/4" = 1'-0"



4 PTB
 AE301
WEST ELEVATION
 1/4" = 1'-0"

**CITY SITE REVIEW
 NOT FOR CONSTRUCTION**



| NO. | DATE | BY | REMARKS | NO. | DATE | BY | REMARKS |
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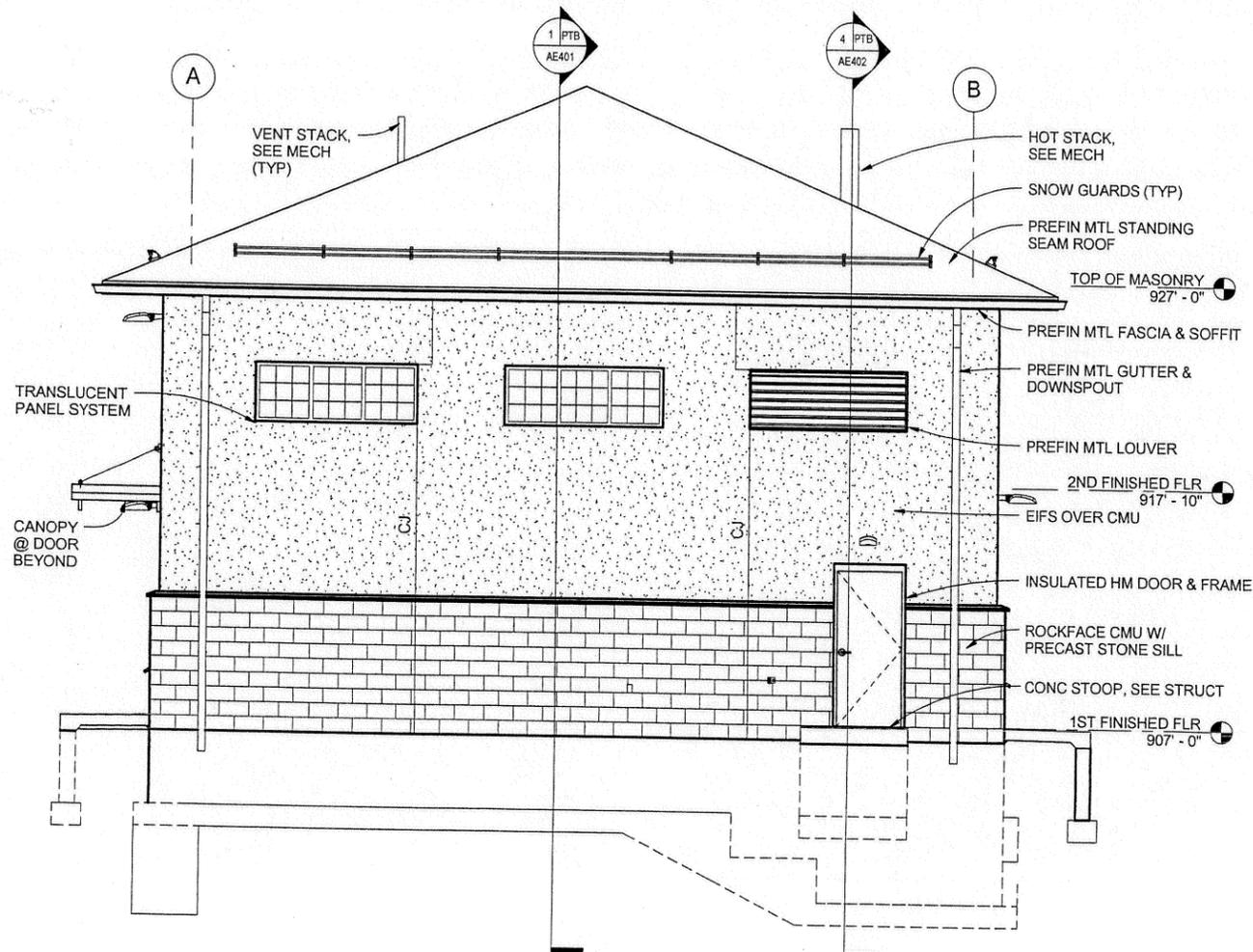
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| DESIGNED PJB/CWC | CHECKED DAJ | I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA. SIGNATURE: <i>Philip J. Briggs</i> TYPED OR PRINTED NAME: PHILIP J. BRIGGS DATE: 7-18-11 REG NO: 44387 |
| DRAWN CWC | APPROVED Approver | |
| DATE MMDDYY | CONSULTANT NO 14529.000 | |
| REVISIONS | | |



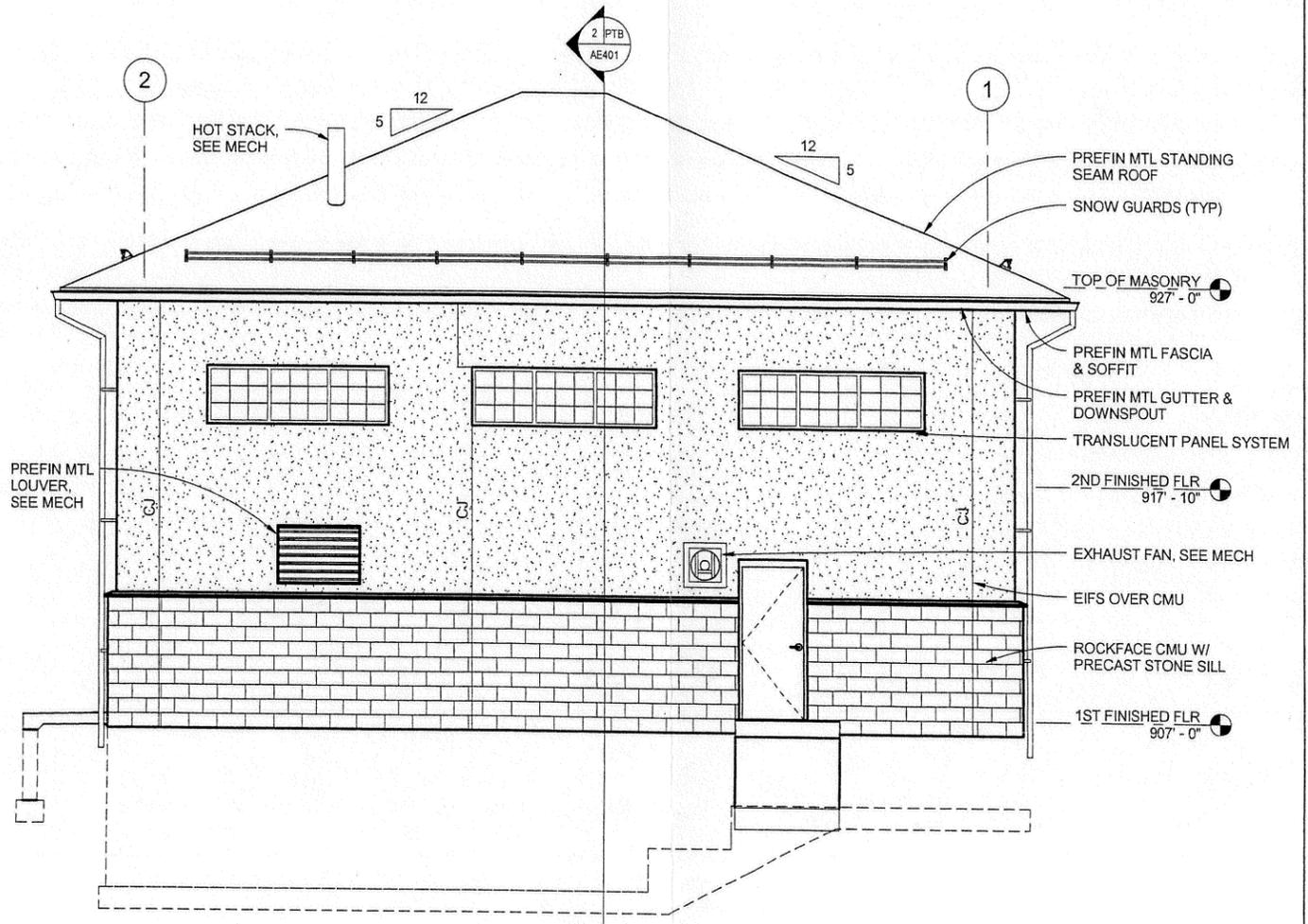
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| CONSULTING ENGR REP | DATE | CONTRACT 09P160 |
| MCES CONSTRUCTION DEPT REP | DATE | FILE NAME EBT_PRE_PT_B_AE301 |
| MCES ENGR DEPT REP | DATE | |

EAST BETHEL WASTEWATER TREATMENT PLAN
 WATER RECLAMATION FACILITY
 PRELIMINARY TREATMENT
 BUILDING ELEVATIONS 1
 EAST BETHEL
 MINNESOTA

PTB
 AE301
 OF X **14**

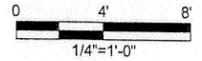


2 PTB
 AE302 SOUTH ELEVATION
 1/4" = 1'-0"



1 PTB
 AE302 EAST ELEVATION
 1/4" = 1'-0"

CITY SITE REVIEW
 NOT FOR CONSTRUCTION



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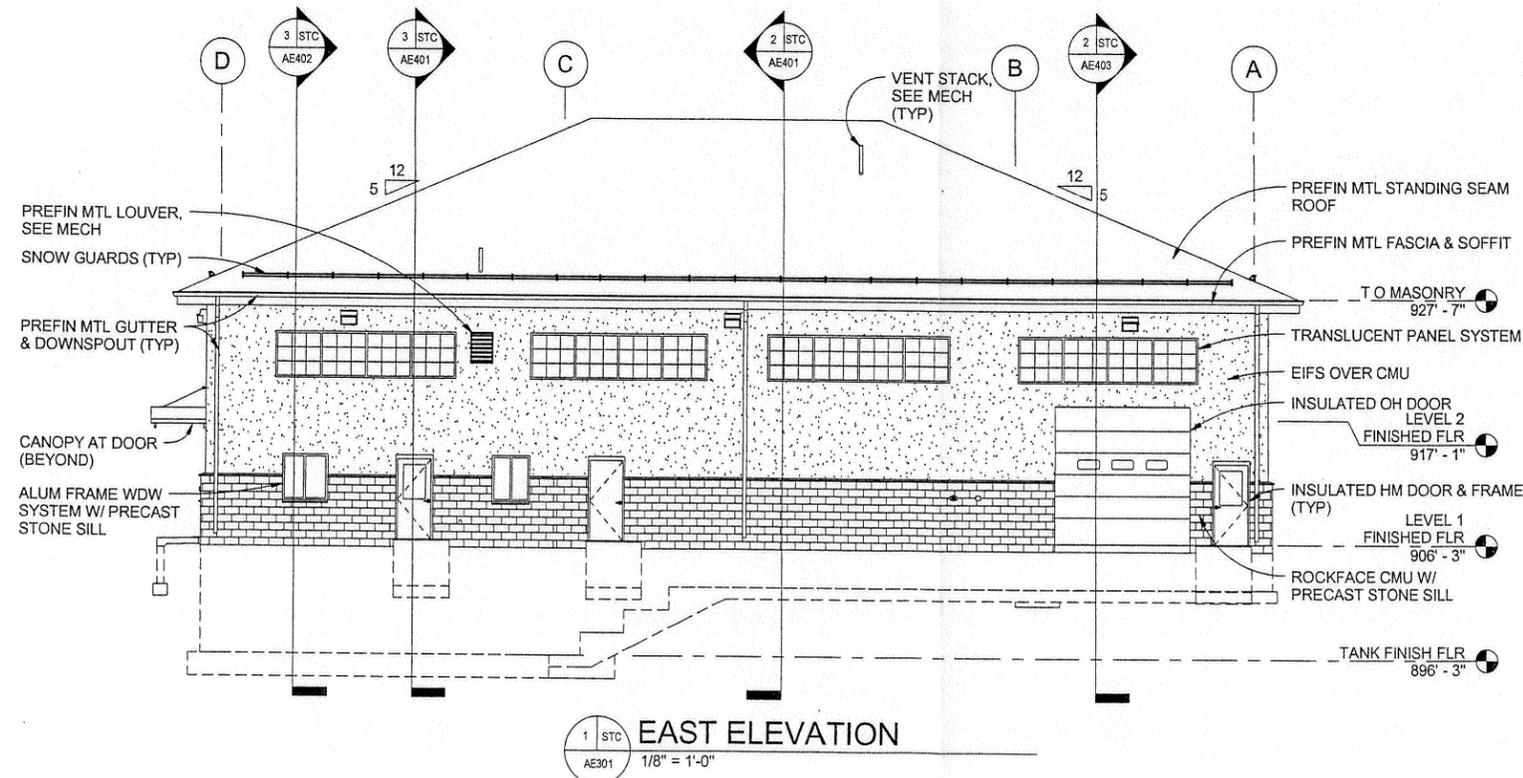
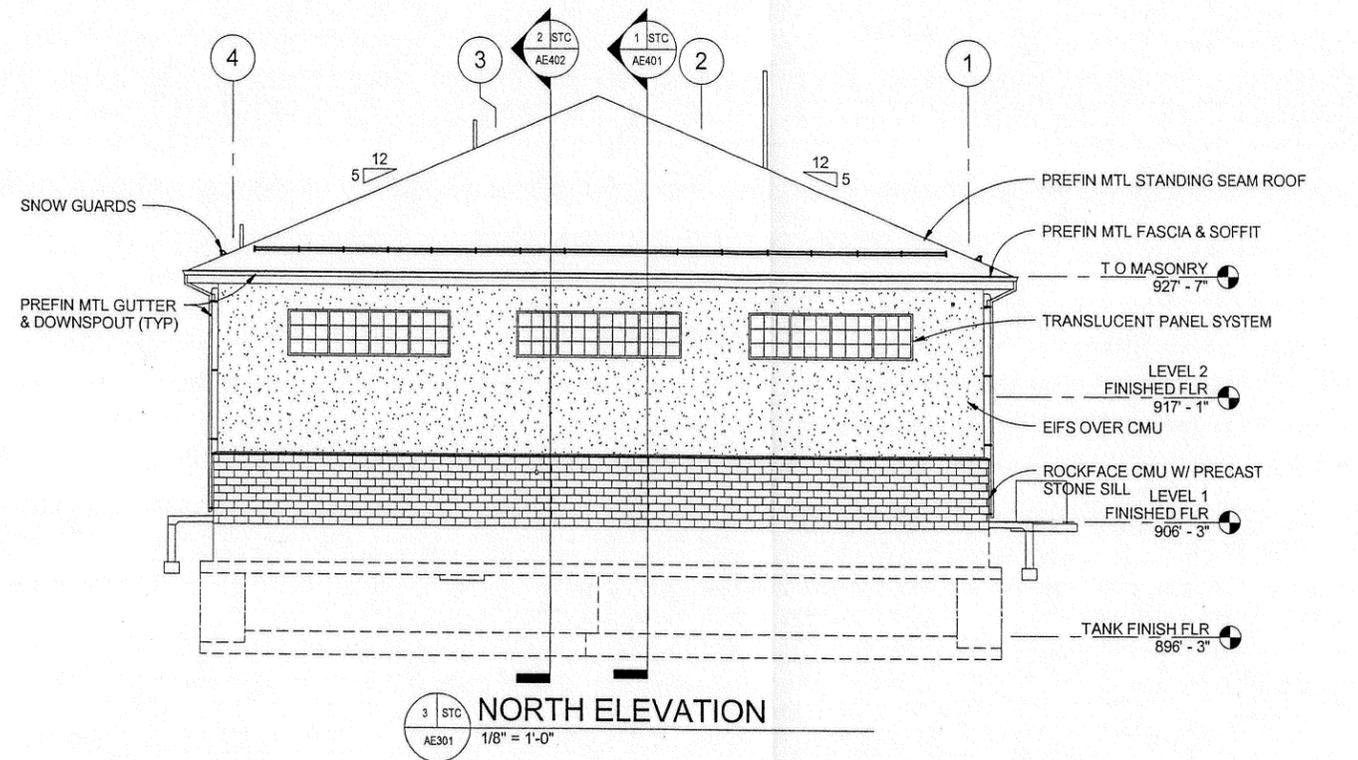
DESIGNED: PJB/CWC
 CHECKED: DAJ
 DRAWN: CWC
 APPROVED: Approver
 DATE: MM/DD/YY
 CONSULTANT NO: 14529.000
 I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
 SIGNATURE: *Philip J. Berg*
 TYPED OR PRINTED NAME: PHILIP J. BERG
 DATE: 7-18-11 REG NO: 44387

TKDA
 ENGINEERING • ARCHITECTURE • PLANNING

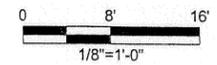
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| MCS CONSTRUCTION DEPT REP | DATE | 09P160 |
| MCS ENGR DEPT REP | DATE | EBT_PRE_PT_B_AE302 |

EAST BETHEL WASTEWATER TREATMENT PLAN
 WATER RECLAMATION FACILITY
 PRELIMINARY TREATMENT
 BUILDING ELEVATIONS 2
 EAST BETHEL, MINNESOTA

PTB
 AE302
 15
 of X



CITY SITE REVIEW
 NOT FOR CONSTRUCTION



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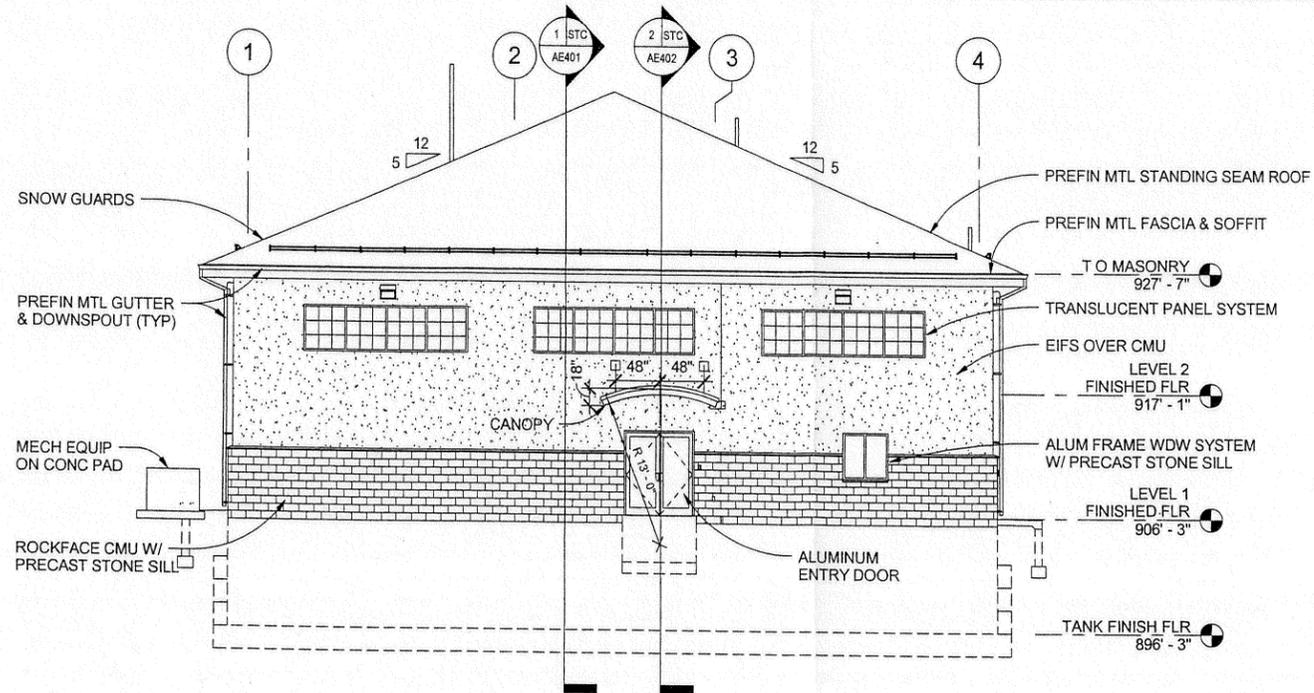
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| DRAWN CWC | APPROVED Approver | |
| DATE | CONSULTANT NO | |
| Issue Date | 14529.000 | |

TKDA
 ENGINEERING - ARCHITECTURE - PLANNING

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| APPROVED RECORD DOCUMENT | PROJECT 80162 |
| CONSULTING ENGR REP DATE | CONTRACT 09P160 |
| MCEC CONSTRUCTION DEPT REP DATE | FILE NAME EBT_SEC_STC_AE301 |
| MCEC ENGR DEPT REP DATE | |

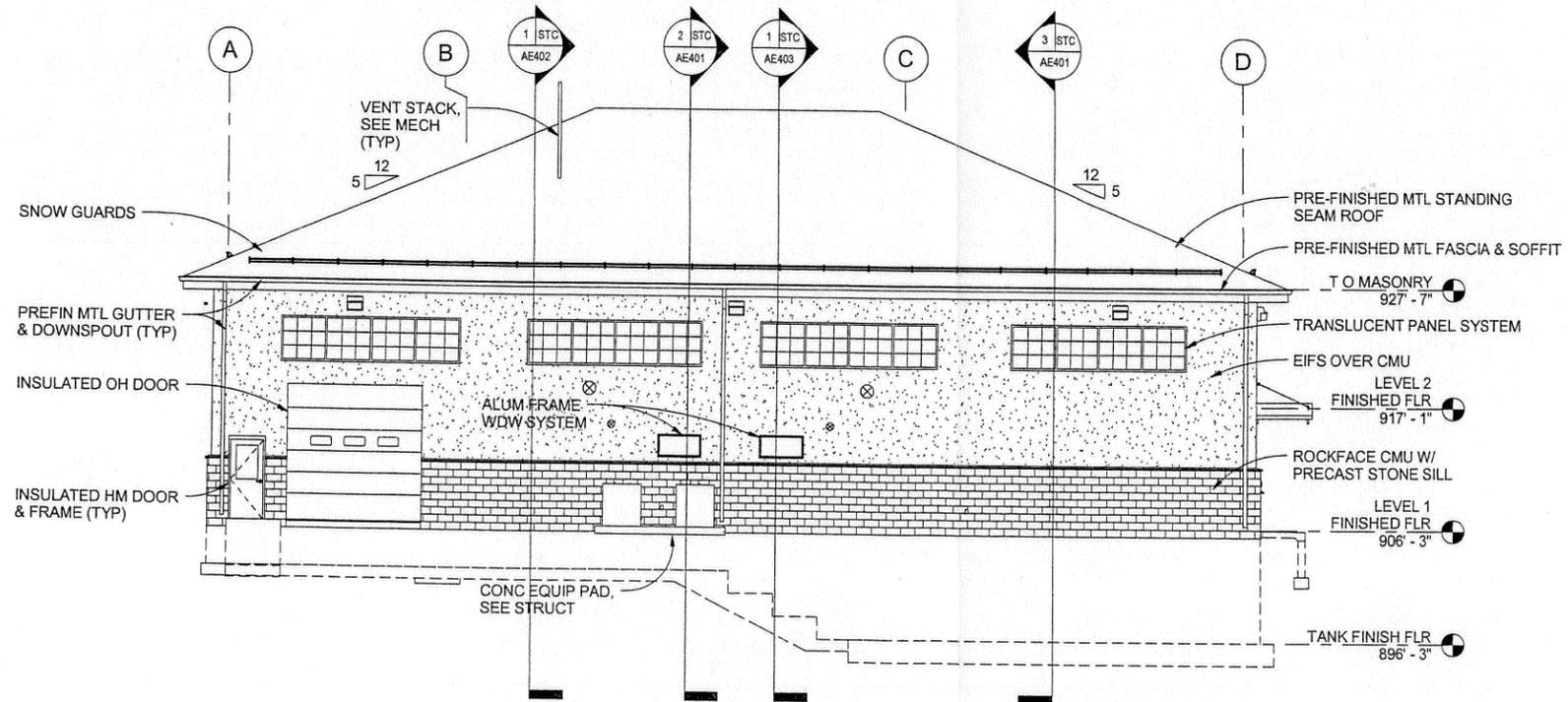
EAST BETHEL WASTEWATER TREATMENT PLANT
 WATER RECLAMATION FACILITY
 SECONDARY TREATMENT & CONTROL
 BUILDING ELEVATIONS 1
 EAST BETHEL MINNESOTA

STC
 AE301



1 STC
 AE302 1/8" = 1'-0"

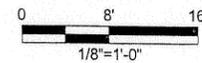
SOUTH ELEVATION



2 STC
 AE302 1/8" = 1'-0"

WEST ELEVATION

**CITY SITE REVIEW
 NOT FOR CONSTRUCTION**



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| DRAWN CWC | APPROVED Approver | |
| DATE Issue Date | CONSULTANT NO 14529.000 | |



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| APPROVED RECORD DOCUMENT | PROJECT 80162 |
| CONSULTING ENGR REP | CONTRACT 09P160 |
| MCES CONSTRUCTION DEPT REP | FILE NAME EBT_SEC_STC_AE302 |
| MCES ENGR DEPT REP | EAST BETHEL |

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| PROJECT 80162 | CONTRACT 09P160 |
| FILE NAME EBT_SEC_STC_AE302 | EAST BETHEL |

EAST BETHEL WASTEWATER TREATMENT PLANT
 WATER RECLAMATION FACILITY
 SECONDARY TREATMENT & CONTROL
 BUILDING ELEVATIONS 2

STC
 AE302

RECEIVED
7/8/11
Hans

MEMORANDUM

TO: Stephanie Hanson, City Planner
FROM: Craig J. Jochum, City Engineer
DATE: July 8, 2011
RE: Site Plan - East Bethel Water Reclamation Plant

As requested, we have reviewed the Site Plan submittal prepared by TKDA, dated May 2011 for the above referenced site. We have the following comments:

1. The following information shall be submitted by the MCES:
 - a. Legal description of the property.
 - b. Evidence of ownership or an interest in the property.
 - c. Certification of taxes paid.
 - d. A Certificate of Survey signed by a licensed land surveyor.
2. For our review please provide a full size set of **signed** construction drawings, including, at a minimum, a grading, drainage and erosion control plan, site plan, utility plan and landscape plan.
3. Remove road improvements show for Buchanan Street since they will not be completed at this time. Check the spelling of Buchanan on the construction sheets.
4. Label the existing and proposed contour elevations on the grading plan..
5. Label the line types shown on the grading plan or add a legend.
6. Provide stormwater calculations for the site in accordance with the local surface water management plan.
7. An NPDES permit will be have to be obtained prior to the start of grading.
8. At a minimum, add a curb detail, typical pavement section detail and typical structure details to the construction plans. Provide specifications or refer to the appropriate Mn/DOT design and specifications.

Attachment #9

9. To ensure maintenance of the onsite pond is performed, the City will require an easement and maintenance agreement.

If you have any questions regarding this review please call me at 763-852-0485.

EAST BETHEL PLANNING COMMISSION MEETING

July 26, 2011

The East Bethel Planning Commission met on June 20, 2011 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Lorraine Bonin Brian Mundle, Jr. Glenn Terry
Dale Voltin (Arrived at 7:04 p.m.)

MEMBERS ABSENT:

VACANT SEATS: Three

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda Chairperson Terry called the June 20, 2011 meeting to order at 7:00 P.M.

Terry motioned to adopt the June 20, 2011 agenda. Bonin seconded; all in favor, motion carries.

**Site Plan Review –
Metropolitan Council
Environmental
Services (MCES)
Wastewater
Reclamation Plant**

Applicant:
James Roth
Metropolitan Council
390 Robert Street N.
St. Paul, MN 55101

Property Location:
Lot 1, Block 1, T & G First Addition
18460 Buchanan Street NE
East Bethel, MN
PIN 32-33-23-32-0003
Zoning: B3 - Highway Business

The property owner/applicant is requesting site plan approval to construct a wastewater reclamation plant. The plant will be owned and operated by Metropolitan Council Environmental Services (MCES). The wastewater reclamation plant is part of the city sewer and water project.

The site will consist of a pre-treatment building, multipurpose building, and bioreactor. There will be future expansions to include effluent storage tanks, solids handling, wet well/drywell, biofilter, and bioreactor. The site will be secured with an eight (8) foot chain link fence.

The installation of piping has begun on the southern end of East Bethel. Once the wastewater is treated, it will be piped to one of two sub-surface drain fields. One sub-surface drain field is located east of the East Bethel Ice Arena and the other is located at 229th Avenue and Highway 65.

The proposed site plan provides eight (8) parking stalls. One accessible stall has been provided to meet ADA requirements. In this particular instance, off-street

parking requirements are based off the type of use and number of employees. Since the facility is not open to the public, the only expected traffic is from 1 - 3 employees that are staffed during the weekdays. There will be staff on call for overnight, weekends, and holidays.

Autumn blaze maples, black hills spruce, and Isanti dogwood will be planted throughout the site. Attachment #5 depicts planting locations. The landscape plan meets code requirements. According to East Bethel City Code, all new plantings, including turf establishment, must be guaranteed for one full year from the time the planting has been completed. A letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season.

As part of final plat approval, Metropolitan Council is not required to improve Buchanan Street; instead, it is required that a portion of Buchanan Street abutting 185th Ave. is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface. Buchanan Street is to be improved when T & G First Addition Outlot A is platted (located to the east of the property). Staff and Metropolitan Council have begun discussions regarding the possibility of Buchanan Street being improved up to forty (40) feet beyond the site entrance by the Metropolitan Council. Staff recommends that discussions with Metropolitan Council continue.

The proposed lighting plan provides for wall lighting around the buildings and ten (10) downcast shielded lights mounted on a pole in the parking/drive area. Lighting sources will be hooded so as not to light adjacent property. Also, poles cannot exceed a height of thirty (30) feet.

The City Engineer has completed his review of the site plan. His comments are attached for your review (attachment 9, memo dated July 8, 2011). Many of the comments of the City Engineer have been addressed by the Applicant; storm water calculations and signed plans have been submitted. The Applicant will need to continue to work with the City Engineer until all comments have been satisfactorily addressed.

The attachments included in the packet of information:

1. Site Location
2. Site Plan Application
3. Site Plan
4. Property Survey
5. Landscape Plan
6. Grading and Drainage Plan
7. Lighting Plan
8. Building Elevations
9. Memo from City Engineer Dated July 8, 2011

Fiscal Impact:

Undetermined at this time

Staff Recommendations:

Staff requests Planning Commission recommend approval to City Council of a site plan review for the construction of the Metropolitan Council Environmental Services Wastewater Reclamation Plant on the property owned by Metropolitan Council, located at T & G First Addition, Lot 1, Block 1, PIN 32-33-23-32-0003, 18460 Buchanan Street, with the following conditions:

1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.
2. Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment.
3. Full set of the site plan must be signed by a licensed professional engineer.
4. Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel.
5. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.
6. Any modifications to the approved site plan shall be submitted to and approved by City Staff.
7. Continue discussions with staff regarding improvements to Buchanan Street. Improvements will be required to meet engineering standards and must be approved the City Engineer. If Buchanan Street improvements are not completed, the property owner will be required to pave a portion of Buchanan Street abutting 185th Ave. It is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface, as approved as part of the T & G First Addition final plat.
8. Building permit must be obtained for fencing over six (6) feet in height.
9. All conditions must be satisfied prior to the issuance of a building permit.

Hanson advised that Mr. Roth with the Met Council is here to answer any questions that you have specifically.

Bonin asked about the parking spaces, if there are only going to be one to three people there, eight parking spaces seems like overkill. Hanson said if there are future expansions or delivery trucks they wanted to ensure there was enough parking. Mundle said Mr. Roth is here.

Jim Roth advised the Commission that he is the project manager for Met Council. Mundle asked about the statement in the introduction in the site plan review, it states all residents in East Bethel are served by individual septic systems. Mundle said that is incorrect as there are two waste water treatment plants in East Bethel. Roth said that would be corrected. It was asked if there will be any hydrants planned for this area. Hanson said there are fire hydrants provided, but

they are part of another project. Mundle said we should have fire hydrants there. Mundle asked if there would be any additional security measures, such as gates. Roth said they are discussing security plans. More commonly at these facilities there are motorized gates, card readers, and some of the site will be fenced. Will the snow plowing affect the shrubberies, or is there an easy way to clear the snow from the site. Roth said there is a lot of room on the site to remove snow and they can protect the shrubbery. Mundle just wants to make sure the shrubbery isn't damaged.

Terry said this site plan looks to be a paved road coming off of 185th. He asked if the Met Council was not doing regular pavement there. Roth said we will be paving up to the entrance of the driveway. They are working with the City on the detail of the extension of Buchanan. Terry said are you going to have a curbed road and gutter? Hanson said yes it will be curb and gutter.

Terry asked about the two drain fields and questioned why they are going to go so far from the other site. Roth said because they had to acquire the property and they had to find ones they could acquire. Met Council looked at six sites in the city. Terry said where at the intersection is this site? Roth said the property abuts the south side of the church property, and it is about a ten acre property. Terry confirmed this is not a public hearing.

Bonin moved to recommend approval to City Council of a site plan review for the construction of the Metropolitan Council Environmental Services Wastewater Reclamation Plant on the property owned by Metropolitan Council, located at T & G First Addition, Lot 1, Block 1, PIN 32-33-23-32-0003, 18460 Buchanan Street, with the following conditions:

- 1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.**
- 2. Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment.**
- 3. Full set of the site plan must be signed by a licensed professional engineer.**
- 4. Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel.**
- 5. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.**
- 6. Any modifications to the approved site plan shall be submitted to and approved by City Staff.**
- 7. Continue discussions with staff regarding improvements to Buchanan Street. Improvements will be required to meet engineering standards and must be approved the City Engineer. If Buchanan Street improvements are not completed, the property owner will be required to pave a portion of Buchanan Street abutting 185th Ave. It**

is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface, as approved as part of the T & G First Addition final plat.

- 8. Building permit must be obtained for fencing over six (6) feet in height.**
- 9. All conditions must be satisfied prior to the issuance of a building permit.**

Terry second, motion carries unanimously.

This will go before the City Council on August 3, 2011.

DRAFT



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 8.0 A.2

Agenda Item:

Request for Site Plan Review for the City of East Bethel Water Treatment Plant

Requested Action:

Approve the Site Plan for the East Bethel Water treatment Plant

Background Information:

Property Owner/Applicant:

City of East Bethel
2241 221st Avenue NE
East Bethel MN 55011

Property Location:

19458 Taylor Street NE
East Bethel MN 55011
PIN 29-33-23-23-0005

The City of East Bethel is requesting Site Plan approval to construct a Water Treatment Plant (WTP). The City of East Bethel has recently purchased the property from Ms. Kim Thompson and a portion of the property from Shaw Trucking for the construction of the WTP. The General Location of the WTP is shown on Attachment 1 and the Property Survey is shown on Attachment 2. It is anticipated that the WTP construction will begin October of this year.

The WTP will be owned and operated by the City of East Bethel. One staff person will check the WTP on a daily basis. This individual will have the required licensure to operate a Class C WTP. Currently, there is a full-time City employee who possesses the required licensing. Bulk chemical delivery will occur approximately once per month, therefore, traffic generated will be minimal.

Attachment 3 is the Existing Topography and Removal Plan. This plan shows the existing residential structures (house, garage, well, and septic) that will be removed from the site. The WTP will include a 1,624 square foot building (42' by 38'-8") as shown on Attachment 4. Attachment 5 is the Exterior Perspective of the proposed WTP looking southwest.

The existing parcel is accessed off Taylor Street NE. This access encroaches on the parcel that is directly north of the WTP. A new access to the WTP will be constructed off of Taylor Street as

shown on the Site Plan (Attachment 4). The proposed areas of pavement and gravel and future pavement areas are shown on the Pavement Plan which is Attachment 6.

Parking is provided on site. The proposed site plan provides six (6) parking stalls. One accessible stall has been provided to meet ADA requirements. In this particular instance, off-street parking requirements are based off the type of use and number of employees. Since the facility is not open to the public, the only expected traffic is from 1 employee that is staffed during the weekdays..

There will be autumn blaze maples, spirea, and mint julep planted around the north and east side of the building. The Landscaping Plan is included as Attachment 7. The existing trees and vegetation along the north boundary of the property will remain in place. According to East Bethel City Code, all new plantings, including turf establishment, must be guaranteed for one full year from the time the planting. The Contractor will be responsible for the plantings for the first year. The City will be responsible for ensuring the landscaping remains healthy after the first year. Plantings that do not establish must be replaced.

At this time 6-foot chain link fence is proposed around Well No. 3 and No. 4.

The Lighting Plan is included as Attachment 7. The plan provides for lighting around the building and one additional downcast shielded light mounted on a pole at the intersection. Lighting sources will be hooded so as not to light adjacent property. Also, pole cannot exceed a height of thirty (30) feet.

A Grading, Drainage, and Erosion Control Plan are included as Attachment 8 and a Utility Plan has been included as Attachment 9.

A Floor Plan has been included as Attachment 10, and Exterior Elevations have been included as Attachment 11. The proposed building is a masonry structure with a 12-inch brick exterior. Proposed exterior colors are shown on Attachment 5.

Attachments:

1. Location Map
2. Property Survey
3. Existing Topography and Removals Plan
4. Site Plan
5. Exterior Perspective
6. Pavement Plan
7. Landscape and Lighting Plan
8. Grading, Drainage and Erosion Control Plan
9. Utility Plan
10. Floor Plan
11. Exterior Elevations
12. Planning Commission Minutes from July 26, 2011

Fiscal Impact:

Undetermined

Recommendation:

Planning Commission recommends approval to City Council of a site plan review for the construction of the City of East Bethel Water Treatment Plant, PIN 29-33-23-23-0005, 19458 Taylor Street, with the following conditions:

1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.
2. Landscaping is to be guaranteed for one (1) growing season. Plantings that do not establish must be replaced.
3. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.
4. Any modifications to the approved site plan shall be submitted to and approved by City Staff.
5. Improvements will be required to meet East Bethel engineering standards.
6. All conditions must be satisfied prior to the issuance of a building permit.

City Council Action

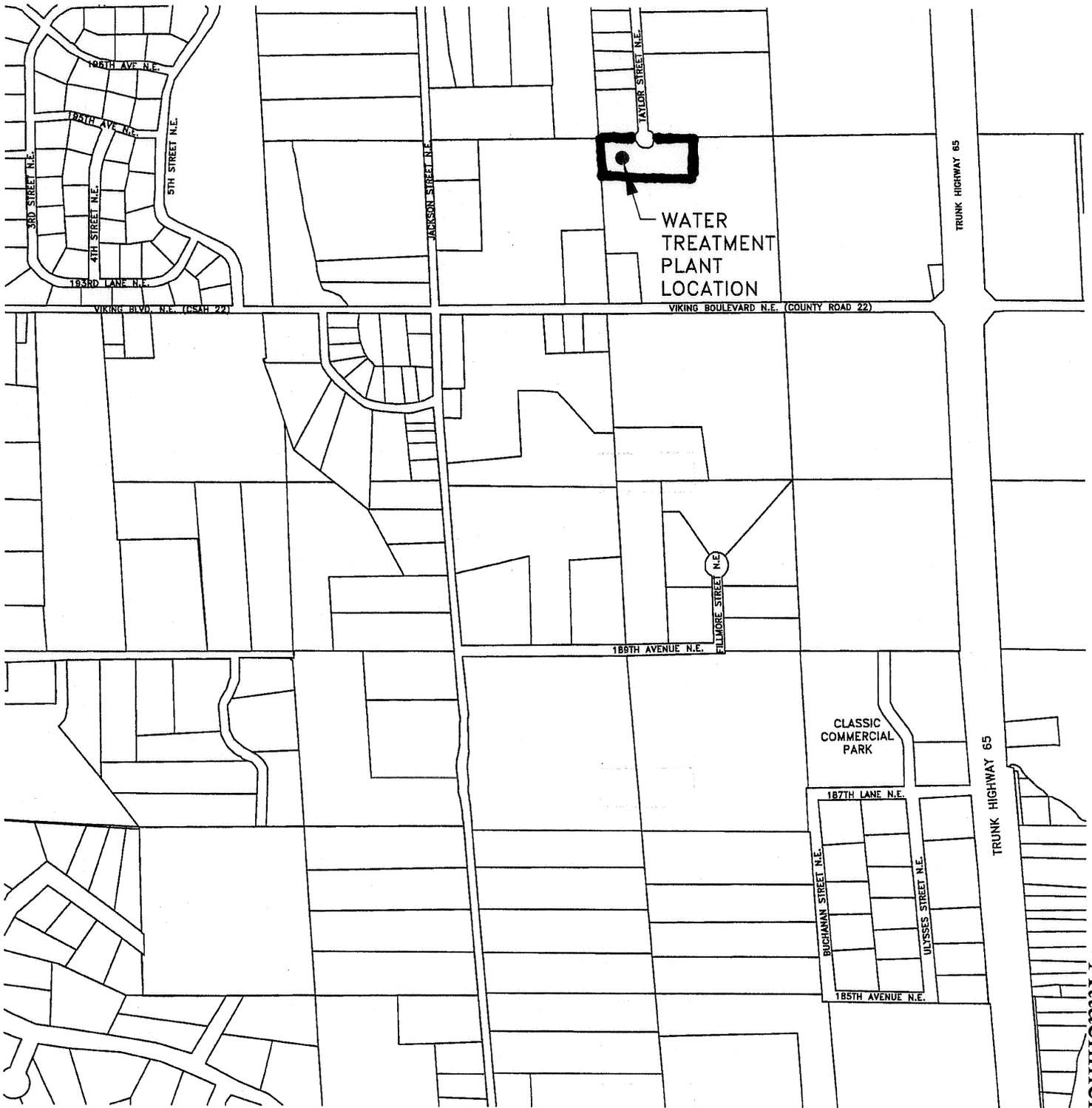
Motion by:_____

Second by:_____

Vote Yes:_____

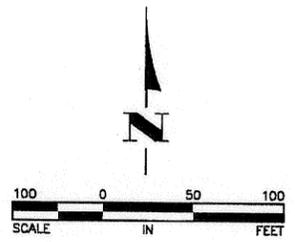
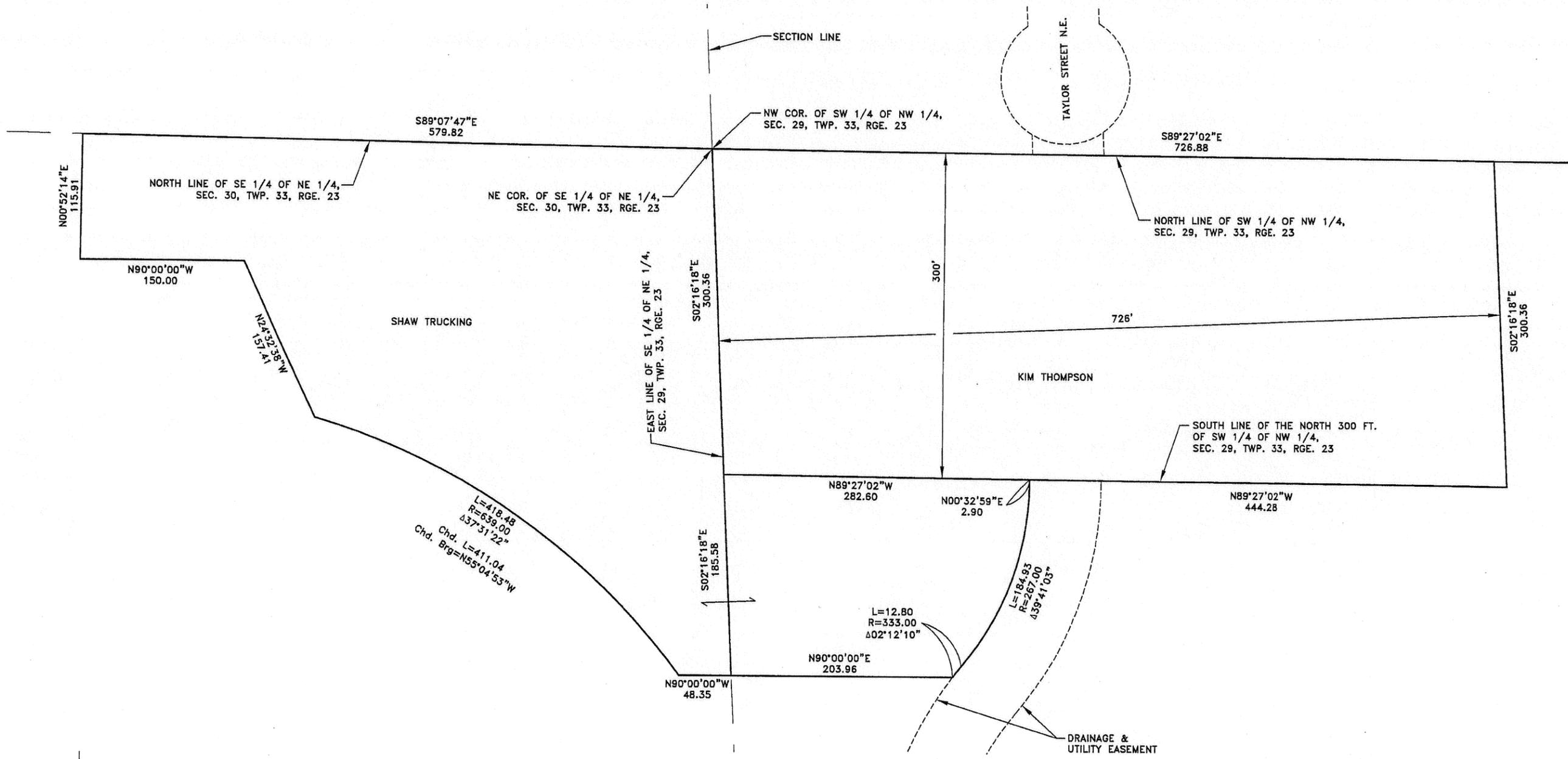
Vote No:_____

No Action Required:_____



Attachment #1

LOCATION MAP



ATTACHMENT 2

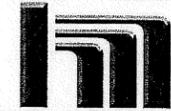
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

CRANG J. JOCHUM, P.E.
Date 7/15/11 Lic. No. 23461

DESIGNED BY:
TAE
DRAWN BY:
TAE
CHECKED BY:
CJJ

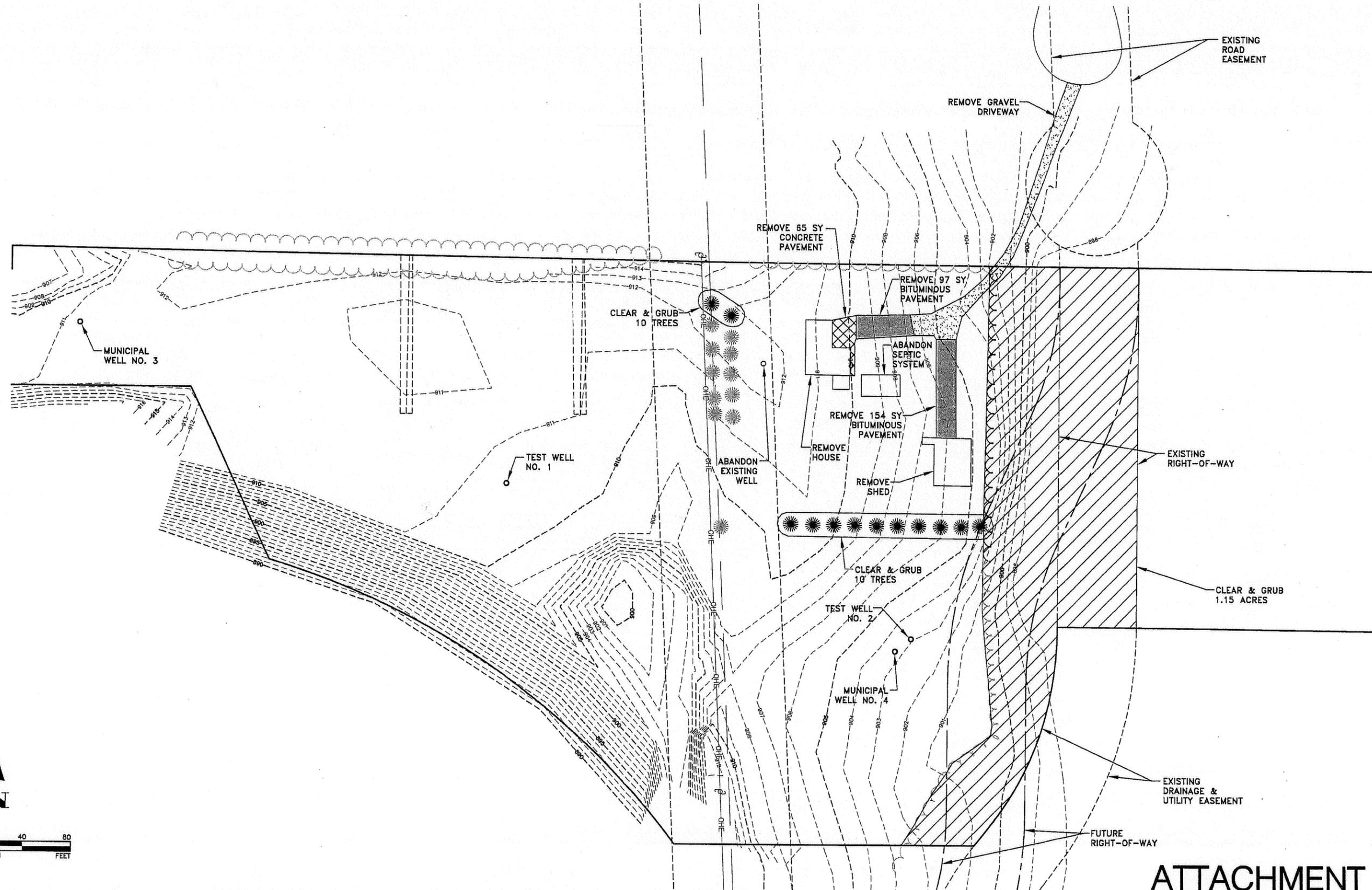


Hakanson Anderson Assoc., Inc.
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5860 FAX 763-427-0520
www.hakanson-anderson.com

EAST BETHEL
WATER TREATMENT PLANT NO. 1

PROPERTY SURVEY
CITY OF EAST BETHEL, MINNESOTA

SHEET
1
OF
1
SHEETS



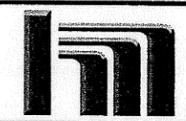
ATTACHMENT 3

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| DATE | REVISION |
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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.
 Date 7/15/11 **CRAIG J. JOCHUM, P.E.**
 Lic. No. 23461

DESIGNED BY: TAE
 DRAWN BY: TAE
 CHECKED BY: CJJ



Hakanson Anderson Assoc., Inc.
 Civil Engineers and Land Surveyors
 3601 Thurston Ave., Anoka, Minnesota 55303
 763-427-5860 FAX 763-427-0520
 www.hakanson-anderson.com

**EAST BETHEL
 WATER TREATMENT PLANT NO. 1**

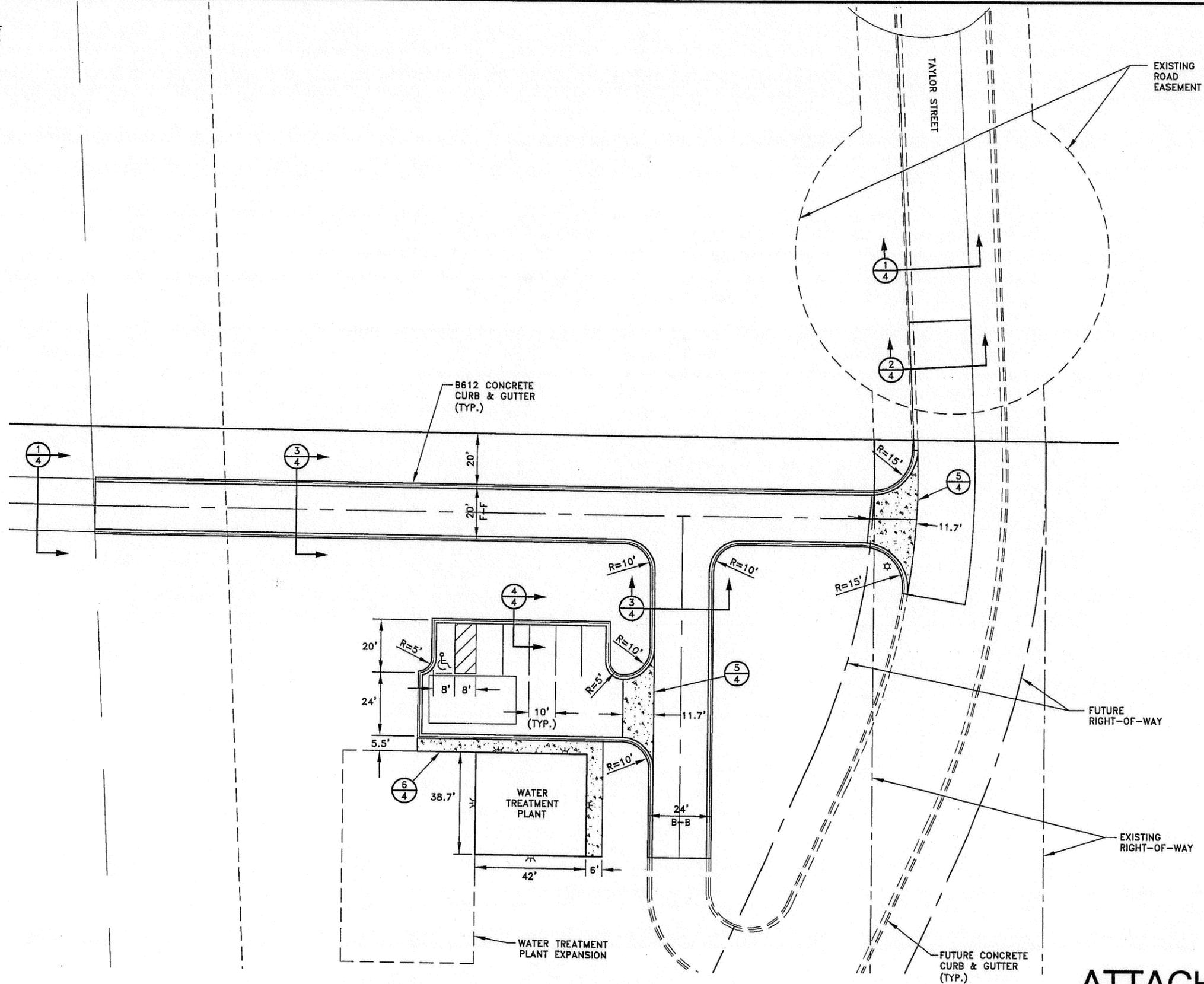
**EXISTING TOPOGRAPHY
 AND REMOVALS PLAN**
 CITY OF EAST BETHEL, MINNESOTA

SHEET
 1
 OF
 1
 SHEETS

GENERAL NOTES:

1. RADIUS DIMENSIONS ARE MEASURED TO THE BACK OF THE CURB. ALL OTHER DIMENSIONS ARE MEASURED TO THE FACE OF CURB, UNLESS NOTED OTHERWISE.
2. STRIPING SHALL CONSIST OF 4-INCH SOLID LINE WHITE-EPOXY.

| PARKING STALL SUMMARY | QUANTITY |
|--------------------------|----------|
| 8'x20' STALLS | 1 |
| 10'x20' STALLS | 5 |
| TOTAL STALLS | 6 |
| TOTAL HANDICAPPED STALLS | 1 |



ATTACHMENT 4

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I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.

CRAIG J. JOCHUM, P.E.
Date 7/15/11 Lic. No. 23461

DESIGNED BY: TAE
DRAWN BY: TAE
CHECKED BY: CJJ

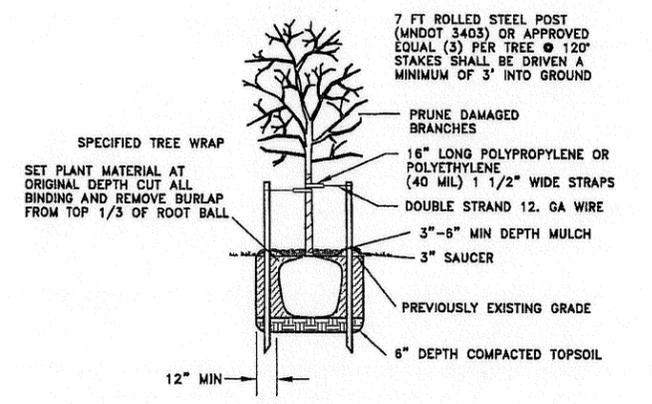
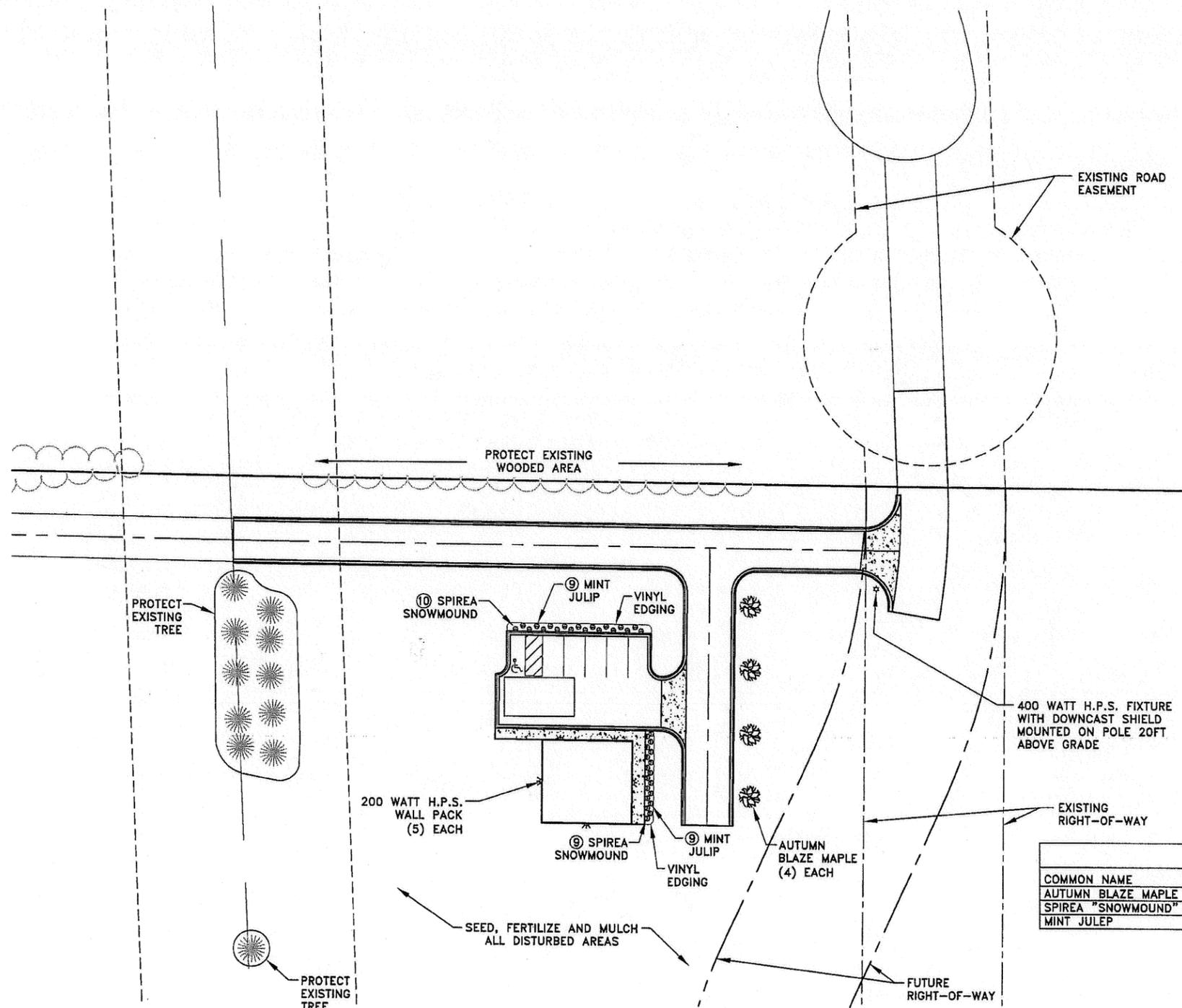


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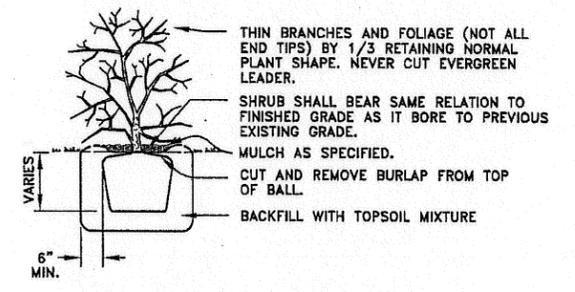
**EAST BETHEL
WATER TREATMENT PLANT NO. 1**

SITE PLAN
CITY OF EAST BETHEL, MINNESOTA

SHEET 1 OF 1 SHEETS



1 PLANTING DETAIL FOR DECIDUOUS TREES

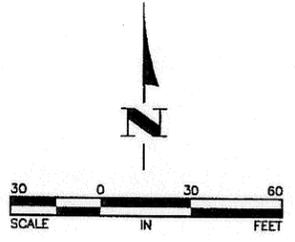


2 SHRUB PLANTING DETAIL

| PLANT MATERIAL SCHEDULE | | | | |
|-------------------------|------------------------------|----------|------|--------|
| COMMON NAME | BOTANICAL NAME | QUANTITY | SIZE | METHOD |
| AUTUMN BLAZE MAPLE | Acer Freemanii "Jeffersed" | 4 | 2.5" | B & B |
| SPIREA "SNOWMOUND" | Spirea Nipponica "Snowmound" | 19 | #5 | CONT. |
| MINT JULEP | Julep Chinensis "Monlep" | 18 | #5 | CONT. |

LANDSCAPE SUMMARY:
 5680 SQUARE FEET/2000=3 TREES REQUIRED
 4 TREES PROVIDED
 5680 SQUARE FEET/300=19 SHRUBS REQUIRED
 37 SHRUBS PROVIDED

GENERAL LANDSCAPE NOTES:
 1. AREA WITHIN VINYL EDGING TO BE MULCHED WITH 4" HARDWOOD MULCH
 2. SEED ALL DISTURBED AREAS WITH MnDOT SEED MIX 260, "COMMERCIAL TURF"

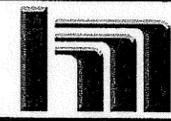


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 BRAD C. WILKENING, P.E.
 Date 7/15/11 Lic. No. 26908

DESIGNED BY: BCW
 DRAWN BY: TAE
 CHECKED BY: BCW



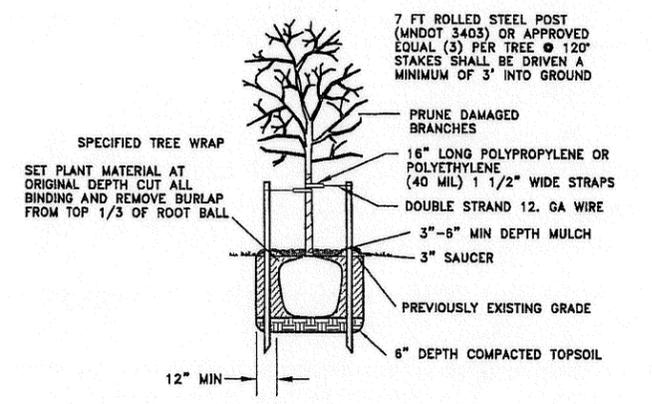
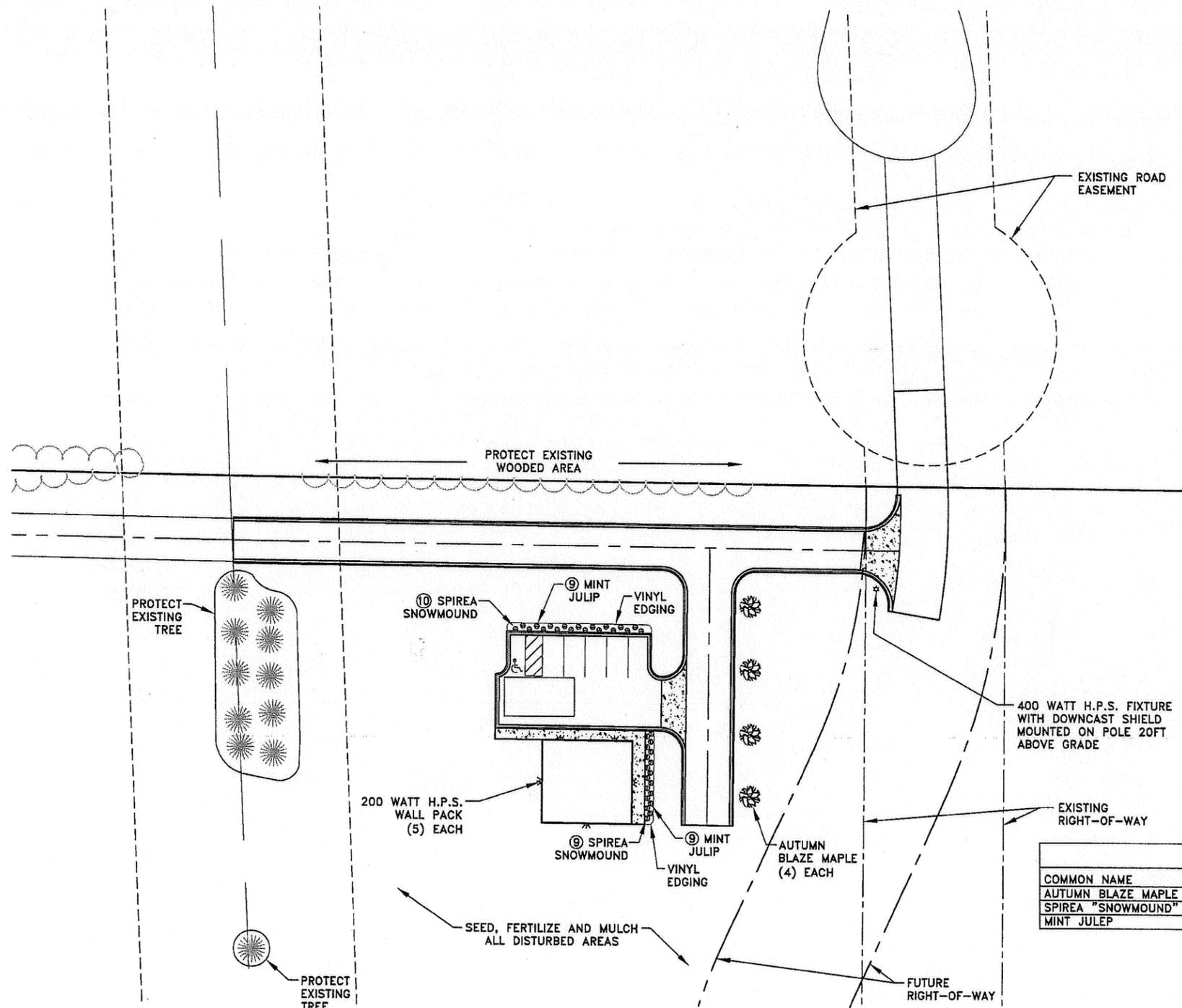
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EAST BETHEL
 WATER TREATMENT PLANT NO. 1

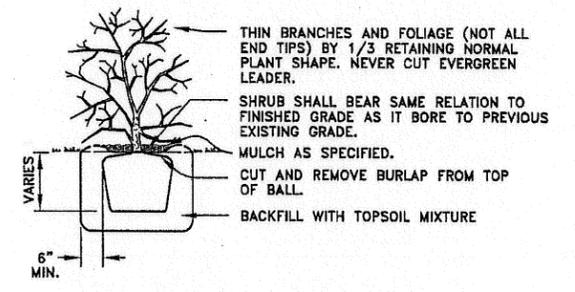
LANDSCAPE AND
 LIGHTING PLAN
 CITY OF EAST BETHEL, MINNESOTA

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ATTACHMENT 7



1 PLANTING DETAIL FOR DECIDUOUS TREES

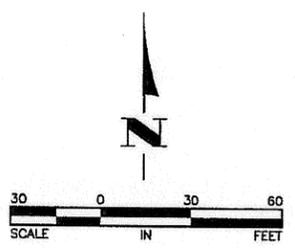


2 SHRUB PLANTING DETAIL

| PLANT MATERIAL SCHEDULE | | | | |
|-------------------------|------------------------------|----------|------|--------|
| COMMON NAME | BOTANICAL NAME | QUANTITY | SIZE | METHOD |
| AUTUMN BLAZE MAPLE | Acer Freemanii "Jeffersed" | 4 | 2.5" | B & B |
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| MINT JULEP | Julep Chinensis "Monlep" | 18 | #5 | CONT. |

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 2. SEED ALL DISTURBED AREAS WITH MnDOT SEED MIX 260, "COMMERCIAL TURF"



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BRAD C. WILKENING, P.E.
 Date 7/15/11 Lic. No. 26908

DESIGNED BY: BCW
 DRAWN BY: TAE
 CHECKED BY: BCW



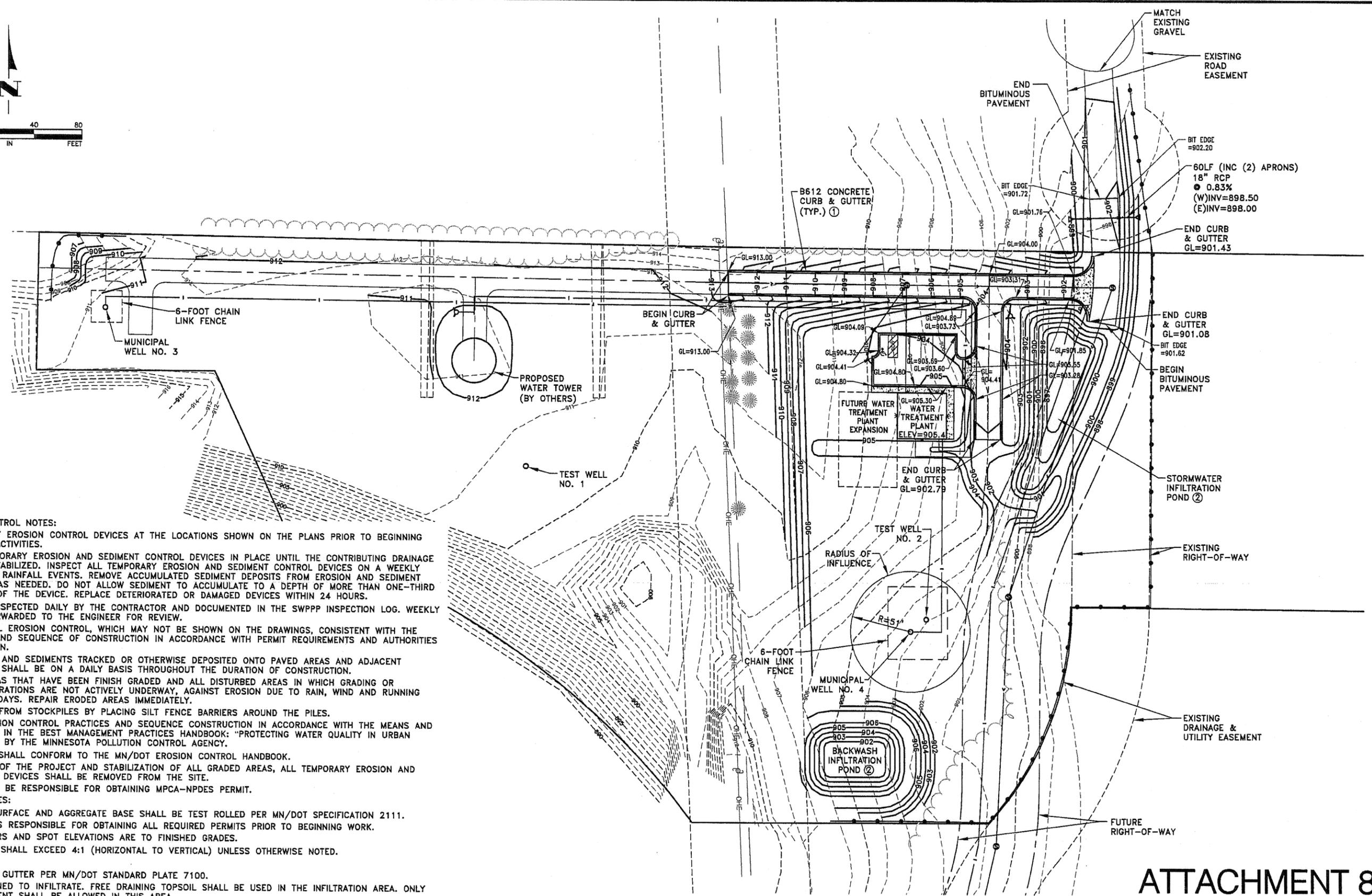
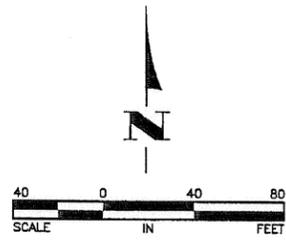
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EAST BETHEL
 WATER TREATMENT PLANT NO. 1

LANDSCAPE AND
 LIGHTING PLAN
 CITY OF EAST BETHEL, MINNESOTA

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ATTACHMENT 7



GENERAL EROSION CONTROL NOTES:

1. INSTALL TEMPORARY EROSION CONTROL DEVICES AT THE LOCATIONS SHOWN ON THE PLANS PRIOR TO BEGINNING LAND DISTURBING ACTIVITIES.
2. MAINTAIN ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES IN PLACE UNTIL THE CONTRIBUTING DRAINAGE AREA HAS BEEN STABILIZED. INSPECT ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES ON A WEEKLY BASIS AND DURING RAINFALL EVENTS. REMOVE ACCUMULATED SEDIMENT DEPOSITS FROM EROSION AND SEDIMENT CONTROL DEVICES AS NEEDED. DO NOT ALLOW SEDIMENT TO ACCUMULATE TO A DEPTH OF MORE THAN ONE-THIRD OF THE CAPACITY OF THE DEVICE. REPLACE DETERIORATED OR DAMAGED DEVICES WITHIN 24 HOURS.
3. BMP'S SHALL BE INSPECTED DAILY BY THE CONTRACTOR AND DOCUMENTED IN THE SWPPP INSPECTION LOG. WEEKLY LOGS MUST BE FORWARDED TO THE ENGINEER FOR REVIEW.
4. PROVIDE ADDITIONAL EROSION CONTROL, WHICH MAY NOT BE SHOWN ON THE DRAWINGS, CONSISTENT WITH THE MEANS, METHODS AND SEQUENCE OF CONSTRUCTION IN ACCORDANCE WITH PERMIT REQUIREMENTS AND AUTHORITIES HAVING JURISDICTION.
5. REMOVE ALL SOILS AND SEDIMENTS TRACKED OR OTHERWISE DEPOSITED ONTO PAVED AREAS AND ADJACENT STREETS. REMOVAL SHALL BE ON A DAILY BASIS THROUGHOUT THE DURATION OF CONSTRUCTION.
6. STABILIZE ALL AREAS THAT HAVE BEEN FINISH GRADED AND ALL DISTURBED AREAS IN WHICH GRADING OR CONSTRUCTION OPERATIONS ARE NOT ACTIVELY UNDERWAY, AGAINST EROSION DUE TO RAIN, WIND AND RUNNING WATER WITHIN 7 DAYS. REPAIR ERODED AREAS IMMEDIATELY.
7. CONTROL EROSION FROM STOCKPILES BY PLACING SILT FENCE BARRIERS AROUND THE PILES.
8. PERFORM ALL EROSION CONTROL PRACTICES AND SEQUENCE CONSTRUCTION IN ACCORDANCE WITH THE MEANS AND METHODS OUTLINED IN THE BEST MANAGEMENT PRACTICES HANDBOOK: "PROTECTING WATER QUALITY IN URBAN AREAS," PUBLISHED BY THE MINNESOTA POLLUTION CONTROL AGENCY.
9. EROSION CONTROL SHALL CONFORM TO THE MN/DOT EROSION CONTROL HANDBOOK.
10. UPON COMPLETION OF THE PROJECT AND STABILIZATION OF ALL GRADED AREAS, ALL TEMPORARY EROSION AND SEDIMENT CONTROL DEVICES SHALL BE REMOVED FROM THE SITE.
11. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING MPCA-NPDES PERMIT.

GENERAL GRADING NOTES:

1. FINAL SUBGRADE SURFACE AND AGGREGATE BASE SHALL BE TEST ROLLED PER MN/DOT SPECIFICATION 2111.
2. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS PRIOR TO BEGINNING WORK.
3. PROPOSED CONTOURS AND SPOT ELEVATIONS ARE TO FINISHED GRADES.
4. NO GRADED SLOPE SHALL EXCEED 4:1 (HORIZONTAL TO VERTICAL) UNLESS OTHERWISE NOTED.

REFERENCE NOTES:

- ① CONSTRUCT CURB & GUTTER PER MN/DOT STANDARD PLATE 7100.
- ② THIS AREA IS DESIGNED TO INFILTRATE. FREE DRAINING TOPSOIL SHALL BE USED IN THE INFILTRATION AREA. ONLY TRACK TYPE EQUIPMENT SHALL BE ALLOWED IN THIS AREA.

ATTACHMENT 8

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CRAIG J. JOCHRUM, P.E.
 Date 7/15/11 Lic. No. 23461

DESIGNED BY: TAE
 DRAWN BY: TAE
 CHECKED BY: CJJ



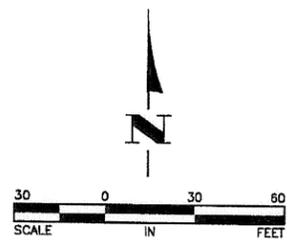
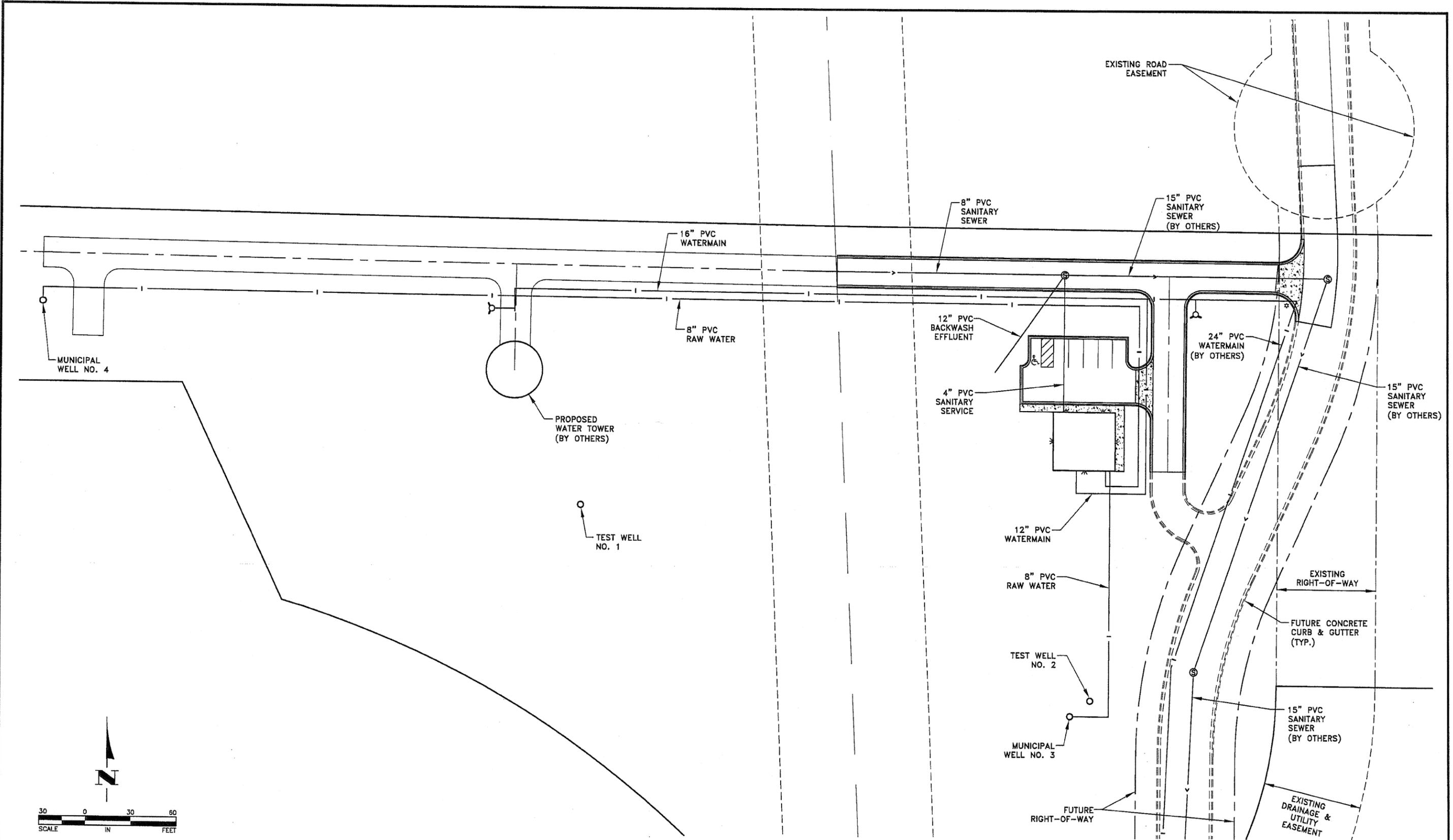
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**EAST BETHEL
 WATER TREATMENT PLANT NO. 1**

**GRADING, DRAINAGE AND
 EROSION CONTROL PLAN**
 CITY OF EAST BETHEL, MINNESOTA

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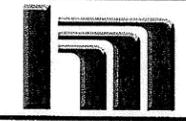


ATTACHMENT 9

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 Date 7/15/11 Lic. No. 23461
 CRAIG J. JOCHUM, P.E.

DESIGNED BY: TAE
 DRAWN BY: TAE
 CHECKED BY: CJJ

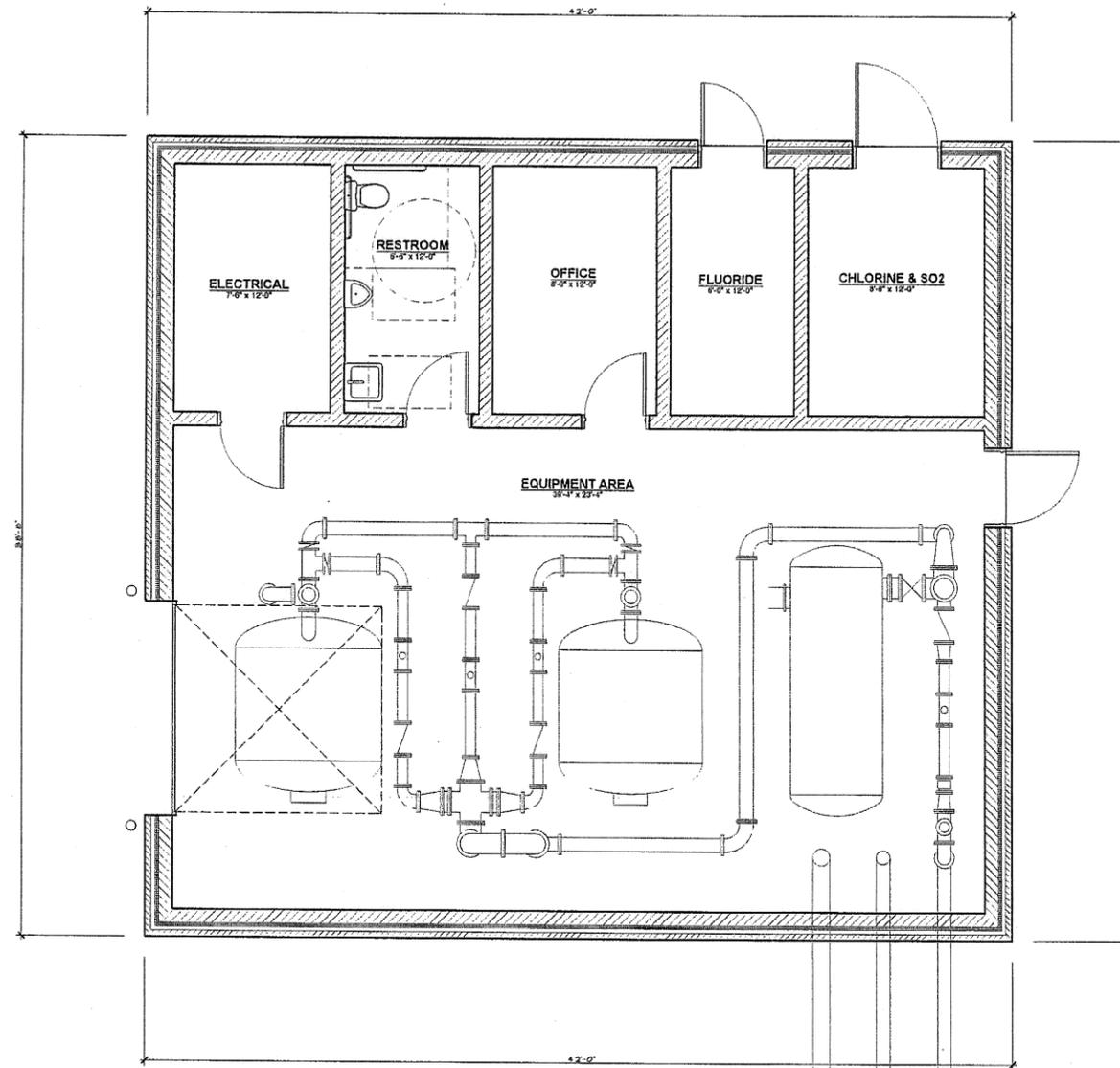


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EAST BETHEL
 WATER TREATMENT PLANT NO. 1

UTILITY PLAN
 CITY OF EAST BETHEL, MINNESOTA

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ATTACHMENT 10

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 64406
 Oak Brook, Minnesota 55303
 763-427-5860
 www.negen.com

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LDN
 DRAWN BY:
AK
 CHECKED BY:
LDN

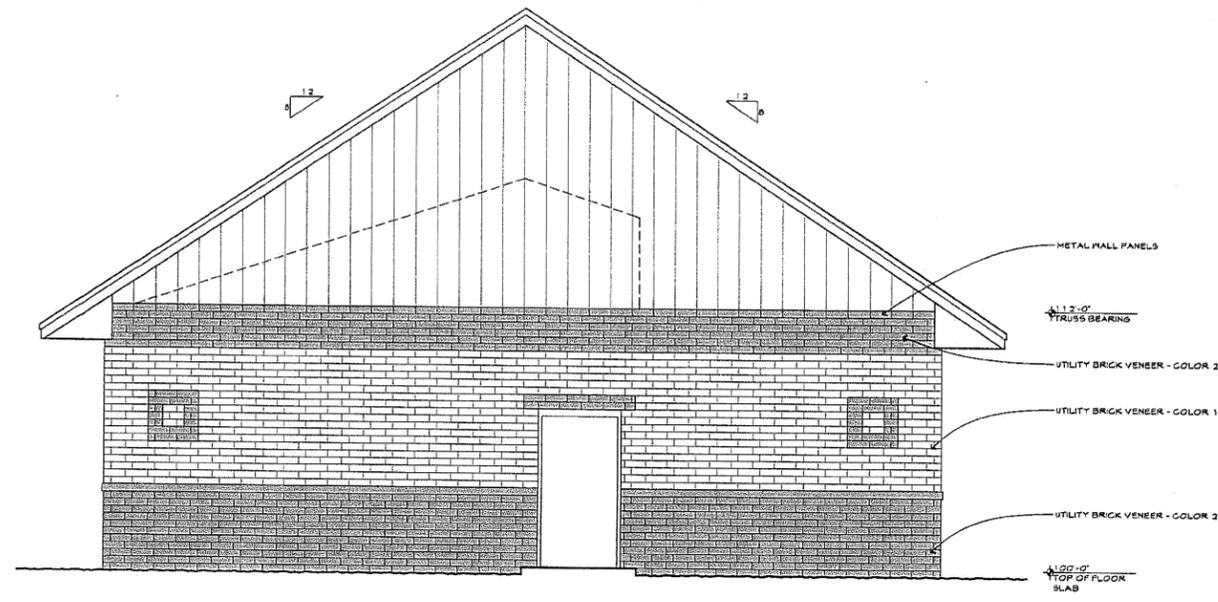


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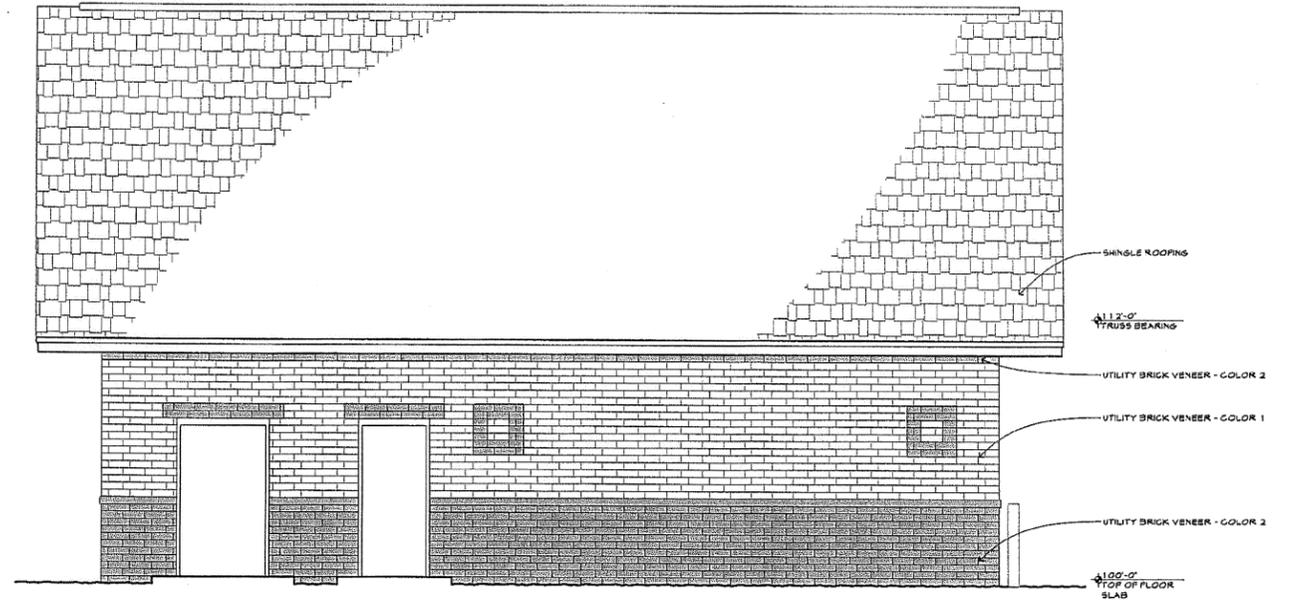
EAST BETHEL
 WATER TREATMENT PLANT

FLOOR PLAN
 CITY OF EAST BETHEL, MINNESOTA

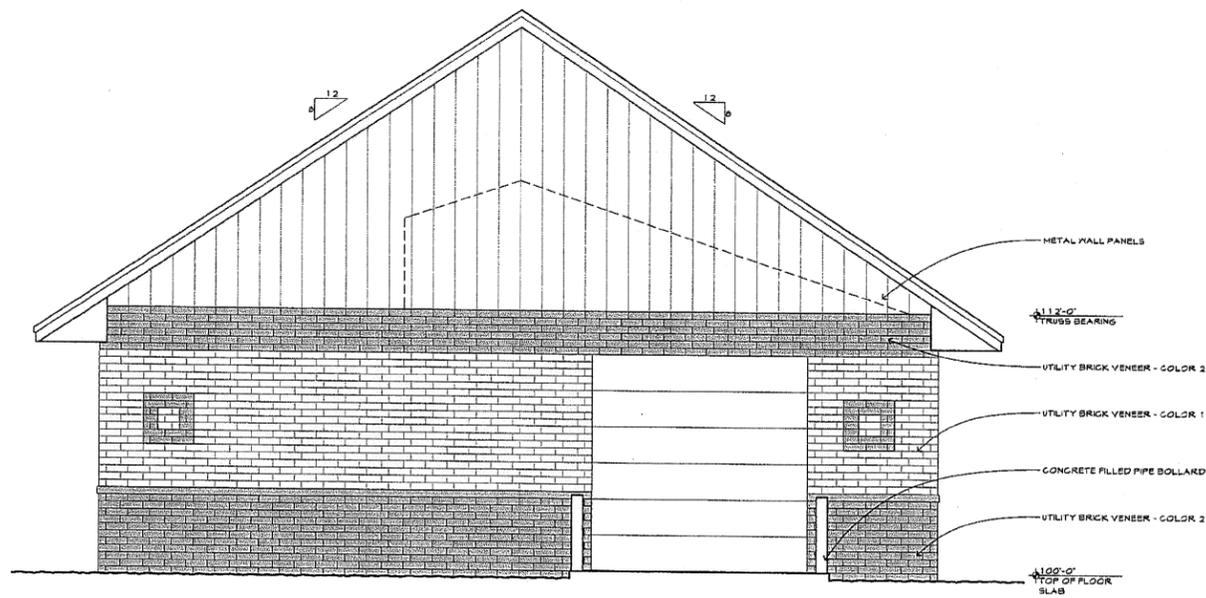
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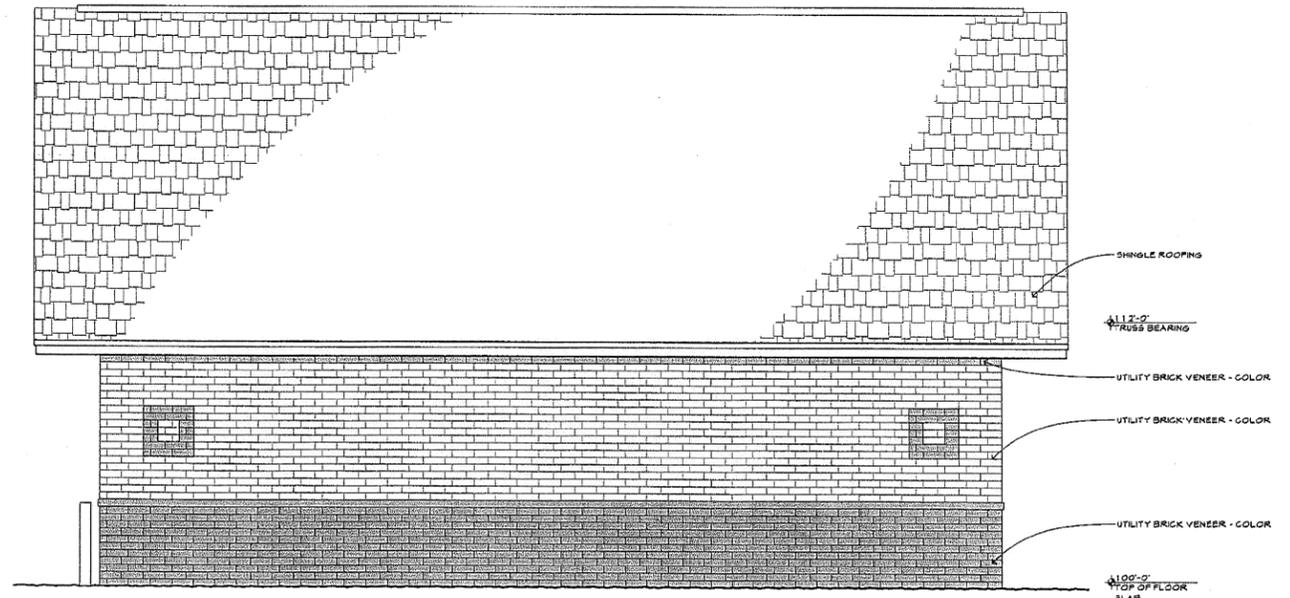
EAST EXTERIOR ELEVATION



NORTH EXTERIOR ELEVATION



WEST EXTERIOR ELEVATION



SOUTH EXTERIOR ELEVATION

ATTACHMENT 11

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EAST BETHEL
WATER TREATMENT PLANT

EXTERIOR ELEVATIONS
CITY OF EAST BETHEL, MINNESOTA

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is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface, as approved as part of the T & G First Addition final plat.

- 8. Building permit must be obtained for fencing over six (6) feet in height.**
- 9. All conditions must be satisfied prior to the issuance of a building permit.**

Terry second, motion carries unanimously.

This will go before the City Council on August 3, 2011.

**Request for Site Plan
Review for the City
of East Bethel Water
Treatment Plant**

Applicant:

City of East Bethel
2241 221st Avenue NE
East Bethel MN 55011

Property Location:

19458 Taylor Street NE
East Bethel MN 55011
PIN 29-33-23-23-0005

The City of East Bethel is requesting Site Plan approval to construct a Water Treatment Plant (WTP). The City of East Bethel has recently purchased the property from Ms. Kim Thompson and a portion of the property from Shaw Trucking for the construction of the WTP. The General Location of the WTP is shown on Attachment 1 and the Property Survey is shown on Attachment 2. It is anticipated that the WTP construction will begin October of this year.

The WTP will be owned and operated by the City of East Bethel. One staff person will check the WTP on a daily basis. This individual will have the required licensure to operate a Class C WTP. Currently, there is a full-time City employee who possesses the required licensing. Bulk chemical delivery will occur approximately once per month, therefore, traffic generated will be minimal.

Attachment 3 is the Existing Topography and Removal Plan. This plan shows the existing residential structures (house, garage, well, and septic) that will be removed from the site. The WTP will include a 1,624 square foot building (42' by 38'-8") as shown on Attachment 4. Attachment 5 is the Exterior Perspective of the proposed WTP looking southwest.

The existing parcel is accessed off Taylor Street NE. This access encroaches on the parcel that is directly north of the WTP. A new access to the WTP will be constructed off of Taylor Street as shown on the Site Plan (Attachment 4). The proposed areas of pavement and gravel and future pavement areas are shown on the Pavement Plan which is Attachment 6.

Parking is provided on site. The proposed site plan provides six (6) parking stalls. One accessible stall has been provided to meet ADA requirements. In this particular instance, off-street parking requirements are based off the type of use and number of employees. Since the facility is not open to the public, the only

expected traffic is from 1 employee that is staffed during the weekdays.

There will be autumn blaze maples, spirea, and mint julep planted around the north and east side of the building. The Landscaping Plan is included as Attachment 7. The existing trees and vegetation along the north boundary of the property will remain in place. According to East Bethel City Code, all new plantings, including turf establishment, must be guaranteed for one full year from the time the planting. The Contractor will be responsible for the plantings for the first year. The City will be responsible for ensuring the landscaping remains healthy after the first year. Plantings that do not establish must be replaced.

At this time 6-foot chain link fence is proposed around Well No. 3 and No. 4.

The Lighting Plan is included as Attachment 7. The plan provides for lighting around the building and one additional downcast shielded light mounted on a pole at the intersection. Lighting sources will be hooded so as not to light adjacent property. Also, pole cannot exceed a height of thirty (30) feet.

A Grading, Drainage, and Erosion Control Plan are included as Attachment 8 and a Utility Plan has been included as Attachment 9.

A Floor Plan has been included as Attachment 10, and Exterior Elevations have been included as Attachment 11. The proposed building is a masonry structure with a 12-inch brick exterior. Proposed exterior colors are shown on Attachment 5

The attachments in the packet of information are:

1. Location Map
2. Property Survey
3. Existing Topography and Removals Plan
4. Site Plan
5. Exterior Perspective
6. Pavement Plan
7. Landscape and Lighting Plan
8. Grading, Drainage and Erosion Control Plan
9. Utility Plan
10. Floor Plan
11. Exterior Elevations

Fiscal Impact:

Undetermined

Recommendation:

Staff requests Planning Commission recommend approval to City Council of a site plan review for the construction of the City of East Bethel Water Treatment Plant, PIN 29-33-23-23-0005, 19458 Taylor Street, with the following conditions:

1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.
2. Landscaping is to be guaranteed for one (1) growing season. Plantings that do not establish must be replaced.
3. Signage must meet requirements according to East Bethel City Code

Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.

4. Any modifications to the approved site plan shall be submitted to and approved by City Staff.
5. Improvements will be required to meet East Bethel engineering standards.
6. All conditions must be satisfied prior to the issuance of a building permit.

The City Engineer is the one who is doing the plan for the City and he was unavailable to attend this evening's meeting. Hanson will be available to answer questions.

Terry asked what changed from the other plan that was approved. Hanson said this is a smaller building and also there is a change in the location of the wells. Bonin asked why the building is smaller. Hanson advised the smaller facility ended up amounting to a \$4.4 million dollars savings and this was due to some testing on what the City would actually need. Bonin asked if the road would eventually extend beyond where it is. Hanson said yes.

Mundle said on the west side of the building there is a garage door, there are no roads leading up to it. Hanson said it might be for chemical delivery, she will ask the engineer about it. Terry said that is future water treatment expansion. He said maybe that is how they would want it for connection. Hanson said she will ask and will email Commission members the answer. Voltin said there is nothing in here for expansion. Hanson said there is possible expansion of the building. Mundle said you have better energy savings without a garage door. Terry said if they are going to have a garage door there needs to be gravel drive there. Mundle said the road that will be put thru looks like it will go through to the middle of the property. Hanson advised the one side of the property is wetlands and unfortunately if we put the road to the east we would have to work with the Wetland Conservation Act. Bonin asked what the test wells are. Hanson said they are to test what is needed and they will be sealed. Voltin said the garage door might be for equipment.

Voltin recommend approval to City Council of a site plan review for the construction of the City of East Bethel Water Treatment Plant, PIN 29-33-23-23-0005, 19458 Taylor Street, with the following conditions:

- 1. Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction.**
- 2. Landscaping is to be guaranteed for one (1) growing season. Plantings that do not establish must be replaced.**
- 3. Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site.**
- 4. Any modifications to the approved site plan shall be submitted to and approved by City Staff.**
- 5. Improvements will be required to meet East Bethel engineering standards.**

All conditions must be satisfied prior to the issuance of a building permit. Mundle seconded, motion carries unanimously.

This will go before the City Council on August 3, 2011.



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 A.1

Agenda Item:

Adoption of Buildings and Building Regulation Ordinance Chapter 14

Requested Action:

Consider approving the revisions to the Buildings and Building Regulation Ordinance, City Code Chapter 14.

Background Information:

Staff has revised City Code, Chapter 14 Buildings and Building Regulations to eliminate redundancies and conflicts with other sections of the city ordinances. The revision also provides for appeal processes, permit fee refunds, and the addition of electrical inspections. The revisions to the ordinance are included in the attachments for your review. The City Attorney has reviewed the revisions and forwarded changes.

Attachment(s):

1. Redlined version of Chapter 14
2. Final Draft of Ordinance

Fiscal Impact:

City will issue and collect fees for electrical inspections.

Recommendation(s):

Staff recommends approval of the revisions in Chapter 14 of the City Ordinance.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

BUILDINGS AND BUILDING REGULATIONS

ARTICLE I. IN GENERAL

Sec. 14-1. Purpose

The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

The purpose of this code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

Sec. 14-~~12~~—14.18. Reserved.

ARTICLE II. BUILDING CODE

Sec. 14-19. Minnesota State Building Code adopted and incorporated by reference.

~~The Minnesota State Building Code, as adopted by the state commissioner of administration pursuant to Minn. Stats. §§ 16B.59–16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the state commissioner of administration, through the building codes and standards division, is hereby adopted by reference with the exception of the optional chapter, unless specifically adopted in this article. The state building code is hereby incorporated in this chapter as if fully set out herein.~~

~~(Ord. No. 154 B, § 1, 8-20-2003)~~

This ordinance: Provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

Sec. 14-20. Application, administration and enforcement.

~~(a) The application, administration and enforcement of the code shall be in accordance with the Minnesota State Building Code. The code shall be entered within the extraterritorial limits permitted by Minn. Stats. § 16B.62, subd. 12, when so established by this article.~~

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Permit #1

~~(b) The code enforcement agency of this municipality is the city building department.~~

~~(c) The state certified building official designated by the city to administer the code shall enforce the building code, Minn. Stats. § 16B.65.~~

~~The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes 326B.121, Subd. 2(d), when so established by this ordinance.~~

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~~The code enforcement agency of this municipality is called the Building Safety Department.~~

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~~This code shall be enforced by a Building Official designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.~~

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~~Section 14-21. Permits and fees.~~

~~The issuance of permits and the collection of fees shall be as authorized in Minn. Stats. § 16B.62, subd. 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by city council resolution which is on file in the city clerk-treasurer's office. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minn. Stats. § 16B.70. (Ord. No. 154 B, § 3, 8-20-2003; Ord. No. 201, § 3, 12-7-2005)~~

~~Sec. 14-22. Wells.~~

~~All wells in the city shall come under provisions established by the state department of health in Minnesota Rules Chapter 4725, and shall be administered by the state department of health. (Ord. No. 154 B, § 4, 8-20-2003)~~

~~Sec. 14-23. Violations and penalties.~~

~~A violation of the building code is a misdemeanor punishable as provided in section 1-14. (Ord. No. 154 B, § 5, 8-20-2003)~~

~~State law reference— Violation of state building code, Minn. Stats. § 16B.69.~~

~~Section 14-24. Building code optional chapters.~~

~~The state building code, established pursuant to Minn. Stats. §§ 16B.59—16B.75, allows the city to adopt by reference and enforce certain optional chapters of the most current edition of the state building code. (Ord. No. 154 B, § 6, 8-20-2003)~~

Sec. 14-21. Building Code.

Minnesota Statutes 326B is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

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A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices.
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2008 National Electrical Code;
10. 1322, Minnesota Residential Energy Code
11. 1323, Minnesota Commercial Energy Code
12. 1325, Solar Energy Systems;
13. 1335, Flood proofing Regulations;
14. 1341, Minnesota Accessibility Code;
15. 1346, Adoption of the 2006 International Mechanical/Fuel Gas Code;
16. 1350, Manufactured Homes;
17. 1360, Prefabricated Structures;
18. 1361, Industrialized/Modular Buildings;
19. 1370, Storm Shelters (Manufactured Home Parks);
20. 4715, Minnesota Plumbing Code

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Sec. 14-22. Permits and Fees.

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A. The issuance of permits and the collection of fees shall be as authorized in ~~Minn. Stats. § 16B.62, subd. 4~~ Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule (1997 Uniform Building Code Table No. 1-A) adopted by ~~city council resolution which is on file in the city clerk-treasurer's office~~ the municipality on 6 January 1999 and fixed fees adopted by resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with ~~Minn. Stats. § 16B.70~~ Minnesota Statutes 326B.148. (Ord. No. 154 B, § 3, 8-20-2003; Ord. No. 201, § 3, 12-7-2005)

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1. Building Permit Fees. The fee for any building permit shall be determined by the fee schedule adopted by City Council resolution based on the valuation of each building project. The building project valuation referred to therein shall be computed using the up-to-date average construction cost per square foot established from time to time by the state building inspector. Exterior work authorized by a building permit issued in accordance with the state building code must be completed within 180 days following issuance of the permit.

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2. Plumbing Permit Fees. Fees shall be calculated according schedule set forth by City Council resolution.

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3. Mechanical System Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.

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4. Septic System Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.

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5. Fire Alarm Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.

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6. Fire Suppression Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.

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7. Electrical Permit Fees. Fees shall be paid according to the schedule set forth by City Council.

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B. Double Fee for Work Started Without a Permit. Where work for which a permit is required by the building code is commenced or undertaken before a permit has been obtained, the fees above specified shall be doubled; but the payment of such double fee shall not relieve a person from fully complying with requirements of the building code or other city ordinances.

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C. Fee Refunds. There shall be no refund of any permit fee collected when the fee so collected is one hundred (\$100) or less. For permits which are cancelled after issuance, where no authorized work has been done, a refund of eighty (80%) of the permit fees collected in excess of \$100 may be granted; in no case shall the fees retained exceed \$150. If any work authorized by the permit has been started, the amount of fees retained, over and above the \$100 maximum, shall be determined by the Building Official commensurate with the percentage of work completed. Plan check fees are not refundable.

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All claims for refunds shall be made in writing by the original permittee, submitted to the Building Official and shall be made within thirty (30) calendar days from the payment of said fees.

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Appeals for relief from the above refund policy shall:

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- be made in writing by the original permittee on a form provided by the building safety department.

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- be made within thirty (30) calendar days from the payment of said fees.

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- include a detailed explanation of circumstances which are the grounds for appeal.

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Sec. 14-23. Local Board of Appeals

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals.

- A. The board of appeals shall consist of three (3) members, appointed by the City Administrator who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
- B. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board
- C. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for appeal. If an appeal hearing is not held within this time, the applicant may appeal directly to the state building code appeals board.
- D. Appeals must be filed in writing with the city clerk. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for an appeal.
- E. Costs of the appeal, if any, shall be paid by the prevailing party. The city may require a reasonable escrow to cover the projected cost.

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Sec. 14-24. Hazardous and Substandard Buildings.

All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment may be declared by the City Council to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of Minnesota State Statutes 463.15 through 463.26.

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Sec. 14-~~2225~~. Wells.

All wells in the city shall come under provisions established by the state department of health in Minnesota Rules Chapter 4725, and shall be administered by the state department of health.

(Ord. No. 154-B, § 4, 8-20-2003)

Sec. 14-26. Violations and penalties.

A violation of the building code is a misdemeanor punishable as provided in section 1-14.

(Ord. No. 154-B, § 5, 8-20-2003)

State law reference— Violation of state building code, Minn. Stats. § 16B.69

Sec. 14-24. Building code optional chapters.

The state building code, established pursuant to Minn. Stats. §§ 16B.59—16B.75, allows the city to adopt by reference and enforce certain optional chapters of the most current edition of the state building code.

(Ord. No. 154-B, § 6, 8-20-2003)

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Sec. 14-~~25~~27—14.51. Reserved.

Minnesota Electrical Act

Section 14-52. Violations and penalties.

A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16).

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Section 14-53. Adopted by reference; excepted optional chapters.

The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Department of Labor and Industry is hereby adopted by reference with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein, with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule.

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Section 14-54. Application, administration and enforcement.

The application, administration, and enforcement of the code shall be in accordance with the Minnesota Electrical Act. The code shall be enforced in accordance with Minnesota Statutes, Sections 326B.081 through 326B.085, within incorporated limits of the city and the extraterritorial limits permitted by law. The building inspections division of the City of East Bethel shall administer the Minnesota Electrical Act and shall be the enforcing agency. The code shall be enforced by the City of East Bethel's certified building official, designated by the city to administer.

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Section 14-55. Permits, inspections and fees.

The issuance of permits and the collection of fees shall be as is authorized in Minnesota Statutes, 326B.36, except that the application shall be submitted directly to the City of East Bethel.

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Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by resolution annually, or as the city council may deem necessary. In addition, a surcharge fee shall be collected on all permits for work governed by this code in accordance with Minnesota Statute 16B.70. All administrative or inspection fees will be payable to the City of East Bethel.

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ARTICLE III. PLUMBING CODE

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Sec. 14.52. Minnesota Plumbing Code adopted and incorporated by reference.

The Minnesota Plumbing Code, as set forth in the state building code is hereby adopted as the plumbing code regulating the installation of plumbing in the city and to provide for the health, safety, and general welfare of the citizens of the city, and such code is hereby incorporated in and made a part of this chapter as completely as if fully set out herein. (Ord. No. 58, § 1, 8-7-1974)

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Sec. 14.53. Penalty for violation.

Any person violating any of the provisions of the Minnesota Plumbing Code shall, upon conviction thereof, be deemed guilty of a misdemeanor punishable as provided in section 1-14. Each day that any violation is continued shall constitute a separate offense. (Ord. No. 58, § 2, 8-7-1974)

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Sec. 14.54-14.79. Reserved.

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ARTICLE IV. MOVING BUILDINGS

Sec. 14-80. 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:

Building is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, education, or recreational purposes.

Building official is the building official of the city.

Removal location is any location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this article.

(Ord. No. 109, § 1, 4-21-1976)

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Sec. 14-81. Compliance with building code.

(a) Any building to be moved in the city must comply in all respects with the city building code and other applicable ordinances; provided that the owner of said building to be moved may present to the building official complete and detailed plans showing changes which will be made in order to attain compliance with said ordinances. In the event that such changes are proposed, a permit authorizing the moving of said building shall not be issued until the owner has agreed in writing to complete the necessary changes within a period of six months, the building official has approved the plans, the building permit fee has been paid and the building permit issued, and a certified check guaranteeing the completion of said changes and equal to at least 1½ times the cost of said proposed work as estimated by the building official has been posted with the city.

(b) If in the judgment of the building official the building to be moved fails to comply with any or all of the provisions of this article, the building official may deny the application. If in the judgment of the building official the building to be moved and plans therefore comply with the provisions of this article and the zoning code, then and upon compliance with subsection (a) of this section, the building official, licensee, and the applicant shall ~~personally~~ submit the application to the planning commission ~~for approval~~ and make recommendation to the city council at the next stated meeting of said council. The planning commission shall determine whether such application shall conform to the immediate surrounding community. The planning commission in its discretion shall call a public meeting of resident owners within a radius of 300 feet from subject property to determine adjacent property owners' reviews of the proposed application. In the event said public meeting is held, the planning commission will determine the application on its merits and make its recommendation to the city council.

(c) The application must be accompanied by a moving permit fee. This is to be computed on the same basis as a building permit fee for new construction. The value of a building on its new location in its completed condition shall determine the valuation. This fee shall apply to all applications for moving permits to locate a building within the city. For an application for a moving permit from within the city to areas outside the city the fee shall be determined from time to time by city council and placed on file in the city clerk-treasurer's office.

(Ord. No. 109, § 2, 4-21-1976; Ord. No. 201, § 3, 12-7-2005)

Sec. 14-82. Removal of wires.

(a) In every case in which a permit shall be issued, as herein provided, for the removal of a building, when such removal requires the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating, or controlling such wires to remove or displace the same, so far as the same may be necessary to effect the removal of said building to the point to which the removal thereof shall be authorized by such permit.

(b) The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same to facilitate the removal of said building, and shall, at the same time, exhibit to said person, association or corporation the properly issued permit authorizing the removal of said building, and it shall thereupon be the duty of said person, association or corporation, within 24 hours thereafter, to remove or displace said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

(c) Any expense incurred or to be incurred in the moving, removing or displacing of such wires shall be paid for by the person who makes application for said permit.

~~(Ord. No. 109, § 3, 4-21-1976)~~

(d) The city shall control the route, travel times, safety requirements and details of transport for any building to be moved within the city.

~~(Ord. No. 109, § 3, 4-21-1976)~~

Sec. 14-83. Deposit for expense to city

Upon receipt of an application it shall be the duty of the building official to procure an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.

~~(Ord. No. 109, § 4, 4-21-1976)~~

Sec. 14-84. Duties of building official.

(a) *Inspection.* The building official shall inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(b) *Standards for issuance.* The building official shall refuse to issue a permit if he finds:

- (1) That any application requirement or any fee or deposit requirement has not been complied with;
- (2) That the building is too large to move without endangering persons or property in the city;
- (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;
- (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;

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(5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;

(6) That zoning or other ordinances of the city would be violated by the building in its removal location;

(7) That for any reason persons or property in the city would be endangered by the moving of the building;

(8) That the building to be moved is not worth at least 50 percent of the cost of a similar new building as determined by the building official;

(9) That the building in its removal location would fail to comply in any respect with any provision of any ordinance of the city or, in the alternative, that proper assurances of such compliance have not been given.

(c) *Fees and deposits.*

(1) *Deposit.* The building official shall deposit all fees and deposits, and all bonds and insurance policies with the city clerk-treasurer.

(2) *Return upon nonissuance.* Upon his refusal to issue a permit the building official shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.

(3) *Return upon allowance for expense.* After the building has been removed the building official shall furnish the city coordinator with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. The city coordinator shall authorize the building official to return to the applicant all deposits after the city clerk-treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(d) *Designate streets for removal.* The building official shall procure from the city engineer a list of designated streets over which the building may be moved. The building official shall reproduce the list upon the permit in writing. In making his determination the city engineer shall act to ensure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

(Ord. No. 109, § 5, 4-21-1976)

Sec. 14-85. Duties of permittee.

Every permittee under this article shall:

(1) *Use designated streets.* Move a building only over streets designated for such use in the written permit.

(2) *Notify of revised moving time.* Notify the building official in writing of a desired change in moving date and hours as proposed in the application.

(3) *Notify of damage.* Notify the building official in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury as occurred.

(4) *Display lights.* Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(5) *Street occupancy period.* Remove the building from the city streets after one day of such occupancy, unless an extension is granted by the building official.

(6) *Comply with governing law.* Comply with the building ordinance, the zoning ordinance, and all other applicable ordinances and laws upon relocating the building in the city.

(7) *Pay expense of officer.* When the building official has ordered the licensee to obtain the services of a traffic officer to accompany the movement of the building to protect the public from injury, the permittee shall pay the expense of the officer at the rate established by resolution of the city council for the estimated period required for the moving.

(8) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition.

(Ord. No. 109, § 6, 4-21-1976)

Sec. 14-86. Miscellaneous conditions.

(a) No permit shall be issued under the provisions hereof unless and until the building official shall be satisfied that the building proposed to be removed will in its removal location conform to the general character and to the type of architecture of the neighborhood and the construction of said building must have begun within 20 years preceding the moving date.

(b) Every applicant or permittee shall pay, in addition to all other required fees, an additional fee per mile to be traveled by the building official in making any inspection under the provisions of this or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with an additional fee

to be determined from time to time by resolution of the city council and filed in the city clerk-treasurer's office for the time spent in connection with such inspection.

(c) All unattached garages are to be exempt from the 20-year requirement.
(Ord. No. 109, § 7, 4-21-1976; Res. No. 1980-26, 4-2-1980; Ord. No. 201, § 3, 12-7-2005)

Sec. 14-87. Enforcement

(a) *Enforcing officers.* The city coordinator, the building official, and the city engineer shall enforce and carry out the requirements of this article.

(b) *Permittee liable for expense above deposit.* The permittee shall be liable for any expense, damage or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(c) *Original premises left unsafe.* The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this article and the cost thereof shall be charged against the general deposit.
(Ord. No. 109, § 8, 4-21-1976)

Sec. 14-88. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-14. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.
(Ord. No. 109, § 9, 4-21-1976)

Sec. 14-89 —14-138. Reserved.

~~(Repeal) ARTICLE V. CONSTRUCTION STANDARDS~~

~~DIVISION 1. GENERALLY~~

~~Sec. 14-184. Reserved.~~

~~DIVISION 2. REGULATING AND LICENSING CONSTRUCTION ACTIVITIES~~

~~Sec. 14-185. License required.~~

~~Before any individual, partnership, corporation or other business association shall engage in the business of doing or performing any of the work listed in this section, he first shall obtain a license to do so as hereinafter provided:~~

~~(1) Cement work, cement block work, cement block laying or brick work.~~

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- ~~(2) General construction work, including erection, alteration or repair of buildings.~~
 - ~~(3) Moving or wrecking buildings.~~
 - ~~(4) Plastering, outside stucco or lathing work.~~
 - ~~(5) Heating and air conditioning work.~~
 - ~~(6) Gas installation work, including installation of heating, appliances, devices, machinery, etc.~~
 - ~~(7) Roofing work.~~
 - ~~(8) Erecting signs and billboards.~~
 - ~~(9) Install or pump individual sewage disposal systems or engage in house sewer contracting.~~
 - ~~(10) Excavation work (for basements, foundations, grading of lots, etc.), except such excavation as is necessary by those holding licenses under subsection (1) of this section.~~
 - ~~(11) Surfacing of private roads, alleys or driveways.~~
 - ~~(12) Install swimming pools.~~
 - ~~(13) Insulation work.~~
-
- (Ord. No. 136, § 1, 11-16-1983)*

— Sec. 14-186. Plumbing and well water contractors.

No individual, partnership, corporation or other business association shall perform plumbing or well water contracting work for another within the city without first having furnished proof of a license as hereinafter provided. Every individual, partnership, corporation or other business association holding a license from the state board of health and doing plumbing or well water contracting work for another within the city shall have on file with the city clerk-treasurer a copy of the current license issued by said agency or such other evidence of such license as may be provided by the agency. All insurance requirements of this article shall apply. The city license fee shall be waived.

(Ord. No. 136, § 2, 11-16-1983)

— Sec. 14-187. Installers and/or pumpers of individual sewage disposal systems.

It shall be a condition of every license issued to installers or pumpers of individual sewage disposal systems or to house sewer contractors pursuant to this article that the

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~~licensee shall comply with the provisions of the city sewer pumping program. The failure or refusal of any licensee or other person to comply with the provisions of said program shall be grounds for denial of a license, denial of renewal of a license and/or suspension or revocation of a license; provided, however, that no license shall be suspended or revoked without a hearing after due notice first being given. The city sewer pumping program is as follows:~~

~~(1) All pumpers of individual sewage disposal systems or house sewers shall be licensed pursuant to this article, and it shall be a violation of this article for an unlicensed pumper to pump a system or a sewer.~~

~~(2) The city shall provide information in its annual newsletter on the care, cleaning and maintenance of individual sewage disposal systems and inform the public that it is good maintenance practice to pump septic tanks regularly, at least once every three years; residents of the city shall be encouraged to maintain their systems accordingly, but such regular pumping of septic tanks shall not be mandatory.~~

~~(3) Permits to pump septic tanks shall be required and shall be issued only to licensed pumpers at a cost determined by the city council by resolution and filed in the city clerk-treasurer's office. Such permits shall be obtained from the city clerk-treasurer, shall be prenumbered and shall be issued in triplicate and in lots of ten or 20.~~

~~(4) Every sewer pumper shall call the city clerk-treasurer's office each day (excluding weekends) that he will be pumping systems or sewers within the city and inform the clerk-treasurer of the addresses where he will be pumping. Any weekend pumping shall be reported on the next following workday.~~

~~(5) Random inspections shall be made by the building official of newly pumped systems.~~

~~(6) Immediately after a septic tank is pumped, the licensee shall give one copy of the permit to the property owner and deliver one copy to the clerk; the third copy shall be retained by the licensee.~~

~~(Ord. No. 136, § 3, 11-16-1983; Ord. No. 136A, § 1, 5-16-1984)~~

~~— Sec. 14-188 License fee.~~

~~All licenses shall be obtained from the city clerk-treasurer. Applications for licenses shall be filed with the clerk-treasurer on forms furnished by the city. The fee for each license which shall not be refunded or prorated shall be determined by the city council from time to time by resolution and filed in the city clerk-treasurer's office. Fees may be adjusted at the discretion of the city council.~~

~~(Ord. No. 136, § 4, 11-16-1983; Ord. No. 201, § 3, 12-7-2005)~~

~~— Sec. 14-189. Insurance~~

~~No license shall be issued until the applicant shall furnish proof of insurance insuring the applicant against liability imposed by law on account of injury to persons in the amount of \$100,000.00 per person and \$300,000.00 for each accident and insuring the applicant against liability imposed by law on account of damage to or destruction of property in the amount of \$50,000.00. The policies shall provide that the same shall not be cancelled or terminated by~~

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~~the insurer or the insured without 30 days' prior written notice to the city. In case of cancellation or termination of such insurance, such license shall be suspended automatically until the insurance shall be reinstated.~~

~~(Ord. No. 136, § 5, 11-16-1983)~~

~~— Sec. 14-190. Expiration of license.~~

~~All licenses issued under this article shall expire on January 1 following the date of issuance, unless sooner revoked or forfeited. If a license is granted hereunder and is not renewed prior to expiration, then all rights granted by such license shall cease and any work performed after the expiration of the license shall be in violation of this article.~~

~~(Ord. No. 136, § 6, 11-16-1983)~~

~~— Sec. 14-191. Violations and penalties.~~

~~Any person who violates any provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-14.~~

~~(Ord. No. 136, § 8, 11-16-1983; Ord. No. 136A, § 2, 5-16-1984)~~

~~— Sec. 14-192—14-220. —Reserved.~~

~~DIVISION 3. CONSTRUCTION DEBRIS~~

~~Sec. 14-221. — Purpose and intent.~~

~~(a) Authority. The purpose and intent of this article is to implement fully the authority granted to the city by virtue of Minn. Stats. § 115A.921, subd. 2, whereby the city is authorized to impose a fee on operators of facilities for the disposal of construction debris located within the city.~~

~~(b) Exemptions. Permit by rule construction debris disposal facilities and other temporary construction debris disposal activities authorized by the city are exempt from this article.~~

~~(Ord. No. 161, § 1, 3-17-1993)~~

~~Sec. 14-222. — Definitions.~~

~~Unless specifically defined herein, the terms and phrases used throughout this article are defined in Minn. Stats. chs. 115A, 116, 290 and 473 or the rules of the Minnesota Pollution Control Agency and shall have the meanings ascribed therein, except where the context clearly indicates a different meaning:~~

~~Construction debris means concrete, blacktop, bricks, stone facing, concrete block, stucco, glass, structural metal and wood from demolished structures. The term "construction debris" shall also mean waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition of buildings and roads. The term "construction debris" shall also include any material as so defined by the Minnesota Pollution~~

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~~Control Agency or permitted for deposit in construction debris disposal facilities by said agency or by Anoka County, such as, but not limited to, foundry sand, waste shingles, tree waste, water treatment plant, lime sludge and street sweepings.~~

~~Construction debris disposal facility means a facility used for the disposal of construction debris and includes the meaning of a "demolition debris land disposal facility" defined in the rules of the state pollution control agency.~~

~~Operator means:~~

~~(1) The permittee of a construction debris disposal facility that has a state pollution control agency permit; or~~

~~(2) The person in control of a construction debris disposal facility that does not have a state pollution control agency permit.~~

~~Permit by rule shall have the meaning given it in the state pollution control agency rules, parts 7001.0010 to 7001.0210, 7001.3000 to 7001.3550 and 7035.0300 to 7035.2875.~~

~~(Ord. No. 161, § 2, 3-17-1993)~~

Sec. 14-223. — Amount of fees.

~~The operator of a construction debris disposal facility located within the city shall pay to the city a fee on construction debris (waste) accepted at the facility as follows:~~

~~(1) A fee shall be determined by the city council by resolution and filed in the city clerk-treasurer's office.~~

~~(2) The facility is exempt from 25 percent of said fee if the facility has implemented a recycling program that has been approved by the county.~~

~~(3) The facility is exempt from 25 percent of said fee if the facility contains a liner and leachate collection system approved by the state pollution control agency.~~

~~(4) The maximum revenue that may be collected by the city from the operator of a facility shall be determined by multiplying the total permitted capacity of the facility by \$0.15 per cubic yard. Once the maximum revenue has been collected for a facility, the fee will no longer be imposed.~~

~~(Ord. No. 161, § 3, 3-17-1993; Ord. No. 201, § 3, 12-7-2005)~~

Sec. 14-224. — Disposition of proceeds.

~~The revenue from the fees shall be deposited in the city's general fund. Two thirds of the revenue shall be used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs and other adverse effects resulting from the facilities. One third of the revenue from fees may be used for any general fund purpose.~~

~~(Ord. No. 161, § 4, 3-17-1993)~~

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Sec. 14-225. — Payment of Fee.

On or before the 20th day of each month, each operator shall pay the fee due under this article for the previous month, using a form (return) either provided by the city or approved by the city. The form shall be similar in content and format to that form provided by the state commissioner of revenue for collection of fees under the Metropolitan Landfill Abatement Act. In addition to filing the city form with the city, the operator also shall file with the city a copy of the fee reporting for the same period that the operator has filed with the commissioner of revenue and the county with respect to the state and county fees imposed by the Metropolitan Landfill Abatement Act and by Minn. Stats. §§ 115A.919 and 115A.921.
(Ord. No. 161, § 5, 3-17-1993)

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Sec. 14-226. — Failure to file return.

If any operator required to file any form (return) shall fail to do so within the time prescribed by this article or shall make, willfully or otherwise, an incorrect, false or fraudulent form, such operator, upon written notice and demand, shall immediately file such form or corrected form and, at the time, pay any fee due on the basis thereof. If such operator shall fail to file such form or corrected form, the city may make for the operator a form or corrected form, from its knowledge and from such information as the city can obtain through testimony or otherwise, and assess a fee on the basis thereof, which fee (less any partial payments of the fee covered by such form) shall be immediately paid upon written notice and demand. Any such form or assessment made by the city shall be prima facie correct and valid, and such operator shall have the burden of establishing its incorrectness or invalidity in any action or proceeding in respect thereto. Nothing in this section shall preclude the city from enforcing this article by pursuing any other remedy authorized by law or ordinance.
(Ord. No. 161, § 6, 3-17-1993)

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Sec. 14-227. — Records.

Every operator shall keep adequate and complete records of the type and form and in the manner prescribed by the city under Minn. Stats. § 115A.921 and by the county under Minn. Stats. § 115A.919 and by the state commissioner of revenue under rule promulgated pursuant to the Metropolitan Landfill Abatement Act, Minn. Stats. §§ 473.842—473.847.
(Ord. No. 161, § 7, 3-17-1993)

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Sec. 14-228. — Examination of records.

The city, or its designated agent, shall have the right to examine records and accounts of an operator required to file a form under this article.
(Ord. No. 161, § 8, 3-17-1993)

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Sec. 14-229. — Public information.

Information disclosed in a form filed pursuant to this article is public information.

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(Ord. No. 161, § 9, 3-17-1993)

Sec. 14-230. — Collection of operator's fee commissioner of revenue on behalf of the city.

If, through enabling legislation or a joint powers agreement, an arrangement is made whereby the city delegates to the state commissioner of revenue or the county or to another governmental unit the responsibility for collecting the city imposed fee hereunder on behalf of the city, then each operator shall transmit the city imposed fee to the delegatee, and the delegatee, under the arrangement made, shall transmit the fee to the city.

(Ord. No. 161, § 10, 3-17-1993)

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ARTICLE VI. PROPERTY MAINTENANCE CODE

DIVISION 1. REGULATING PROPERTY MAINTENANCE ACTIVITIES

Sec. 14-270. – Adoption of the 2006 edition of the International Property Maintenance Code as adopted.

The 2006 edition of the International Property Maintenance Code, as promulgated by the International Code Council, Inc., is hereby adopted by reference and incorporated into this Code in whole as if it was set out in full, subject to the amendments contained in this article. (Ord. No. 17, Second Series, 11-4-2009)

Sec. 14-271. – Amendments to the 2006 edition of the International Property Maintenance Code.

The following amendments to the 2006 edition of the International Property Maintenance Code (hereinafter "the IPMC") are hereby adopted:

(a) *Section 101.1* Title is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the City of East Bethel, hereinafter referred to as "this Code."

(b) *Section 102.3* Application of other codes is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (hereinafter "the MSBC"), established pursuant to Minn. Stats. §§326B0101-~~16B.59~~ to 326B.16~~16B.75~~, as adopted by the city. Nothing in this code shall be construed to cancel, modify or set aside any provision of the MSBC or the City of East Bethel Zoning Code.

(c) *Section 102.7* Referenced codes and standards is amended to read as follows: The codes and standards referenced in this Code shall be those listed in Chapter 8 of the IPMC and those listed in the MSBC and shall be **considered** part of the requirements of this code to

the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(d) *Section 103.1* General is amended to read as follows: The Building Inspection Department of the City is responsible for administering the provisions of this Code, and the executive official in charge thereof shall be known as the Code Official.

(e) *Section 103.2* Appointment is amended to read as follows: The Code Official shall be appointed by the City Council of the City.

(f) *Section 103.5* Fees is amended to read as follows: The fees for activities and services performed in carrying out the responsibilities under this Code shall be established from time to time by resolution of the City Council.

(g) The following is added to *Section 106, Violations*: Section 106.6 Execution of compliance orders by City. Upon failure to comply with a compliance order within the time set therein (and no appeal having been taken), or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council, after due notice to the owner, may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate. Such a lien may be levied and collected as a special assessment in the manner provided by Minn. Stats., Chapter 429. It may be levied for any of the reasons set forth in Minn. Stats § 429.101, Subd. 1, and specifically for the removal or elimination of public health or safety hazards from private property. The assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Minn. Stats. § 429.101 to promote the public health, safety and general welfare of the city.

The following is added to *Section 106, Violations*: Section 106.7 Alternative Sanctions. Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Code Official determines that any building or portion thereof or the surrounding premises fails to meet the requirements set fourth in this ordinance, the Code Official may issue a citation summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant and may also cause civil proceedings to be instituted to effect the purposes of the ordinance.

(h) *Section 108.4* Placarding is amended to read as follows: Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(i) *Section 109.6* Hearing is amended to read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in City Code Chapter 26-91.

(j) *Section 110.1* General is amended to read as follows: If the Code Official determines any structure or portion thereof to be hazardous within the meaning of Minn. Stats. Chapter 463, the Code Official shall order the owner to abate the hazard by making the structure or portion thereto safe and sanitary or by demolition and removal from the site.

(k) *Section 111.1* Application for Appeal is amended to read as follows: Section 111.1 Means of Appeal. Appeals under this ordinance shall be conducted under the provisions of City Code Chapter 26-91.

(l) *Section 201.3* Terms defined in other codes is amended to read as follows: Where terms are not defined in this code and are defined in the MSBC and the City of East Bethel Zoning Code, such terms shall have the meanings ascribed to them as stated in those codes.

(m) The following definitions in *Section 202*. General definitions are amended to read as stated:

CODE OFFICIAL. The official charged with the administration and enforcement of this code, or any duly authorized representative. For the purposes of administration and enforcement of this code, the Building Official shall be the CODE OFFICIAL.

PERSON. An individual, corporation, partnership, shareholder, director, member, governor, general or limited partner of any legally-constituted business entity.

(n) *Section 302.4* Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(o) *Section 302.8* Motor vehicles. Not adopted.

(p) *Section 304.14* Insect screens is amended to read as follows: During the period from May 15 to October 15 of any year, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. Every swinging door also shall have a self-closing device in good working condition.

(q) *Section 307.3.1* Garbage facilities is amended by deletion of the following words: "... an approved incinerator unit in the structure available to the occupants in each dwelling unit..."

(r) *Section 403.4*. Process ventilation is amended to read as follows: In accordance with the MSBC and the Minnesota State Fire Code (hereinafter "the MSFC"), where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at its source. Air shall be exhausted to the exterior and not be re-circulated to any space.

(s) *Section 403.5* Clothes dryer exhaust is amended to read as follows: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions and the Minnesota State Mechanical Code (hereinafter "the MSMC"). The MSMC shall control in the case of any conflict with the manufacturer's instructions.

(t) *Section 502.3* Hotels. Not adopted.

(u) *Section 504.1* General is amended to read as follows: All plumbing fixtures shall be properly installed in accordance with the Minnesota State Plumbing Code (hereinafter "the MSPC"), and maintained in working order. They shall be kept free from obstructions, leaks and defects, and be capable of performing the functions for which designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(v) *Section 505.1* General is amended to read as follows: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In accordance with the MSPC, all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with cold and hot or tempered running water.

(w) *Section 602.1* Facilities required is amended to read as follows: Heating facilities shall be provided in structures as required by this section and the MSBC. The MSBC shall control in the case of any conflict between the two.

(x) *Section 602.2* Residential occupancies is amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms and toilet rooms. This is based on the winter outdoor design temperature for the locality indicated in the Minnesota State Energy Code (hereinafter "the MSEC"). Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(y) *Section 602.3* Heat supply is amended to read as follows: During the period from September 15 to May 15 of any year, every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitories or guestrooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTION: When the outdoor temperature is below the winter outdoor temperature design for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

(aa) *Section 602.4* Occupiable work spaces is amended to read as follows: When occupied during the period from September 15 to May 15 of any year, indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65° F.

(bb) *Section 603.5* Combustion air is amended to read as follows: In accordance with the Minnesota State Mechanical Code (hereinafter "the MSMC"), a supply of air shall be provided for complete fuel combustion and for ventilation of the space containing the fuel-burning equipment.

(cc) *Section 604.1* Facilities required is amended to read as follows: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section, Section 605, and the National Electrical Code (hereinafter "the NEC") as adopted by the MSBC. The NEC shall control in the case of any conflict between the three.

(dd) *Section 604.2* Service is amended to read as follows: In accordance with the NEC, the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service with a rating of not less than 60 amperes.

(ee) *Section 701.1* Scope is amended to read as follows: Under the provisions of this chapter, the MN State Fire Code (hereinafter "the MSFC") shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(ff) *Section 702.2* Aisles is amended to read as follows: In accordance with the MSFC, the required width of aisles shall be unobstructed.

(gg) *Section 702.3* Locked doors is amended to read as follows: All means of egress doors shall be capable of being readily opened from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the MSBC.

(hh) *Section 702.4* Emergency escape openings is amended to read as follows: Required emergency escape and rescue openings shall be operational from the inside of the room, without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings. However, such devices must provide a minimum net clear opening size that complies with the MSBC. They also shall be releasable or removable from the inside, without the use of a key, tool, or force greater than that required for the normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

(ii) For the purposes of this ordinance, the 2006 Edition of the IPMC is amended by the addition of the following section: *Section XXX* General references is amended to read as follows: Whenever this Code refers to an International Code, such references shall be deemed to be to the comparable applicable code as adopted by the State of Minnesota. Whenever this Code refers to the International Zoning Code, such references shall be deemed to be the City of East Bethel Zoning Ordinance.
(Ord. No. 17, Second Series, 11-4-2009)

ORDINANCE NO. 31, Second Series

AN ORDINANCE AMENDING CHAPTER 14. BUILDING AND BUILDING REGULATIONS, OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

ARTICLE I. IN GENERAL

Sec. 14-1. Purpose

The purpose of this code is to establish minimum requirements to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations.

The purpose of this code is not to create, establish, or designate a particular class or group of persons who will or should be especially protected or benefited by the terms of the code.

ARTICLE II. BUILDING CODE

Sec. 14-19. Minnesota State Building Code adopted and incorporated by reference.

This ordinance: Provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

Sec. 14-20. Application, administration and enforcement.

The application, administration, and enforcement of the code shall be in accordance with Minnesota Rule Chapter 1300. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes 326B.121. Subd. 2(d), when so established by this ordinance.

The code enforcement agency of this municipality is called the Building Safety Department.

This code shall be enforced by a Building Official designated by this Municipality to administer the code in accordance with Minnesota Statutes 326B.133, Subdivision 1.

Sec. 14-21. Building code.

Minnesota Statutes 326B is hereby adopted as the building code for this Municipality. The code is hereby incorporated in this ordinance as if fully set out herein.

A. The Minnesota State Building Code includes the following chapters of Minnesota Rules:

1. 1300, Administration of the Minnesota State Building Code;
2. 1301, Building Official Certification;
3. 1302, State Building Code Construction Approvals;
4. 1303, Minnesota Provisions;
5. 1305, Adoption of the 2006 International Building Code;
6. 1307, Elevators and Related Devices.
7. 1309, Adoption of the 2006 International Residential Code;
8. 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
9. 1315, Adoption of the 2008 National Electrical Code;
10. 1322, Minnesota Residential Energy Code
11. 1323, Minnesota Commercial Energy Code
12. 1325, Solar Energy Systems;
13. 1335, Flood proofing Regulations;
14. 1341, Minnesota Accessibility Code;
15. 1346, Adoption of the 2006 International Mechanical/Fuel Gas Code;
16. 1350, Manufactured Homes;
17. 1360, Prefabricated Structures;
18. 1361, Industrialized/Modular Buildings;
19. 1370, Storm Shelters (Manufactured Home Parks);
20. 4715, Minnesota Plumbing Code

Sec. 14-22. Permits and fees.

A. The issuance of permits and the collection of fees shall be as authorized in Minnesota Rules Chapter 1300. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule (1997 Uniform Building Code Table No. 1-A) adopted by the municipality on 6 January 1999 and fixed fees adopted by resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota Statutes 326B.148.

1. **Building Permit Fees.** The fee for any building permit shall be determined by the fee schedule adopted by City Council resolution based on the valuation of each building project. The building project valuation referred to therein shall be computed using the up-to-date average construction cost per square foot established from time to time by the state building inspector. Exterior work authorized by a building permit issued in accordance with the state building code must be completed within 180 days following issuance of the permit.
2. **Plumbing Permit Fees.** Fees shall be calculated according schedule set forth by City Council resolution.

3. Mechanical System Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.
 4. Septic System Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.
 5. Fire Alarm Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.
 6. Fire Suppression Permit Fees. Fees shall be paid according to the schedule set forth by City Council resolution.
 7. Electrical Permit Fees. Fees shall be paid according to the schedule set forth by City Council.
- B. Double Fee for Work Started Without a Permit. Where work for which a permit is required by the building code is commenced or undertaken before a permit has been obtained, the fees above specified shall be doubled; but the payment of such double fee shall not relieve a person from fully complying with requirements of the building code or other city ordinances.
- C. Fee Refunds. There shall be no refund of any permit fee collected when the fee so collected is one hundred (\$100) or less. For permits which are cancelled after issuance, where no authorized work has been done, a refund of eighty (80%) of the permit fees collected in excess of \$100 may be granted; in no case shall the fees retained exceed \$150. If any work authorized by the permit has been started, the amount of fees retained, over and above the \$100 maximum, shall be determined by the Building Official commensurate with the percentage of work completed. Plan check fees are not refundable.

All claims for refunds shall be made in writing by the original permittee, submitted to the Building Official and shall be made within thirty (30) calendar days from the payment of said fees.

Appeals for relief from the above refund policy shall:

- be made in writing by the original permittee on a form provided by the building safety department.
- be made within thirty (30) calendar days from the payment of said fees.
- include a detailed explanation of circumstances which are the grounds for appeal.

Sec. 14-23. Local Board of Appeals

In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals.

- A. The board of appeals shall consist of three (3) members, appointed by the City Administrator who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
- B. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board
- C. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for appeal. If an appeal hearing is not held within this time, the applicant may appeal directly to the state building code appeals board.
- D. Appeals must be filed in writing with the city clerk. Appeals hearings must occur within ten working days from the date the municipality receives a properly completed application for an appeal.
- E. Costs of the appeal, if any, shall be paid by the prevailing party. The city may require a reasonable escrow to cover the projected cost.

Sec. 14-24. Hazardous and substandard buildings.

All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment may be declared by the City Council to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of Minnesota State Statutes 463.15 through 463.26.

Sec. 14-25. Wells.

All wells in the city shall come under provisions established by the state department of health in Minnesota Rules Chapter 4725, and shall be administered by the state department of health.

Sec. 14-26. Violations and penalties.

A violation of the building code is a misdemeanor punishable as provided in section 1-14.

ARTICLE III. MINNESOTA ELECTRICAL ACT

Section 14-52. Adopted by reference; excepted optional chapters.

The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes Chapter 326B, Sections 326B.31 to 326B.399, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Department of Labor and Industry is hereby adopted by reference with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein, with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule.

Section 14-53. Application, administration and enforcement.

The application, administration, and enforcement of the code shall be in accordance with the Minnesota Electrical Act. The code shall be enforced in accordance with Minnesota Statutes, Sections 326B.081 through 326B.085, within incorporated limits of the city and the extraterritorial limits permitted by law. The building inspections division of the City of East Bethel shall administer the Minnesota Electrical Act and shall be the enforcing agency. The code shall be enforced by the City of East Bethel's certified building official, designated by the city to administer.

Section 14-54. Permits, inspections and fees.

The issuance of permits and the collection of fees shall be as is authorized in Minnesota Statutes, 326B.36, except that the application shall be submitted directly to the City of East Bethel.

Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by resolution annually, or as the city council may deem necessary. In addition, a surcharge fee shall be collected on all permits for work governed by this code in accordance with Minnesota Statute 326B.148. All administrative or inspection fees will be payable to the City of East Bethel.

Section 14-55. Violations and penalties.

A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16).

ARTICLE IV. MOVING BUILDINGS

Sec. 14-80. 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:

Building is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, education, or recreational purposes.

Building official is the building official of the city.

Removal location is any location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this article.

Sec. 14-81. Compliance with building code.

(a) Any building to be moved in the city must comply in all respects with the city building code and other applicable ordinances; provided that the owner of said building to be moved may present to the building official complete and detailed plans showing changes which will be made in order to attain compliance with said ordinances. In the event that such changes are proposed, a permit authorizing the moving of said building shall not be issued until the owner has agreed in writing to complete the necessary changes within a period of six months, the building official has approved the plans, the building permit fee has been paid and the building permit issued, and a certified check guaranteeing the completion of said changes and equal to at least 1½ times the cost of said proposed work as estimated by the building official has been posted with the city.

(b) If in the judgment of the building official the building to be moved fails to comply with any or all of the provisions of this article, the building official may deny the application. If in the judgment of the building official the building to be moved and plans therefore comply with the provisions of this article and the zoning code, then the building official, licensee, and the applicant shall submit the application to the planning commission and make recommendation to the city council at the next stated meeting of said council. The planning commission shall determine whether such application shall conform to the immediate surrounding community. The planning commission in its discretion shall call a public meeting of resident owners within a radius of 300 feet from subject property to determine adjacent property owners' reviews of the proposed application. In the event said public meeting is held, the planning commission will determine the application on its merits and make its recommendation to the city council.

(c) The application must be accompanied by a moving permit fee. This is to be computed on the same basis as a building permit fee for new construction. The value of a building on its new location in its completed condition shall determine the valuation. This fee shall apply to all applications for moving permits to locate a building within the city. For an application for a moving permit from within the city to areas outside the city the fee shall be determined from time to time by city council and placed on file in the city clerk-treasurer's office.

Sec. 14-82. Removal of wires.

(a) In every case in which a permit shall be issued, as herein provided, for the removal of a building, when such removal requires the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating, or controlling such wires to remove or displace the same, so far as the same may be necessary to

effect the removal of said building to the point to which the removal thereof shall be authorized by such permit.

(b) The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same to facilitate the removal of said building, and shall, at the same time, exhibit to said person, association or corporation the properly issued permit authorizing the removal of said building, and it shall thereupon be the duty of said person, association or corporation, within 24 hours thereafter, to remove or displace said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

(c) Any expense incurred or to be incurred in the moving, removing or displacing of such wires shall be paid for by the person who makes application for said permit.

(d) The city shall control the route, travel times, safety requirements and details of transport for any building to be moved within the city.

Sec. 14-83. Deposit for expense to city

Upon receipt of an application it shall be the duty of the building official to procure an estimate of the expense that will be incurred in removing and replacing any electric wires, street lamps, or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the building through the city, together with the cost of materials necessary to be used in making such removals or replacements. Prior to issuance of the permit the building official shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.

Sec. 14-84. Duties of building official.

(a) *Inspection.* The building official shall inspect the building, wherever located, and the applicant's equipment to determine whether the standards for issuance of a permit are met.

(b) *Standards for issuance.* The building official shall refuse to issue a permit if he finds:

- (1) That any application requirement or any fee or deposit requirement has not been complied with;
- (2) That the building is too large to move without endangering persons or property in the city;
- (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it could not be moved without endangering persons and property in the city;

- (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (5) That the applicant's equipment is unsafe and that persons and property would be endangered by its use;
- (6) That zoning or other ordinances of the city would be violated by the building in its removal location;
- (7) That for any reason persons or property in the city would be endangered by the moving of the building;
- (8) That the building to be moved is not worth at least 50 percent of the cost of a similar new building as determined by the building official;
- (9) That the building in its removal location would fail to comply in any respect with any provision of any ordinance of the city or, in the alternative, that proper assurances of such compliance have not been given.

(c) *Fees and deposits.*

- (1) *Deposit.* The building official shall deposit all fees and deposits, and all bonds and insurance policies with the city clerk-treasurer.
- (2) *Return upon nonissuance.* Upon his refusal to issue a permit the building official shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.
- (3) *Return upon allowance for expense.* After the building has been removed the building official shall furnish the city coordinator with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and of all material used in the making of the removal and replacement together with a statement of all damage caused to or inflicted upon property belonging to the city. The city coordinator shall authorize the building official to return to the applicant all deposits after the city clerk-treasurer deducts the sum sufficient to pay for all of the costs and expenses and for all damage done to property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

(d) *Designate streets for removal.* The building official shall procure from the city engineer a list of designated streets over which the building may be moved. The building official shall reproduce the list upon the permit in writing. In making his determination the city engineer shall act to ensure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

Sec. 14-85. Duties of permittee.

Every permittee under this article shall:

(1) *Use designated streets.* Move a building only over streets designated for such use in the written permit.

(2) *Notify of revised moving time.* Notify the building official in writing of a desired change in moving date and hours as proposed in the application.

(3) *Notify of damage.* Notify the building official in writing of any and all damage done to property belonging to the city within 24 hours after the damage or injury as occurred.

(4) *Display lights.* Cause red lights to be displayed during the night time on every side of the building, while standing on a street, in such manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such manner as to protect the public from damage or injury by reason of the removal of the building.

(5) *Street occupancy period.* Remove the building from the city streets after one day of such occupancy, unless an extension is granted by the building official.

(6) *Comply with governing law.* Comply with the building ordinance, the zoning ordinance, and all other applicable ordinances and laws upon relocating the building in the city.

(7) *Pay expense of officer.* When the building official has ordered the licensee to obtain the services of a traffic officer to accompany the movement of the building to protect the public from injury, the permittee shall pay the expense of the officer at the rate established by resolution of the city council for the estimated period required for the moving.

(8) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the original building site, when located in the city, so that the premises are left in a safe and sanitary condition.

Sec. 14-86. Miscellaneous conditions.

(a) No permit shall be issued under the provisions hereof unless and until the building official shall be satisfied that the building proposed to be removed will in its removal location conform to the general character and to the type of architecture of the neighborhood and the construction of said building must have begun within 20 years preceding the moving date.

(b) Every applicant or permittee shall pay, in addition to all other required fees, an additional fee per mile to be traveled by the building official in making any inspection under the provisions of this or any other ordinance of the city computed from the city hall to the site, location or premises where an inspection is to be made, together with an additional fee

to be determined from time to time by resolution of the city council and filed in the city clerk-treasurer's office for the time spent in connection with such inspection.

(c) All unattached garages are to be exempt from the 20-year requirement.

Sec. 14-87. Enforcement.

(a) *Enforcing officers.* The city coordinator, the building official, and the city engineer shall enforce and carry out the requirements of this article.

(b) *Permittee liable for expense above deposit.* The permittee shall be liable for any expense, damage or costs in excess of deposited amounts or securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amounts.

(c) *Original premises left unsafe.* The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where permittee does not comply with the requirements of this article and the cost thereof shall be charged against the general deposit.

Sec. 14-88. Penalties.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 1-14. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

ARTICLE V. PROPERTY MAINTENANCE CODE

DIVISION 1. REGULATING PROPERTY MAINTENANCE ACTIVITIES

Sec. 14-270. Adoption of the 2006 edition of the International Property Maintenance Code as adopted.

The 2006 edition of the International Property Maintenance Code, as promulgated by the International Code Council, Inc., is hereby adopted by reference and incorporated into this Code in whole as if it was set out in full, subject to the amendments contained in this article. (Ord. No. 17, Second Series, 11-4-2009)

Sec. 14-271. Amendments to the 2006 edition of the International Property Maintenance Code.

The following amendments to the 2006 edition of the International Property Maintenance Code (hereinafter "the IPMC") are hereby adopted:

(a) *Section 101.1* Title is amended to read as follows: These regulations shall be known as the Property Maintenance Code of the City of East Bethel, hereinafter referred to as "this Code."

(b) *Section 102.3* Application of other codes is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (hereinafter "the MSBC"), established pursuant to Minn. Stats. §§326B.01 to 326B.16, as adopted by the city. Nothing in this code shall be construed to cancel, modify or set aside any provision of the MSBC or the City of East Bethel Zoning Code.

(c) *Section 102.7* Referenced codes and standards is amended to read as follows: The codes and standards referenced in this Code shall be those listed in Chapter 8 of the IPMC and those listed in the MSBC and shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

(d) *Section 103.1* General is amended to read as follows: The Building Inspection Department of the City is responsible for administering the provisions of this Code, and the executive official in charge thereof shall be known as the Code Official.

(e) *Section 103.2* Appointment is amended to read as follows: The Code Official shall be appointed by the City Council of the City.

(f) *Section 103.5* Fees is amended to read as follows: The fees for activities and services performed in carrying out the responsibilities under this Code shall be established from time to time by resolution of the City Council.

(g) The following is added to *Section 106, Violations*: Section 106.6 Execution of compliance orders by City. Upon failure to comply with a compliance order within the time set therein (and no appeal having been taken), or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council, after due notice to the owner, may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate. Such a lien may be levied and collected as a special assessment in the manner provided by Minn. Stats., Chapter 429. It may be levied for any of the reasons set forth in Minn. Stats § 429.101, Subd. 1, and specifically for the removal or elimination of public health or safety hazards from private property. The assessment shall be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Minn. Stats. § 429.101 to promote the public health, safety and general welfare of the city.

The following is added to *Section 106, Violations*: Section 106.7 Alternative Sanctions. Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Code Official determines that any building or portion thereof or the surrounding premises fails to meet the requirements set fourth in this ordinance, the Code

Official may issue a citation summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant and may also cause civil proceedings to be instituted to effect the purposes of the ordinance.

(h) *Section 108.4* Placarding is amended to read as follows: Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the Code Official shall post on the premises or on defective equipment a placard and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

(i) *Section 109.6* Hearing is amended to read as follows: Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition directed to the appeals board, be afforded a hearing as described in City Code Chapter 26-91.

(j) *Section 110.1* General is amended to read as follows: If the Code Official determines any structure or portion thereof to be hazardous within the meaning of Minn. Stats. Chapter 463, the Code Official shall order the owner to abate the hazard by making the structure or portion thereto safe and sanitary or by demolition and removal from the site.

(k) *Section 111.1* Application for Appeal is amended to read as follows: Section 111.1 Means of Appeal. Appeals under this ordinance shall be conducted under the provisions of City Code Chapter 26-91.

(l) *Section 201.3* Terms defined in other codes is amended to read as follows: Where terms are not defined in this code and are defined in the MSBC and the City of East Bethel Zoning Code, such terms shall have the meanings ascribed to them as stated in those codes.

(m) The following definitions in *Section 202*. General definitions are amended to read as stated:

CODE OFFICIAL. The official charged with the administration and enforcement of this code, or any duly authorized representative. For the purposes of administration and enforcement of this code, the Building Official shall be the CODE OFFICIAL.

PERSON. An individual, corporation, partnership, shareholder, director, member, governor, general or limited partner of any legally-constituted business entity.

(n) *Section 302.4* Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight inches in height. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

(o) *Section 302.8* Motor vehicles. Not adopted.

(p) *Section 304.14* Insect screens is amended to read as follows: During the period from May 15 to October 15 of any year, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas

where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch. Every swinging door also shall have a self-closing device in good working condition.

(q) *Section 307.3.1* Garbage facilities is amended by deletion of the following words: "... an approved incinerator unit in the structure available to the occupants in each dwelling unit..."

(r) *Section 403.4*. Process ventilation is amended to read as follows: In accordance with the MSBC and the Minnesota State Fire Code (hereinafter "the MSFC"), where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at its source. Air shall be exhausted to the exterior and not be re-circulated to any space.

(s) *Section 403.5* Clothes dryer exhaust is amended to read as follows: Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted in accordance with the manufacturer's instructions and the Minnesota State Mechanical Code (hereinafter "the MSMC"). The MSMC shall control in the case of any conflict with the manufacturer's instructions.

(t) *Section 502.3* Hotels. Not adopted.

(u) *Section 504.1* General is amended to read as follows: All plumbing fixtures shall be properly installed in accordance with the Minnesota State Plumbing Code (hereinafter "the MSPC"), and maintained in working order. They shall be kept free from obstructions, leaks and defects, and be capable of performing the functions for which designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(v) *Section 505.1* General is amended to read as follows: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. In accordance with the MSPC, all kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with cold and hot or tempered running water.

(w) *Section 602.1* Facilities required is amended to read as follows: Heating facilities shall be provided in structures as required by this section and the MSBC. The MSBC shall control in the case of any conflict between the two.

(x) *Section 602.2* Residential occupancies is amended to read as follows: Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68° F in all habitable rooms, bathrooms and toilet rooms. This is based on the winter outdoor design temperature for the locality indicated in the Minnesota State Energy Code (hereinafter "the MSEC"). Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

(y) *Section 602.3* Heat supply is amended to read as follows: During the period from September 15 to May 15 of any year, every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitories or guestrooms on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68° F in all habitable rooms, bathrooms, and toilet rooms.

EXCEPTION: When the outdoor temperature is below the winter outdoor temperature design for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity.

(aa) *Section 602.4* Occupiable work spaces is amended to read as follows: When occupied during the period from September 15 to May 15 of any year, indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65° F.

(bb) *Section 603.5* Combustion air is amended to read as follows: In accordance with the Minnesota State Mechanical Code (hereinafter "the MSMC"), a supply of air shall be provided for complete fuel combustion and for ventilation of the space containing the fuel-burning equipment.

(cc) *Section 604.1* Facilities required is amended to read as follows: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section, Section 605, and the National Electrical Code (hereinafter "the NEC") as adopted by the MSBC. The NEC shall control in the case of any conflict between the three.

(dd) *Section 604.2* Service is amended to read as follows: In accordance with the NEC, the size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities. Dwelling units shall be served by a three-wire, 120/240-volt, single-phase electrical service with a rating of not less than 60 amperes.

(ee) *Section 701.1* Scope is amended to read as follows: Under the provisions of this chapter, the MN State Fire Code (hereinafter "the MSFC") shall govern the minimum conditions and standards for fire safety relating to structures and exterior premises, including fire safety facilities and equipment to be provided.

(ff) *Section 702.2* Aisles is amended to read as follows: In accordance with the MSFC, the required width of aisles shall be unobstructed.

(gg) *Section 702.3* Locked doors is amended to read as follows: All means of egress doors shall be capable of being readily opened from the side from which egress is to be made, without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the MSBC.

(hh) *Section 702.4* Emergency escape openings is amended to read as follows: Required emergency escape and rescue openings shall be operational from the inside of the room, without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings. However, such devices must provide

a minimum net clear opening size that complies with the MSBC. They also shall be releasable or removable from the inside, without the use of a key, tool, or force greater than that required for the normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke detectors shall be installed in accordance with Section 704.

(ii) For the purposes of this ordinance, the 2006 Edition of the IPMC is amended by the addition of the following section: *Section XXX* General references is amended to read as follows: Whenever this Code refers to an International Code, such references shall be deemed to be to the comparable applicable code as adopted by the State of Minnesota. Whenever this Code refers to the International Zoning Code, such references shall be deemed to be the City of East Bethel Zoning Ordinance.

Adopted by the City Council of the City of East Bethel, Anoka County, Minnesota, on this 3rd day of August, 2011.

For the City:

:

Richard Lawrence, Mayor

Attest:

Jack Davis, City Administrator

Adopted: August 3, 2011
Published: August 12, 2011
Effective: August 12, 2011

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

**ORDINANCE NO. 31 SECOND SERIES. AN ORDINANCE AMENDING
CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS.**

NOTICE: THIS PUBLISHED MATERIAL IS ONLY A SUMMARY OF AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL. THE FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OF EAST BETHEL CITY HALL DURING REGULAR BUSINESS HOURS.

TITLE: AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY MODIFYING, REPEALLING OR ADOPTING SECTIONS 14-1 THROUGH 14-271.

SUMMARY OF THE ORDINANCE AMENDMENT.

This Ordinance Amendment both amends and repeals Sections of Chapter 14 of the Code of Ordinances of the City of East Bethel, relating to building and electrical codes, plumbing codes, maintenance codes, hazardous and substandard buildings, construction standards, construction debris, and property maintenance codes.

MAJOR MODIFICATIONS: Under this Ordinance Amendment and Repeal, several sections of Chapter 14 have been amended or repealed, and otherwise modified with the changes addressed in the following:

This ordinance adopts section 14-1, which establishes minimum requirements.

Modifications have been made to the City's adoption of the Building Code within Sections 14-19, as it affects the adoption of the Minnesota State Building Code, and 14-20 as it applies to the application of administration and enforcement of the Building Code adopted by reference, Minnesota Rules Chapter 1300 and Minnesota Statutes §326B.121.

Building Code elective statutory sections have been adopted within Section 14-21 for implementation within the city.

Section 14-22 has been modified and amended to provide for permit fee refunds.

Section 14-23 has been modified and amended to provide for a local Board of Appeals, consisting of three (3) members appointed by the City Administrator who are qualified Building Officials, to review and rule upon any disputes in interpretation of the Building

Code sought to be implemented by the City's Building Official when requested by a building permit applicant. The cost of any appeal must be paid for by the prevailing party, and the City may require reasonable escrow to cover any projected costs.

Section 14-24 has been modified to require the declaration of hazardous and substandard buildings with findings of the City Council before any abatement, repair, or rehabilitation is pursued.

This Ordinance adopts an Electrical Code for the City of East Bethel, compliant with Minn. Stat. §326B.381 to §326B.399, also providing for the application, administration and enforcement of same, permits, inspections and fees.

The Ordinance repeals Code Sections 14-52 and 14-53 of the Code of Ordinances of the City of East Bethel, relating to the plumbing code, as the same are outdated and no longer necessary.

The Ordinance amends Sections 14-81 and 14-82 of the Code of Ordinances relative to the moving of buildings within the city of East Bethel. Requiring a Building Official to review and approve plans for transportation, routes, travel times, and safety requirements regarding same.

The Ordinance repeals Section 14-185 through 14-191 and Sections 14-221 through 14-230, regarding construction standards and construction debris.

The Ordinance further amends Subpart B of Section 14-271, affecting the Property Maintenance Codes of the City of East Bethel, to reference Minn. Stat. §326B.01 through §326B.16 of the Minnesota State Building Code.

THE CITY COUNCIL OF THE CITY OF EAST BETHEL, ANOKA COUNTY, MINNESOTA DOES HEREBY ORDAIN AS FOLLOWS:

The Amendment and Repeal of the Sections of Chapter 14 of the Code of Ordinances for the City of East Bethel in pertinent section and also repealing sections as is provided in Ordinance(s) No. 31, Second Series, An Ordinance Amending Chapter 14, Buildings and Building Regulations is hereby adopted and is on file with the City of East Bethel, 2241 – 221st Avenue NE, East Bethel, Minnesota 55011 for public viewing.

PLEASE NOTE: THIS TITLE AND “SUMMARY” OF THE ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL, MINNESOTA, AND CHAPTER 14, CONCERNING THE BUILDING CODE AND RELATED SECTIONS, CLEARLY INFORMS THE PUBLIC OF THE INTENT AND AFFECT OF THE ORDINANCES AND CONFORMS WITH MINNESOTA STATUTES §412.191.

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

Adopted by the City Council of the City of East Bethel, Anoka County, Minnesota, on this 3rd day of August, 2011.

For the City:

:

Richard Lawrence, Mayor

Attest:

Jack Davis, City Administrator

Adopted: August 3, 2011
Published: August 12, 2011



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 A.2

Agenda Item:

Summary of Ordinance 31, Second Series Chapter 14, Buildings and Building Regulation

Requested Action:

Review for publication

Background Information:

This Ordinance Amendment both amends and repeals Sections of Chapter 14 of the Code of Ordinances of the City of East Bethel, relating to building and electrical codes, plumbing codes, maintenance codes, hazardous and substandard buildings, construction standards, construction debris, and property maintenance codes.

Attachment(s):

Attachment #1 - Summary for publication

Fiscal Impact:

Publication Fee

Recommendation(s):

Staff recommends approval of Summary of Ordinance 31, Second Series and direction to publish.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

July 22, 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 | \$ 1,125.00 |
| 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 | | \$ - |
| 11 | Well development | HRS | \$ 135.00 | | \$ - |
| 12 | Dynamite for blasting | LBS | \$ 20.00 | | \$ - |
| 13 | Bailing | CY | \$ 65.00 | | \$ - |
| 14 | Furnish, install and remove test pump | LS | \$ 4,200.00 | | \$ - |
| 15 | Test pumping DNR 7-day aquifer test (including diesel genset) | HRS | \$ 75.00 | | \$ - |
| 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 | | \$ - |
| 19 | Video taping | LS | \$ 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 \$ 68,873.00

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

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 | | \$ - |
| 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 | 1.33 | \$ 532.00 |
| 10 | Furnish, install and remove well development equipment | LS | \$ 4,500.00 | 1 | \$ 4,500.00 |
| 11 | Well development | HRS | \$ 135.00 | 46 | \$ 6,210.00 |
| 12 | Dynamite for blasting | LBS | \$ 20.00 | | \$ - |
| 13 | Bailing | CY | \$ 65.00 | | \$ - |
| 14 | Furnish, install and remove test pump | LS | \$ 4,200.00 | | \$ - |
| 15 | Test pumping DNR 7-day aquifer test (including diesel genset) | HRS | \$ 75.00 | | \$ - |
| 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 | | \$ - |
| 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 "B" - Construction of Municipal Well No. 2 \$ 83,919.00

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

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 | | \$ - |

Total Bid Schedule "D" - Change Order No. 2 \$ 7,617.75

| | |
|---|----------------------------|
| Bid Schedule "A" - Construction of Municipal Well No. 3 | <u>\$ 68,873.00</u> |
| Bid Schedule "B" - Construction of Municipal Well No. 4 | <u>\$ 83,919.00</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> |
| Total Work Completed to Date | <u>\$ 177,322.50</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 5% Retainage | <u>\$ 8,866.13</u> |
| WE RECOMMEND PAYMENT OF: | <u>\$ 53,358.65</u> |

APPROVALS:

CONTRACTOR: MARK J. TRAUT WELLS, INC.

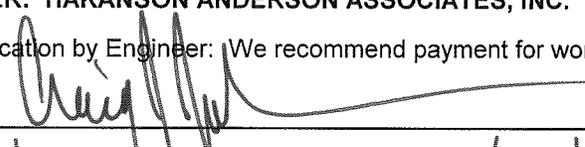
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

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 7/22/11

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 B.1

Agenda Item:

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

Requested Action:

Consider approval of Pay Estimate #4

Background Information:

Attached is a copy of Pay Estimate #4 to Traut Wells, Inc. for the Construction of Municipal Well No. 3 and No. 4. The major pay items for this pay request include construction of the inner casings and development of Well No. 4. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$53,358.65. A summary of the recommended payment is as follows:

| | |
|------------------------------|--------------------|
| Total Work Completed to Date | \$ 177,322.50 |
| Less Previous Payments | \$ 115,097.72 |
| Less 5% Retainage | \$ <u>8,866.13</u> |
| Total payment | \$ 53,358.65 |

Attachments:

1. Pay Estimate #4

Fiscal Impact:

This estimate includes payment of \$53,358.65 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 #4 in the amount of \$53,358.65 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: _____

| CONTRACTOR'S PAY REQUEST | | DISTRIBUTION: |
|--|--|-----------------------|
| East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project | | CONTRACTOR (1) |
| CITY OF EAST BETHEL, MN | | OWNER (1) |
| PROJECT NO. C12.100028 | | ENGINEER (1) |
| Pay Estimate No. 3 | | BONDING CO. (1) |
| TOTAL AMOUNT BID | | \$11,686,468.20 |
| CHANGE ORDER NO. 1 (REVISED) | | \$324,949.43 |
| CHANGE ORDER NO. 2 | | \$43,536.10 |
| | | |
| TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS | | \$12,054,953.73 |
| | | |
| MCES STORED MATERIALS TO DATE | | \$630,956.95 |
| EAST BETHEL STORED MATERIALS TO DATE | | \$307,358.45 |
| TOTAL, STORED MATERIALS TO DATE | | \$938,315.40 |
| | | |
| DEDUCTION FOR MCES STORED MATERIALS USED IN WORK COMPLETED | | \$197,815.40 |
| DEDUCTION FOR EAST BETHEL STORED MATERIALS USED IN WORK COMPLETED | | \$43,091.29 |
| TOTAL DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED | | \$240,906.69 |
| | | |
| TOTAL DUE MCES STORED MATERIALS TO DATE | | \$433,141.55 |
| TOTAL DUE EAST BETHEL STORED MATERIALS TO DATE | | \$264,267.16 |
| TOTAL DUE, STORED MATERIALS TO DATE | | \$697,408.71 |
| | | |
| TOTAL, MCES COMPLETED WORK TO DATE | | \$987,161.00 |
| TOTAL, EAST BETHEL COMPLETED WORK TO DATE | | \$591,189.82 |
| TOTAL, COMPLETED WORK TO DATE | | \$1,578,350.82 |
| | | |
| TOTAL, COMPLETED MCES WORK & STORED MATERIALS | | \$1,420,302.55 |
| TOTAL, COMPLETED EAST BETHEL WORK & STORED MATERIALS | | \$855,456.98 |
| TOTAL, COMPLETED WORK & STORED MATERIALS | | \$2,275,759.53 |
| | | |
| MCES RETAINED PERCENTAGE (5%) | | \$71,015.13 |
| EAST BETHEL RETAINED PERCENTAGE (5%) | | \$42,772.85 |
| TOTAL RETAINED PERCENTAGE (5%) | | \$113,787.98 |
| | | |
| TOTAL EARNED LESS RETAINAGE MCES TO DATE | | \$1,349,287.42 |
| TOTAL EARNED LESS RETAINAGE EAST BETHEL TO DATE | | \$812,684.13 |
| TOTAL EARNED LESS RETAINAGE TO DATE | | \$2,161,971.55 |
| | | |
| TOTAL, MCES AMOUNT PAID ON PREVIOUS ESTIMATES | | \$854,995.19 |
| TOTAL EAST BETHEL AMOUNT PAID ON PREVIOUS ESTIMATES | | \$683,893.73 |
| TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES | | \$1,538,888.92 |
| | | |
| MCES THIS ESTIMATE | | \$494,292.23 |
| EAST BETHEL THIS ESTIMATE | | \$128,790.40 |
| PAY CONTRACTOR AS ESTIMATE NO. 3 | | \$623,082.63 |

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any

authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

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

By [Signature] Name R.M. Title

Date 7/27/11

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

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

By [Signature], PROJECT ENGINEER

Date 7/27/11

APPROVED FOR PAYMENT:

OWNER:

By _____
Name Title Date

And _____
Name Title Date

Partial Pay Estimate No.:

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project
 CITY OF EAST BETHEL, MN
 PROJECT NO. C12.100028
 METROPOLITAN COUNCIL ENVIRONMENTAL SERVICES Project No. 801602
 WORK COMPLETED THROUGH JULY 15, 2011

| ITEM NO. | ITEM | UNIT PRICE | AS BID ESTIMATED QUANTITY | CURRENT ESTIMATE ESTIMATED QUANTITY | CURRENT ESTIMATE - CITY ESTIMATED QUANTITY | CURRENT ESTIMATE - MCES ESTIMATED QUANTITY | COMPLETED TO DATE ESTIMATED QUANTITY | COMPLETED TO DATE - CITY ESTIMATED QUANTITY | COMPLETED TO DATE - MCES ESTIMATED QUANTITY |
|---------------|------|------------|---------------------------|-------------------------------------|--|--|--------------------------------------|---|---|
| 274 | | | | | | | | | |
| 275 | | | | | | | | | |
| TOTAL AMOUNT: | | | | \$644,667.39 | \$159,900.12 | \$484,767.26 | \$1,576,350.82 | \$691,188.82 | \$987,161.00 |

| SECTION | SUBTOTALS | SEWER | WATER | DESCRIPTION | CHECK TOTALS |
|-------------------------------|--------------|---------------------|---------------------|-------------|---------------------|
| MOBILIZATION | \$44,937.01 | \$28,079.11 | \$16,857.90 | Apportioned | |
| REMOVALS | \$15,423.69 | \$9,637.57 | \$5,786.12 | Apportioned | |
| DISCHARGE PIPING | \$0.00 | \$0.00 | \$0.00 | Apportioned | |
| STREET & STORM SEWER | \$44,913.60 | \$28,064.48 | \$16,849.12 | Apportioned | |
| EROSION CONTROL & RESTORATION | \$1,899.40 | \$1,186.85 | \$712.55 | Apportioned | |
| OPTION 1 PILING | \$0.00 | \$0.00 | \$0.00 | Apportioned | |
| OPTION 2 PILING | \$0.00 | \$0.00 | \$0.00 | Apportioned | |
| CHANGE ORDERS | \$160,606.66 | \$80,303.33 | \$80,303.33 | 50% | |
| STORED MATERIALS | \$264,267.16 | \$72,496.77 | \$191,770.39 | By Type | |
| SANITARY SEWER | \$202,083.96 | \$202,083.96 | | | |
| WATERMAIN | \$121,325.50 | | \$121,325.50 | | \$264,267.16 |
| TOTALS | | \$421,852.07 | \$433,604.92 | | \$591,189.82 |
| Total - Retainage | | \$400,759.46 | \$411,924.67 | | \$812,684.13 |
| PREVIOUS ESTIMATE 1 | | \$69,994.94 | \$50,473.59 | | \$120,468.53 |
| PREVIOUS ESTIMATE 2 | | \$286,687.28 | \$276,737.92 | | \$563,425.20 |
| THIS ESTIMATE | | \$44,077.24 | \$84,713.16 | | \$128,790.40 |



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 B.2

Agenda Item:

Pay Estimate #3 for the Phase 1, Project 1 Utility Improvements

Requested Action:

Consider approval of Pay Estimate #3

Background Information:

Attached is a copy of Pay Estimate #3 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include sewer and water installation on 185th Avenue, water installation on 187th Lane and aggregate base installation on Buchanan Street. 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 \$655,876.45. A summary of the recommended payment breakdown is as follows:

| Contractor Payment Summary | | | |
|-----------------------------------|----------------|------------------------|--------------------------|
| | Totals to Date | Less Previous Payments | Amount Due this Estimate |
| MCES | \$1,349,287.42 | \$854,995.19 | \$494,292.23 |
| City | \$812,684.13 | \$683,893.73 | \$128,790.40 |
| Total | \$2,161,971.55 | \$1,538,888.92 | \$623,082.63 |
| Escrow Payment Summary | | | |
| | Totals to Date | Less Previous Payments | Amount Due this Estimate |
| MCES | \$71,015.13 | \$44,999.75 | \$26,015.38 |
| City | \$42,772.85 | \$35,994.41 | \$6,778.44 |
| Total | \$113,787.98 | \$80,994.16 | \$32,793.82 |

Attachments:

1. Pay Estimate #3

Fiscal Impact:

This estimate includes payment of \$623,082.63 to S.R. Weidema and \$32,793.82 to the escrow account for a total of \$655,876.45. 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 #3 in the amount of \$655,876.45 for the Phase 1, Project 1 Utility Improvements.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 C.1

Agenda Item:

Resolution 2011-25 US Cable/MidContinent Acquisition

Requested Action:

Consider US Cable's request for a franchise transfer

Background Information:

Midcontinent Communications is purchasing US Cable. A franchise transfer between all existing US Cable franchisees is required for this transaction to become effective. Mark Vierling has reviewed the franchise transfer process and will provide comment and recommendation to Council.

Attachment(s):

1. Resolution 2011-25 Consenting to and Approving the Assignment of the Cable Franchise and System to MidContinent Communications

Fiscal Impact:

To be determined

Recommendation(s):

Consider adoption of Resolution 2011-25 Consenting to and Approving the Assignment of the Cable Franchise and System to MidContinent Communications.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

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

RESOLUTION NO. 2011-25

**A RESOLUTION ALLOWING AND APPROVING THE ASSIGNMENT OF THE CABLE
FRANCHISE AND SYSTEM NOW OPERATED BY US CABLE OF COASTAL – TEXAS,
L.P. TO MIDCONTINENT COMMUNICATIONS**

WHEREAS, the City of East Bethel has previously granted to US Cable of Coastal – Texas, L.P. a franchise to operate and own a television system within the municipal boundaries of the City of East Bethel, as located within the County of Anoka, State of Minnesota; and,

WHEREAS, on June 6, 2011, US Cable of Coastal – Texas, L.P. entered into an asset purchase agreement with Midcontinent Communications, whereby Midcontinent Communications would agree to purchase and acquire certain assets relating to the cable system, including the franchise from the City of East Bethel; and,

WHEREAS, the City of East Bethel has certain rights under the terms and provisions of Section 11.05 of the Ordinance, granting a cable franchise to US Cable of Coastal – Texas, L.P.; and,

WHEREAS, the City of East Bethel is not required to release the original grantee, US Cable of Coastal – Texas, L.P. of the terms, provisions and responsibilities under the franchise ordinance as a result of the sale or transfer; and has not received sufficient financial assurances, securities or data that would allow it to do so.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel as follows:

1. That the City of East Bethel, subject to the terms and provisions herein, consents to the sale and transfer to the extent required by the terms of its Franchise Ordinance, allowing the transfer and sale of the cable franchise from US Cable of Coastal – Texas, L.P. to Midcontinent Communications, subject to the terms and provisions hereof.
2. That the City of East Bethel in allowing the transfer of the franchise under the terms and provisions hereof does not release US Cable of Coastal – Texas, L.P. of its responsibilities under the terms and provisions of the City's Franchise Ordinance, and it shall remain as a guarantor of the performance of Midcontinent Communications under the terms and provisions of the City's Franchise Ordinance.
3. The transfer between US Cable of Coastal – Texas, L.P. and Midcontinent Communications shall not be affective, or finally approved by the City, until Midcontinent Communications becomes a signature to the Franchise

Ordinance, and signs a specific consent to the Franchise Ordinance, acknowledging provisions therein, and its obligations thereunder.

4. By the consent of the transfer and sale of this franchise, between US Cable of Coastal – Texas, L.P. and Midcontinent Communications, the City of East Bethel does not release, relinquish, or waive any of its opportunities or rights under the terms and provisions of its Franchise Ordinance originally granting the franchise to US Cable of Coastal – Texas, L.P.

Adopted by the City Council for the City of East Bethel, this 3rd day of August of, 2011.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 9.0 G.1

Agenda Item:

Resolution 2011-26, Modifying the Fee Schedule

Requested Action:

Consider approving Resolution 2011-26 Modifying the Fee Schedule

Background Information:

In order to charge for electrical inspections Council needs to amend the 2011 Fee Schedule to include rates for this service. Attached are the proposed rates.

Attachment(s):

Resolution 2011-26 Modifying the Fee Schedule

Fiscal Impact:

To be determined

Recommendation(s):

Staff recommends approval of Resolution 2011-26 Modifying the Fee Schedule

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

RESOLUTION NO. 2011-XX

**RESOLUTION MODIFYING THE FEES TO BE COLLECTED BY THE CITY OF
EAST BETHEL IN 2011**

WHEREAS, Chapter 14 of the City Code of Ordinances requires the payment of fees for building permits, plumbing permits, mechanical system permits, sewer and water, septic system permits, fire suppression permits, sign permits, building maintenance and reinspections.

WHEREAS, Chapter 14 of the City Code of Ordinances further authorizes the setting of various fees by City Council resolution; and

WHEREAS, the 2011 Fee Schedule, originally adopted on December 1, 2010 as Resolution 2010-72, did not include Electrical Inspections & Permit Fees.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: Resolution 2010-72 Establishing 2011 Fee Schedule is hereby modified with the addition of certain fees as follows:

Electrical Inspections Fee Schedule

| | |
|--|--|
| Minimum Inspection Fees | \$35 Per Trip |
| Single Family Residential (Up to 200 AMP's and 30 circuits) (New or Remodel) | \$150 Max (For 3 Inspections) No Max if over 200 AMP's Additional Trips @ \$35 |
| Multi Family Units (Service and House Wiring Separate) | \$70/Unit |
| Swimming Pool (Trip fee plus circuits) | \$35 Per Trip Plus Circuits |
| Change Out, Upgrade Service or Repair 0-400 AMP Each Additional 100 AMPS | \$50 \$14/Each Plus \$3 per reconnected CB |
| Each Circuit or Feeder 0-30 AMP Each Circuit or Feeder 31 to 100 AMP Each Additional 100 AMP | \$8/Each \$10/Each Add \$5 per 100 AMP |
| Street Lights Standard Traffic Signal | \$4/Each \$7/Each |
| Transformer 0-10 kilovolt-amperes 11-76 kilovolt-amperes Over 76 kilovolt-amperes | \$10 \$40 \$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 and Feeders

The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors.

Adopted by the City Council for the City of East Bethel, this 7th day of September, 2011.

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

9.0 G.2

Agenda Item:

Contract for Electrical Inspection Services

Requested Action:

Consider approving the contract for electrical inspections with Brian Nelson Electrical Inspection Services

Background Information:

Staff has revised chapter 14 Buildings and Building Regulations to include permitting, and inspections of the State Electrical Code. State statute 326B.36 Subdivision 6 allows a political subdivision to provide for inspections within its jurisdiction.

Mr. Brian Nelson with Electrical Inspection Service currently conducts inspections in East Bethel for the state under contract. He currently complies with the license requirements regulated under State Statute 326B.33 subdivision 1.

Attachment(s):

- 1. Contract for inspection services with Mr. Brian Nelson

Fiscal Impact:

City will issue and collect fees for electrical inspections.

Recommendation(s):

Staff recommends approval of the Contract for Inspection Services with Mr. Brian Nelson.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel

Electrical Inspection Service Agreement

This contract is made and entered into between the City of East Bethel, hereinafter identified as "City," and Brian Nelson Inspection Service, Inc., hereinafter identified as "Contractor."

WHEREAS, the City requires services to be provided for electrical inspection for electrical permits issued in the City: and

WHEREAS, the Contractor desires to and is capable of providing the necessary services according to the terms and conditions stated herein.

1. TERMS

The Terms of the Contract shall become active _____.

2. CONTRACTORS OBLIGATIONS

General Description: The Contractor shall provide the following services:

- a) Provide qualified personnel to perform electrical inspections within two work days after notification by the electrical installer.
- b) Enforce the Minnesota Electrical Act and Rules as adopted and amended by the City and current National Electrical Code.
- c) Submit a report of completed inspections, invoice for completed electrical inspections with the completed permits.
- d) Cooperate with the City Building Official to resolve non-complying or incomplete electrical installations when the installers fail to comply with acceptable standards.
- e) Notify the electrical utility for connection or re-connection of all electrical services installed, replaced or repaired for which an electrical permit is required. Contractors may call for hook-ups on residential installations.

3. CITY'S OBLIGATIONS

General Descriptions: The City shall:

- a) Receive and process electrical permits and fees in accordance to its fee schedule.

- b) Assign a permit number.
- c) Forward a copy of the permit to the Contractor.
- d) Receive and process orders for payments and fees collected for fee shortages and extra or special inspections.
- e) Adopt Minnesota Rules.
- f) Adopt the most recent version of the Minnesota Electrical Act.

4. PAYMENT

- a) Compensation – The City shall pay the Contractor seventy-five (75) percent of the permit fees collected for completed inspections.
- b) Invoices – The Contractor shall submit an invoice and request for payment on an invoice form acceptable to the City.
- c) Time of Payment – The City shall make payments to the Contractor within thirty (30) days from the date of which the invoice is received. If the invoice is incorrect, or otherwise improper, the City shall notify the Contractor within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from the Contractor, the City will make payment within thirty (30) days.
- d) Payment for Unauthorized Claims – The City may refuse to pay any claim, which is not specifically authorized by the contract. Payment of the claim shall not preclude the City from questioning the propriety of the claim.

5. COMPLIANCE WITH LAWS AND STANDARDS

- a) General – The Contractor shall abide by all federal, state and local laws, statutes, ordinances, rules and regulation now in effect or hereafter adopted pertaining to this Contract.
- b) Licenses – The Contractor shall procure, at his own expense, all licenses or other certifications required for the provision of services contemplated by this Contract. The Contractor shall inform the City of any changes in the above-stated laws, standards, requirements, rules, etc., within five (5) days of occurrence.
- c) Minnesota Law to Govern – This Contract shall be governed and constructed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceeding related to this Contract shall be venued in the State of Minnesota.

6. INDEPENDENT CONTRACTOR STATUS

The Contractor is an independent contractor and nothing herein contained shall be construed as to create the relationship of employer and employee between the City and the Contractor. The Contractor shall at all times be free to exercise initiative, judgment and discretion as to how to best perform services. The Contractor acknowledges and agrees that the Contractor is not entitled to receive any benefits received by City employees and is not eligible for worker's or unemployment compensation benefits. The Contractor also acknowledges and agrees that no withholding or deduction for State or Federal income taxes, FICA, FUTA or otherwise, will be made from payments due the Contractor, and that it is the Contractor's sole obligation to comply with the applicable provisions of all Federal and State laws.

7. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims and actions, including attorney's fees which the City, its officers or employees may hereafter sustain, incur or be required to pay arising out of or by reason of any negligent or willful act or adequately perform the Contractor's obligations pursuant to the Contract.

8. INSURANCE

- a) Professional Liability Insurance – The Contractor must provide and maintain in force professional liability insurance in a form approved by the City with limits of at least \$500,000 per occurrence; \$1,500,000 aggregate for each person performing inspections under this Contract and with the City as additional insured.
- b) Automobile Liability – The Contractor must provide a certificate of automobile insurance meeting the minimal requirements of the State for each person performing inspections under this Contract.
- c) Worker's Compensation – If applicable, the Contractor shall procure and maintain a policy that at least meets the statutory minimum.
- d) Certificates – Prior to concurrent with execution of the Contract, the Contractor shall file copies with the City.
- e) Failure to Provide Proof of Insurance – The City may withhold payments or immediately terminate this Contract for failure of the “Contractor to furnish proof of insurance coverage or to comply with the insurance requirements as stated above.”

- f) Non-Waiver – Nothing in this Contract shall constitute a waiver by the City of any statutory limits or exceptions on liability.

9. SUBCONTRACTING

The Contractor shall not enter into any subcontract for the performance of the services contemplated under this Contract nor assign any interest in the Contract without prior written consent of the City and subject to such conditions and provisions as are deemed necessary. The Contractor may have another qualified inspector fill in for him from time to time or in the case of sickness or while on vacation.

10. TERMINATION

With or Without Cause – This Contract may be terminated with or without cause by either party upon thirty (30) days written notice.

11. CONTRACT RIGHTS/REMEDIES

- a) Rights Cumulative – All remedies available to either party under the terms of the Contract or by law are cumulative and may be exercised concurrently or separately, and the exercise of any one remedy shall not be deemed an election of such remedy to the exclusion of the other remedies.
- b) Waiver – Waiver for any default shall not be deemed to be a waiver of any subsequent default. Waiver of Breach of any provision of the Contract shall not be construed to be modification for the terms of this Contract, unless stated to be such in writing and signed by authorized representative of the City and the Contractor.

12. DATA PRACTICES.

All data collected, created, received, maintained, or disseminated for any purposes by the activities of Contractor because of this contract is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such act now in force or as adopted, as well as federal regulations on data privacy.

13. RECORDS - AVAILABILITY AND RETENTION.

The Contractor agrees that the City or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Contractor and invoice transactions relating to this Agreement.

Contractor agrees to maintain these records for a period of three (3) years from the date of termination of this Agreement.

14. PROCESSING OF PAYMENTS.

Prior to the processing of any and all payments to the Contractor pursuant to this Contract, compliance with East Bethel Finance Department regulations on the completion and filing of W-9 forms and other IRS and Minnesota Department of Revenue taxing forms is required.

The PARTIES hereto executed this Contract as of the year and date listed below:

City of East Bethel

By: _____ Date: _____

Contractor: Brian Nelson Inspection Services Inc.

By: _____ Date: _____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 10.0 C

Agenda Item:

Closed Session MBI Contract Settlement

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding the MBI Contract settlement suit.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05, Subd. 3.

Fiscal Impact:

None

Recommendation(s):

Staff is recommending closing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 for an Attorney/Client discussion of the MBI Contract settlement suit.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 10.0 D

Agenda Item:

Closed Session – Land Acquisition

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding land acquisition for the proposed Service Road between 221st Avenue and 215th Avenue.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05 Subd 3 to discuss land acquisition.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is recommending recessing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 an Attorney/Client discussion of land acquisition.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

August 3, 2011

Agenda Item Number:

Item 10.0 E

Agenda Item:

Closed Session – Land/Easement Acquisition

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding land/easement acquisition for the Municipal Utilities Project.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05 Subd 3 to discuss land/easement acquisition.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is recommending recessing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 an Attorney/Client discussion of land/easement acquisition.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



PUBLIC FORUM SIGN UP SHEET

August 3, 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.

| NAME | ADDRESS | PHONE NUMBER | TOPIC |
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