

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: May 4, 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. Barb Kunshier – Booster Day Coordinator |
| | Page 2 | B. Edward Reynoso, Met Council Representative |
| 8:00 PM | 5.0 | Public Forum |
| 8:20 PM | 6.0 | Consent Agenda |
| | | <i>Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration</i> |
| | Page 5-9 | A. Approve Bills |
| | Page 10-22 | B. Meeting Minutes, April 20, 2011, Regular Meeting |
| | Page 23-25 | C. Meeting Minutes, April 20, 2011 Local Board of Appeals and Equalization |
| | Page 26 | D. Resolution 2011-14 Accepting Donation from Hakanson Anderson Assoc. Inc. |
| | Page 27 | E. Cedar/East Bethel Lions – Booster Day – July 16, 2011 – One Day Temporary Consumption & Display Permit |
| | | New Business |
| | 7.0 | Commission, Association and Task Force Reports |
| | | A. Planning Commission (No Report) |
| | | B. Park Commission (No Report) |
| | | C. Road Commission (No Report) |
| | 8.0 | Department Reports |
| 8:25 PM | A. | Engineer |
| | | 1. S.R. Weidema – Change Order #1 |
| | B. | Attorney (No Report) |
| | C. | Finance (No Report) |
| | D. | Public Works (No Report) |
| | E. | Planning and Inspection/Code Enforcement (No Report) |
| 8:35 PM | F. | Fire Department |
| | | 1. Utility Fire Vehicle Bids |
| 8:40 PM | G. | City Administrator |
| | | 1. City Administrator Position |
| | 9.0 | Other |
| 8:50 PM | A. | Council Reports |
| 9:00 PM | B. | Other |

- 9:05 PM Page 41 C. Closed Session – Land Acquisition – Service Road – MN Statute 13D.05, Subd.3
- 9:20 PM Page 42 D. Closed Session – Land Acquisition – Phase 1 Project 1 Utility Project - MN
Statute 13D.05, Subd. 3
- 9:40 PM Page 43 E. Closed Session – MBI – Attorney/Client Privileged
- 10:00 PM **10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 4.0 A

Agenda Item:

Barb Kunshier - Recognition of Service – Booster Day Coordinator

Requested Action:

Recognize Barb Kunshier for her years of Service as the Booster Day Coordinator

Background Information:

Ms. Barb Kunshier has served as the Booster Day Coordinator from 1999 to 2010. We have invited Ms. Kunshier to attend the meeting and will be presenting her with a plaque in honor of her service to the City.

Fiscal Impact:

None at this time

Recommendation(s):

City staff recommends City Council recognize Ms. Kunshier’s service to the City of East Bethel as the Booster Day Coordinator and present her with a plaque in honor of her service to the City.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 4.0 B

Agenda Item:

Edward Reynosa, Met Council Representative

Requested Action:

Informational Only

Background Information:

Edward Reynosa is the new Met Council Representative for East Bethel (District 9). Mr. Reynosa contacted the City and requested to be allowed to come before the Council and the residents and introduce himself and answer any questions the Council or residents have for him.

Fiscal Impact:

None at this time

Recommendation(s):

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



Payments for Council Approval May 4, 2011

Bills to be Approved for Payment	\$78,789.02
Electronic Payments	\$25,654.27
Payroll City Council - April 28, 2011	\$1,361.07
Payroll City Staff - April 28, 2011	\$36,262.92
Total to be Approved for Payment	\$142,067.28

City of East Bethel

May 4, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
'05 Klondike MSA Street Projec	Architect/Engineering Fees	27913	Hakanson Anderson Assoc. Inc.	402	40331	180.00
Arena Operations	Auto/Misc Licensing Fees/Taxes	173323430003	Anoka County	615	49851	819.08
Arena Operations	Bldgs/Facilities Repair/Maint	42111	Connexus Energy	615	49851	1,061.12
Arena Operations	Gas Utilities	279101270	Xcel Energy	615	49851	2,965.62
Arena Operations	Refuse Removal	1419782	Walters Recycling, Inc.	615	49851	27.93
Arena Operations	Refuse Removal	1419783	Walters Recycling, Inc.	615	49851	155.27
Bataan Street Project	Architect/Engineering Fees	27913	Hakanson Anderson Assoc. Inc.	402	43124	242.43
Building Inspection	Motor Fuels	1887052	Lubricant Technologies, Inc.	101	42410	352.03
Building Inspection	Motor Fuels	1896445	Lubricant Technologies, Inc.	101	42410	244.14
Building Inspection	Telephone	332373310-113	Nextel Communications	101	42410	17.52
Central Services/Supplies	Legal Notices	IQ 01783586	ECM Publishers, Inc.	101	48150	51.25
Central Services/Supplies	Legal Notices	IQ 01783844	ECM Publishers, Inc.	101	48150	35.88
Central Services/Supplies	Office Supplies	558080284001	Office Depot	101	48150	12.59
Central Services/Supplies	Office Supplies	561070874001	Office Depot	101	48150	105.77
Central Services/Supplies	Office Supplies	558229116001	Office Depot	101	48150	27.62
Central Services/Supplies	Office Supplies	558080248001	Office Depot	101	48150	124.83
Central Services/Supplies	Printing and Duplicating	3097	Print Plus, Inc.	101	48150	156.46
Central Services/Supplies	Telephone	8195236	Integra Telecom	101	48150	223.22
City Administration	Unemploy Benefit Payments	1st Qtr 2011	MN Dept of Employment and	101	41320	5,568.00
Engineering	Architect/Engineering Fees	27926	Hakanson Anderson Assoc. Inc.	101	43110	3,246.14
Fire Department	Auto/Misc Licensing Fees/Taxes	363323240084	Anoka County	101	42210	79.97
Fire Department	Auto/Misc Licensing Fees/Taxes	273323230008	Anoka County	101	42210	819.08
Fire Department	Bldgs/Facilities Repair/Maint	42111	Connexus Energy	101	42210	5.32
Fire Department	Electric Utilities	42111	Connexus Energy	101	42210	751.87
Fire Department	Gas Utilities	279101270	Xcel Energy	101	42210	1,525.32
Fire Department	Motor Fuels	1887052	Lubricant Technologies, Inc.	101	42210	560.03
Fire Department	Motor Fuels	1896445	Lubricant Technologies, Inc.	101	42210	388.37
Fire Department	Motor Fuels	1896446	Lubricant Technologies, Inc.	101	42210	543.22
Fire Department	Office Supplies	558381296001	Office Depot	101	42210	153.83
Fire Department	Refuse Removal	1419785	Walters Recycling, Inc.	101	42210	37.50
Fire Department	Safety Supplies	110013621	Allina Health System	101	42210	582.61
Fire Department	Telephone	8195236	Integra Telecom	101	42210	139.54
Fire Department	Telephone	332373310-113	Nextel Communications	101	42210	111.64
Fire Department	Unemploy Benefit Payments	1st Qtr 2011	MN Dept of Employment and	101	42210	7.50
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	40664	Orkin Commercial Services	101	41940	74.81
General Govt Buildings/Plant	Electric Utilities	42111	Connexus Energy	101	41940	443.80
General Govt Buildings/Plant	Gas Utilities	279101270	Xcel Energy	101	41940	671.47
General Govt Buildings/Plant	Refuse Removal	1419781	Walters Recycling, Inc.	101	41940	27.93
Housing & Redevelopment Autho	Legal Fees	8747	Hoff, Barry & Kozar, P.A.	230	23000	559.00
Human Resources	Unemploy Benefit Payments	1st Qtr 2011	MN Dept of Employment and	101	41810	3,468.00
Legal	Legal Fees	32411	Randall and Goodrich, P.L.C.	101	41610	156.75
Mayor/City Council	Conferences/Meetings	100053241	Soderquist's Market	101	41110	38.31
Mayor/City Council	Professional Services Fees	-639964	North Suburban Access Corp	101	41110	120.00
MSA Street Construction	Architect/Engineering Fees	27915	Hakanson Anderson Assoc. Inc.	402	40200	9,820.04
MSA Street Construction	Architect/Engineering Fees	27914	Hakanson Anderson Assoc. Inc.	402	40200	23.51
MSA Street Construction	Architect/Engineering Fees	27911	Hakanson Anderson Assoc. Inc.	402	40200	3,322.13
Park Acquisition/Development	Architect/Engineering Fees	27914	Hakanson Anderson Assoc. Inc.	404	40400	78.38
Park Maintenance	Auto/Misc Licensing Fees/Taxes	43323430001	Anoka County	101	43201	233.68
Park Maintenance	Auto/Misc Licensing Fees/Taxes	353323310005	Anoka County	101	43201	150.00
Park Maintenance	Auto/Misc Licensing Fees/Taxes	353323130003	Anoka County	101	43201	150.00
Park Maintenance	Bldgs/Facilities Repair/Maint	6595	Quality Sales & Service, Inc.	101	43201	100.00
Park Maintenance	Clothing & Personal Equipment	4706933640	Cintas Corporation #470	101	43201	34.97

City of East Bethel

May 4, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Clothing & Personal Equipment	470630149	Cintas Corporation #470	101	43201	34.97
Park Maintenance	Electric Utilities	42111	Connexus Energy	101	43201	758.69
Park Maintenance	Equipment Parts	1539-457882	O'Reilly Auto Parts	101	43201	18.27
Park Maintenance	Equipment Parts	1539-457886	O'Reilly Auto Parts	101	43201	11.73
Park Maintenance	Equipment Parts	J144257	Turfwerks	101	43201	184.46
Park Maintenance	Motor Fuels	1887052	Lubricant Technologies, Inc.	101	43201	480.03
Park Maintenance	Motor Fuels	1896446	Lubricant Technologies, Inc.	101	43201	1,044.67
Park Maintenance	Motor Fuels	1896445	Lubricant Technologies, Inc.	101	43201	332.89
Park Maintenance	Motor Vehicle Services (Lic'd)	18017	Central Truck Service, Inc	101	43201	60.00
Park Maintenance	Motor Vehicles Parts	1539-462524	O'Reilly Auto Parts	101	43201	34.64
Park Maintenance	Other Equipment Rentals	44088	Jimmy's Johnnys, Inc.	101	43201	52.87
Park Maintenance	Small Tools and Minor Equip	10097	Lehmann's Power Equipment	101	43201	370.10
Park Maintenance	Telephone	8195236	Integra Telecom	101	43201	51.15
Park Maintenance	Telephone	332373310-113	Nextel Communications	101	43201	70.08
Park Maintenance	Tires	364003	Pomp's Tire Service, Inc.	101	43201	400.00
Payroll	Insurance Premium	4604119	Delta Dental	101		925.35
Payroll	Insurance Premium	23837663	Medica Health Plans	101		7,161.25
Planning and Zoning	Architect/Engineering Fees	27910	Hakanson Anderson Assoc. Inc.	862		127.50
Planning and Zoning	Dues and Subscriptions	140090-1126	American Planning Assoc.	101	41910	300.00
Planning and Zoning	Escrow Refund	925	George Cossette	925		1,000.00
Planning and Zoning	Escrow Refund	924	John Freimuth	924		1,000.00
Planning and Zoning	Escrow Refund	923	Our Saviour's Lutheran Church	923		224.00
Planning and Zoning	Escrow Refund	926	Stephen Vankrevelen	926		300.00
Planning and Zoning	Telephone	332373310-113	Nextel Communications	101	41910	17.52
Recycling Operations	Auto/Misc Licensing Fees/Taxes	273323240010	Anoka County	226	43235	31.99
Recycling Operations	Electric Utilities	42111	Connexus Energy	226	43235	138.99
Recycling Operations	Gas Utilities	279101270	Xcel Energy	226	43235	200.81
Recycling Operations	Other Equipment Rentals	44088	Jimmy's Johnnys, Inc.	226	43235	52.86
Recycling Operations	Refuse Removal	138186-IN	PPL Industries	226	43235	150.00
Recycling Operations	Refuse Removal	1419784	Walters Recycling, Inc.	226	43235	254.91
Sewer Operations	Architect/Engineering Fees	27926	Hakanson Anderson Assoc. Inc.	434	49451	1,576.76
Sewer Operations	Architect/Engineering Fees	27926	Hakanson Anderson Assoc. Inc.	602	49451	1,957.86
Sewer Operations	Bldgs/Facilities Repair/Maint	42111	Connexus Energy	602	49451	24.53
Sewer Operations	Electric Utilities	42111	Connexus Energy	602	49451	1,097.80
Sewer Operations	Shop Supplies	25740	Menards Cambridge	602	49451	60.10
Sewer Operations	Small Tools and Minor Equip	1-829692	Able Hose & Rubber, Inc.	602	49451	506.20
Sewer Operations	Small Tools and Minor Equip	25740	Menards Cambridge	602	49451	305.58
Street Capital Projects	Architect/Engineering Fees	27914	Hakanson Anderson Assoc. Inc.	406	40600	135.61
Street Maintenance	Bldgs/Facilities Repair/Maint	470630149	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	4706933640	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	42111	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	6595	Quality Sales & Service, Inc.	101	43220	188.42
Street Maintenance	Clothing & Personal Equipment	470630149	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Clothing & Personal Equipment	4706933640	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Electric Utilities	42111	Connexus Energy	101	43220	1,690.19
Street Maintenance	Equipment Parts	C241121527	I State Truck Inc.	101	43220	166.17
Street Maintenance	Equipment Parts	1539-463000	O'Reilly Auto Parts	101	43220	41.53
Street Maintenance	Equipment Parts	1539-457882	O'Reilly Auto Parts	101	43220	62.29
Street Maintenance	Gas Utilities	279101270	Xcel Energy	101	43220	672.94
Street Maintenance	Motor Fuels	1896446	Lubricant Technologies, Inc.	101	43220	2,590.80
Street Maintenance	Motor Fuels	1896445	Lubricant Technologies, Inc.	101	43220	144.25
Street Maintenance	Motor Fuels	1887052	Lubricant Technologies, Inc.	101	43220	208.01

City of East Bethel

May 4, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Motor Fuels	1888629	Lubricant Technologies, Inc.	101	43220	56.76
Street Maintenance	Motor Vehicle Services (Lic'd)	18017	Central Truck Service, Inc	101	43220	182.50
Street Maintenance	Motor Vehicles Parts	1539-462524	O'Reilly Auto Parts	101	43220	40.00
Street Maintenance	Office Supplies	558381296001	Office Depot	101	43220	61.35
Street Maintenance	Refuse Removal	1418157	Walters Recycling, Inc.	101	43220	346.39
Street Maintenance	Repairs/Maint Machinery/Equip	21292	East Central Diesel & Equip	101	43220	3,997.17
Street Maintenance	Small Tools and Minor Equip	10097	Lehmann's Power Equipment	101	43220	361.28
Street Maintenance	Street Maint Materials	12313	Bjorklund Trucking	101	43220	632.70
Street Maintenance	Telephone	8195236	Integra Telecom	101	43220	51.15
Street Maintenance	Telephone	332373310-113	Nextel Communications	101	43220	138.54
Street Maintenance	Tires	218612	Pomp's Tire Service, Inc.	101	43220	34.72
Street Maintenance	Tires	139104	Pomp's Tire Service, Inc.	101	43220	-165.66
Street Maintenance	Tires	364003	Pomp's Tire Service, Inc.	101	43220	473.51
Water Utility Capital Projects	Architect/Engineering Fees	27926	Hakanson Anderson Assoc. Inc.	433	49405	1,576.76
Water Utility Capital Projects	Auto/Misc Licensing Fees/Taxes	293323230005	Anoka County	433	49405	2,272.88
Water Utility Capital Projects	Electric Utilities	42111	Connexus Energy	433	49405	14.42
Water Utility Operations	Auto/Misc Licensing Fees/Taxes	293423220142	Anoka County	601	49401	79.97
Water Utility Operations	Bldgs/Facilities Repair/Maint	42111	Connexus Energy	601	49401	26.67
Water Utility Operations	Electric Utilities	42111	Connexus Energy	601	49401	179.89
Water Utility Operations	Electric Utilities	42111	Connexus Energy	601	49401	103.57
Water Utility Operations	Gas Utilities	41511	CenterPoint Energy	601	49401	143.43
						\$78,789.02

City of East Bethel

May 4, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments					
	PERA					\$5,493.24
	Federal Withholding					\$6,334.51
	Medicare Withholding					\$1,679.80
	FICA Tax Withholding					\$6,024.09
	State Withholding					\$2,534.94
	MSRS					\$3,587.69
						\$25,654.27



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 6.0 A-E

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, April 20, 2011 Regular City Council

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

Item C

Meeting Minutes, April 20, 2011 Local Board of Appeals and Equalization

Meeting minutes from the April 20, 2011 Local Board of Appeals and Equalization are attached for your review and approval.

Item D

Resolution 2011-14 Accepting Donation from Hakanson Anderson Assoc. Inc.

The City of East Bethel has received a donation of four Minnesota Twins Tickets valued at \$108.00 from Hakanson Anderson Assoc., Inc. to be used towards the Family Fun Night scheduled for Friday, July 15, 2011.

Staff is recommending approval of Resolution 2011-14 accepting donation from Hakanson Anderson Assoc. Inc.

Item E

Cedar/East Bethel Lions – Booster Day – July 16, 2011 – One Day Temporary Consumption & Display Permit

The Cedar/East Bethel Lions have applied for a one day temporary consumption and display permit to sell beer and set ups at the Booster Day and the Firefighter’s Dance scheduled for July 16, 2011. We have received a signed application. We have not received proof of Liquor Liability Insurance. Staff is recommending approval subject to receipt of the certificate of Liquor Liability Insurance.

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

April 20, 2011

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

MEMBERS PRESENT: Bill Boyer Bob DeRoche Richard Lawrence
Heidi Moegerle

MEMBERS EXCUSED: Steve Voss

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

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

Adopt Agenda **Boyer made a motion to adopt the April 20, 2011 City Council agenda with the addition of item 9.0 G.3 RFPs for Legal Services.** Moegerle asked to strike previous item 9.0 G.3 Closed Session – ACHRA Litigation. **Boyer accepted the amendment. DeRoche seconded; all in favor, motion carries.**

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

DUI Arrests:

There were five DUI arrests for the month of March. One involved a one vehicle personal injury accident where the driver ran off the road, into a stop sign. The driver was transported to the hospital and submitted to a blood test.

An off-duty detective noticed erratic driving behavior at 5:15 p.m. and conducted a traffic stop. The driver was found to be intoxicated. There are intoxicated drivers at all hours of the day.

There were 2 theft from vehicle reports for the month. One vehicle was parked at a local business and had an iPod and cell phone taken. The other was a beer delivery truck, where a keg of beer had been taken.

On March 31st there was an assault situation where shots were fired. An adult son had broken into his father's home and assaulted him. The son had fled the home and the father went to a neighbor's looking for help, as his phone had been disabled. Deputies responded and set up a perimeter, as it was believed the son may still be in the area. SWAT and K-9 responded and it was determined that the suspect was no longer in the area. The suspect was arrested several hours later at another location.

Current happenings:

There has been an extraordinary number of heroin related overdoses resulting in deaths in teens throughout the metro area. There was also a death last month from a "designer" drug that was purchased over the internet. Make sure you take the time to talk with your kids about the dangers of using these substances. Unfortunately, teens tend to think that nothing bad can happen and do not think these activities could result in their deaths.

Miscellaneous Information:

April 21st will be a day where law enforcement agencies statewide will be looking for “distracted drivers”. Distracted driving includes texting, talking, eating, reading, fiddling with the radio, shaving, putting on makeup, etc. while driving. Driver distraction is a leading factor in crashes, and accounts for at least 20 percent of all crashes. A University of Utah study reports that using a cell phone while driving, whether hands-free or hand-held, delays a driver’s reactions as much as having an alcohol concentration of .08.

Just a reminder, dogs are not allowed to run loose off your property. Make sure you have your dog contained to your property in some way, whether by fencing or not allowing the dog outside while unattended. With the warmer weather on the way, people tend to be outside walking or riding bikes and complaints of loose dogs tend to rise. Which we have already seen.

DeRoche asked have you seen an increase in dogs, are people just driving by and dropping them off in the City. Lt. Orlando said she hasn’t seen a big increase of stray dogs being located. Moegerle said she noticed in the report a spike of felony arrests, is that seasonal. Lt. Orlando said yes, that is seasonal and there was the meth lab.

**Joint Law
Enforcement
Council
Agreement**

Sheriff Stuart said he is excited to be here, he is here regarding the Joint Law Enforcement Council (JLEC). He said there is a benefit for each City involved, a benefit in redundancy in the system and as an elected county wide provider.

Tony Palumbo, Anoka County Attorney explained that he is here before you tonight as a member of the Joint Law Enforcement Council. He said the council is comprised of eleven members, including law enforcement officers, the sheriff, a fire chief, county commissioners and council members. Palumbo said the JLEC has provided training, 911 dispatch centers, a major crime investigation unit, consolidated police records system and that last most public was the 800mh radio system. He said we are here before you tonight with public safety collaboration; we want to improve and collaborate the records management system for all our partners. Palumbo said we have a short seven minute video we would like to show to explain the project and there is proposed resolution in front of you, we are not asking for money we are asking for support of legislation to allow the County to go through and bond. He said this is a joint County bond which is outside the levy limit, \$3,500,000 to \$5,000,000, the estimate is \$7 per household. The DVD was played.

Chris Olson, Chief of Police, City of Blaine, said there are different City entities that gather information and our system is getting older and not as useful as we would like. He said there are different partners involved and we can’t share data. Olson said so if we take the jail example, an officer may take an individual to jail and give them all our information, they will enter all that information and then they will take all their information and enter all that data. He said but if a mistake is made in the data, then a suspense is made in the file, and what happens with that right now because we have so many different entities in Anoka County entering the data is our suspense rate is 14% and others is at 5%. Olson said we want to correct that along the way, we want to do our public safety job well.

Palumbo said we are asking for your support, we are asking for approval of the resolution. He said support us with legislation, this is no financial request of the City. Palumbo said this is a County project and we are currently taxing through 2012 tax for the 800 MHz radio system, this would go on the 2013 tax bill if approved. He asked if there were questions.

DeRoche said he got a lot of information from the Oak Grove meeting. Lawrence asked with the current system we are using and the data being repeatedly put in the system, which is making the

14% error. Palumbo said that is correct, so many entities are putting in the information, if they put in Olsen instead of Olson, which creates an error. Lawrence asked so you are replacing computers. Palumbo said we are going to try to link them together.

Boyer made a motion to adopt Resolution 2011-13 Resolution Supporting the Anoka County JLEC Projects and Public Safety Bonding Authority as Provided for in HF 429 and SF 275 to Provide for County-wide Public Safety Initiatives. DeRoche seconded; all in favor, motion carries.

Public Hearing – On Sale/Sunday Liquor License
Lawrence asked if there was anyone that wanted to comment on the Viking Meadows, Inc. On Sale and Sunday Liquor License. There were no comments.

Viking Meadows Golf Course
DeRoche made a motion to close the public hearing on the Viking Meadows, Inc. at 1788 Viking Blvd. NE, East Bethel, MN 55011, On Sale and Sunday Liquor License. Moegerle seconded; all in favor, motion carries.

Lawrence made a motion to approve the On Sale and Sunday Liquor License for Viking Meadows, Inc. at 1788 Viking Blvd. NE, East Bethel, MN 55011. He said all paperwork is in order and the background check has been completed with no negative findings. Moegerle seconded, all in favor, motion carries.

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

Gordon Hoppe of 604 of 189th Avenue NE said he told Council six weeks ago he sold his building that his excavating business was in and just his dump trucks came home. He said now he was told one neighbor complained, they e-mailed Mr. Boyer. Hoppe said he planned on adding on to his other building and yesterday he found out he can't do that. Moegerle said it is a supreme court ruling about variances, they are all being held in abeyance at this time. She said in July, the legislature is working on a bill at this time that may be passed. Hoppe said he owns his own cabinet shop on Viking Blvd, and he was going to add on to that building and he can't because it is a legal non-conforming and so his hands are tied right now and he is just letting you know that one neighbor has complained already. He said he didn't realize he didn't own his building he just gets to occupy it.

Lawrence said since the sign up sheet for the Public Forum is new, is there anyone else that wants to comment. 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, April 6, 2011 Regular Meeting; C) Appoint Seasonal Maintenance Workers. DeRoche seconded; all in favor, motion carries.

Park Comm. Minutes
Davis explained that the March 9, 2011 Park Commission unapproved meeting minutes are provided for your review and information.

Road Comm. Minutes
Davis explained that the March 8, 2011 Road Commission unapproved meeting minutes are provided for your review and information.

Water Treatment Plant Evaluation
Jochum said the purpose of the water treatment plant was to remove the iron and manganese from the water. He said iron and manganese cause stains, iron brown and manganese black. Jochum said the current plant the City has is a gravity plant and the other process is a chemical process. He said staff looked at eight different water supplies from other communities and compared the iron and manganese concentrations in the water. Jochum said in the table the

numbers are also compared to the East Bethel Whispering Aspen system which is your system at the north end. He said there is a non-detect for iron and the manganese is .16. Jochum said we can't say we will never see iron, but it is low. He said the next table shows the comparison of manganese concentrations. It shows the recommended limit for polyphosphate sequestering and secondary drinking water standards. Jochum said given the water quality results of the test well polyphosphate would be a feasible and effective means to sequester the iron and manganese. The next table is a comparison table of iron concentrations and again it is under secondary water standards, overall it is a good water quality. Secondary water standards is a limit that you can get by without treatment or polyphosphate treatment.

Jochum said for Water Residence Time we reviewed two conditions. He said Condition One were: Store Fire Flow in water tank (450,000 gallons for 3 minutes); 3 Hour Peak Day Demand – Varies; 20 Percent Reserve – Varies and Pipe Storage – 262,000 Gallons and Conditions Two were: 3 Hour Peak Day Demand – Varies; 20 Percent Reserve – Varies and Pipe Storage – 262,000 Gallons. Lawrence asked is this for pipe in ground. Jochum said yes. He said there were two Scenarios with each condition: Growth Rate From the Feasibility and 50% Growth Rate From the Feasibility.

Jochum said the next chart shows the average water residence time. He said the summary of residence time shows an average with the two different conditions and the two different feasibility study scenarios, it goes down as users are added. In 2013 water storage is about 13 days. He showed the anticipated year we would be through the system in 5 days and in 3 days. Jochum said the less users; the longer the water will be in the system. He explained that the City will need to maintain adequate chlorine residual in the system at all times. Jochum said chlorine residual is the amount of chlorine left in the water, after all the chlorine demand has been met. He said you need this to fight bacteria. Jochum said it can be concluded that adequate chlorine residual can be maintained longer with removal of iron and manganese.

Jochum said we provided the following water treatment options:

Option 1 – Current Plant – the City could construct the current plant as contracted. The as bid cost for this option is \$5.8 million. The current plant design flow is 1,500 gpm with an ultimate design of 5,000 gpm. Certain features of the plant are designed for the ultimate build out of 5,000 gpm. It is unknown at this time whether the Franconia-Ironton-Galesville (FIG) formation can produce enough water to supply the ultimate plant build out. In order to meet the 5,000 gpm, a Mount-Simon well may be needed on this site. The DNR has indicated that a Mount-Simon well may be allowed if it is proven that the FIG wells influence the shallow groundwater. It could take years to prove or disprove the need for a Mount-Simon well.

Option 2 – Modify Current Plant – It may be possible to downsize the existing plant design by elimination of one of the clear wells in addition to other deducts that could be utilized. The Contractor has provided input regarding this option. He has indicated that the cost could be reduced at least \$1.5 million, bringing the estimated cost to \$4.3 million.

Option 3 – No Iron or Manganese Removal – With this option the City would need to construct a pumphouse and provide the minimum chemical treatment for chlorine and fluoride and polyphosphate to sequester iron and manganese. This option is estimated to cost \$700,000. As previously discussed, an aggressive flushing program would need to be provided during the early years of the system to ensure the polyphosphates are effective.

Option 4 – Oversized Pumphouse/Treatment Building – This option would be the same as Option 3 except it would include constructing an oversized pumphouse/treatment building that is large enough to accommodate two 600 gpm pressure filters in the future. The pressure filters

would be used for the removal of iron and manganese. This option is estimated to cost \$1.0 million.

Option 5 – Water Treatment with Pressure Filters – This option would be the same as Option 4 except that one of the pressure filters would be installed immediately for the removal of iron and manganese. In the past, pressure filters were typically considered only for smaller water treatment systems. The advantage of pressure filters is the reduced footprint of the plant due to the smaller filter sizes. The City's of Blaine, Coon Rapids, and Anoka currently have pressure filter plants. The initial plant design capacity would be 600 gpm. This option is estimated to cost \$1.4 million.

Jochum with all that being said, staff is recommending that Option 5 be considered, we considering everything, residence time, price, we think that this is the best option for the City at this time.

Boyer asked what the cost of operation is; we basically have three different operations, pressure filters, polyphosphate. Jochum said right, for the most part the two filters will be similar and most of the systems are automated these days and are pretty comparable, and the other two are going to be more in chemicals, but chemicals are relatively cheap, we didn't do a cost for each to run the system, but for the most part they are relatively the same. Boyer asked did you discuss what happens with the bond attorney, what happens if we don't spend the money from the bonds are we setting ourselves up for lawsuits. Vierling said we have not, we can, he would expect the bond funds were raised collectively, they still have to be spent on the project, but within the project you may shift. He said the larger problem is the project that has been let on the facility. Moegerle said it is her understanding we have three years to spend the bond money, is that correct. Vierling said he will check on that. Boyer said the money we raised has to be spent on the water system. Moegerle said on a water system.

DeRoche said one of his concerns is how many connections are we going to have right at start up, forget the build it they will come thing. He said right now, how many people are we going to have utilizing this, is it enough to get enough flowage in, where we don't get into manganese bacteria, and where we don't have an issue with the iron. DeRoche said because if it isn't flowing it is going to be sitting in this tank. Jochum said it will be sitting in the tank with pipes, but at some point, with our without treatment, you are going to have to likely flush water during the early stages. Moegerle asked how long is the early stages, months or years. Jochum said it is not the iron or manganese that you have to watch it is the chlorine, chlorine residual is the key and it is difficult to estimate. He said he talked to a lot of people and the consensus was you can maybe extend that time with treatment. Jochum said an example would be you would have to be through the system for an example, 5 days without treatment and 10 days with treatment. Davis said as far as customers think we originally have eighteen, and with these figures, 5 and 10 day turnover, for residency and chlorine residual, we would be looking at 10 day turnover, utilizing approximately 25,000 gallons a day to turn the water over in that period and eighteen customers would probably not do that. He said it would depend on the ERUs and usage, but it would appear we don't have that. Davis said so we would have to incorporate some kind of flushing program to keep the water turned over. Boyer said you would have to do that with your hydrants. Moegerle asked is there a market for the flushed water, can we create a market for the water that is flushed, how many gallons we are talking about, what happens to it. Jochum said it gets flushed, down the storm sewers and out. He said you could explore with the options with the trailer park on the south which would be ideal, because it is on a dead end this is something we discussed a little, it could be explored and irrigation. Jochum said that is a whole other issue in the winter months you have to move the water in the tank, up and down or it will freeze, you will want that to go up and down daily and that will depend on if you are going to use fire flow. He said he doesn't know if you are going to be able to consider fire flow for a while, but the system

is sized for that.

DeRoche said he has some concerns after reviewing the City assessors report; the numbers are pretty bleak, he thinks our numbers are only about 3.2% for commercial, so about 80% is residents and he can see the residents having to paying for this. He said and if we are going to end up flushing it all away, he doesn't see the sense in that. DeRoche asked with the options that are given, what is the option of adding on to it in the future of is it now we have this one and we have to get rid of it and build a new one, what are the possibilities. Jochum said all the treatment plant options are easily added on to in the future. He said Option 5 cost is a lot lower and easily added on to. DeRoche said 61.7% are distressed homes in East Bethel, that is pretty tough to take, and maybe he is misunderstanding something, but we don't have any residents hooking up initially, so we are going to bank on these, well with Mr. Hoppe's business gone, 17 businesses hooking up to this, he has a real problem with this. He said he can't in all good sense for sure go with the whole plant, maybe with letters of intent, if someone can show him this; he is a common sense guy. Davis said 17 businesses for sure can't handle this, there will have to be growth, as Jochum mentioned we will be contacting others in the area to see about them hooking up which could add to this base significantly. He said we know growth will not occur the way it did in the late 1990s and early 2000's, but we think there are things we can do from the economic development to promote ourselves and hopefully get enough growth to sustain ourselves in the initial phases. Davis said there are no guarantees, but unless we do something, we can't sit back and wait, we have to be proactive in this. He said we are going to be taking measures to add customers, and add to the customer base. Davis said we can't give you guarantees in this, but we can give you a pledge that we will do what we can to get additional customers to make the operation of this facility improved and hopefully a stand alone system. DeRoche said this will have to be a goal of everyone that is involved with the city, somehow this sewer system has to work, that passed.

Boyer said if he can, first of all, you mentioned that 61% of houses are distressed, that is not correct; you looked at Bethel, which is not East Bethel. He said secondly, it is talking about percentage of sales, not talking about percentage of houses; don't want people to get misinformed. Moegerle said before we go too far, we are in this district, District 713 which is Bethel, which encompasses East Bethel which is what he is referring to. She asked about Option 3, right now that would work if there was enough customers, right now the big problem is going to have to flush, is there a way to go ahead with Option 3 and add the just in time building, just before this goes online. Jochum said it would take some planning; you would have to look at construct the smallest building possible and construct a building when adding treatment. Boyer said you have to remember this goes online in 2013. Moegerle asked how long it would take to build out if we started with Option 3 and then build Option 5 as an addition, 8 months, 12 months. Jochum said probably 8 months to get approved, plan and construct. Moegerle asked would we save some of that time if we planned side by side. Jochum said yes, Option 4 is building. Richard said he has some questions. He said about Option 3 is obviously the lowest cost and we would just be adding chemical to suspend manganese and iron correct. Jochum said correct. Lawrence said and Option 4 is a larger building do the same thing. Jochum said doing the same thing, but the building would be ready for treatment. He said all you would have to do is buy the equipment and put it in. Lawrence said and Option 5 is. Jochum said it is actually adding the first filter. Lawrence asked and chemicals. Jochum said adding fluoride and chlorine. Lawrence said but we are suspending the elements we are removing. Jochum said correct. DeRoche said no matter what we will still have to flush right. Lawrence said you wouldn't have to flush with this one would you. Jochum said this one would extend the flushing time, with the chlorine residual. He said for an example it is 5 days without treatment and 10 days with, so it gives you 5 more days with the treatment. DeRoche said but you were saying the water in the tank is going to freeze, it has to move so is it days, does it depend on the weather. Jochum said you will have some users so it will have some movement. He said if we have no

users in the system we have issues. Jochum said you should initially plan for the fire flow. Davis said so you have to fill the tank in the stem. Jochum said and in the bowl, need to keep it moving up and down. Lawrence asked how many gallons of water are we going to be using every day, are we going to start up with for our businesses that are hooking up. Jochum said page 66, Attachment #6, we are talking about start up of 38 ERUs under lower growth, 50% of feasibility so 10,000 gallons per day. Moegerle said so double for higher use, according to the feasibility. DeRoche said that is assuming nobody leaves, none of those other businesses leaves. Boyer said and that is also assuming nobody comes, and we can all assume that the entire the world comes to an end and we are struck by a meteorite. DeRoche said or we can assume from Bob Schunicht's report and the assessor's report where they have taken a heck of a lot more than, that take facts and figures for their data. Boyer said and both show 50% feasibility he thinks.

Moegerle said Bob Schunicht is here, she asked him for the good of the cause if he had any comments. Schunicht said Jochum did an excellent job of laying out the options for you and numbers and like we have known from the beginning it will be difficult from the beginning and you will have to do some flushing. He said the question he has had from the beginning is to get a project that works but where you spend the least money possible. Schunicht said the growth that is occurring in the marketplace is uncertain; we don't know what is going to happen that is why we took a conservative approach. He said he would go with Option 3, 4 or 5. Schunicht said there are two advantages to number 3, first of all you don't have to spend as much money and it give you time to see what you want to do for a water treatment plant, then you can look at whether you want to do a pressure plant or gravity. He said cities tend to prefer gravity systems, but they tend to build those later on in their lives, not early on in the stages.

Moegerle asked what is benefit of gravity versus pressure. Schunicht said gravity is more flexible, you can get in there and clean it out better, gravity is concrete, chambers inside the plant, pressure is steel tanks. He said operators tend to live gravity better, number of cities that built pressure systems that converted them to gravity systems later on. Schunicht said but if on budget pressure filters are best way to go. Davis said one reason we looked at pressure filters is we made the assumption based on growth projections that pressure filters could get us through 10-15 years until we have had an adequate customer base, something that could be improved if it is needed at that time and we felt this was the most economical way to go until we had a customer base to support the system. Schunicht said that is absolutely correct, if you decide to build a water treatment facility today, pressure filters are the way to go, don't even think about gravity. He said also pressure filters are easier to expand. Schunicht said with a gravity filter you do those in fours, with a pressure filter you can do those in ones. Davis said one other thing as this system evolves and grows, there will be additional plants, this one can be a pressure plant, next could be a gravity.

Moegerle asked the one option we haven't talked about is Option 4, why wasn't it addressed. Jochum said given the additional costs weren't significant, with the residence time; we thought with treatment, Option 5 was the best alternative. Lawrence asked the cost of Option 4. Jochum said about one million. Boyer said you have no treatment. Jochum said correct. Boyer said it is just an oversize building. Jochum said both thoughts of Option 4 and 5 is both would be big enough to be considered into the system, example it could turn into the garage area, like designed in the current plant, so it would not be wasted area. Moegerle said so if we build it and they do come, that option would be perfectly poised to have our garage instead of treatment and then we wouldn't have to do Option 5 and just pressure treatment, if they come. Jochum said correct. He said but if they come or not you will have a lot of flushing for the first couple years, that is why Option 5 was preferred.

Moegerle asked Schunicht when you did this feasibility from a financial stand point; 4 million

compared to \$700,000 difference in Option 5 is that a deal breaker, can we afford this. Schunicht said Jochum and I had pretty much the same numbers for Option 3, and if you add \$700,000 you might be looking at 60% of the feasibility study not 50%. He said so there are things you can do, such as extending the bonds. Schunicht said you are still depending on people coming into the system.

Lawrence asked when you talk about flushing how many gallons are you talking. Jochum said for example system starts up and 5 days is correct, the residual, using 10,000 gallons a day, so 50,000 gallons, 262,000 gallons just in the pipes, so to turn over the water in the pipes would have to flush 210,000 gallons. He said that is where we are saying with treatment we can extend the residual to 10 days, it is less flushing. Lawrence asked would we have to do this about three times a month. Jochum said almost weekly. Davis said would have to do weekly and depending on where it is discharged, maybe 2 or 3 times a week. He said the key to this is regardless which option we select we have to do the things to promote East Bethel to get customers to make this work and he thinks this is what we are all committed to. Davis said we can't look at this as we have eighteen customers, it is like breakfast, ham and eggs, the chicken is involved, but the hog is committed and we are the hog. He said we are going to find out what it takes to make it work.

Schunicht said the good news is the water quality is good, but you don't know how the system is going to work, it is guess work, some time the problems happen just in one area. He said it is not a bad idea to get the system up and running and decide what to do. Lawrence asked for the wells, for water capacity, are we covered on that. Jochum said it is hard to say, but thinking on the lowest end 300 gpm, but hoping for 500 gpm. He said so it would be 6-1,000 gpm total with the two wells. Jochum said again in his opinion that is why we don't consider Option 1 or 2 until we know we can get the water to the treatment plant in a feasible manner. He said the plant is designed for 5,000 gpm ultimately. Jochum said if you get a Mt. Simon well, he doesn't know that you can get the water to it feasibly, and we won't get a Mt. Simon well unless the Fig wells interfere with the surface water the DNR has been pretty clear on that to him and it could be years be we prove or disapprove that theory. Lawrence said the Mt. Simon has more radium in it. Jochum said correct and typically you would treat it anyways, so, but they are typically high capacity wells upwards of 2,500 gpm. Moegerle asked what is the time frame between Option 4 and 5, for getting the pressure filters installed. Jochum said typically about 12 weeks to get them delivered to the site, pretty modular in general takes about a week to hook up.

DeRoche asked and this treatment facility is only going to service this well. Jochum said it would service both wells and you could add on more pressure filters or decide if you want to design a gravity system, whatever you want to use.

Boyer made a motion to approve Option 5 -Water Treatment with Pressure Filters as presented. Lawrence seconded. Moegerle asked so 12 weeks would be three months to get pressure filters in so maybe 4 months to get installed between Option 4 and Option 5. Jochum said correct. Boyer said but you are not treating water. Moegerle said she understands that. Lawrence said the reason he seconded Option 5 is it requires less flushing. He said with Option 3 or Option 4 we would have to flush more often, this could be 2 or 3 years, we would be flushing a lot of water tossing it out the door. Moegerle said she thinks Option 4 is more optimistic. Lawrence asked if we went Option 4 is it easily adapted to Option 5. Jochum said yes, that is what is built for. Moegerle said if we went with Option 4 and we didn't have the customers, in 12 weeks we could be up and running with Option 5 is that right. Jochum said at a little higher cost. Boyer said but you only have 8 months to make that decision. DeRoche said Option 5 says the filters will be used for iron and manganese, and that is not an issue right now, so why are we going with that one. Davis said it will have an effect on the chlorine residual so that means will have to flush more often. Boyer said the manganese is over the secondary drinking standards. DeRoche said the MN Department of Health, unless they have modified it

since 1997, they said it was 1,000 UGs per liter and at 300 we needed to start looking at it, and as he understands it we are at 163. He asked what is UGs. Jochum showed the manganese graph. He said we are at 163 micrograms. DeRoche asking there was a statement on their website that at 300 you have to look at it. He said it was manganese. Jochum said he thought manganese was .05. Moegerle said she found something that says for manganese it is 100 UGs.

Moegerle asked about Maple Grove, they have similar water to ours. Schunicht said they have .3 of manganese and definitely no iron. He said they definitely grew faster than East Bethel is going to grow, but they waited 10 years to do a water treatment plant, they did treat with polyphosphates. Davis asked if they flushed. Schunicht said yes, they did. He said the critical thing about flushing is winter, and in the early days, but as the system go mature, they did it in the fall and spring. Lawrence asked what our plan for flushing is. Jochum said we haven't thought about it a lot, but they do have automatic systems in place, which make it easier, installs in hydrants, and make sure hydrants are close to drain systems.

DeRoche asked where does water drain to. Jochum said to storm system. Davis said the answer about where would we put the water, storm system, but sometimes that won't be convenient, sometimes we will have to hook up hoses. Lawrence asked about the creek. Davis said it depends on the time of year, but ultimately that si where it is going to go. DeRoche asked what are we looking at for building size. He asked are 4 and 5 the same building size, 5 just has a treatment facility. Davis said they are the same building, 5 just has the treatment facility installed. Moegerle said \$400,000 difference and the time. Moegerle said we could choose Option 5 and decide not to get the pressure filters. Davis said if you do Option 4 he would recommend that you do the design to get everything in place and permits, otherwise you might miss the opportunity to use the bond money.

DeRoche said he doesn't understand why we are dong Option 5, why are we treating it. Davis said the reason we recommended Option 5 is the flushing frequency, as we get more customers it will go down. DeRoche said he doesn't understand why we are doing Option 4, he realizes it is historic, wouldn't be in this situation, being that we are we have to make the best of it. Davis said but in doing Option 5 we are cutting the initial project down from 5.8 million to 1.4 million. Lawrence asked is the 1.4 million maximum cost. Jochum said this is an estimate; it should be close to that. **All in favor, motion carries.**

Jochum said we need to clarify that we will be terminating the contract with MBI. Davis said we will be meeting with them in the morning. Boyer asked so you are going to rebid this. Davis said it will be redesigned, rebid and re-permitted.

Upper Rum
River
Watershed
Organization
JPA
(URRWMO)

Davis explained that attached is a copy of the URRWMO amended JPA incorporating amendments approved at their 1/04/11 meeting (see attachment # 1).

The URRWMO is requesting that this amended JPA be presented to the East Bethel City for approval.

Staff recommends approval of the URRWMO and consideration of the recommendations of the City Attorney as outlined in the attachment for future URRWMO JPA amendments. Davis said this JPA agreement has been worked on by the City for an extended period of time, there are some issues that have to be taken care of such as the voting issue for capital improvements, but under the 10 year plan there are no capital improvements in the plan.

Boyer said the City Council's total issue with this in the past is we were presented with a budget, that we had to pay, if they are just proposing just taxing all the residents of the City of East Bethel we wanted to have input on the budget. He said he understood our attorney reviewed

this. Vierling said once the budget comes in you have 60 days to review it. He said there are some things that we would like them to shore up and have the City check with the League of Minnesota Cities on the insurance issue. DeRoche asked about the insurance issue. Vierling said the URRMO has their own insurance, but he would recommend that the City contact the LMC about coverage for your participation in this organization. He said usually they provide this for a relatively small fee; it is not an umbrella, but a belt and suspenders kind of thing. Vierling said many cities do a master list of their WMOs and the LMC gives them coverage, he has never seen the fee very high. He said he concurs with staff recommendation, but suggests that our recommendations be followed up on, the insurance and then the 2/3rds majority vote on capital improvements.

Boyer made a motion to approve the Upper Rum River WMO JPA with the attorney’s recommendations. DeRoche seconded; all in favor, motion carries.

Sunrise River Watershed Management Organization JPA

Davis explained that the Sunrise River Watershed Management Organization (SRWMO) Board is recommending a minor change to their Joint Powers Agreement. Each SRWMO community is asked to consider the revision at their next City Council or Township Board meeting. This revision will take effect once approved by all SRWMO communities.

The revision changes the timing of payments by member communities to the SRWMO. The purpose is to reduce administrative burdens at the cities and township. Presently, the City of East Bethel houses SRWMO finances and invoices other member communities each time there is a SRWMO expense (or group of expenses). While there are relatively few expenditures, this does lead to repeated invoicing and payouts throughout the year. In 2008-2010 there were 4-5 invoices per year. The SRWMO Board feels it would be more efficient to have just two invoices per year – January 15 and July 15. These dates follow the dates when the communities receive their tax revenue. Rita Pierce, our East Bethel Finance and Support Services Director favorably reviewed this approach. This change would take effect for the next fiscal year -2012.

Staff recommends approval of the revised Sunrise WMO JPA per recommendations of the City Attorney.

Boyer made a motion to approve the Sunrise River WMO JPA with the recommendations of the city attorney. Moegerle seconded; all in favor, motion carries.

Code Enforcement Report

Davis explained that the monthly report of code enforcement activities for properties posted as Unfit or Hazardous is submitted for your review and information. The report provides a snapshot of the activity and status of various properties.

Fire Dept Reports

Davis explained that the March Fire Department reports and April minute are provided for your review and information.

US Cable PEG Fees

Davis explained that US Cable notified the City of East Bethel on Thursday, March 10, 2011 that per the cable franchise agreement with the City that PEG fees had not been billed for the period of March 1, 2008 through March 1, 2011. US Cable, through an accounting oversight, has never implemented these charges. The PEG fees as shown in the attachment are to be used solely to fund the cable access channel. Based on cable subscriptions for this term, \$12,828.20 in PEG fees have not been collected by US Cable for distribution to the City during the period listed above. US cable has agreed to pay the City \$12,828.20 and proposes to amend the PEG section of the franchise agreement to permit and additional \$0.35 per customer/month charge be added to the existing PEG fee structure for the next 39 months. This would bring the total PEG fee to \$0.75 per customer/month through August 2014 at which time the fee would be reduced to \$0.40 per customer through February 29, 2016.

Staff recommends approval of the amendment of the PEG fee section of the US Cable franchise agreement to increase the PEG fee as specified and US Cable's agreement to pay the City \$12,828.20 for uncollected PEG fees for the period of March 1, 2008 to March 1, 2011.

Boyer asked why is this our problem that they didn't charge for it, and why should we allow them to charge East Bethel residents more money. Davis said it is money they would have charge to pay us money. Moegerle said it says in the agreement we have with them that they have the right to itemize and pass through the access fees. She said they had the right to do it and they didn't so she has a problem with them doing this now. DeRoche said they didn't charge it so too bad. Vierling said it is a value judgment. DeRoche said he watched the rates go from 9.95 to 24.95 for basic cable and if want anything else it is more.

Davis said it is a Council prerogative. Moegerle said if we don't go this way, how soon are we going to get the money, or will this be a battle. Vierling said you are owed the money. Boyer said if they don't pay isn't their agreement null and void. Vierling said if they don't pay, there are putting their franchise at risk. Moegerle said she is looking at page 135 of the packet and it looks like they would be overcharging. Davis said the extra .35 cents would extend, they still haven't collected any of these fees to this date. Moegerle said under the first agreement they still have to pay us the access fees whether they collected it or not. Davis said that is correct. Boyer asked how long does the agreement run. Davis said until 2016. Boyer said it would be more amenable if they split it over the remaining months of the contract agreement. Davis said so reduce it some. He said he doesn't want to speak for them, but he is sure they wouldn't object to that. Moegerle said the total is around \$13.65 per person. She said her thought is if they paid us, said here is your money and then asked now can you give us a little, she would have been much more amenable to this. Moegerle said if they are holding our money we are entitled to she is not disposed to doing this. Boyer said cut us a check and we will revisit this.

Moegerle said so we are directing staff to tell US Cable to pay us and then we will consider an amendment.

Boyer made a motion to table the request for an amendment of the PEG fee section of the US Cable franchise agreement to increase the PEG fee as specified and US Cable's agreement to pay the City \$12,828.20 for uncollected PEG fees for the period of March 1, 2008 to March 1, 2011 for 30 days. Lawrence seconded; all in favor, motion carries.

GRE Report

Davis explained that Staff is in the process of selecting a list of consultants in the field of power line location projects to review the GRE CUP and provide comment and recommendation on the alignment of the project. Based on referrals from firms that have experience in this field and from searches by staff, 4 individuals were selected as potential candidates:

1. Carl Overland with Legalelectric, Inc.
2. Bill Neuman
3. Larry Schedin, P.E.
4. Joel Jamnik with Campbell Knutson

In discussions with these individuals and recommendations from their prior work, staff provides the following ranking for selection of their services:

1. Larry Schedin
2. Joel Jamnik
3. Carrol Overland
4. Bill Neuman (Mr. Neuman was unresponsive to our request for information)

Davis said the City planner and I interviewed Mr. Schedin and we recommend retaining him as a

consultant. He said the cost is between \$10,000 and \$12,000 and we do have funds available in the budget under Parks – Professional Service Fees. Boyer said GRE was responsible to pay this. Davis said that was for the workgroup. Vierling said he will see if that is possible. Davis said if it is not possible, we do have funds available in professional service fees in parks; Cedar Creek will not be using this. He said we need to be very aggressive on this; we only have 60 days to complete this review.

DeRoche made a motion to approve the hire of Mr. Larry Schedin to review the CUP submission by GRE and recommend other comparable alternate alignments for this project at a cost not to exceed \$12,000. Boyer seconded. Boyer said he would like to reconvene the GRE workgroup. He said he would like to have a meeting before April 28th. **All in favor, motion carries.**

Boyer made a motion to reconvene the GRE Workgroup and schedule a meeting prior to April 28, 2011 to meet with Mr. Larry Schedin. Lawrence seconded; all in favor, motion carries.

RFPs for Legal Services

Davis explained that RFPs for City Attorney and Prosecuting Attorney were received on Friday, March 18th at 3:00 p.m. Twenty RFPs were mailed or e-mailed to firms from a list developed by the City. Eight firms responded to the notice from either the legal advertisement in the Anoka Union or from the notice on the City and League of Minnesota City's website.

We received 10 proposals and these were forwarded to City Council for evaluation. At the April 20, 2011 City Council meeting, Council decided to forward their top 3 choices for civil and prosecution services to the interim City Administrator. The interim City Administrator was instructed to compile a listing of the top 3 firms in each category and present this information to City Council.

The RFPs submissions are listed and a tabulation of preferences for Civil and Prosecution and a schedule for interviews.

Moegerle asked is it anticipated that we will have two different attorneys handling the civil and prosecution. She said say we go with one firm, it is a given that two different attorneys do the civil and prosecution. Vierling said it depends, if you appoint a firm you will probably have a team that will provide services, such as employment law, HR Issues, things of that nature. Moegerle said she was wondering if we have four law firms, could we just have two law firms each night for their array of services. Vierling said he doesn't think it makes a difference for the firms. Boyer said to him 45 minutes is long. Davis said it is your prerogative how you want to set this up. Moegerle said part of it is whether it is logical to have civil and prosecution separated. She said she would be inclined to see a law firm once. Boyer said he would be okay for that. He said for those that want to interview for both, give them an hour. Interviews will be set for May 11th at 6:00 p.m. for one interview prosecution interview, and May 12th at 6:00 p.m. for the other three interviews.

Council Member Report – DeRoche

DeRoche said the lakes are open, it is that time of the year, be careful. He said and the Fire Department is still finishing up their EMT stuff.

Council Member Report - Boyer Council Report

Boyer said he is going to whine about today's snow, he thinks this is an outrage that this would happen on April 20th.

Moegerle said we have some about progress on Website Workgroup; we will be doing a survey

April 20, 2011
- Moegerle
Council Report
- Lawrence

at the Town Hall Meeting. She said and support your local community center.
Lawrence said he doesn't have much, just that we got the skunks under control.

Adjourn

DeRoche made a motion to adjourn at 9:42 PM. Boyer seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

**EAST BETHEL CITY COUNCIL MEETING
LOCAL BOARD OF APPEAL AND EQUALIZATION**

April 20, 2011

The East Bethel City Council Local Board of Appeal and Equalization meeting was held on April 20, 2011 at 6:30 P.M on City Hall.

MEMBERS PRESENT: Bill Boyer Bob DeRoche Richard Lawrence
 Heidi Moegerle

MEMBERS EXCUSED: Steve Voss

ALSO PRESENT: Jack Davis, Interim City Administrator
 Rita Pierce, Fiscal and Support Services Director
 Mark Vierling, City Attorney
 Ken Tolzmann, City Assessor
 Mike Sutherland, Anoka County

Mayor Lawrence called the meeting to order at 6:32 PM.

Moegerle made a motion to adopt the April 20, 2011 Local Board of Appeals and Equalization Agenda. DeRoche seconded; all in favor, motion carried.

Richard asked for the Assessor's report. Tolzmann said good evening and welcome to the East Bethel Board of Appeal and Equalization. He said he is the East Bethel City Assessor and here for Anoka County is Mike Sutherland.

Tolzmann said since the City appointed me as your Assessor, it has been his responsibility for establishing your market value. He said he has prepared this 2011 Assessment Report for use by the City Council and Residents. The Assessment Report includes general information about both the appeals and assessment process, as well as specific information regarding the 2011 assessment.

Tolzmann explained that Minnesota Statutes establish specific requirements for the assessment of property. The law requires that all real property be valued at market value, which is defined as the usual or most likely selling price as of January 2, 2011. The estimated market values established through the 2010 assessment are based upon actual real estate market trends of City of East Bethel properties taking place from October 1, 2009 through September 30, 2010. From these trends our mass appraisal system is used to determine individual property values. Property owners who have questions or concerns regarding the market value set for their property are asked to contact me prior to this meeting. This allows me the opportunity to answer any questions they might have. He has found that a large number of property owner concerns can be resolved by discussion. If he is unable to resolve a property owner's concerns regarding their market value, the appeal can be brought to this local Board of Appeal and Equalization.

Tolzmann said as previously mentioned, State Statutes require all real property within the City of East Bethel to be valued at market value as of the January 2nd assessment date. The 2011

assessment has met all assessment standards set by the State of Minnesota. Statistically, based upon the 52 qualified sales within the City during this sales period, and after value adjustments made accordingly by zone, the final result was an assessment that qualifies as “excellent” in the eyes of the Minnesota Dept. of Revenue with a median of 96.1 and a coefficient of dispersion of 6.4, and a Price Related Differential of 101.

Changes made to this 2011 assessment from the 2010 assessment were as follows:

Commercial/Industrial land was adjusted by – 10%

All residential buildings were adjusted on a countywide basis

Adjustments to land zones were as follows:

Zone 1 (Ag land) - 5 % market. Green Acres Tillable +10% (per Revenue Dept)

Zone 2 (Res 10 ac +) no change

Zone 3 (Res 5 – 9 ac) no change

Zone 4 (Res 2 – 4 ac Avg Quality) no change

Zone 5 (Res 2 – 4 ac Good Quality) -10 %

Zone 6 (Res 1 – 2 ac) no change

Zone 7 (Coon Lake Beach) - 25 %

Zone 8 (Lakeshore) no change

Tolzmann said we saw the overall estimated market value of the City drop by 3.5% for this 2011 Pay 2012 assessment, considerably less than the -11% last year. Presently there are 14 qualified sales of record for next year’s assessment, with a median sales price of 97.4%. If this present trend continues, the need for modifications to market values in the City will again be minimal.

Tolzmann said as your City Assessor, it is his priority to represent your community with utmost dignity and respect, and to make every property owner feel as though they are being heard. Obviously, he is not able to tell everyone just what they want to hear, but it is his hope that through explanation, and discussion, there can be a better understanding. If there are any questions from members of the City Council or City Staff, or City Residents, please do not hesitate to call him. He would like to take this opportunity to thank the City of East Bethel for allowing him the privilege of serving as your City Assessor. He can assure you that he takes the responsibilities of those duties most seriously.

Tolzmann said if you or anyone has questions relating to property tax assessment, he would be most pleased to discuss these issues with you. You can reach him at his office during regular business hours. He said the current assessment we are here for tonight is the 2011 assessment which won’t be payable until 2012. Tolzmann said this gives our City and County the opportunity to do the budgeting process this summer and fall then hold budget hearings in the fall. He said then in November, all that information will be put together and residents will be sent a Truth in Taxation Notice which is a good faith estimate on what their taxes are proposed to be for 2012.

Bud Flagstad of 3200 229th Avenue NE asked so there were 128 sales in East Bethel. Tolzmann said total transfers. He said there were 52 that we used to drive the values. Flagstad said it is amazing that we had more than double the amount than last year. Tolzmann said last year we had 36 good sales. Flagstad said with gas prices he would think that people would shy away from moving up here.

Tolzmann said he had one property owner, Mr. Vince Charles, that is not requesting any action tonight, but he met with him and Tolzmann felt his valuation was appropriate, but Mr. Charles wants to be on the list so he can go to the County Board which is June 14th. He said so we need Council to make a motion to take no action on these properties that Mr. Charles owns so it can be taken to the County board.

DeRoche made a motion to not take action on the appeal made by property owner Vince Charles, PINSs 32 33 23 42 0005, 32 33 23 42 0006, 32 33 23 13 0015 and direct this appeal to the Anoka County Board on June 14, 2011. Moegerle seconded; all in favor, motion carries.

Boyer made a motion to adjourn the meeting at 6:38 PM. Moegerle seconded; all in favor, motion carries

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

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

RESOLUTION NO. 2011-14

**RESOLUTION ACKNOWLEDGING THE DONATION FROM
HAKANSON ANDERSON ASSOC., INC.**

WHEREAS, the City of East Bethel has received a donation of four Minnesota Twins Tickets valued at \$108.00 from Hakanson Anderson Assoc., Inc. to be used towards the Family Fun Night scheduled for 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 Minnesota Twins Tickets valued at \$108.00 from Hakanson Anderson Assoc., Inc.

BE IT FURTHER RESOLVED THAT: the City Council of the City of East Bethel expresses its thanks and appreciation to Hakanson Anderson Assoc., Inc. for the Minnesota Twins Tickets for Family Fun Night.

Adopted this 4th day of May, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, Interim City Administrator



Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
 444 Cedar St./Suite 222
 St. Paul, MN 55101-5133
 (651) 201-7507 FAX (651) 297-5259 TDD (651) 282-6555



**APPLICATION AND PERMIT
 FOR A 1 DAY TEMPORARY CONSUMPTION & DISPLAY PERMIT**

(City or county may not issue more than 10 permits in any one year)

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION <i>Cedar East Bethel Lions</i>		DATE ORGANIZED <i>2-18-1977</i>	TAX EXEMPT NUMBER <i>2742385</i>	
STREET ADDRESS		CITY <i>Cedar</i>	STATE <i>MN</i>	ZIP CODE <i>55011</i>
NAME OF PERSON MAKING APPLICATION <i>Tim Hoffmann</i>		BUSINESS PHONE		HOME PHONE <i>3</i>
DATE SET UPS WILL BE SOLD <i>July 16, 2011</i>		TYPE OF ORGANIZATION <input checked="" type="checkbox"/> CLUB <input type="checkbox"/> CHARITABLE <input type="checkbox"/> RELIGIOUS <input type="checkbox"/> OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME <i>Guy Johnson</i>		ADDRESS		
ORGANIZATION OFFICER'S NAME <i>Greg Ricker</i>		ADDRESS		
ORGANIZATION OFFICER'S NAME <i>Jess Dutcher</i>		ADDRESS		

Location where permit will be used. If an outdoor area, describe

Booster West 22266 Palisade St NE

APPROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO LIQUOR CONTROL

CITY/COUNTY _____

DATE APPROVED _____

CITY FEE AMOUNT _____

PERMIT DATE _____

(Not to exceed \$25)

DATE FEE PAID *0*

SIGNATURE CITY CLERK OR COUNTY OFFICIAL

APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the permit for the event

PS-09098(12/09)



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Change Order No. 1 – S.R. Weidema

Requested Action:

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

Background Information:

S. R. Weidema is requesting consideration of the attached change order due to the temporary suspension of the Phase 1 Project 1 Utility Improvements due to the inability to place orders and secure contracts with subcontractors. A majority of the cost is due to the increase in fuel costs for construction machinery and the High Density Polyethylene (HDPE) Pipe, which is a petroleum based product. Change Order No. 1 is attached. A summary of the Change Order costs are as follows:

1.	Machinery Fuel	\$215,566.69
2.	HDPE Pipe	\$113,102.70
3.	Structure Castings	\$ 3,378.52
4.	Piling and Grade Beam Construction	<u>\$ 47,861.55</u>
	Total	\$379,909.46

Attachment(s):

1. Change Order No. 1

Fiscal Impact:

Funds available from the bond proceeds which are intended to finance this project along with the water tower, wells, and water treatment plant include reserve funds of \$1.8 million. These funds are available and appropriate for this use.

Recommendation(s):

Staff recommends Council approve Change Order No. 1 to S.R. Weidema in the amount of \$379,909.46.

City Council Action

Motion by: _____

Second by: _____

Vote Yes:_____

Vote No:_____

No Action Required:_____

SECTION 00991 – CHANGE ORDER

(Instructions on reverse side)

No. 1

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

DATE OF ISSUANCE: 4/25/11

EFFECTIVE DATE: 5/4/11

OWNER: City of East Bethel

ENGINEER'S Project No.: C12.100028

CONTRACTOR: S.R. Weidema, Inc.

ENGINEER: John K. Swanson, P.E.

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

Description:

Fuel Costs: Add Lump Sum: \$215,566.69 (Based upon fuel price quote presented on 4/22/11)

Increase Unit Prices Bid As Follows:

Item No.	Description	Bid Price	Increase	C.O. Unit Price	Bid Qty	C.O. Increase
114	21.6" O.D. HDPE DR 7	\$110.00/LF	\$13.80/LF	\$123.80/LF	2873LF	\$ 39,647.40
137	19.5" O.D. HDPE DR 11	\$ 75.00/LF	\$ 7.63/LF	\$ 82.63/LF	790LF	\$ 6,027.70
138	32" O.D. HDPE DR 11	\$150.00/LF	\$16.69/LF	\$166.69/LF	4040LF	<u>\$ 67,427.60</u>
					Subtotal	\$113,102.70
101	Sanitary Sew. Stand. Cast.	\$280.00/EA	\$16.18/EA	\$296.18/EA	13EA	\$ 210.34
102	Watertight Casting	\$1470.00/EA	\$90.84/EA	\$1560.84/EA	32EA	\$ 2906.88
196	Catch Basin Casting	\$562.00/EA	\$26.13/EA	\$588.13/EA	10EA	<u>\$ 261.30</u>
					Subtotal	\$ 3378.52
223	Gravity Sewer Piling Conc.	\$496.92/CY	\$15.03/CY	\$512.05/CY	1185CY	\$17,810.55
224	Gravity Sewer Piling Steel	\$ 1.00/LB	\$ 0.20/LB	\$ 1.20/LB	150,255LB	<u>\$30,051.00</u>
					Subtotal	\$47,861.55

Total Change Order #1 Estimated Amount: \$379,909.46

Note: Above Lump Sum and Unit Price Increases Include Sales Tax, Bond Cost, Allowable Mark Ups, etc.

Reason for Change Order:

Increased fuel and material prices between bid and lifting of suspensions. Inability of Contractor to place orders and secure quoted prices as bid.

Attachments: (List documents supporting change)

On File

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price <u>\$11,686,468.20</u>	Original Contract Times Completion Date : <u>7/31/12</u> days or dates Ready for final payment : _____ days or dates
Net changes from previous Change Orders No. ___ to No. ___ <u>\$N/A</u>	Net changes from previous Change Orders No. ___ to No. ___ <u>N/A</u> days
Contract Price Prior to this Change Order <u>\$11,686,468.20</u>	Contract Times prior to this Change Order Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates
Net Increase (Increase/Decrease/No Change) of this Change Order <u>\$379,909.46</u>	Net (Increase/Decrease/No Change) of this Change Order <u>0</u> days
Contract Price with all approved Change Orders <u>\$12,066,377.66</u>	Contract Times with all approved Change Orders Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates

RECOMMENDED:

APPROVED:

ACCEPTED:

By: 

Engineer (Authorized Signature)

By: _____
Owner (Authorized Signature)

By: 

Contractor (Authorized Signature)

Date: 4/25/11

Date: _____

Date: 4/27/11

EJCDC No. 1910C8-B (1990 Edition)

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

CHANGE ORDER

INSTRUCTIONS

A. GENERAL INFORMATION

This document was developed to provide a uniform format for handling contract changes that affect Contract Price or Contract Times. Changes that have been initiated by a Work Change Directive must be incorporated into a subsequent Change Order if they affect Contract Price or Times.

Changes that affect Contract Price or Contract Times should be promptly covered by a Change Order. The practice of accumulating change order items to reduce the administrative burden may lead to unnecessary disputes.

If Milestones have been listed, any effect of a Change Order thereon should be addressed.

For supplemental instructions and monitor changes not involving a change in the Contract Price or Contract Times, a Field Order may be used.

B. COMPLETING THE CHANGE ORDER FORM

Engineer initiates the form, including a description of the changes involved and attachment based upon documents and proposals submitted by Contractor, or requests from Owner, or both.

Once Engineer has completed and signed the form, all copies should be sent to Contractor for approval. After approval by Contractor, all copies should be sent to Owner for approval. Engineer should make distribution of executed copies after approval by Owner.

If a change only applies to Contract Price or to Contract Times, cross out the part of the tabulation that does not apply.

BIDDER'S LIST
City of East Bethel
2011 Utility Fire Vehicle
4/22/2011

Contractor	Bid Bond	Bid Amount
Kirvida	Not Provided	\$71,300
Rosenbauer	Yes, 5%	\$56,987

Received and Opened by:



Mark DuCharme, Fire Chief



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Utility Fire Fighting Vehicle Bids

Requested Action:

Consider awarding bid to the General Safety Fire Apparatus Company in the amount of \$56,987.00 for the Utility Fire Fighting Vehicle.

Background Information:

Bid specifications were approved by the Council at their March 16, 2011 meeting. The specifications were advertised in the City's official newspaper, on the City's web site and on the LMC web site. Bids were accepted on 11:00 am on April 22, 2011 and included the following:

Kirvida	\$ 71,300.00
General Safety Fire Apparatus	\$ 56,987.00

Staff has reviewed each bid proposal comparing the proposal to the specification to ensure each vendor met the specification.

Attachments:

1. Summary of bids received

Fiscal Impact:

This vehicle/project has been budgeted for in the current capital equipment fund. Should the award be made to General Safety Fire Apparatus in the amount of \$56,987.00, the bid award would be at the estimated project cost of \$65,000.00 which includes a topper for the truck and trailer. The topper and trailer have not been purchased at this time, but have been priced. The total project will not exceed the budgeted \$65,000.

Recommendation(s):

Staff recommends the acceptance of the General Safety Fire Apparatus's bid of \$56,987.00 and direction to execute the contract for purchase with an anticipated delivery 120 days from the date of the order. Under this proposal, the City will acquire the chassis through the state contract price and pay for the chassis upon delivery to the vendor.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

City Administrator

Requested Action:

Consider the appointment of the interim City Administrator to the full time position as City Administrator.

Background Information:

Jack Davis was appointed interim City Administrator on March 2, 201. At this time it was agreed by Mr. Davis and City Council that this position would be evaluated in 60 days to determine if Mr. Davis and the City Council would be interested in having Mr. Davis filling this position on a permanent basis. Attached are the minutes of March 2, 2011 meeting that outline the discussion on this matter.

The 60 day term for the interim appointment of Mr. Davis will expire on May 2, 2011. Mr. Davis is seeking direction for his duties and is requesting appointment to the position. Mr. Davis requests the following in relation to the appointment:

1. An annual salary of \$118,000;
2. The appointment would require no probationary period nor be subject to any probationary review;
3. City Council would approve an employment agreement for this position for Mr. Davis that is mutually satisfactory to both parties by June 1, 2011. The appointment would become effective at the approval of the agreement; and
4. Approval to advertise for a new Public Works Manager at a salary which would range from \$75,000 to 90,000 depending on qualifications and experience.

Attachments:

1. March 2, 2011 minutes

Recommendation(s):

The interim City Administrator is requesting appointment to the position of City Administrator as per the terms described above. If Council desires to pursue other options for this position the Interim City Administrator/Public Works Manager requests reassignment to his previous position as Public Works Manager as per Council directive as described in the minutes of the March 2, 2011 meeting (see attachment).

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

He said you tell me what it says. Moegerle asked if the letter is attorney client privileged or if it can be read in open session. Boyer said you are not playing that game with me, give me the letter, he will read it. He said he watched what you did to Doug Sell you bastards.

Vierling advised Council to take a break. Council took a five minute recess.

Lawrence said he apologizes. He misread the information from the letter. Voss said you publicly accused me of being unethical. He said with all due respect the apology is not accepted. Lawrence said so noted. Boyer said he notes that he has not been apologized to, funny; he was thrown under that damn bus too. He said and he wants to not that this gentleman that is our interim city administrator, advised all of you during your campaign and also note that Senator Jungbauer is a member of Landform's firm who you are handing out contracts to. Boyer said and you want to come back and accuse us of being unethical, this is the biggest load of crap he has ever heard. He said he has sat here and taken this crap from you for months now. Lawrence said and he has to take this from you. Boyer said it is alright for you guys to dish it out, but it isn't alright for anyone that doesn't agree with you, two minutes, two minutes, two minutes, but someone that does agree with you can talk for, like Christine on the 16th. Moegerle said she doesn't know about anyone else, but Mr. Schaaf did not advise her during any campaign, she did not meet him until sometime deep in November if not December. She said so it would be nice if you got your facts straight and you can apologize to her as well. Lawrence said he will apologize, but it wasn't accepted by Mr. Voss and so he didn't think you would accept it either. Boyer said that was a serious accusation. Moegerle said imputing my parentage is a serious issue as well. Lawrence said we have a motion, call for a vote. **Boyer and Voss, nay; Moegerle, DeRoche and Lawrence, aye, motion carries.** Schmidt said he would like to ask a question. He asked how does this affect the portion of the contract with MCES, because we have intimate knowledge of constructing the pipeline and the cost savings that would benefit from that as well. Vierling said under the terms of the contract the City will have to notify Met Council and they will have to indicate either if they concur or do not. Schmidt said we are still looking at concept of water treatment facility, just so you know he disagrees with pretty much everything that was said about it and he has very good technical reasons for doing so, he believes at the last meeting there was discussion that Jochum and I would be working on this issue and we would be bring back a report and we can work on all these issues, that quite frankly are just not correct. He said he is wondering if he is supposed to continue the process or not with Jochum. Schaaf said he motion was to suspend your work; Council gave staff direction to stop all work. Schmidt said so with the exception of the work with Met Council he is supposed to stop all work further work with the City of East Bethel. Schaaf said right.

Res.
Concluding
Mtg. at 11PM

Moegerle made a motion to suspend the resolution that concludes the City Council meeting at 11:00 p.m. Lawrence seconded. Boyer said you can't do this. **DeRoche, Lawrence, Moegerle, Lawrence, aye; Boyer, nay; motion carries.**

Transition to
New City
Administrator

Schaaf said based on the comments made by the residents tonight, in the last 48 hours we have had a lot of discussion and have come up with a proposal. He said there has been an interest by the public works director to possibly serve as the city administrator; he would like to serve for 60 days to see if this would be a good fit. Schaaf said so we are proposing a job share. He said we would work together for those 60 days and see if this works and in the end of those 60 days; Council would be faced with doing two things. Schaaf said if Davis and Council decide this is a good thing, then Council could look for a new public works

director. He said if doing it the other way, you might end up with the administrator of the month situation, might have trouble finding someone who wants to attend meetings such as you had tonight. Schaaf said we are not a large city, only 13,500, you are not a sought after City as far as size goes, and you were paying top dollar, if you pay less then you will get less. He said it is not fair for the public works director to do two jobs and get the same pay. Schaaf said so we are proposing to take \$25,000 from my pay and annualize to his pay for 60 days.

Davis said he would hope to be a bridge and get us through some times. He said he would like to get us past some issues that are confining us. Davis said this 60 days would be a time for both us to find out if he is the kind of person you want for city administrator. He said at the end of 60 days we can evaluate each other and see how we feel.

Voss made a motion to appoint Jack Davis as interim city administrator for a period 60 days at which time or time before, if Mr. Davis decides it is not a right fit, we can make a different decision with the understanding that if Mr. Davis is not made the permanent city administrator he will retain his role with the City as the public works director. DeRoche seconded. DeRoche amended the motion to make a transfer of salary from the acting city administrator of \$25,000 annualized to Mr. Davis's salary while serving as the interim city administrator. Voss said he does not accept the amendment. He said to be clear this is the interim city administrator. Voss said salaries are public information, right. He asked Davis what his salary is. Davis said \$90,000. Voss asked him if he was comfortable with that on an interim basis. Davis said during an interim basis, the last time sheet he turned in had 133 hours, he is no stranger to long hours, but he feels there should be some additional compensation. **Voss amended his motion to supplement Mr. Davis's salary by \$25,000 annualized while he is the interim city administrator.** This is coming out of the general fund, has nothing to do with Mr. Schaaf. Schaaf said we would like to have the Council act on our proposal. Vierling said you have a motion and second on the floor. Voss said if there is an amendment for a time of transition he is open to that. He said but you cannot have two leaders, we will get even more dysfunctional. **Voss amended his motion to allow a transition for 30 days.** DeRoche said he would go with 60 days. Voss said Schaaf has been in this position for less than 60 days, Davis have been with the city for more than 5 years. DeRoche asked Davis to elaborate on his background. Davis said he was city administrator for Prescott, WI., public works manager for four county service authority in Virginia and part of those duties we did roving type town manager assignments duties for smaller cities and towns. He said as far as 30/60 days time, don't think 60 days is unreasonable, 30 days is doable. **Voss amended his motion as follows: Mr. Schaaf serve as consultant to Mr. Davis as Mr. Davis sees fit in terms of how much support you need from him in a consulting standpoint.** Voss said so 30 days from now wheels may be churning fine. Moegerle asked Davis are you willing to step in at this time. Davis said his main concern is being able to serve as both roles was to make sure he could accomplish both at the same time. Moegerle asked is there a chance you want to be the public works director after this. Davis said there is a chance the Council might want him to be. Voss said there is a potential he might fit the long term goals. Boyer said that is exactly why he is against this, process needs to be followed. He said you put out

RFPs, hire a firm such as Springsted, and do the due process. Voss said if we end up going through the search process, if this doesn't work, we can get this City back on some semblance of organization, that not only will Council work with and understand and see that we can get things done, but also for the public. He said in 60 days we might take another route, but a route that the council may have to give in. DeRoche said at some time this council is going to have to get along. **DeRoche seconded the amendment. Moegerle, nay; Boyer, DeRoche, Lawrence, Voss, aye; motion carries.**

City
Administrator
Update

Schaaf said at the request of a Council Member or two, we have information on temporary signs. Boyer said you have to enforce the ordinance until it is changed. Voss said if Council wants to bring up at a meeting, they will bring it up.

Schaaf said he had a meeting with Davis and the county highway engineer relative to Co. Rd. 22 and a service road on contract for this year to connect with Sims Road and in doing so signs could be put up to prohibit left turns. Davis said the service road is currently under design, will be bid May/June, and we hope to have it done by fall. He said we brought this up to the county engineer and hope to have future discussions about bringing money back into the City.

Schaaf said he had a call from the state auditor, and she raised issues that were previously raised at Council meetings. He said he thinks she was well satisfied after the discussion.

Schaaf said there was a concern raised about overtime. He said Council eliminated a position and some duties have been shifted among staff particularly the deputy clerk. Schaaf said also she has had some data requests, one of them from the Anoka Union and others in process. He said along that line there should be discussion about reorientation of City staff and economic development so we can make those hook ups.

Schaaf said in terms of Council minutes, he would like to suggest that you got to a private service, not have deputy clerk do it. He said you need to get away from verbatim minutes. Schaaf said the League of Minnesota Cities has some recommendations on this.

Schaaf said the hockey association was late on their payment. He said Matt from the ice rink, and me and the Mayor sat down with them and they said they would make payment. Schaaf said they had concerns about hours and if they buy an hour of prime time then they have to buy two hours of none prime time. He said we are working with them on that.

Schaaf said in light of everything that has happened tonight at this meeting, he would strongly recommend that Council think about goal setting and he would be happy to bring back something on that.

Council
Reports -
Moegerle

Moegerle said she attended Newly Elected Council training and there were concerns about how we are going to work together. She said she would like to have a website work group formed, find out about costs of a software update, the website hasn't been updated since 2001. Moegerle said she would like this on the next agenda and the Comp Plan review.

Council
Reports -

Voss said as far as the meeting items that Schaaf just spoke about he should give those to Davis to work on. He said we have a new Met Council, Edward Reynoso, from Ham Lake.



City of East Bethel City Council Agenda Information

Date:

May 4, 2011

Agenda Item Number:

Item 9.0 C

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 (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 (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:

May 4, 2011

Agenda Item Number:

Item 9.0 D

Agenda Item:

Closed Session – Land Acquisition

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding land acquisition for Phase 1 Project 1 Utilities Project.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05 Subd 3 (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 (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:

May18, 2011

Agenda Item Number:

Item 9.0 D

Agenda Item:

Closed Session – Land Acquisition

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding land acquisition.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05 Subd 3 (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 (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:

May 4, 2011

Agenda Item Number:

Item 9.0 E

Agenda Item:

Closed Session MBI Settlement

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding the MBI 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 settlement suit.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

East Bethel Easement Summary
29-Apr-11

Parcel I.D.	Owner	Temp Easement Area (SF)	Temp Easement Area (Ac)	Perm Easement Area (SF)	Perm Easement Area (Ac)	Temp Appraised Value (\$)	Perm Appraised Value (\$)	Total Appraised Value (\$)	Agreeable Temp Payment (\$)	Agreeable Perm Payment (\$)	Agreeable Total Payment (\$)	City Total Payment (\$)	MCES Total Payment (\$)
1	T & G Land, Inc.	147,713	3.391	35,457	0.814	\$27,458	\$17,729	\$45,187	\$27,458	\$17,729	\$45,187	0.00	45,187.00
2	Muller Prop of E Bethel LLC	37,397	0.859	11,194	0.257	\$12,513	\$10,075	\$22,588	\$12,513	\$10,075	\$22,588	0.00	22,588.00
3	Muller Prop of E Bethel LLC	28,750	0.660	10,350	0.238	\$9,620	\$9,315	\$18,935	\$9,620	\$9,315	\$18,935	0.00	18,935.00
4	Muller Prop of E Bethel LLC	28,750	0.660	10,350	0.238	\$9,620	\$9,315	\$18,935	\$9,620	\$9,315	\$18,935	0.00	18,935.00
5	Muller Prop of E Bethel LLC	13,800	0.317	20,700	0.475	\$4,617	\$18,630	\$23,247	\$4,617	\$18,630	\$23,247	0.00	23,247.00
6	Muller Prop of E Bethel LLC	9,411	0.216	13,969	0.321	\$3,499	\$13,969	\$17,468	\$3,499	\$13,969	\$17,468	0.00	17,468.00
7	River Country Cooperative	2,941	0.068	0	0	\$1,093	\$0	\$1,093	\$1,093	\$0	\$1,093	0.00	1,093.00
8	Village Bank	7,673	0.176	0	0	\$2,282	\$0	\$2,282	\$2,282	\$0	\$2,282	0.00	2,282.00
9	CD Properties North LLC	15,108	0.347	0	0	\$4,213	\$0	\$4,213	\$4,213	\$0	\$4,213	2,949.10	1,263.90
10	Able Property Management Inc	60,105	1.380	8,895	0.204	\$9,497	\$3,780	\$13,277	\$9,497	\$8,503	\$18,000	18,000.00	0.00
11	David W. Jahnke	315,238	7.237	119,178	2.736	\$5,860	\$5,959	\$11,819	\$5,860	\$11,918	\$17,778	5,333.40	12,444.60
12	Carnival Products Corp	331,151	7.602	131,648	3.022	\$6,156	\$6,582	\$12,738	\$6,156	\$13,164	\$19,320	5,796.00	13,524.00
13	Earl and Laverne Anderson	132,736	3.047	72,998	1.676	\$6,168	\$9,125	\$15,293	\$6,168	\$9,125	\$15,293	4,587.90	10,705.10
14	Timothy S. Landborg	39,000	0.895	4,500	0.103	\$12,687	\$3,938	\$16,625	\$12,687	\$3,938	\$16,625	4,987.50	11,637.50
Totals:		1,169,773	26.854	439,239	10.084	\$115,283	\$108,417	\$223,700	\$115,283	\$125,681	\$240,964	41,653.90	199,310.10

Parcels 1-8 Are Met Council Only Parcels

City: 0.0%
 Met Council: 100.0%

Parcel 10 is a City Only Parcel

City: 100.0%
 Met Council: 0.0%

Cost Share on Parcel 9:

City: 70.0%
 Met Council: 30.0%

Cost Share on Parcels 11-14:

City: 30.0%
 Met Council: 70.0%

 - Denotes Parcels Still Under Price Negotiation

 - Denotes Met Council Only Easements

 - Denotes City Of East Bethel Only Easements

 - Denotes Combined City and Met Council Easements



PUBLIC FORUM SIGN UP SHEET

May 4, 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

Mayor Richard Lawrence and Members of the City Council
City of East Bethel
2241 221st Street
East Bethel, MN 55011

Re: Public, Education and Government (“PEG”) access fee (“PEG Fee”) per the Franchise (“Franchise”) between the City of East Bethel, MN (the “City”) and US Cable of Coastal-Texas, L.P. (“US Cable”).

Dear Mayor Lawrence and Members of the City Council,

Attached please find a check in the amount of \$12,828.20 in full and complete settlement of US Cable’s PEG Fee obligation prior to June 1, 2011 (“PEG Payment”). We apologize for any confusion regarding this payment and would appreciate your signature below acknowledging receipt of same.

For your information, US Cable is implementing the PEG Fee going forward by providing notice to its subscribers that the PEG Fee shall be \$.75 per subscriber per month effective on or about June 1, 2011 through September 1, 2014. \$.40 cents per subscriber per month shall be payable on a quarterly basis to the City per the Franchise and \$.35 per subscriber per month shall be payable to US Cable to recoup the PEG Payment. On or about September 1, 2014, the PEG Fee shall be reduced to \$.40 cents per subscriber per month and continued thereafter at that amount until February 29, 2016 per the Franchise. The PEG Fees will be collected by US Cable from subscribers in accordance with applicable law.

If you have any questions or comments, please do not hesitate to contact me directly. Thank you for your consideration.

Sincerely,

Steve Johnson, State Manager
US Cable

Acknowledgement

On behalf of the City of East Bethel, we have received Check #_____ in the amount of \$12,828.20 in full and complete settlement of US Cable’s PEG Fee obligation prior to June 1, 2011.

By: _____
Date: _____