

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: March 16, 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**
- 7:33 PM **4.0 Presentations**
Page 1 A. Sheriff's Report
Page 2 B. Karen Skepper - ACHRA
- 8:03 PM **5.0 Public Forum** (Please limit your comments to 3 minutes per person)
- 8:13 PM **6.0 Consent Agenda**
Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration.
Page 5-9 A. Approve Bills
Page 11-33 B. Meeting Minutes, March 2, 2011 Regular Meeting
Page 34-41 C. IUP Renewal/Home Occupation, 2100 Deerwood Lane - Terry Hartin
Page 42 D. Approve 2:00 AM License for Route 65 Pub & Grub
Page 43-52 E. Resolution 2011-10 Recommending Approval of Gambling Premise Permit for CHOPS, Inc at Hunters Inc.
Page 53-62 F. Approve Advertisement of Bids for Fire Department Utility/Pickup Truck
- New Business**
- 7.0 Commission, Association and Task Force Reports**
- 8:15 PM A. Planning Commission
Page 63-77 1. IUP/Home Occupation, 18333 Yancy Street NE – Stephen VanKrevelen
- 8:25 PM B. Park Commission
Page 78-82 1. Meeting Minutes, February 9, 2011
- 8:28 PM C. Road Commission
Page 83-88 1. Meeting Minutes, February 8, 2011
- 8.0 Department Reports**
- 8:30 PM A. Engineer
Page 89-95 1. Booster East/Cedar Creek Trail Project
Page 96-109 2. RFPs for Construction Administration for Municipal Services
Page 110-111 3. Change Order No. 1 – Elevated Storage Tank
Page 112-117 4 Pay Request – Municipal Builders, Inc.
- 9:00 PM B. Attorney (**No Report**)
C. Finance (**No Report**)
D. Public Works
Page 118-123 1. 2010 Joint Powers Agreement (JPA) Street Maintenance Projects
- 9:15 PM E. Planning and Inspection/Code Enforcement

- Page 124-128 1. Code Enforcement Report
- Page 129-130 2. Comprehensive Plan Review – Set Meeting Date
- 9:45 PM 3. Farmer’s Market
- Page 131-136 F. Fire Department
- 9:50 PM 1. February Reports
- Page 137-138 G. City Administrator
- Page 139 1. Public Works Seasonal Employees
- Page 140-143 2. Website Work Group
- Page 144-147 3. Appoint City Clerk/Treasurer
- 4. US Cable PEG Fee

9.0 Other

- 10:20 PM A. Council Reports
- 10:30 PM B. Other

10:35 PM **10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 4.0 A

Agenda Item:

Monthly Sheriff's Report

Requested Action:

Information Only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X

CITY OF EAST BETHEL – FEBRUARY 2011

ITEM	FEBRUARY	JANUARY	YTD 2011	FEBRUARY YTD 2010
Radio Calls	326	345	671	638
Incident Reports	248	300	548	694
Burglaries	1	2	3	4
Thefts	10	17	27	28
Crim.Sex Cond.	0	1	1	2
Assault	2	0	2	4
Dam to Prop.	1	6	7	7
Harr. Comm.	2	5	7	4
Felony Arrests	2	1	3	4
Gross Mis.	1	0	1	1
Misd. Arrests	5	2	7	15
DUI Arrests	2	4	6	11
Domestic Arr.	3	2	5	2
Warrant Arr.	5	1	6	15
Traffic Arr.	46	61	107	165

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

ITEM	FEBRUARY	JANUARY	YTD 2011	FEBRUARY YTD 2010
Radio Calls	7	14	21	23
Incident Reports	7	11	18	27
Accident Assist	4	3	7	2
Veh. Lock Out	1	5	6	2
Extra Patrol	25	23	48	55
House Check	6	0	6	1
Bus. Check	18	23	41	21
Animal Compl.	1	6	7	13
Traffic Assist	2	4	6	19
Aids: Agency	63	55	118	174
Aids: Public	26	36	62	20
Paper Service	9	1	10	2
Inspections	0	0	0	0
Ordinance Viol.	0	0	0	2



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 4.0 B

Agenda Item:

Karen Skepper - ACHRA

Requested Action:

Information Only

Background Information:

Ms. Skepper will provide information on services the Anoka County EDA can provide the City of East Bethel.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X



Payments for Council Approval March 16, 2011

Bills to be Approved for Payment	\$455,835.95
Electronic Payments	\$25,117.70
Payroll City Staff - March 3, 2011	\$37,540.25
Total to be Approved for Payment	\$518,493.90

City of East Bethel

March 16, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
2005A Public Safety Bonds	Fiscal Agent's Fees	2810535	US Bank	301	30100	402.50
2005B 207th Serv Rd SA Bonds	Fiscal Agent's Fees	2810536	US Bank	303	30300	402.50
2008A GO SEWER REV BONDS	Fiscal Agent's Fees	2812364	US Bank	308	30800	425.00
Arena Operations	Bldgs/Facilities Repair/Maint	22111	Connexus Energy	615	49851	21.32
Arena Operations	Electric Utilities	22111	Connexus Energy	615	49851	3,854.70
Arena Operations	Gas Utilities	271950412	Xcel Energy	615	49851	3,720.11
Arena Operations	Professional Services Fees	31	Gibson's Management Company	615	49851	8,210.85
Arena Operations	Repairs/Maint Machinery/Equip	028-330145	Batteries Plus #28	615	49851	668.50
Arena Operations	Telephone	22811	Qwest	615	49851	110.81
Building Inspection	Motor Fuels	1876255	Lubricant Technologies, Inc.	101	42410	202.40
Central Services/Supplies	Information Systems	214461	City of Roseville	101	48150	2,009.58
Central Services/Supplies	Information Systems	40603	US Cable	101	48150	1,295.81
Central Services/Supplies	Legal Notices	IQ 01781962	ECM Publishers, Inc.	101	48150	251.13
Central Services/Supplies	Legal Notices	IQ 01781961	ECM Publishers, Inc.	101	48150	41.00
Central Services/Supplies	Office Equipment Rental	171684327	Loffler Companies, Inc.	101	48150	558.55
Central Services/Supplies	Office Supplies	10051	Norseman Awards	101	48150	128.25
Central Services/Supplies	Office Supplies	552934173001	Office Depot	101	48150	44.33
Central Services/Supplies	Office Supplies	553540332001	Office Depot	101	48150	76.01
Central Services/Supplies	Other Advertising	IQ 01781963	ECM Publishers, Inc.	101	48150	30.75
Central Services/Supplies	Repairs/Maint Machinery/Equip	10716	Wavs, Inc.	101	48150	150.00
Central Services/Supplies	Repairs/Maint Machinery/Equip	10711	Wavs, Inc.	101	48150	1,904.51
Central Services/Supplies	Telephone	22811	Qwest	101	48150	231.92
Engineering	Architect/Engineering Fees	27771	Hakanson Anderson Assoc. Inc.	101	43110	6,870.48
Fire Department	Bldgs/Facilities Repair/Maint	9447	Betz Mechanical, Inc.	101	42210	913.63
Fire Department	Bldgs/Facilities Repair/Maint	22111	Connexus Energy	101	42210	5.32
Fire Department	Dues and Subscriptions	2011	MSFCA	101	42210	185.00
Fire Department	Electric Utilities	22111	Connexus Energy	101	42210	767.05
Fire Department	Gas Utilities	271950412	Xcel Energy	101	42210	2,396.88
Fire Department	General Operating Supplies	17937	Minnesota Conway	101	42210	824.44
Fire Department	Motor Fuels	1876255	Lubricant Technologies, Inc.	101	42210	322.00
Fire Department	Motor Vehicles Parts	CS022211-1	Emergency Automotive	101	42210	158.20
Fire Department	Office Supplies	553393761001	Office Depot	101	42210	67.73
Fire Department	Office Supplies	553393693001	Office Depot	101	42210	73.99
Fire Department	Professional Services Fees	30111	City of East Bethel	231	42210	1,666.67
Fire Department	Small Tools and Minor Equip	20722	Ancom Communications	101	42210	1,695.64
Fire Department	Small Tools and Minor Equip	20795	Ancom Communications	101	42210	1,376.24
Fire Department	Telephone	22811	Qwest	101	42210	411.67
Fire Department	Travel Expenses	22811	Janet Haapoja	101	42210	27.50
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	16483	Menards Cambridge	101	41940	59.99
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	9436	Betz Mechanical, Inc.	101	41940	895.75
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14699	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-02-11	Premium Waters, Inc.	101	41940	39.56
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	116334	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	8540	Vogel Sheet Metal, Inc.	101	41940	4,580.00
General Govt Buildings/Plant	Electric Utilities	22111	Connexus Energy	101	41940	875.28
General Govt Buildings/Plant	Gas Utilities	271950412	Xcel Energy	101	41940	1,097.97
Housing & Redevelopment Autho	Legal Fees	8591	Hoff, Barry & Kozar, P.A.	230	23000	6,196.00
Human Resources	Professional Services Fees	347	Safe Assure Consultants Inc.	101	41810	2,975.00
Legal	Legal Fees	22811	Carson, Clelland & Schreder	101	41610	9,001.84
Legal	Legal Fees	110279	Eckberg, Lammers, Briggs,	101	41610	6,005.87
Mayor/City Council	Professional Services Fees	-642886	North Suburban Access Corp	101	41110	120.00
MSA Street Construction	Architect/Engineering Fees	27768	Hakanson Anderson Assoc. Inc.	402	40200	2,207.27

City of East Bethel

March 16, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
MSA Street Construction	Architect/Engineering Fees	27769	Hakanson Anderson Assoc. Inc.	402	40200	3,286.13
Park Maintenance	Bldg/Facility Repair Supplies	16483	Menards Cambridge	101	43201	38.95
Park Maintenance	Bldgs/Facilities Repair/Maint	1439	Aker Doors, Inc.	101	43201	76.12
Park Maintenance	Clothing & Personal Equipment	470605181	Cintas Corporation #470	101	43201	33.71
Park Maintenance	Clothing & Personal Equipment	470601663	Cintas Corporation #470	101	43201	27.76
Park Maintenance	Clothing & Personal Equipment	470598146	Cintas Corporation #470	101	43201	29.40
Park Maintenance	Clothing & Personal Equipment	470608750	Cintas Corporation #470	101	43201	35.62
Park Maintenance	Electric Utilities	22111	Connexus Energy	101	43201	1,536.53
Park Maintenance	Equipment Parts	1539-451686	O'Reilly Auto Parts	101	43201	41.20
Park Maintenance	Equipment Parts	1539-451499	O'Reilly Auto Parts	101	43201	32.05
Park Maintenance	Equipment Parts	1539-451522	O'Reilly Auto Parts	101	43201	12.87
Park Maintenance	Lubricants and Additives	N15850	Federated Co-ops	101	43201	200.00
Park Maintenance	Motor Fuels	1876255	Lubricant Technologies, Inc.	101	43201	276.00
Park Maintenance	Personnel/Labor Relations	132483	LexisNexis Occ Health Solution	101	43201	64.00
Park Maintenance	Safety Supplies	MNHAM21083	Fastenal Company	101	43201	200.00
Park Maintenance	Shop Supplies	225347	S & S Industrial Supply	101	43201	29.73
Payroll	Insurance Premium	40603	Fort Dearborn Life Insurance	101		851.18
Payroll	Insurance Premium	40603	MN NCPERS Life Ins	101		144.00
Payroll	Union Dues	40603	MN Teamsters No. 320	101		599.35
Planning and Zoning	Filing Fees	2020654	Anoka County Property Records	101	41910	46.00
Planning and Zoning	Professional Services Fees	382	GIS Rangers	101	41910	972.00
Planning and Zoning	Software Licensing	92303197	ESRI	101	41910	405.50
Police	Professional Services Fees	207976	Anoka County Treasury Dept	101	42110	269,274.50
Recycling Operations	Bldg/Facility Repair Supplies	16483	Menards Cambridge	226	43235	9.99
Recycling Operations	Electric Utilities	22111	Connexus Energy	226	43235	136.72
Recycling Operations	Gas Utilities	271950412	Xcel Energy	226	43235	303.82
Recycling Operations	Professional Services Fees	40603	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Travel Expenses	22811	Janet Haapoja	226	43235	17.00
Sewer Operations	Architect/Engineering Fees	27771	Hakanson Anderson Assoc. Inc.	602	49451	585.00
Sewer Operations	Auto/Misc Licensing Fees/Taxes	4400088009	MN Revenue	602	49451	1,450.00
Sewer Operations	Bldgs/Facilities Repair/Maint	22111	Connexus Energy	602	49451	24.53
Sewer Operations	Chemicals and Chem Products	3197381 RI	Hawkins, Inc	602	49451	3,512.99
Sewer Operations	Chemicals and Chem Products	3183762 RM	Hawkins, Inc	602	49451	-10.00
Sewer Operations	Electric Utilities	22111	Connexus Energy	602	49451	965.56
Street Maintenance	Bldgs/Facilities Repair/Maint	1439	Aker Doors, Inc.	101	43220	76.12
Street Maintenance	Bldgs/Facilities Repair/Maint	470605181	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	470608750	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	470598146	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	470601663	Cintas Corporation #470	101	43220	26.50
Street Maintenance	Bldgs/Facilities Repair/Maint	22111	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-02-11	Premium Waters, Inc.	101	43220	39.55
Street Maintenance	Bldgs/Facilities Repair/Maint	40946	SLP Machine, Inc.	101	43220	106.88
Street Maintenance	Clothing & Personal Equipment	470598146	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Clothing & Personal Equipment	470601663	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Clothing & Personal Equipment	470605181	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Clothing & Personal Equipment	470608750	Cintas Corporation #470	101	43220	46.24
Street Maintenance	Electric Utilities	22111	Connexus Energy	101	43220	1,489.34
Street Maintenance	Equipment Parts	4042059206	HSBC Business Solutions	101	43220	203.32
Street Maintenance	Equipment Parts	1539-451686	O'Reilly Auto Parts	101	43220	60.00
Street Maintenance	Gas Utilities	271950412	Xcel Energy	101	43220	1,447.14
Street Maintenance	Lubricants and Additives	N15851	Federated Co-ops	101	43220	711.64
Street Maintenance	Lubricants and Additives	N15850	Federated Co-ops	101	43220	866.76

City of East Bethel

March 16, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Lubricants and Additives	1539-451088	O'Reilly Auto Parts	101	43220	49.71
Street Maintenance	Lubricants and Additives	1539-451503	O'Reilly Auto Parts	101	43220	64.03
Street Maintenance	Motor Fuels	1876255	Lubricant Technologies, Inc.	101	43220	119.60
Street Maintenance	Personnel/Labor Relations	132483	LexisNexis Occ Health Solution	101	43220	128.00
Street Maintenance	Safety Supplies	MNHAM21083	Fastenal Company	101	43220	309.92
Street Maintenance	Shop Supplies	225347	S & S Industrial Supply	101	43220	30.00
Street Maintenance	Street Maint Materials	12200	Bjorklund Trucking	101	43220	777.52
Street Maintenance	Street Maint Materials	12201	Bjorklund Trucking	101	43220	1,555.03
Street Maintenance	Street Maint Materials	70641812	North American Salt Co.	101	43220	9,891.02
Street Maintenance	Telephone	22811	Qwest	101	43220	67.89
Street Maintenance	Travel Expenses	22811	Jack Davis	101	43220	126.48
Water Utility Capital Projects	Architect/Engineering Fees	138255	Bolton & Menk, Inc.	433	49405	10,035.50
Water Utility Capital Projects	Improvements Other Than Bldgs	Pay Est 1	Municipal Builders, Inc.	433	49405	63,574.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	22111	Connexus Energy	601	49401	26.67
Water Utility Operations	Connection Fee	2011	MN Dept of Health	601		267.00
Water Utility Operations	Electric Utilities	22111	Connexus Energy	601	49401	238.54
Water Utility Operations	Telephone	22811	Qwest	601	49401	108.37
						\$455,835.95

City of East Bethel

March 16, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments					
	PERA					\$5,521.95
	Federal Withholding					\$6,448.17
	Medicare Withholding					\$1,626.24
	FICA Tax Withholding					\$5,832.03
	State Withholding					\$2,683.33
	MSRS					\$3,005.98
						\$25,117.70



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 6.0 A-F

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, March 2, 2011 Regular City Council

Meeting minutes from the March 2, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

IUP Renewal/Home Occupation – 2100 Deerwood Lane – Terry Hartin

On March 17, 2009, City Council approved an IUP for a home occupation that allows handgun safety and permit to carry classes, and a class 1 Federal Firearms License to be conducted from the property at 2110 Deerwood Lane NE. A condition of the IUP is that it is valid until March 17, 2011, at which time, the IUP must be reviewed by City Council and City Council may extend the term of the IUP for up to three (3) years.

Mr. Hartin has remained in compliance with the approved IUP conditions and staff has not received complaints regarding the home occupation; therefore, staff is suggesting City Council extend the term of the IUP until December 31, 2013. If City Council approves the IUP extension, Mr. Hartin will be required to execute a new IUP Agreement. The current IUP Agreement has been attached for your review.

Item D

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

Route 65 Pub & Grub has submitted their application for an Optional 2:00 am Liquor License which requires the City Clerk’s signature before it can be sent to the Alcohol and Gambling Enforcement Division (AGED) for approval.

Item E

Resolution 2011-10 Recommending Approval of Gambling Premise Permit for CHOPS, Inc. at Hunters Inn
CHOPS, Inc. has made application for a premise permit for Hunters Inn. All application materials are complete.

Staff is recommending Council adopt Resolution 2011-10 Approving CHOPS, Inc. Premise Permit for Hunters Inn.

Item F

Approve Advertisement of Bids for Fire Department Utility/Pickup Truck

This truck is designed for support and rescue response and the total project will include a Topper, and Trailer for carrying specialty equipment to support rescue, hazmat, fire, and tow the rescue boat. The new truck will be housed at Station 1. These specifications have been written to attract several vendors and are not brand specific. However, compatibility with existing fire fighting and rescue equipment is necessary. The price of the new truck and equipment is estimated at \$65,000.

This vehicle will replace the 1981 25 foot Grumman step van, Utility 11 (this truck was bought in 1985, refurbished, and donated back to the City by the East Bethel Fire Department Relief Association in 1986). Upon receipt of the new truck, Utility 11 would be sold at auction.

The Equipment Replacement fund provides for \$65,000. It is anticipated that the sale of the old apparatus will net \$1,500. The total project will not exceed \$65,000. Again the complete project will include the Pickup Utility Truck, a topper and an enclosed trailer. The topper and trailer will be under separate bids.

Specifications for a Utility Fire Truck are included with this agenda item as Attachment 1.

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

March 2, 2011

The East Bethel City Council met on March 2, 2011 at 7:30 PM for their regular meeting at City Hall.

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

ALSO PRESENT: Dave Schaaf, Acting City Administrator
Mark Vierling, City Attorney
Craig Jochum, City Engineer
Jack Davis, Public Works Manager

Call to Order **The March 2, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Voss made a motion to adopt the March 2, 2011 City Council Agenda with the addition of 9.0 C – Closed Session – ACHRA Lawsuit Appeal and delete item 8.0 G.1 – Engineering Contract for Sewer and Water Project. Boyer seconded.** Moegerle said she is opposed to deleting item 9.0 G.1 Engineering Contract for City Sewer and Water Project. She said it is an important part of the sewer and water situation, think it is important to remain on agenda. Schaaf said he is withdrawing his recommendation. He said but we need to address situation. Lawrence asked what recommendation he is withdrawing. Schaaf said his recommendation has changed. He said what he put in the packet, on page 57, you can strike that. Voss said the recommendation is to hire Landform.

Voss asked then what your recommendation is. Moegerle asked what your substitute recommendation is. Schaaf said that the Bolton and Menk contract be terminated. Boyer said so again, you are changing the agenda three minutes into the Council meeting. Schaaf said it was his view that on January 5, 2011 the Council suspended the Bolton and Menk contract. He said and on the Saturday meeting they did not change the recommendation. Boyer said that is why we have tapes. Schaaf said we have reviewed the tapes and the contract is still suspended. Schaaf said so he is changing his recommendation. Voss said so your recommendation has changed, your recommendation was to appoint Landform. Schaaf said Council needs to make a clear decision, you just vote. He said you need to either lift the suspension or terminate the contract. Voss said it sounds like there will be a dispute in the minutes. Boyer asked is this an attempt to go behind the backs of 300 people, there is a dispute and now we are going to vote again, not when everyone is here. Lawrence asked for clarification of motion. Voss repeated his motion. Schaaf stated that Council could have a motion to divide the motion. Voss asked you want to split my motion up. Vierling said parliamentary procedure allows for the motion to be divided.

Moegerle made a motion to divide the motion. Lawrence seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.

Lawrence called for a vote on the motion to adopt the agenda with the addition of 9.0 C – Closed session ACHRA Lawsuit. All in favor, motion carries.

Lawrence called for a vote to amend the motion by deleting item 8.0 G.1 Engineering Contract for Sewer and Water. Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.

Boyer made a motion to delete item 8.0 G.2 City Administrator Update from the agenda. He said there is no explanation of what the agenda item is, there is nothing there. Schaaf said he wants to change this 8.0 G.3 and add Transition to New City Administrator 8.0 G.2. **Voss seconded. Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.** Boyer asked can we at least know what this is about. Schaaf said to him this is the same as Council Reports. Boyer said that is fine, we at least know what this is about, there is no action.

Schaaf said he has an item he would like Council to consider adding to the agenda, it would be item 8.0 G.3 Proposal to Transition to a New City Administrator. Boyer said what is this item. Lawrence said this would be item 8.0 G.3. Schaaf said yes. He said someone would have to make a motion. **Moegerle made a motion to add Item 8.0 G.3 Proposal to Transition to New City Administrator to the agenda. DeRoche seconded.** Boyer said an now you want to talk about hiring another new city administrator, with no public notice, no notice on City website, no notice to Voss or I, added 10 minutes into the meeting, assuming there will be some discussion about, you call this a democracy, this is ridiculous. He said the public has a right to know what their public officials are doing. Moegerle asked the City attorney about procedure. Vierling said it is a procedural item. Voss said he has to agree, it is hard to prepare when things are just thrust upon us, but he is curious what this is going to be about. Boyer said he is curious also, but he is sure many people in the City will be curious also. Moegerle asked the Mayor to call the question. **Boyer, nay; DeRoche, Lawrence, Moegerle and Voss; aye, motion carries.**

Moegerle said she would like to discuss a Website Update. She said the website has not been changed since 2002, it has not been upgraded since then and she would like to form a workgroup to get this going. Voss said more of a Council item; we for sure don't have any backup for. He said can you just put under the Council reports. Moegerle said okay.

Lawrence made a motion to adopt the March 2, 2011 agenda with the addition of 9.0 C – Closed Session ACHRA Litigation Appeal and 8.0 G.3 – Transition to New City Administrator. DeRoche seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. He said we are going to try to hold this to a 2 minute limit.

Ron Koller of 18461 Jackson Street NE said he has been living here quite happily. He has a heavily wooded acres he bought 20 years, about a quarter mile and he would like to know why the Council has not contacted him when they plan on bulldozing about a half acre of his woods for the trunk line for sewer. He said he lives in Phase One, you are already planning on starting it and nobody, not even his neighbors have been contacted in any way. Koller said he wants to know how much of his land is going to be destroyed. He said he wants to know what is going to happen to all his trees. Voss asked his address again. Koller said 18461. He said your trunk line is running right along his north border the hole quarter mile of it. Voss said so you are south of Viking right. Koller said yes. Voss asked how far south. Ron said a quarter mile north of 181st, the trunk line is on your map although the put a waste treatment label kind of covering the trunk line. Voss said so you are on Jackson. Ron said you are going to run the new water system through his neighbor's property and he hasn't heard anything about that. Voss said that is not a trunk line, that is a collector line which is

much different, these are long term plans and the project that is being discussed right now is nowhere near what the project is, and the drawing you are referring to came out of facility plan. He said these are somewhat conceptual and any sewer lines would be in the right-of-way. Voss said those things move over time. Koller said he told that about two years ago and nothing has changed. Voss said the project that is being discussed is no where near this area. Koller said the line is still there, you should be talking to people ahead of time. Voss said we are doing part of Phase One; no where near where you are at. He said he would suspect that things won't happen in your area until development happens there. Koller said there is no vacant land there. Voss said we had to lay it out. He said some of this is done to get the reaction you have tonight. Voss said but there are no plans tonight to put the line through your property. Koller said he will be back in a few years. Schaaf said if you could, call City Hall and we will set up a meeting to explain this to you. Lawrence said it may never get there. Koller said to feed Jackson Street to my house it would have to go uphill. He said he likes his trees. Voss said he likes them too; it might not be the place to put it.

Mark Bass of 2419 224th Avenue NE said after the first of year he talked to couple of Council Members about the dissatisfaction about what he has seen. He said you told him wait a couple weeks/months and you will like what you see. Bass said gentlemen he has seen nothing that he likes. He said every meeting is a disaster. Bass said the administrator meets with people and can't tell you who he meets with, can't tell you what he has discussed. He said it is time now that Mr. Sell's agreement has been dealt with to go out for a search for a full time qualified by-lawed City Administrator. He said one of these days something is going to happen and you guys are going to get thrown under the bus and you guys are going to say I didn't vote on it, the Council Members voted on it. Bass said don't know how you can sit up there with an honest face and vote yes for things that are correct and no for things that aren't. He said I would really appreciate it, right now that is not happening. Bass said I don't know how you guys can use your conscience on some of the things that are going on here right now, it is a disgrace.

Greg Hunter of 3719 Viking Blvd. NE said he has a couple things. He said he is hopeful that you are all aware that there was a tragic accident at 221st and Hwy 65, that is a bad intersection, what have you done about this. Hunter said that is what he thought. He said tonight you have two county officials here; they are planning on putting a light there. Hunter said this particular intersection, that wouldn't help, what we need is an overpass there and we need it now. He said this is unacceptable. Hunter said every decision you have made since January 5th is polarizing this City, do something to bring this together, you have an opportunity, do it on this.

Voss said this may not be what you want hear, but he has been talking to the county the last couple weeks, particularly since this last fatality at this intersection and the county is putting it in their 2012 budget to accelerate this project. He said because it was scheduled for 2014, so it has been moved up by 2 years, which is a great thing, it is sad it took a fatality for this to happen. Voss said the last time we met with the county, he made a promise to Lang and Fisher that if this happened again he would be in there. Boyer said he thinks this is the seventh fatality there. Hunter said this is the second worst intersection in the state. He said

it used to be that the number one was in Blaine at 242 and that was a light. Hunter said putting a light in is a band aid. He asked how much money are they going to spend to do this intersection, roughly about 3 million. Someone in the audience replied that a light costs 1.5 million and an overpass costs 10 million. Moegerle said and her understanding is that other things have been done with this intersection. She said discussions have occurred such as making it so that it will be an intersection that you cannot drive across, turn left or right, you would have to go down to Sims Road, put a frontage road in. Moegerle said there have been discussions going on, it has not been ignored. Boyer said and as Council Members were we going to be made aware of this. Moegerle said she discussed it with the public works manager and city administrator and all you have to do is call them. Lawrence said what needs to be done in the initial phase to actually get something done is people like you get involved, the citizens tell the state and the county that you want something done because it is a state highway and county road.. Hunter said he agrees, it is a state highway and county road. Lawrence said if people like you get involved, get some petitions signed, get the ball rolling and tell the state we are not happy with this, which is how you are going to bring change around. He said that is the faster way.

Hunter said and his next question is with Sell, things have been take care of, so he thinks from the discussion of that night there was going to be something about the reasoning of his discharge can that be made public yet. He asked what the reasoning was. Vierling said the settlement agreement is the public document with Mr. Sell. Hunter said he is not talking about the settlement agreement. Vierling said his personnel file can only be made public to what the statute allows to be made public. Hunter said something in his personnel file was. Vierling said he is not saying that. Hunter said you said that. Vierling said no, he did not say that. He said he said by law all you are going to get, by law, is what the statute says we can provide, that we can release from a personnel file and his settlement agreement, that is all we can provide. Hunter said he understands what was settled, but there was discussion from the Council Members that there was something from the investigation why he was let go and he would like to know why. Lawrence said first off, he quit. Hunter said you must not have been at the same meeting he was at on the 5th. Lawrence said he was at the meeting and that is what he wanted to do, he wanted to quit. Vierling said if you reviewed the settlement agreement, Mr. Sell did tender resignation. Hunter asked then why was your actions on the 5th to install Mr. Schaaf at that time, maybe that is more direct. Moegerle said perhaps it was loss of confidence in Mr. Sell. Hunter said lost confidence you weren't even in office yet. Lawrence said your 2 minutes is way up. Hunter said yes, he knows, you get to a question that is hard to answer and now it is time is up. Lawrence said no, there are others that want to talk. Hunter said I keep talking about this polarization and you guys keep, everything you vote on, he said he is just asking why. Moegerle said it was a loss of confidence. Lawrence said that was exactly what it was for him; he knew he would not work with them. DeRoche said different visions. Bass said he would like to see all hiring frozen until we have a full time administrator so they can be involved in the hiring of development people and any other administrative people, involved in their selection.

Tiana Channer of 21572 Tyler Street NE said it is important what she says, she like Mr. Bass continues to be so disappointed in the way the City is running since the three new

members have joined the Council. She said there appears to be constant backroom conversations and deals going on, as evidenced by surprises at meetings as we have seen again tonight, flip-flopping on issues as we have seen tonight and the hiring and continued support of Mr. Schaaf who appears to be unqualified. Channer said while some of you many continue to dismiss my comments as someone with sour grapes because she is the wife of Steve Channer, who was not re-elected to Council, but let me reassure you, my husband took his Council role as a representative of this City very seriously and he continues to take the welfare of the City very seriously as do I. Channer said and she is speaking to you from that perspective tonight. She believes as she watches the three new members in particular it is clear the City is lacking vision, lacking leadership and lacking clear direction. Channer said she believes many of the three new members have said on numerous occasions that there were many irregularities with the city administration that needed to be addressed and corrected and you had to take immediate action to do so. She said and yet the way you have taken action, time and time again shows her that you don't have a long term plan or the understanding of the implications of the short term actions you are taking.

Channer said you have been very cavalier with people's jobs, people's lives, with money, and with due process in particular. She said she personally doesn't have a problem with change and she suspects the resident of our City don't have a problem with change, but she does have a problem with change made just for the sake of change, with no clear purpose or direction attached with no regard for the outcome of those changes. The three new members seem to puff up their chest, say you have a mandate from the people who voted for you, say you are taking charge and yet you don't seem to see the ripple effect of the changes you have made. Or if you do you are too arrogant to need to share those pieces of information with your constituency, at least in a public forum. Lawrence told her that her time was almost up. Channer said she would respectfully request that she be allowed to continue, she is being respectful right now. She said some of you are apparently more into sending out lengthy e-mails about how you are right, but not giving any opportunity for anyone to differ with your opinions.

Channer said hiring Mr. Schaaf as administrator is a perfect example of a bad decision. She said it was a wrong decision, he is not qualified for the job, he doesn't appear to care what the actual responsibilities of the job are and he functions as he chooses. Channer said the Council seems to do nothing to address the rude behavior of Mr. Schaaf. She said the City Administrator is a position of service to the City Council, acting upon the wishes of the City Council. Channer said Mr. Schaaf acts based upon his wishes and his determinations, and again, many members of the Council appear not to choose to do anything about that. She said she would also like to remind each of you as City Council Members that you are a body of people in service to the residents of this City. Charged to acting in our best interests. Channer said again she doesn't believe that is what we have witnessed since the new Council has took effect. Lawrence said excuse me, how much longer do you have. Channer said she has a couple more minutes. Lawrence asked if there is anyone else that would like to speak. Channer said she respectfully requests to finish, it will only take a few moments. She said she knows an attorney that works in municipal law. Channer said he recently watched the tape of the January 5th Council meeting, as well as subsequent meetings and his comments to her were after watching those tapes included he felt what he was watching was unbelievable, who was in charge, and then he wrapped it all up in a nice little bow by saying it was a lot like watching the City of Greenfield. She said now those of you who know of the incredible dysfunction that has occurred in the City of Greenfield and how they became the laughingstock of the municipal law community, that

is not a nice thing to be compared to and she is personally embarrassed by that comparison. Channer said if the Council Members are going to continue to represent this City, she is asking that you do it in such a way that all residents whether we all agree with everyone's opinions or not, can still hold our heads up at the end of the day and tell our friends and co-workers that we live in East Bethel and not be embarrassed about that. She said right now in her opinion we cannot say that. Channer said she is asking that you please get your act together, behave above board, in an ethical and professional manner, think less about yourselves and your personal agendas, and more about the entire community you are in charge of representing.

Jill Teetzel of 20913 Rendova Street NE first of all, wasn't going to address tonight was the 2 minutes policy, was not a Council decision. She said continuously slamming this in the resident's faces that you don't agree with is rude and disrespectful. Teetzel said she would ask that be removed. Lawrence said no. Teetzel said she is talking, you don't interrupt her. She said she is sick of that, sick of it. Lawrence said this is his meeting. Teetzel said she is sick of him interrupting her, knock it off. She said you told me to sit down once and now you got her mad again. Teetzel said you are going to listen to her; she was not disrespectful, to the public that does not agree with you. Lawrence said she talked for 6 minutes, I told her twice can you wrap it up. Teetzel asked did you cut anyone else off, no, you were rude, no knock it off. She said when the sheriff was here last time; you guys were on best behavior it was great to see. Teetzel said tonight, there is no sheriff; no 300 people and you are rude to the people who don't agree with you. She said she is sick of it and there are other people here who are sick of it. Lawrence asked what her point is. Teetzel said her point to begin with was you don't have a policy as a Council you did not decide that. She said you as Mayor decided that and she told you at the last meeting, that is not in the Mayor's handbook, you cannot decide that, Council has to decide that. Teetzel said and when you decide that, she will respect the 2 minutes. She said until then, she won't and she will stick up for anybody that you try to push that on because you are being rude and disrespectful to your public, to the people that elected you to office. Teetzel said that is her first point. She said her second point is she would like to know when Mr. Schaaf contacted the former HR Director about a settlement agreement. Lawrence said we will get back to you on that.

Teetzel said her third point is she had heard that the State Auditors' office contacted the City about a complaint. She said she would like an update on the complaint and what Council Members are aware of the complaint. Boyer said not all of us are aware. Lawrence said he is aware. Boyer said his is not aware. Teetzel said can you advise what the complaint is and what is being investigated. Lawrence said when the complaint is resolved and we are notified by the state we will let you know. Teetzel said if there is a complaint filed; the residents have a right to know. She said what the complaint that was filed is. Boyer said Council Members should know. Lawrence said he was contacted by the State Auditor and there is an investigation, and when the investigation is complete then he can say something, not until. Teetzel said it is public information. Lawrence said then call the auditor and ask. Teetzel said she wants the public to know what is being investigated. Lawrence said he doesn't think it is fair to just say stuff just because someone has a complaint. He said the auditor called him about an opinion, he gave one, they said they will investigate and get back to you. Lawrence said that is where it is right now. Teetzel asked why the Council doesn't

know about it then. Lawrence said because they never talked to them. He said he can't go and tell everyone about this. Teetzel said you can tell Schaaf and he can tell everyone. Lawrence said he assumed the auditor would be talking to everyone on Council, but obviously they did not. He asked Teetzel to sit down. Teetzel said you are not going to order or tell me to sit down like last time. Lawrence said he is asking you.

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

Lori Pierson – Boyer explained that Lori Pierson has served the City of East Bethel as a Planning Service on Commission member from 2003 to 2010. He said she has been a great asset to the Planning Comm. commission and we thank her for her service. The Mayor presented her with a plaque for her years of service.

Barb Hagenon – Boyer explained that Barb Hagenon has served the City of East Bethel as a Park Service on Commission member from 2008 to 2010. He explained that he served with Barb on the Park Comm. commission and she brought a lot of insight and good points of views. The Mayor presented her with a plaque for her years of service.

Pat Monnier – Boyer explained that Pat Monnier has served the City of East Bethel as a Road Service on Commission member from 2003 to 2011. He said he never served with personally, but he knows he Road Comm. brought a lot to this commission. The Mayor presented him with a plaque for his years of service.

Michael Warsko – Boyer explained that Michael Warsko has served the City of East Bethel as a Road Service on Commission member from 2008 to 2011. He said we have a better community because of Road Comm. his service. The Mayor presented him with a plaque for his years of service.

Lawrence said he wants to thank Boyer for reading these. He said he wants to thank the people that serve on these commissions do a great service, it is long and tiring.

Commissioner Dick Lang of Ham Lake said this is a rare privilege for him to introduce the 3rd new Andy Westerberg, make sure you treat him right. Commissioner Westerberg said congratulations, this is the melting pot, and this is where it all begins. He said he was a member of the Metropolitan Airport Commission, served as a state legislator for eight years and just recently as you all know, was elected to serve as your county commission. Commissioner Westerberg said even though he has a lot of political experience, this has been a learning experience for him. He said it is easy to say lets be tough on crime, but it takes money to do these things. Commissioner Westerberg said one of the things on the counties agenda is we are looking for mandate relief, looking for fiscal solutions. He said everyone is in the movement to get the best bang for our dollar, and we are trying to do this at the county level. Commissioner Westerberg said his primary issue he is focusing on is transportation issues. He said currently he is trying to make safety improvements, working on bus transit service up Hwy. 65, and he would like it to go up to Isanti/Cambridge. Commissioner Westerberg said we have the money for a third bus lane, it doesn't come all the way up to East Bethel, but it does go up to Bunker Lake Blvd. and we have information that says that the traffic jams up there.

Commissioner Westerberg said he did want to mention about the light at 221st Avenue. He said it was pointed out that basically we are moving this up on our transportation plan to 2012, do we guarantee that we will get it done in 2012, no, but we need the cities help, in our plan we have it in the 2012 budget. Commissioner Westerberg said he would love to have it

be an overpass, but the cost would be astronomical. He said while he appreciates Mr. Hunter's passion about this, we have to look at other ways to alleviate that problem, maybe service roads. Commissioner Westerberg said he is working hard on these issues and that intersection is a huge one, County 9 and 22 is another one. He said and he wants to point out that the county has spent money up here, we did an overlay on Sims Road, we funded the Ice Arena, and he understands the City's concern on getting more money up here. Commissioner Westerberg said he want to be active in the community, whenever an issue comes up that he can help with, he wants to be up here for that.

Schaaf said he understands there is an agreement with state regarding Co. Rd. 22 and it is going to be a state road, do you know when that will happen. Commissioner Westerberg said we would love to turn Co. Rd. 22 back over to the state, but he couldn't give you a projected time when that would occur. Lang said we were told when we turned 14 over that in a few years that they would be turning 22 into a state road, but because they make the rules it hasn't happened. He said we were all excited about it, and then they said they didn't have the money, etc. Lang said it will have to happen eventually. Moegerle asked what you would recommend the Council do to help jump start this. Commissioner Westerberg said he was involved with the Hwy. 65 bridge project, but obviously he didn't do it by himself, at Hwy. 242/Co. Rd. 14 it is being made into a four lane and at the railroad tracks it will go up and over the tracks, he is excited about this because it could set the stage for us to do this in other areas. He said he will be concentrating on safety improvements.

Lawrence said we have a big problem on 221st so many deaths on it, on the cuff, just a thought, seen on many small towns, to help aid us with this problem here on 221st, if we had a light warning us that there was a light coming up, would that be helpful. Commissioner Westerberg said we had those on Hwy. 65 and he liked them, but the studies that MnDOT did showed that people hit the gas when those started flashing that the light was turning red. He said so they sped up and this caused more accidents. Commissioner Westerberg said he likes the idea, and will bring that to MnDOT. He said maybe it could be done in a different way. Lawrence said maybe now, without a light if it said a road is coming up. Boyer said congratulations on your election and he looks forward to working with you in the future, we have a long history of criticizing Mr. Lang and discussions with Ms. Garwood of lack of investment in East Bethel, we are the only city without a county office, only city without a county park, only city where you take approximately 1.1 million out in state gas tax money and you have never put 1.1 million in here in your best year, in the last 15 back in the county roads in this city. He said he hopes you work on changing this and he is personally tired of subsidizing the suburbs to the south. Commissioner Westerberg certainly take this to heart, but want to point out that some of the projects we have done in the City like Sims Road overlay was a big part of our 2010 budget. He said but, you pay county taxes you want to see something for it.

Commissioner Westerberg said county roads in East Bethel need to be near and dear to our heart and we need to make sure they are improved, but keep in mind, population wise, based on demand, that is where the money is coming from, based on state and federal dollars. Boyer said he can appreciate that but he is specifically talking about the money you are taking out of East Bethel, gas tax dollars from this City. Commissioner Westerberg said he would like to make the system work for everyone in the county and not have East Bethel become an island, so it is imperative that we look at the entire system and look at demand, and allocate the dollars appropriately based on need, to try to help the largest number of people we can. He said as far as remarks about county park, do have one at Coon Lake and do have investments on north side, Ice Arena, looking to work with you on projects to help

East Bethel out, think it is important. Boyer said he think we would be remiss, despite his arguments with Dick Lang over the years to not recognize him for his 16 years of service, he was always an honest and outspoken man and he appreciated his friendship and his service. Mr. Lang thanked them for the kind remarks and said it has actually been 18 years.

Kate Garwood
– Anoka
County
Transportation
Department

Kate Garwood said she is the multimodal transportation manager for Anoka County and she works on transportation projects that the commissioners agree to, we are the ones that do it at the county and has been working with East Bethel on the project before you for a while. She said there has been some changes in politicians, both in East Bethel and the county and she wanted come back to you and let you know that we are proceeding with the project and wanted to confirm that it is still okay to go ahead with the Bus Park and Ride lot at the East Bethel Theatre as proposed previously. Garwood said that seems to be the best proposal and we did not want to go ahead with it without you knowing about it, we of course would need to work something out with the theatre, we would like to use about 100 spaces. She said we think of ourselves as the grant goddesses. Garwood said we go after grants whenever we can, we bring money back whenever we can. She said this grant will put in 1.2 million dollars and we will receive a total of 8.5 million dollars. Garwood said this bus will run down Highway 65 to downtown Minneapolis. She said it would run 7 to 9 trips in the morning and 7 to 9 trips in the evening. Garwood said the soonest it would be on the road is October 1, 2012. She said it would be coach buses doing this service. Garwood said again we need to know if East Bethel has continued interest in this service. Boyer asked is the relocation of the BRT service. Garwood said no, not at all. She said some of you might be aware of the Rush Line service. Garwood said those buses went over to Forest Lake. She said regardless of lot at Foley and 95th you still have a need. Garwood said through your community you still host a need of about 25,000 to 30,000 trips per day.

Boyer asked has there been any consideration of serving our senior population such as delivery to medical appointments. Garwood said this money isn't available for that. She said she can ask about service for that. Moegerle asked how long this service takes. She said if it is to long it can be prohibitive. Garwood said if it serves 300 people, we are expecting the last stop to be in Blaine before Minneapolis and if Ham Lake agrees and they have a stop. She said also as Westerberg spoke about we will have bus shoulder lanes, once they hit congestion, they can hit the shoulders, so we think about 50 minutes. Voss said the buses are not all starting in Isanti and coming down. Garwood said we didn't find very good numbers in Isanti on Hwy 65. She said they hit the Anoka County line and they go left or right so we can't justify it. Garwood said but we are working with the Heartland Express and Transit office in downtown St. Paul to look at a way to meet the bus in East Bethel. Voss said it is good to hear that, because the fear he would have is the bus would be full by the time it got to East Bethel. He said the perception we have is most people we see on Hwy. 65 are from Cambridge or Isanti.

Schaaf asked how do you market this, we your information is from the census data, but what he has found we don't get the information to that person that we have identified census wise. Garwood said we market to employers, on Hwy. 65, in your newsletters, we have the TMO, grant funded management project. She said we have two short feisty women that go out and knock on doors so people that will see this and send out postcards, it depends on the

situations. Voss said being passed on the shoulder by a bus is good adverting. Moegerle asked about how long you would try this and if you didn't get your 50 people, would you knock on every door, how does this work, do you say this is a work in progress or it is not. Garwood said these funds are to see how it is going to work, for three years and then we have to prove to the federal government how we are going to pay for this in the future or are we going to cut it back. She said so a couple things can happen, first you are in a growing community so are not too concerned about those 50 riders right now. But, we analyze this information every three months, are we meeting their needs, do we need to change stops, we look at it on a regular basis, know how many people get on at a regular stop, we will keep an eye on this daily. Boyer said generally ridership statistics are good. Garwood said yes, generally we are being conservative, but that is good. Lawrence asked do you have connectors to go east/west. Garwood said we don't right now but we are going to talk to the Heartland Express, Anoka County Traveler and our consultants are going to look at now what can we do. She said this is another step for us. Boyer said this would be especially nice for medical services. Moegerle said it seems to her at demonstration fund level, may be subsidized per rider, how will you calculate this and will it be sustainable per ridership or will it be another government subsidized program, short term or long term. Garwood said all transportation is subsidized, but Met Council a little, think the morning fee is \$2.50 metro wide, and if it doesn't work there is a threshold.

Garwood said at some point you will be asked to be part of the Met Council Taxing District. She said you are contiguous by your connection through Columbus. Voss asked as far as the project how is the Met Council important. Garwood said they may be the best provider, they are very competitive. Garwood said in any horse trading of services between the City and county, it might be easier for you to plow it or us. She said any money you put towards this can only go towards capital. Garwood said as long range plan might want to consider putting in park and ride at Co. Rd. 22 and Hwy. 65. She said we know MnDOT has an interchange planned long term at that intersection. Boyer said we discussed this in the past. Garwood said we should keep them alive. She said we should try to coordinate those kinds of things.

Consent
Agenda

Boyer asked to pull item Item 6.0 C – Meeting Minutes, February 19, 2011 from the Consent Agenda and deal with them as a separate item immediately following the Consent Agenda.

Voss made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, February 16, 2011, Regular Meeting. Boyer seconded; all in favor, motion carries.

Meeting Minutes, February 19, 2011, Special City Council Meeting - Boyer made a motion to table the February 19, 2011 Special City Council Meeting Minutes until Council has the tapes available for review to review the motion made to repeal the suspension of the Meeting minutes February 19, 2011. He said the motion to repeal suspensions of sewer and water system is inaccurate as reported in meeting minutes. Moegerle asked what is incorrect as is reported here. Boyer said he thinks; well his motion is to table so it is really not a debatable motion. He said but, he notes that the reengagement of Bolton and Menk has been left out of this motion. Boyer said so in one hand you claimed

in response to Voss that the Bolton and Menk Engineering contract was suspended on the 5th and then he moves to undue the suspension on everything but that is not mentioned here. DeRoche said he doesn't recall that as being what was said. Boyer said that is why we have tapes, so we will table this until we have tapes available. Voss said it seems we have a dispute over what the motion was, and he is not sure how to resolve it. He said he agrees in the minutes it is not even close to what the motion was. Voss said there were clarifications to that motion in the process. He asked the city attorney how do we resolve something like this. Vierling said the motion to table if you want to review the tapes for specificity is probably very appropriate. Voss said that is fine, but it seems many of us have reviewed the tapes and have different views on it, so do we get a transcript done of that section. Vierling said you may want to do that. He said for the time being we have a motion that hasn't been seconded and is being discussed. Voss said let's see where this goes. **Voss seconded. Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.**

Voss said on page 7 of the minutes, the middle of the fourth paragraph, the motion, strike the motion. He said in essences and there are clarifications by both Mayor Lawrence and Schaaf on tape to lift the suspension on anything but the water treatment plant and then get recommendations based on water quality and what to do from there. He said that was Mayor Lawrence's clarification. He said Schaaf's clarification was that we were essentially going to lift the suspension on everything, with the exception of the water treatment plant and then proceed with water testing before the rest goes forward. Voss said Council Member Boyer made the original motion and clarified that the only thing that will remain suspended is the water treatment plant, so it should have been very clear, and he thinks it was very clear to a lot of people that the suspensions were lifted by the action on Saturday the 19th with the exception of the water treatment plant. Voss said in the past think whoever made the motion has clarified any typos, but since he is making the motion to clarify the change it is as follows:

Voss made a motion to change the February 19, 2011 Special City Council Meeting minutes page 7, middle of the fourth paragraph, first sentence all in bold should be stricken and replaced with the following: Boyer made a motion to lift the suspensions on anything but the water treatment plant and get recommendations on water quality and go from there. Schaaf asked Lawrence if he would have seconded the motion if he thought it was lifting the suspension on Bolton and Menk. Lawrence said he wasn't aware of that. Voss said your comment was to clarify that we were lifting the suspension on everything. He said the resolution that was passed on January 5th included suspending Bolton and Menk, and he read that at the meeting. Lawrence said he believed when he read the resolution he believed the only thing we were suspending was the water treatment plant. **Boyer seconded.** DeRoche asked so are we going to review the tapes. Voss said we tried to do that by tabling the minutes. **Boyer, Lawrence and Voss, aye; DeRoche and Moegerle, nay; motion carries.**

Change Order
#1 – Traut
Wells – Test
Well

Jochum explained that at the February 19, 2011 special meeting City Council authorized the that a change order be done to add a test well to the contract with Traut Wells. He said since that meeting, a change order has been drafted; members of the Council, staff and the consultants and one resident, Phil Olson met to define the testing protocol. Jochum said in

general the recommendations are to put the test well in between the two proposed wells, to pump the test well for at least 24 hours if not 48 hours, and to take one certified lab sample analysis for the standard testing suite. He said this is \$5,000 more than the original quote submitted by Traut Wells based solely on the increased pumping from 8 hours to 48 hours and it is not thought that 48 hours will be needed. Jochum said the two pilot holes at the municipal well might not be needed, he is not suggesting this be made part of the change order not, but in his opinion the pilot holes might not be needed and this might end up being a deduct somewhere down the line.

Voss made a motion to approve Change Order #1 to Traut Wells for a test well in the amount of \$19,795.00. DeRoche seconded. Voss asked about the sampling cost. Jochum said he thought that Phil Olson was going to help out with the iron and manganese testing. He said there is a line item for water testing on attachment #5. Moegerle asked about the 6" pilot hole, will this be needed. Jochum said these are two separate operations. He said there has been discussion about where it will be placed, we might keep it, and he said there could be a savings on this at a later date. Boyer said and both engineers worked together on this and are in agreement on this. Lawrence asked and when you drill a test well you put a casing around this. Jochum said the casing is for the upper aquifer, to keep the sand and gravel out. **All in favor, motion carries.** Voss asked how soon they can get going on this. Schmidt said they can start on Monday. He said they have one condition, can the City staff get this plowed. Schmidt said otherwise they are ready to start on Monday.

Boyer said he just wants to make a statement. He said he knows he looks tired tonight, but he has an eye infection.

Booster/Cedar
Creek Trail

Davis explained that the Booster Park to Cedar Creek Trail Project includes construction of a trail from Booster East Park to County Road 26 (229th Avenue). Boyer said he thinks before this goes any further it would need a motion to reconsider an earlier Council consideration, it should be dealt with as a motion to reconsider. Schaaf said on January 5th there was a motion to suspend this project. Boyer said he would think this has to be a motion to reconsider. He said a motion to suspend is one thing. Vierling said a motion to reconsider is usually right after the meeting that the motion was made. Boyer said he thinks we are going down a dangerous road here.

Davis said the Booster East Cedar Creek Trail was approved in August 2009 and as far as alignment the project was approved by Council on December 15, 2010. He explained that contracts were signed on December 29, 2010. He said you have a map that shows the options. To date we have incurred expenses for a total of \$80,586.15 and those costs are engineering and legal, \$62,292.90; easement acquisition, \$7,590.00 and wetland bank credits, \$10,703.25. Davis said only half of the easement acquisition has been paid out. He said the other half is committed.

Davis explained that staff has broken this down into three options:

Option 1 is proceed with the project as planned: the total cost of this option is \$440,545.04 or an additional \$359,958.89 over what has been spent to date, and \$300,432.52 would come from the City's MSA fund and the remainder from the Trails Development fund.

Option 2 would be to terminate the project: if the Council should decide to terminate the project, there would be the cost of the contractor's bond, \$5,400; vacation of 6 easements, \$3,000 and some engineering costs, \$300 for a total of \$8,700.

Option 3 is construct the connector trail between Booster East Park and 224th avenue and terminate the remainder of the project: this would provide for pedestrian access to Booster Park from the north and would eliminate the potential vacation of two easements previously purchased from two property owners. The additional costs for this option are construction of 800 LF of 6' wide asphalt trail and fencing, \$39,000; engineering, \$2,500; vacation of 4 easements, \$2,000 for a total of \$43,500. Davis said staff is seeking Council direction from City Council on this matter.

Boyer said he has a petition from 101 neighbors to that support this project that live along the road. Moegerle said if we go with option one about \$50 per foot, \$110 per household if 4,000 households. Option 2, \$22.50 per household. Option 3, \$54 per foot and about \$33 per household. Boyer said if we wait trails will just get more and more expensive, if you wait another five years, this is going to cost another \$500,000. He said this entire project is outlined in the comp plan; we went through all the public hearings. Voss said he appreciates how this is broke down; way he looks at it quite often too. He asked do we currently have the MSA funds to pay for this part of the project. Moegerle said MSA funds are ultimately taxpayer dollars. Voss asked where do MSA dollars come from. Davis said they come from the Minnesota Department of Transportation. Voss said while he appreciates how you broke it down, it is not ultimately tax dollars. Because that money came out of 5 million people. Moegerle said what she is saying is every household in the City going to get value for their tax dollars. Voss said and if we don't do it we aren't going to save taxpayers money.

Boyer said we have done two surveys of what taxpayers want in the City and by an overwhelming margin, 3 to 1, they wanted walking trails. He said it was 36%. DeRoche said he is all for wants and needs, but with the money that is being put into Castle Towers that is a losing project, Whispering Aspen that is a losing project, the skating rink that is a money pit, and now you want to spend more money, you just passed the sewer project, where do you think people are going to get this money from. Boyer said that is fine, but he never once voted for the Castle Tower thing, only person on Council that hasn't. DeRoche said apparently someone did. Boyer said, yes, but the real problem was when someone decided that it was a good idea in the mid 70's to create a Tax Increment Financing district for a trailer park, that was what started this entire thing and then they defaulted on it, leaving the City with all the payments, that is what started this thing.

Lawrence said getting back to this, what else can MSA be used for. Davis said for improvements on MSA streets such as Wild Rice Drive, Polk, Jackson, service roads, etc. Lawrence said so we could be using these funds to improve roads instead of trails. Voss said that is what he was getting at, we have never let this money go. He said we have always had it spent, always had a priority list for our roads. Boyer said we built an expanded shoulder for trails on Durant, Wild Rice and East Bethel Blvd, the last three major road projects in East Bethel. Voss said and that improved safety. Lawrence said these roads we are talking about, are they in need of repair. Davis said we have a 5 year Capital Improvement Plan for our MSA Streets, he doesn't know if some members have seen that yet. He said the plan for this year is 221st to 215th, service road. He said the next year the plan is to do Jackson south

of Viking Blvd. Davis said and with the completion of those two projects our MSA funds will technically be in the hole. He said that is okay in the project guidelines, up to two years. Lawrence asked fiscally speaking what would be the best route to go. Davis said that is something you would have to sit down and decide. He said the reason this project qualifies is MnDOT said trails are an alternate means of transportation. Davis said he thinks trails are nice too; we just need to decide what we can afford. Moegerle asked if we did use this money for this project would we still be in the hole, but just a little less in the hole. Davis said yes, that is correct. He said most cities are in the hole. Davis said as a matter of fact we were going to work with Oak Grove on a project but they are so far in the hole, that that they can't borrow ahead.

Voss said for a couple of these options you have us vacating these easements listed here, are these temporary construction or permanent easements. Davis said these are permanent easements. He said the reason he is saying we might want to do this is the property owners that gave the easements, the City in return promised the property owners some improvements for privacy and tree removal, one was a driveway improvement and one was a fencing option, so they agreed to some type of compensation other than monies for these easements.

Lawrence made a motion to select Option 3 for the Booster/Cedar Creek Trail Project, construct the connector trail between Booster East Park and 224th Avenue and terminate the remainder of the project. Moegerle seconded. Boyer said so we are clear this terminates the project. Voss said if he can make a suggestion, the City owns property over by Shawnee Woods and it is buildable as far as trails, let's add that segment and connect the development, it is a loop about 600-800 feet, that development has connectability into the park system, it would be a good bang for our buck. Moegerle asked how far up Xylite Road do you go before it becomes raw land. Davis showed on the map. Moegerle asked would we have to obtain easements. Davis said when Voss proposed this previously it did not included getting easements. Moegerle asked what about going straight up. Davis said there are issues with this. Voss said some safety issues. He said his suggestion may have never got traction. Moegerle said it is new to the three of us. She said it is an interesting option. Voss said we could do this as a change order. Lawrence asked is this used by the locals as a trail currently. Voss said it is just a wooded area, you can't tell it is there. Davis said if you didn't know it was City property you wouldn't be able to distinguish it. Moegerle asked can you present this to parks and bring it back to Council next meeting. Voss asked should this come back as a change order to the project. Vierling said you could order as an option and then a change order will come back at your next meeting. Jochum said a change order would be the cleanest. Voss asked should we have this as an alternate on the change order. Jochum said it would be better to have two change orders.

Lawrence withdrew his motion. Moegerle withdrew her second.

Lawrence made a motion to have Option 3 brought back to Council as a change order and Option 3 with the Xylite extension brought back as a change order, so two change orders are brought back for Council review. Moegerle seconded. Boyer, nay;

DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.

Authorize
City Engineer
to Proceed
with
Feasibility
Study
Regarding
Connectivity
of Castle
Towers
WWTF to
Met Council
System

Davis said at last meeting we presented upgrades to this plant but this is another option we discussed. He said it was connecting the Whispering Aspen Development and Castle Towers to the MCES Waste Water Treatment Facility. Davis said we are asking Council to consider authorizing the city engineer to proceed with feasibility study regarding connecting the Whispering Aspen Development and Castle Towers to the MCES Waste Water Treatment Facility. He said we met with the Met Council and they were amenable to amending their construction contracts. Davis said this option would consist of constructing a forcemain to convey the wastewater to the MCES facility. This would give them better sewer costs. He said after discussions with Met Council we think they are going to insist hat the SAC charges get paid.

Davis said in order to assess the feasibility of this option the city engineer would need to complete a report including:

1. Review project alternatives. Two primary alternatives would include:
 - a. Construction of a forcemain system that would only serve the Whispering Aspen Development and Castle Towers, and
 - b. Construction of a forcemain system that would service areas beyond Whispering Aspen and Castle Towers.
2. Estimate construction, engineering, legal and other costs for all project alternatives;
3. Review the feasibility of assessing Whispering Aspen and Castle Towers based on past agreements and activities;
4. Develop a financial plan and project schedule.

He said the cost of this would not exceed \$5,500.

Boyer said this was covered by the motion on Saturday, it was authorized. He said we said to have the two engineers talk about this and bring back a recommendation. Moegerle said we are moving on, this is a separate situation. DeRoche said this isn't part of the original project. Davis said this is for the Castle Tower Treatment Plant. Voss said he thinks we are getting confused over these projects sometimes. He said he doesn't remember Council direction to have this come here tonight. Moegerle said there was a consensus that there was a concern. Davis said there was identification at the last meeting and this may be an option that we might want to move forward with. Moegerle asked how many households are served. Davis said 42 in Whispering Aspen and 80 in Castle Towers. He said the trailer park generates about $\frac{3}{4}$ of flow, 78% Castle Towers and 22% Whispering Aspen. Moegerle asked would it be fair to divide total cost by household. Voss said it is far more complicated than that.

Moegerle said all City residents are subsidizing this right now. Voss said they are not really subsidizing, we had to transfer the funds, and at some time, when we start generating the revenue, we will be able to make it up. Boyer said he is going on a limited memory, but he think in settlement agreement, the city has not right to change for any additional SAC change. Lawrence said if we could get this operating so that we don't have to worry about it failing all the time. Boyer said that is exactly why you have a comp plan, to control growth. Voss said this is one of the things he was going to bring up to is how it affects the comp

plan, because he thinks we need to have that discussion. He said the colored drawings you got tonight, he grabbed them out of the facility plan, and this is again the conceptual layout of the formal sewer and water infrastructure development when it gets to Phase 4.

Voss said so what is shown there is the interceptors, forcemains, anything that would be used essentially when the entire project gets that far, 20-30 years. He said the reason he brought this out is it is one thing to bring out a the simplistic drawing, no offense, from staff that is going from point A to B, but at some point in the future we are going to have (for lack of a better term) a structured system, that is meant in the long term to provide services to this area. Voss said he thinks we should look at where our plant is now in this study, down to 229th. He asked and would this take a comp plan amendment. Boyer said and if you start doing spot development like this, no one is going to develop to the south. He said they will move out of the sewer district as a developer because they won't pay as much. Boyer said and the City paid to do it. Voss said the comp plan is set up so development is phased. He said it would not be a healthy growth of the community. Voss said this would be a discussion to have when we have the feasibility study. Davis said and please let him make one comment. He said we have by design 700,000 gallon capacity at that plant, so there could still be additional growth that could tie into that sewer.

Voss said at this point the only additional area he sees this serving is in the crosshatch. He said so his suggestion is do an analysis of a straight pipe or however we are going to do it. Voss said this is phasing the development. He said in this analysis he would like to know what it would cost to do it as we have it in our facility plan with the assumption that we would build this 20 years from now anyways, do it now as opposed to building a 6" forcemain now. Davis said it would probably be larger than 6". Lawrence said that would probably be an additional cost. Voss asked how much more that would cost. Jochum said it would probably make sense to get that information from Mr. Schmidt and incorporate it. Moegerle said her understanding is Whispering Aspen and Castle Towers will break even at some point. Davis said that will depend on customers, and the break even point will probably be double customers. Voss said we could be breaking even now, but Council wasn't willing to raise the costs. He said if he remembers right the water wasn't bad. DeRoche asked for the costs. Davis said for the operating cost, what is charged and received is almost breaking even, but for staff costs and such, we are not breaking even. DeRoche asked is Whispering Aspen and Castle Tower on same system. Davis said same sewer system; Castle Tower has their own water system. Voss said the City is contractedly obligated to provide sewer to both Whispering Aspen and Castle Tower and water to Whispering Aspen.

Lawrence made a motion to order the feasibility report on connecting the Castle Towers WWTF to the MCES proposed plant not to exceed \$5,500. Moegerle asked Jochum to comment on the portion of the report and cost of the 229th segment. Jochum said it would make the most sense for Schmidt from Bolton and Menk to provide cost for 229th segment. Schmidt said we would have to go through and itemize this so it would cost around \$1,000. Schaaf asked Jochum if this is something we could boost your contract up to \$6,500 and you could subcontract with Bolton and Menk for. Jochum said if you prefer.

Boyer said we already have a contract with Bolton and Menk. Schmidt said not specifically for this item. **Lawrence amended his motion adding: with an additional not to exceed \$1,000 to provide for the report on the 229th option. Moegerle seconded the motion; all in favor motion carries.**

Voss asked for timing on this study. Jochum said a lot of this is going to depend on Vierling, his schedule; it should take about six weeks. Moegerle asked if Vierling's fees are included in these costs. Jochum said no, his costs are not included.

Engineering
Contract for
Sewer and
Water Project

Schaaf said his recommendation was based on different understandings and what happened when and question before the Council was do you want to use Bolton and Menk or not. Voss said we just clarified that in the minutes on January 19th. Schaaf said he said he had discussions with Council and they clarified it for him. Voss said we just clarified that for staff and it is a mute point. Lawrence said it is not a mute point and it is back on the table. Vierling said the suspension was made and he has not heard any motions made since.

Lawrence made a motion to suspend Bolton and Menk from the City Engineering Project. He said the facts are this, they should have drilled a test well, the water treatment plant was poorly designed or should he save over designed and they never addressed to the point in good faith with the City, that is what he sees as some of the problems. Schaaf asked if Lawrence meant terminate. **Lawrence said yes, he meant terminate.** He said the water treatment plant should have never been discussed until test well was done. Voss said and if a water quality test is done and says the proper design of the plant is how it was designed, then what. He said when he sees these issues, and when this comes back and this was done correct, then what. Lawrence said he has lots of resources and for one thing it was done why over budget, it is way out of line what we need. Voss said but you don't know that yet, you just ordered the test to find out. Moegerle said Jochum gave us five different options, for 1.95 million and to do the same thing that the 5.8 million dollar plant. Jochum said correct, but there are different systems and we go back to we don't have any water quality data and there are so many different variables, the plant being designed now, overdesigned it. He said it has large clear wells that will be needed in the future. Jochum said there are a lot of different options.

Moegerle said it is her understanding that many cities don't have water treatment facilities until they have a customer base to pay for a water treatment facility. Jochum said there are many cities that have started without water treatment, without iron and manganese removal. Voss said they may not we don't know if we need it. Jochum said they may not have needed it; they may have lived with the problems. Moegerle said so we don't know if we need it but we have a 5.8 million dollar contract was signed. Voss said no, he is saying you don't know if we need it. He said this is rehashing everything we talked about on Saturday the 19th, is Council decided to go forward with treatment because of that Council decision on what the water quality would be and what we wanted to deliver in order to facilitate development. Voss said and if you think for a second we can go out there and try to (your example Isanti's type of water) he doesn't think we will get development. He said that is what went into the decision. Lawrence said Isanti has been around for many years and has

had development. Voss said and how did they get development, Lawrence you are the one that told me. Lawrence said before they treated their water, before they fixed it, they just fixed it this year. Voss said it comes down to choices, a spectrum we can provide water like at Whispering Aspen, choices Council made, what type of quality water to provide. He said the decision from Council was to provide high quality water. Voss said because we all know what the water quality is here, we thought we needed to do that, we did not want to be the City that provided cruddy water. Moegerle said it is her understanding that the Whispering Aspen water comes from Mt. Simon and now we are dealing with the FIG those are two different matters. She said so those issues should not be in the wells that we are going to tap in the FIG aquifer. Moegerle said so we have eliminated the concerns we had because we are not going in the same aquifer or at least significantly reducing it. Voss asked why did or at least an hour and a half ago, why did you just approve \$1,500 for water quality when you are making that determination as we speak. Moegerle said because we took a list of 12 things, Jochum gave us a range to look for. Voss said why are we doing a test. Moegerle said let's cancel it then. She thought we were testing for arsenic and radium. Voss said no, he can really see what you are doing. Boyer asked has anyone figured out how much money you are spending, has anyone really thought about this. He said he has worked 25 years in the construction industry this is the dumbest idea he has heard, you are canceling the engineer that designed the system and hiring someone that who has no knowledge of it to continue and you don't think it is going to cost us money. Boyer said and when something goes wrong the engineers will be pointing their fingers going it is his fault, no his fault, no his fault, who will pay for all this, the people of East Bethel, that is who will pay for this. Boyer said so you just go on and waste more taxpayer's money.

Lawrence said here is what he is afraid what is going to happen if we continue with Bolton and Menk if they are not going to get their waste water treatment plant they could do some cost overruns, there will be other charges added on, a lot of other little things coming up. Voss said he would suggest you caution your statements because you are getting into erroneous slander. Lawrence said no, he said could not would. He said he never said they were going to do that. Voss said you are posturing. Moegerle seconded the motion.

Moegerle seconded. Moegerle asked that Lawrence amend his motion to add Jochum as the interim project manager. **Lawrence amended the motion to add Craig Jochum, Hakanson Anderson as the interim project manager for the system. Moegerle seconded the amendment.** Lawrence asked Jochum if he was okay with this. Jochum said only in the short term, he does not want to be dictating the construction of someone else's design. Lawrence asked how long he would be okay with this. Schaaf said in his discussions with Jochum about his availability, he understands you need someone now, and but presumably you will have selected someone new within 30 to 40 days, but you need someone in place, a project manager for the test wells and the other contracts since the suspensions have been lifted. Moegerle said but we will be soliciting a new project manager. Vierling said he has reviewed the Bolton and Menk contract and there is a mandatory 60 days notice so motion you do take if you do take any motion, is going to be governed by the 60 day clause and you are going to have Bolton and Menk on board for the next 60 days from whenever you make that motion. Lawrence said so as he understands

this, Bolton and Menk will be on the job for another 60 days. Vierling said yes. Voss said there was also a provision with Met Council's contract. Vierling said in December of 2010 the addendum that was passed basically provides that the City will control its engineering selection relative to the water and the projects for the City, however, Met Council will control ultimately if there is a change in engineering whether they change engineers for their aspects of the project. He said any action the Council takes relative to Bolton and Menk will not automatically change the contract relative to the MCES elements of that project; they have to concur on that. Voss said he understands that Council doesn't have the experience in engineering and construction and these types of things, but, what it sounds like will ultimately happen is we will have one engineer that certified the design, Bolton and Menk and you are asking another engineer to certify the rest of the construction.

Schaaf asked could the Council if it chose suspend participation in those 60 days as they have previously. Vierling said indirectly yes, basically you don't assign any work. Boyer said this is a joke. Vierling said they do have a right of 60 days advance notice. He said the contract they have is basically at the direction of the City relative to the tasks that they are to perform. Boyer said lo and behold somebody can make Greenfield look good.

Voss said so we have already had a 60 day suspension, understand staff hasn't directed contractors to move forward yet, because obviously Bolton and Menk wasn't directed to move forward yet. He said now we are going to have another 60 days, so it will be 120 days, we already have contractors laying claim on the City and now we are going to extend that claim. Schaaf said as he understands it we have lifted the other suspensions. Voss said but you are suspending the engineer. He said if you suspend the engineer, construction doesn't move. Schaaf said as he understands the motion, we will have the city engineer as the construction manager so things can proceed. Voss said we have a contract with the engineer for services and we give them a 60 day notice, and the intent of the 60 days was to transition. He said he can't see why we are doing this, all because you don't feel right. Voss said give him something substantial why this is being done. Lawrence said the well should have been drilled a long time ago. Voss asked how that affects the design of the tower, the piping, everything that has been done to now. Boyer said so the City should have drilled a well on property we didn't own, the owners wouldn't have objected to that, why should they. Voss and again, it may come out that this is the plant we need. Lawrence said he doesn't think it will. Voss said you don't think. He said that is the problem. Lawrence said that is not the problem, he does think and he sees how many people are hooking up and you want a huge water system with only a handful of people hooking up. Voss said now we are going back far beyond engineering. Moegerle said it is a pretty gold plated design. Voss said by your professional background. Moegerle said she did the research. She said we have four women's bathrooms when we only need one. Boyer said do you know what we would save by not putting them in. He said you have to do the rough-in anyways or you will spend a fortune and if you don't put in the fixture you save about a \$1,000, now that is really expensive out of a 5.8 million dollar project, if you cut it down by three, get a toilet and sink, you save \$6,000, there you go Heidi. Moegerle said we designed it for 400 to work there and only 2 are going to be working there, what you mean. Voss said so you are basing your entire decision on bathroom stalls. Moegerle said no, we have far exceeded the minimum

standards on this. Boyer said you asked the building official and he told you the same thing, why do you stand up here and posture now. Moegerle said me posture, you are the posture king of it.

Schaaf said he was opined by the comments from Phil Olson, who Council Member Voss invited to the meeting we had on the test well, after everyone left we had a long discussion and he said it was a grossly over designed plant and very expensive to treat per gallon. He said he was impressed by that persons comments. Voss said well sure because it fits the mold you are trying to make here. He said you are impressed by the comment because it fits what you are trying to do. Voss said this fits the persona that is being presented that if you weren't involved in the process in the beginning it needs to be changed so it is your process. He said your minds were made up long before you were elected and the reasons you presented are weak. Weak, weak, weak. Lawrence said he thinks 5.8 million is a lot of reasons to be strong about this. He said St. Francis our next door neighbor, using no water treatment plant, using the same water we are using. Boyer said that doesn't mean anything. Lawrence said they are in the same aquifer. Boyer said you say the test results, there was a 31% difference in 3 miles, and it doesn't mean the same. He said it is why we are drilling a test well, why we all voted for it.

Lawrence said one of the things we could look at is you and Voss might have a vested interest in making sure this goes forward. Boyer said what. Voss said excuse me. Lawrence said yes. He said you may have an interest in this to make sure it goes forward. Voss asked him to expound on that. Lawrence said sure, the contract was let to MBI and they are very upset they are not getting their contract let go to make sure they can put their work together, and he is not sure, but you guys could be in trouble financially because of it. Moegerle said allegations of abuse of discretion, is not an insured thing. Voss said so you are suggesting that I am pushing this forward because I have a financial interest in this. Lawrence said no, to protect your financials. Boyer asked are you aware of the laws of slander in this state. Lawrence said he is not slandering. Moegerle said she has been a victim of it quite a lot lately. Voss said yea, you are. He said excuse me he is talking to the Mayor. Moegerle said no, you are yelling at the Mayor. Voss said no, he is yelling at you. Boyer said and he will wait and then he will start yelling at the Mayor. Voss said he would like it to be very clear for the record what the Mayor is saying. Lawrence said okay, he will repeat what he said. Voss said so you think I have a financial interest in MBI. Lawrence said that is not what he said. Voss said so why would he have a financial interest in whether they go forward, whether the contract is cancelled or not. Lawrence said MBI may be the one suing you for their contract not going forward. Voss said why would MBI be suing me for their contract not going forward, then he would be concerned. Lawrence said then there is nothing to it, don't worry about it. He said but here is a letter from MBI. Schaaf said he doesn't hear much new information and we do have other important items on the agenda. Voss said there is nothing more important that what is being said right now. He said he is sorry. Lawrence asked if he read what was passed. Voss said he has seen the letters before. 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 brining 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

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. Voss said the SRWMO met last week, they are a very busy group. He said they will be presenting a budget at the next meeting. He said the interesting part was Steve Olson was

also there, the president of CLIA, and he is going propose to their board that they predominantly fund that one of the storm water improvement projects. Voss said and the URRWMO meeting was last night and their meeting focused on the budget.

Voss asked we had a question at our last meeting about getting things resolved with the HR Director/Asst. City Administrator. Vierling said no claims have been made and the unemployment is being paid. Voss asked what about the state auditor. Vierling said it sounds like a verbal contact was made. Schaaf said the call was basically talking about best practices. Voss asked Vierling to contact them to see if anything is going on. Vierling said if there was an issue going on we would have a letter here. Voss said after tonight there will be rumors flying.

Voss said he does not appreciate that Schaaf called the sheriff's office to have them at the meeting. Moegerle said he did it at my request, very angry words were directed at me. Voss said this also was done at another meeting. He asked did you feel threatened by Boyer or me. Moegerle said yes she does. DeRoche said hopefully these meetings are going to be better, hopefully there is going to be less screaming. Boyer said hopefully you are not going to let us sit by while the City goes to hell in a hand basket. DeRoche said the worse thing you can do is yell and scream at people. He said you are talking about being slandered; we are the ones that have been slandered. DeRoche said he doesn't know what it is going to take to make it work, but he is not going to walk away from it, but it is not going to accomplish anything.

Council
Reports -
Boyer

Boyer said talk about animosity. He said you came in and fired the City Administrator, fired the City Attorney, Boyer said but what has upset him more, and more is the three of you sullied a good mans name, put out the absolute garbage that Doug Sell did something wrong and it is garbage and you will never be called on it, and you have the nerve to wonder why people are upset about it. He said and the other thing is the City newsletter, it is filled with the most self-serving, Bob Schunicht, article on City sewer and water.

Council
Reports -
Lawrence

Lawrence said he also attended the Newly Elected Council workshop. He said we are trying to move forward and get the right thing done.

Closed
Session –
ACHRA
Lawsuit

Voss made a motion to closed session pursuant to Attorney/Client privilege to discuss the ACHRA lawsuit A101628 City of East Bethel et al Anoka County HRA. DeRoche seconded; all in favor, motion carries.

Vierling said the for the benefit of the record the Council concluded their closed session regarding the Anoka County HRA lawsuit. The meeting was attended by all members of the Council, himself and Mr. Schaaf and Mr. Davis. He said Council was presented with an invitation from Anoka County to sit down and meet and we were directed to get times and dates when the meeting could be held and Council Members Moegerle, Voss and Boyer were suggested for this meeting, only two of the Council Members would attend and two Anoka County Board Members.

Adjourn

DeRoche made a motion to adjourn at 12:15 PM. Boyer seconded; all in favor, motion carries.

Attest:
Wendy Warren
Deputy City Clerk



LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	2/14/11
By	JAB
Fee \$	0
	renewal

- Check appropriate box: VARIANCE CUP IUP FINAL PLAT
- BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

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

Application is hereby made for FINANCIAL SALES / CLASSES (provide narrative below describing proposed use).

SEE ATTACHED

LOCATION: PID 33-33-23-34-0034 Legal: Lot 9 Block 2 Subdivision PINE GROVE EST

PROPERTY ADDRESS: _____ PRESENT ZONING: R-1

PROPERTY OWNER

CONTACT NAME TERRY W. HARTIN PHONE 763-434-7591
 ADDRESS 2110 DEERWOOD LN NE FAX _____
 CITY/STATE/ZIP GAST BETHEL, MN 55992-9607 E-MAIL TWHARTIN1@AOL.COM

APPLICANT

CONTACT NAME SAME AS ABOVE PHONE _____
 ADDRESS _____ FAX _____
 CITY/STATE/ZIP _____ E-MAIL _____

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

Terry W. Hartin
 Property Owner's Signature

Terry W. Hartin
 Printed Name

2-9-2011
 Date

OFFICE USE ONLY - DO NOT COMPLETE

	Received	Approved/Denied	Notes
Community Dvlp.	<u>2/14/11</u>	_____	
Planning Commission	_____	_____	
City Council	<u>3/16/11</u>	_____	
_____ 60 Day _____ 120 Day			

Attachment #2

2/9/2011

HARTIN SERVICES, INC.
2110 DEERWOOD LANE NE
EAST BETHEL, MN 55092-9607
612-290-9076
TWHARTIN1@AOL.COM
WWW.HARTINSERVICES.COM

INTERIM USE PERMIT APPLICATION (*REVIEW*)

NARRATIVE DESCRIBING USE

I AM A CERTIFIED **NRA** INSTRUCTOR IN THE FOLLOWING DISCIPLINES:

BASIC PISTOL

PERSONAL PROTECTION IN THE HOME

PERSONAL PROTECTION OUTSIDE THE HOME

MCPPA CERTIFIED INSTRUCTOR: MINNESOTA PERMIT TO CARRY A HANDGUN

MINNESOTA INSTRUCTOR CERTIFICATION

UTAH LICENSED: CONCEALED FIREARMS PERMIT

To the rear of my home I have a 24' x 40' workshop, with concrete drive and adequate parking area. Any business related to this application will be conducted in that building. Between my driveway to the house and the driveway and parking area to and between my house and shop, I can provide off street parking for all students or customers.

I will be conducting Handgun Safety, above listed NRA courses, and Permit To Carry A Handgun, as well as MN. Instructor Certification Classes in this building. I schedule 2 classes per month. Normally on Saturdays, the exception to the Saturday schedule is a class by appointment for persons who typically work weekends. A ideal class size is 12 students.

NRA Basic Pistol Classes run 8 AM to 4:30 Pm

NRA PERSONAL PROTECITON IN THE HOME: are a 2 day class and will require, 2 eight hour sessions. Done By Appointment, not regularly scheduled

NRA PERSONAL PROTECTION OUTSIDE THE HOME CLASSES: will require, 2 eight hour days.
Done by appointment not scheduled or on a regular basis

UTAH / MN. PERMIT TO CARRY CLASSES: run 8 AM to 4:30 PM

MN PERMIT TO CARY INSTRUCTOR CLASSES: run 8 AM to 5 PM. Done by appointment

The live fire exercises required by The State of Minnesota for the classes I conduct are conducted at Beaverbrook Tri-County shooting facility in East Bethe, Mn. during the summer months, and at Bill's Gun Shop & Range , Circle Pines, Mn. during the winter months.

In an effort to provide our students, quality equipment at a affordable price my training partner and myself have applied for and received a FFL (Federal Firearms License)

We have established ourselves as stocking dealers for several Firearms manufacturers, and assorted Holsters and tactical equipment suppliers..

Our proposed hours of operation will remain unchanged from those approved last year.

As required by the BATFE all firearms in inventory are stored in a safe that met their requirements. All personal firearms as a matter of safety and security are also stored in a safe.

HARTIN SERVICES, INC
2110 DEERWOOD LN NE
EAS BETHEL, MN 55092-9607

CLASS SCHEDULE 2011

FEBRUARY	12	& 26
MARCH	12	& 26
APRIL	9	& 23
MAY	14	& 28
JUNE	4	& 18
JULY	9	& 23
AUGUST	13	& 27
SEPTEMBER	3	& 24
OCTOBER	8	& 22
NOVEMBER	12	& 26
DECEMBER	3	& 17

CLASS SCHEDULE 2012

JANUARY	7	& 21
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NRA BASIC PISTOL, NRA PERSONAL PROTECTION IN THE HOME, NRA PERSONAL PROTECTION OUTSIDE THE HOME, AND MINNESOTA CERTIFICATION TO INSTRUCT PERMIT TO CARRY CLASSES ALL DONE BY APPOINTMENT.

HOURS OF RETAIL OPERATION WILL REMAIN THE SAME AS APPROVED MARCH 17, 2010

MONDAY, WEDNESDAY, FRIDAY: 3:00 PM – 7:00 PM

SATURDAY: 4:30 PM – 7:00 PM

TUESDAY, THURSDAY, SUNDAY: BY APPOINTMENT ONLY

CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: March 22, 2010

Property Owner: Terry and Mary Hartin
2110 Deerwood Lane NE
East Bethel, MN 55092

Applicant: Terry Hartin

Parcel Location: 2110 Deerwood Lane NE
Anoka County
East Bethel, MN 55092

Parcel Number: 33-33-23-34-0034

Present Zoning District: R1-Single Family Residential

IUP REQUEST: a home occupation that will allow handgun safety and permit to carry classes, and a class 1 Federal Firearms License to be conducted from the property known as 2110 Deerwood Lane NE, East Bethel, Minnesota 55092.

CITY COUNCIL ACTION

The IUP for a home occupation was approved by City Council on March 17, 2010.

DECISION

The City Council hereby grants the IUP for a home occupation with conditions.

CONDITIONS AND REQUIREMENTS

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).

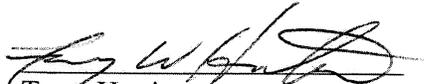
- d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Mr. Hartin must supply staff with a yearly schedule of classes.
 3. Class size is limited to twelve (12) persons.
 4. Class schedule is limited to two (2) weekend days per month, from 8:00 AM – 4:30 PM.
 5. Changes to hours of operation or class schedules must be approved by staff.
 6. Hours of operation for the Federal Firearms License are limited to the following:

Monday, Wednesday, & Friday:	3:00 P.M. – 7:00 P.M.
Saturday:	4:30 P.M – 7:00 P.M.
Tuesday, Thursday, & Sunday:	BY APPOINTMENT ONLY
 7. Violation of conditions and City Codes shall result in the revocation of the IUP.
 8. All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP.
 9. IUP is valid until March, 17, 2011, at which time; the IUP must be reviewed by City Council. At that time, City Council may extend the term of the IUP for up to three years.

ACCEPTANCE

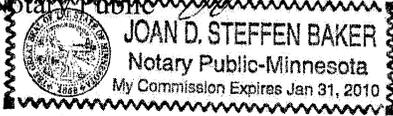
The undersigned property owners hereby accept the foregoing conditions and agreed to be bound thereby.

PROPERTY OWNER:

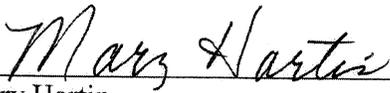

Terry Hartin

STATE OF MINNESOTA)
) ss.
COUNTY OF)

On this 22 day of March, 2010, before me a notary public, personally appeared Terry Hartin who signed the foregoing instrument and acknowledged said instrument to be the free act and deed of the City.


Notary Public


PROPERTY OWNER:



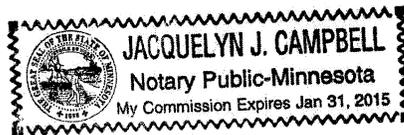
Mary Hartin

STATE OF MINNESOTA)
) ss.
COUNTY OF)

On this 23rd day of March, 2010, before me a notary public, personally appeared Mary Hartin who signed the foregoing instrument and acknowledged said instrument to be the free act and deed of the City.



Notary Public



THIS INSTRUMENT WAS DRAFTED BY:
PLANNING DEPARTMENT
CITY OF EAST BETHEL
2241 - 221ST AVENUE NE
EAST BETHEL, MN 55011
763-367-7840



Minnesota Department of Public Safety
Alcohol and Gambling Enforcement Division (AGED)
 444 Cedar Street, Suite 133, St. Paul, MN 55101-5133
 Telephone 651-201-7507 Fax 651-297-5259 TTY 651-282-6555
 www.dps.state.mn.us

Application for Optional 2 AM Liquor License

License type code: 2AM License Expiration Date _____ ID# _____
 (For Office Use Only)

Licensee Name: Route 65 Pub + Grub, Inc.
 Trade Name: Route 65 Pub + Grub
 Licensed Location Address: 18407 Hwy 65
 City, State, Zip Code: East Bethel MN 55011
 Business Phone: 763-413-3550

If the above named licensee is a corporation, partnership, or LLC, complete the following for each partner/officer:

Robert Allen Smith
 Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

Partner/Officer Name (First Middle Last) DOB Social Security # Home Address

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

- \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages
- \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages
- \$1,000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages
- \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
- \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

Yes No Does your city or county licensing official allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature _____ Date _____

(I certify that the city or county of _____ approves the sale of alcoholic beverages until 2 AM)

Licensee Minnesota Tax ID Number (Required) _____

Licensee Signature RAS Date 2/28/11
 (I certify that I have answered the above questions truthfully and correctly)

Licensee: Prior to submitting this application to the Alcohol and Gambling Enforcement Division, it must be signed by your local city or county licensing official.



Application for Approval of State Gambling Premises Permit

Applicant Information

Organization Name	CHOPS, INC.
Name of Leased Premises	HUNTERS
Street Address	PO BOX 16701
City ST ZIP Code	MINNEAPOLIS, MN 55416
Work Phone	651-336-5467
E-Mail Address	kkimes@chopsinc.com
License Number	31322
Check all activities that will be conducted:	<input checked="" type="checkbox"/> Pull-Tabs <input type="checkbox"/> Pull-tabs w/dispensing device <input type="checkbox"/> Tipboards <input checked="" type="checkbox"/> Paddlewheel <input type="checkbox"/> Paddlewheel w/table <input checked="" type="checkbox"/> Bingo <input checked="" type="checkbox"/> Bar Bingo

Organization Background Information

Please provide background information for your organization to include the following:

(Attach Additional Sheets as necessary)

PLEASE SEE ATTACHED

- 1) Your Mission and Purpose _____

- 2) Area and Population served _____

- 3) Services your organization will/does offer _____

- 4) Has your organization had a violation of any state statute, state rule or city ordinance relating to gambling within the last three years (If yes, please indicate dates and describe violation, and what was the penalty) _____

- 5) Other Pertinent Information _____

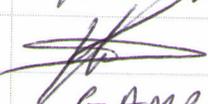
Proposed Lawful Purpose Expenditures

OUTLINED IN QUESTION #5.

Organization, Individual or Institution Name	Street Address	Phone

Agreement and Signature

By submitting this application, I affirm that the facts set forth are true, correct and complete. I understand that any false statements, overt omissions or other misrepresentations made by me on this application may result in revocation of the premises permit.

Name (printed)	KEVIN KUMES
Signature	
Title	GAMBLING MANAGER
Date	3/8/2011

Application

Application for approval of a state premises permit shall be made at least 90 days prior to the expiration of a current premises permit or, in the case of a new premises permit, at least 90 days prior to the date the application is submitted to the Minnesota gambling control board for the permit. The application shall be filed with the City Clerk.

Approval

Application for approval of a state premises permit has been

___ Approved ___ Denied by the City of East Bethel this ___ day of _____, 20___.

City Administrator

Chops, Inc.

Tuesday, March 8, 2011

City of East Bethel
2241 221st Ave NE
East Bethel, MN 55011

Dear East Bethel City Council,

Thank you for the opportunity to continue our operation of charitable gambling within the City of East Bethel. We have very much enjoyed working within the East Bethel community and are proud of the benefits the community has received from Chops donations and involvement.

Attached is our application for Hunters.

If you have any questions or would like clarification or more detail on any topic, please don't hesitate to ask. I can be reached at the numbers below.

Thank you,

Kevin Kimes
Gambling Manager
651-336-5667

Chops, Inc.
City of East Bethel
March 8, 2011

1. **Mission and Purpose**

Chops, Inc. Drum and Bugle Corps is a non-profit community and non-discriminative service organization based in the Twin Cities of Minneapolis and St. Paul, MN. Chops offers a year-round educational performing arts program for people of all ages. Chops provides a welcoming environment for all performance levels and will never turn away a potential member who is willing to work hard. Chops emphasizes character and social development, leadership, self-discipline, and the pursuit of excellence. Past members regularly comment on how much they have grown over their years with Chops and how our activities have prepared them to succeed in life.

Chops was originally founded as a marching percussion unit – Chopstix percussion – by Michael Mayer, East Bethel resident, in 1991. The organization was incorporated as a non-profit organization and was granted 501c(3) status. Top Chops Brass Line was added in 1994, and the two groups were incorporated under the name Chops, Inc. Hot Chops Color Guard was added a few years later.

Chops is one of four all-age Drum Corps in the upper Midwest and performs in 8 field shows during the summer and fall, as well as over 20 community parades. Chops is currently comprised of more than 60 members from all over the state whose ages range from 15 to 45, with the majority of the membership being high school and college students between the ages of 15-20 years old. The membership encompasses many professional, educational and racial/ethnic backgrounds. Their occupations include teachers, students, lawyers, marketing associates, airline employees, entrepreneurs, and many, many others.

The mission of Chops is to provide a top-quality and professional musical outlet to students and adults through education, leadership, and experiences in performance and competition. With the continued budgetary cuts schools are experiencing, Chops continues to provide students from all of Minnesota with an opportunity to learn and grow through music and performance. For the adult members of our corps, Chops creates an opportunity to continue to perform with a musical ensemble, while providing mentorship to our younger members.

Membership

Chops welcomes any person who is willing to work hard and try. Chops does not turn away any member willing to put forth an effort to learn and perform. We believe that everyone has the ability to perform, but what holds most people back is their desire. Our members have shown the desire to perform by coming to the first camp. After that first camp, it is the responsibility of the Chops' organization to provide its member with the tools to succeed including a world-class instructional staff, top-quality equipment and instruments, parade and competition venues throughout the season, and the motivation to get members to consistently achieve their best. From the 2004 to 2005 season, Chops saw a 70% retention rate among the members.

The majority of Chops' members are under the age of 21 and do not have the opportunity to participate in school-sponsored musical organization because of school cut-backs. Chops provides that by giving them a well-staffed group of teachers and music educators during their rehearsals, and by our regular parade and field show performances. For those members not in a school-sponsored organization, Chops provides them their only musical performance outlet, allowing them to do something they love.

Chops does ask each member to pay a yearly membership fee of \$295, which covers just a fraction of the cost of the equipment, instruments, uniforms, transportation, lodging, instructors, and the many other needs necessary to operate a Drum and Bugle Corps. Though we do have no formal scholarship program, Chops does regularly allow members to "work off" the fees through any variety of functions that support the overall mission of the organization, such as fund-raising events, equipment upkeep, and logistical requirements of the group.

2. Area and Population Served

As a Drum and Bugle Corps, Chops performs for thousands of people from all over the state of Minnesota and beyond. With Chops' home being the City of East Bethel, the city benefits greatly through the tremendous exposure it receives. At every performance (parade and field show), Chops is known as the organization from East Bethel.

In addition, Chops specifically serves the community of East Bethel:

- Concerts and Parade entertainment to members of the East Bethel communities and surrounding areas multiple times each year. Chops performs at the locations where charitable gambling takes place, during Bethel's yearly festival, and East Bethel Days. Chops has never charged a fee to the City of East Bethel for performing in their East Bethel Days parade and in fact, sponsored the children's festival activities as part of the yearly celebration in 2010.
- With the addition of Bar Bingo and the running of Meat Raffles at our charitable gambling locations, Chops employs 11 people over from East Bethel and the surrounding areas.
- Significant financial contributions to needy members of the community
- Generous spending at multiple East Bethel businesses for the purpose of the continued operation of a Drum and Bugle Corp (see section 4 below).

3. Services Chops Offers

To its membership, Chops offers:

The opportunity of individuals, mainly high school students and young adults, with the opportunity to improve their musical talent while learning the valuable lessons of leadership, responsibility, competition, pride, dedication, and heart.

To the public, Chops offers:

Community Parades

Chops participates in over 20 community parades throughout Minnesota during the summer. In order to provide a varied experience to the audience, Chops participates as three distinct parade elements, Chopstix (Percussion Line), Top Chops (Brass Line) and Hot Chops (Guard Line). This is truly unique among marching units and allows each group to showcase the unique capabilities and performance values that they offer. Chops' members regularly interact with the audience during the parade performances, joining the crowd on the parade route and involving them in our performances. This is just one of many reasons why parade organizers continually invite Chops back year after year. These audiences reflect the great diversity of Minnesota, and provide Chops the opportunity to bring its unique performances to all of Minnesota.

Competitive Field Show

Chops fields a competitive Drum and Bugle Corps marching program, competing in both Drum Corps Associates (DCA) and Drum Corps International (DCI) sanctioned shows. Chops is an associate member of DCA and is the DCA 2005 World Champions in Class A. DCA is an international association of all-age Drum Corps and has over 30 participating corps. Audiences across the United States warmly received Chops' unique brand of music and performance, seeing and hearing the best that Minnesota has to offer. Some of the comments from these audiences:

- “Good solid all around corps that definitely deserved the title.”
- “We had such a blast as you came by and performed in the Parade. We wish you didn't have to keep moving!”
- “Well designed show top to bottom, the battery was strong, the brass was strong and the drill looked good.”

Other Activities

Chops begins to prepare for the summer season in early January with monthly weekend rehearsals at a variety of locations throughout the Metropolitan area. The communities graciously open up their facilities to the group and through our involvement in these communities during our rehearsals we bring an even greater audience the gift of performance.

In addition to our activities, the members themselves provide the greater Metropolitan area outreach on levels that we cannot truly quantify. Many of our members are also members of performance groups in their local communities. These members take the skills they learn in Chops and bring it back to those communities relating those skills to others, and through those

Chops, Inc.
City of East Bethel
March 8, 2011

efforts and the performances of those other groups, the performance arts are brought to an even greater audience.

4. Violations

Chops has an extremely good reputation with the Gambling Control Board and MN Department of Revenue. To answer the question on the form, no violations have been received by the organization in the last 3 years.

5. Other Pertinent Information

Lawful Purpose Donations and Related Expenses

As a 501(c)(3) organization, the main purpose of Chops gambling operation is to help fund the operation of its Drum and Bugle Corps. That said, Chops believes it to be very important to give as much as it can toward worthy causes in the communities where it operates charitable gambling. Chops has donated tens of thousands of dollars to the East Bethel community for a wide variety of purposes. Below are just a few of the donations that Chops has made in the East Bethel area:

- Over \$7,400 to the Coon Lake Association to help with the efforts of cleaning up the lake
- Over \$5,000 to St. Francis Hockey Association when they were without charitable gambling. Our donations helped them continue to operate until they started charitable gambling again.
- \$1100 to help with the costs of the East Bethel Days Family Fun Night
- Over \$2000 to Anoka School District #11
- Numerous donations to individuals in need throughout the community

As a 501(c)(3) organization, ALL expenses paid from our “operations” account are considered Lawful Purpose. This includes everything from food purchased to feed our members during rehearsal camps, to the printing of our necessary signs and fliers, to our auto insurance policies for our vehicles. Chops makes a tremendous effort to ensure all possible operating expenses necessary for the continued success of our corps are purchased within the Trade Area, and within East Bethel proper, if available.

Finally, it is important to note that the overall cost associated to the operation of charitable gambling is not inexpensive. Items such as office supplied storage facilities, printing of raffle tickets and required signage, etc, are all large expenses for an organization. Although there is no requirement by the state or the City of East Bethel as to where these items are purchased, again Chops makes every effort possible to purchase these goods and services from East Bethel.

Minnesota Lawful Gambling

LG214 Premises Permit Application Annual Fee \$150

3/11 Page 1 of 2

FOR BOARD USE ONLY

Check # _____

Required Attachments to LG214

\$ _____

1. If the premises is leased, attach a copy of your lease. **Use LG215 Lease for Lawful Gambling Activity.** **Mail the application and required attachments to:**
 Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113
2. \$150 annual premises permit fee, for each permit. **Make check payable to "State of Minnesota."**

Questions? Call 651-639-4000 and ask for Licensing.

Organization Information

1. Organization name Chops, Inc. License number 31322
2. Chief executive officer (CEO) Greg Hiniker Daytime phone 612-868-0724
3. Gambling manager Kevin Kimes Daytime phone 651-336-5667

Gambling Premises Information

4. Current name of site where gambling will be conducted Hunters Inn
5. List any previous names for this location _____
6. Street address where premises is located 20454 Highway 65 NE
 (Do not use a P.O. box number or mailing address)

7. City <u>Cedar</u>	OR <u>Cedar</u>	Township <u>Cedar</u>	County <u>Anoka</u>	Zip code <u>55011</u>
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8. Does your organization own the building where the gambling will be conducted?
 Yes No **If no, attach LG215 Lease for Lawful Gambling Activity.**
 Yes No **Raffle only. No lease is required if only a raffle will be conducted.**
9. Is any other organization conducting gambling at this site? Yes No Don't know
10. Has your organization previously conducted gambling at this site? Yes No

Gambling Bank Account Information (must be in Minnesota)

11. Bank name _____ Bank account number _____
12. Bank street address _____ City _____ State _____ Zip code _____

All Temporary and Permanent Off-site Storage Spaces

- (for gambling equipment and records related to this site - must be stored in Minnesota)
13. Address (Do not use a P.O. box number) _____ City _____ State _____ Zip code _____
21217 Highway 65 NE Cedar MN 55011
MN

Reset Form

Acknowledgment by Local Unit of Government: Approval by Resolution

<p>CITY APPROVAL for a gambling premises located within city limits</p>	<p>COUNTY APPROVAL for a gambling premises located in a township</p>
City name <u>East Bethel</u>	County name _____
Date approved by city _____	Date approved by county _____
Resolution number if any _____	Resolution number if any _____
Signature of city personnel _____	Signature of county personnel _____
Title _____ Date ____/____/____	Title _____ Date ____/____/____

Acknowledgment and Oath

1. I hereby consent that local law enforcement officers, the Board or its agents, and the commissioners of revenue or public safety and their agents may enter and inspect the premises.
2. The Board and its agents, and the commissioners of revenue and public safety and their agents are authorized to inspect the bank records of the gambling account whenever necessary to fulfill requirements of current gambling rules and law.
3. I have read this application and all information submitted to the Board is true, accurate, and complete.
4. All required information has been fully disclosed.
5. I am the chief executive officer of the organization.
6. I assume full responsibility for the fair and lawful operation of all activities to be conducted.
7. I will familiarize myself with the laws of Minnesota governing lawful gambling and rules of the Board and agree, if licensed, to abide by those laws and rules, including amendments to them.
8. Any changes in application information will be submitted to the Board no later than 10 days after the change has taken effect.
9. I understand that failure to provide required information or providing false or misleading information may result in the denial or revocation of the license.


 _____ 3/9/2011
 Signature of Chief Executive Officer (designee may not sign) Date
 Print name Greg Hiniker

Print Form

Reset Form

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor; national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

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

RESOLUTION NO. 2011-10

**RESOLUTION RECOMMENDING APPROVAL OF THE
GAMBLING PREMISES PERMIT FOR CHOPS, INC. AT HUNTERS INN**

WHEREAS, the CHOPS, Inc. has made application for a gambling premises permit for operations at Hunters Inn at 20454 Highway 65 NE, East Bethel, MN 55011; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City recommends the gambling premises permit application for CHOPS, Inc. at 20454 Highway 65 NE, East Bethel, MN 55011 be approved.

Adopted this 16th day of March, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Wendy Warren, Deputy City Clerk

East Bethel Utility Truck



xxxxxx xx, 2011

RE: Utility Fire Vehicle Bid

The attached specifications have been drafted and approved by the City of East Bethel. Sealed Bids for the Utility Fire Fighting Vehicle must be received no later than xxxxxxxx, 2011 at 11:00 AM local time at City Hall, 2241 221st Avenue NE, East Bethel, MN 55011. All bids must be addressed to the City Administrator and be clearly marked "SEALED BID FOR UTILITY FIRE FIGHTING VEHICLE."

Questions regarding the specifications must be addressed to the City's Fire Chief, Mark DuCharme at mark.ducharme@ci.east-bethel.mn.us. All questions must be submitted in writing to Chief DuCharme. The City will not accept verbal requests for clarification or questions regarding these specifications.

The City reserves the right to reject any and all bids, to waive all irregularities and formalities, and to accept the bid it believes is in the best interest of the city. Bids may not be withdrawn within 30 days after the bid closing date without consent of the City. A bid bond or surety in the amount of 5% of the base bid, exclusive of exceptions or additions, is required.

This letter is part of the specifications.

East Bethel Utility Truck

INTENT OF SPECIFICATIONS

It shall be the intent of these specifications to describe the type of vehicle and equipment required to perform the functions of a quick attack fire fighting vehicle.

SPECIAL CONSIDERTIONS

It is the goal of the City to obtain the best results and the most acceptable apparatus for service in the City of East Bethel. These specifications cover only the general requirements as to the type of construction and tests to which the apparatus must comply, together with certain details as to finish, equipment and appliances with which the successful bidder must comply. Minor details of construction and materials not otherwise specified are left to the discretion of the contractor, who shall be solely responsible for the design and construction for all features. **OPTION 1 must be included in bid for bid to be VALID.**

The National Fire Protection Association Standard, current edition, shall be applied.

Bids shall only be considered from companies that have an established reputation in the field of fire apparatus construction.

Each bidder shall furnish satisfactory documentation to the City of East Bethel that clearly identifies their ability to construct and delivery a vehicle to meet the specifications contained herein.

Each bid shall be accompanied by a set of "Contractor's Specifications" consisting of a detailed description of the apparatus being furnished under this contract. Computer generated specifications are acceptable but must be customized to fit the equipment being proposed.

Each bidder shall submit their bid in the same sequence as these specifications to allow the department to easily compare bid. There shall be no exception to this requirement.

QUALITY AND WORKMANSHIP:

The design of the Apparatus must embody the latest approved automotive engineering practices.

The workmanship must be of the highest quality in its respective field. Special consideration will be given to the following points: Accessibility of the various units that require periodic maintenance operations, ease of operation (including both pumping and driving) and symmetrical proportions.

East Bethel Utility Truck

Construction shall be rugged and ample safety factors shall be provided to carry loads as specified and to meet both on and off road requirements and to speed conditions as set forth under "Performance tests and requirements".

Welding shall be employed in the assembly of the apparatus in a manner that will not prevent the ready removal of any component part for service or repair.

DELIVERY

Apparatus shall be delivered under its own power to insure proper break-in of all components while still under warranty. A qualified delivery engineer representing the contractor shall instruct Fire Department Personnel in the proper operation, care and maintenance of the equipment delivered.

LIABILITY

The bidder, if their bid is accepted, shall defend any and all suits and assume all liability for the use of any patented device or article forming part of the apparatus or any appliance furnished under the contract.

PURCHASER'S RIGHTS

The City of East Bethel reserves the right to accept or reject any or all bids and to waive all formalities as may be in the City's best interests.

12 VOLT ELECTRICAL TESTS

The apparatus low voltage electrical system shall be tested and certified.

SUPPLIED INFORMATION & EXTRAS

The apparatus manufacturer shall supply one (1) copies of apparatus manuals with all manufactured apparatus. The manuals shall include, but not be limited to: all component warranties, users' manuals and information for supplied products, apparatus engineering information including drawings and build prints, and all other pertinent information the apparatus manufacturer can supply to its customer regarding the said apparatus.

Included with the delivery of the unit, the apparatus manufacturer shall include spare hardware and extra fasteners, paint for touch-up, information regarding washing and care procedures, and other recommendations for care and upkeep of the general apparatus.

The apparatus manufacturer shall supply a manufacturer's record of apparatus construction details, including the following information:

Owner name and address

Apparatus manufacturer, model, and serial number

Chassis make, model, and serial number

GAWR of front and rear axles

Front tire size and total rated capacity in pounds

East Bethel Utility Truck

Rear tire size and total rated capacity in pounds
Chassis weight distribution in pounds with water (if applicable) and manufacturer mounted equipment (front and rear)
Engine makes, model, serial number, rated horsepower, related speed and no load governed speed
Type of fuel and fuel tank capacity
Electrical system voltage and alternator output in amps
Battery make and model, capacity in CCA (cold cranking amps)
Paint numbers
Weight documents from a certified scale showing actual loading on the front axle, rear axle(s), and overall vehicle (with the water tank full (if applicable) but without personnel, equipment, and hose)
Written load analysis and results of the electrical system performance tests
Transmission make, model, and type
applications
The engine manufacturer's certified brake horsepower curve for the engine furnished, showing the maximum no load governed speed

FACTORY PRECONSTRUCTION CONFERENCE

The factory authorized dealer shall be required, prior to manufacturing, to have a preconstruction conference. The manufacturer shall make such arrangements as are necessary for this conference at a site mutually agreeable to the successful bidder and the City of East Bethel. The purpose of this conference is to confirm final design details prior to assembly of the apparatus.

CUSTOMER INTERACTION

The manufacturer shall provide the opportunity to review the status of the assembly process during the manufacture of the apparatus. This opportunity should be via the internet with weekly updates during the manufacture phase. Photos of the assembly in process should include:

1. Chassis (front, rear, left and right side)
2. Body, pre-paint (front, rear, left and right side)
3. Body painted and pump module mounted (front, rear, left and right side)
4. Assembly (front, rear, left and right side)

Due to the complex nature of fire apparatus and the importance of communication between the manufacturer and customer, this line item is considered a critical requirement. NO EXCEPTIONS

CHANGES ORDERS

Any and all changes to the materials and equipment to be supplied must be submitted, in advance of the work, by the manufacturer to the City of East Bethel for approval. The detail of any changes must be sufficient for a thorough evaluation to determine the feasibility and necessity of the change. The City Administrator, on

East Bethel Utility Truck

behalf of the City, will provide written authorization to proceed with the work or reject the proposed change. All Change Orders involving a change in the scope of work, delivery date or price must be approved, in writing, by the City of East Bethel prior to any changes in the scope of work, delivery date or price.

DELIVERY

A factory-authorized individual shall deliver the unit under its own power. The unit will remain insured by the apparatus manufacturer until the City accepts the unit.

GENERAL WARRANTY

A warranty shall be offered for each new fire apparatus manufactured for a period of one (1) year from the date of delivery, except for the commercial chassis and certain other components as noted below.

This application requires the use of a commercial chassis in the manufacturing process. The warranty provided by the chassis manufacturer shall pass to the City on the chassis, engine, transmission, tires, storage batteries, generators, electrical lamps and other devices provided or included as part of the chassis manufacturers' basic or extended warranty. The successful bidder will ensure that this warranty is properly reported and recorded with the chassis manufacturer on behalf of the City. Any adjustments or changes to chassis warranty must be approved by the City in advance, in writing.

The following are specific warranty items that are in addition to any basic or extended warranty that may be offered by the chassis manufacturer or equipment manufacturer

ROCKER SWITCH PANEL

All specified lighting fixtures and electrical components shall be activated by rocker style switches. The switches shall be located on a separate embossed electrical panel, fabricated with aluminum complete with backlit name tags describing the function of each individual switch.

CHASSIS

2011 Ford, F-350, 4 Door Crew Cab 172" WB Chassis or equivalent to support the apparatus and equipment.

Powertrain

Power stroke 6.7L V-8 OHV direct diesel injection 32 valve intercooled turbo diesel engine (or equivalent)

135 amp Dual alternators

750 amp 78 amp hours (AH) battery dual batteries

Engine block heater, transmission oil cooler

6-speed electronic automatic transmission with overdrive, lock-up, driver selection

Part-time four-wheel drive with manual transfer case shift, auto locking hubs

4.88 axle ratio

East Bethel Utility Truck

Stainless steel exhaust

Steering and Suspension

11,500 lb payload package
Hydraulic power-assist re-circulating ball steering
4 wheel disc brakes with front and rear vented discs
Firm ride suspension
Mono-beam non-independent front suspension
Front anti-roll bar
Front coil springs
HD front shocks
Rigid rear axle
Rear leaf suspension
Rear anti-roll bar
HD rear leaf springs
HD rear shocks
Front and rear 18" x 8.00" Aluminum wheels
Michelin LT275/70SR18 AT front tires (or equivalent)
Michelin LT275/70SR18 AT rear tires (or equivalent)

Safety

4-wheel anti-lock braking system
Dual airbags, passenger side front-impact cancelable airbag

Comfort and Convenience

Air conditioning
AM/FM stereo, digital clock, in-dash mounted single CD, 4 speakers, amplifier, fixed antenna
Cruise control with steering wheel controls
Power door locks
2-12V DC power outlets, one front seat and one rear seat
Analog instrumentation display includes tachometer, oil pressure gauge, engine temperature gauge, turbo/supercharger boost gauge, transmission fluid temp gauge, engine hour meter, trip odometer
Warning indicators include oil pressure, engine temperature, battery, key in ignition, low fuel and door ajar
Steering wheel with tilt adjustment
Power front and rear windows with light tint
Variable intermittent front windshield wipers
Passenger side vanity mirror
Day-night rearview mirror
Interior lights include dome light with delay, front reading lights
Partial floor console with covered storage, glove box with light, front and rear cup holders, instrument panel bin, dashboard storage, driver and passenger door bins, rear doors bins, audio media storage

East Bethel Utility Truck

Seating and Interior

Seating capacity of 5

Bucket front seats with fixed head restraints, driver and passenger armrests

4-way adjustable driver seat

4-way adjustable passenger seat

60-40 folding rear split bench rear bench seat

Vinyl faced front seats with vinyl back material

Vinyl faced rear seats with vinyl back material

Vinyl door trim insert, full cloth headliner, full vinyl/rubber floor covering, plastic rubber gear shift knob, cab back insulator

Exterior Features

1 skid plate

Side impact nerf bars, front license plate bracket, fully galvanized steel body material

Black side window moldings, black front windshield molding, black rear window molding

Black door handles

Chrome grille

4 doors

Trailer harness

Driver and passenger power remote heated folding outside mirrors with turn signal indicators

Front chrome bumper with black rub strip accent, body colored bumper insert and front tow hooks

Aero-composite halogen headlamps

Additional exterior lights include cab clearance lights and under-hood light

Clear-coat monotone paint

ELECTRICAL CONTROL CENTER CONSOLE

The rocker switch panel shall be mounted on a custom fabricated electrical control center console mounted between the driver and officer seats. The console shall be mounted on the cab floor, made as large as possible within the area provided.

Components other than the rocker switch panel such as vacuum fluorescent display, siren head controller, etc may be mounted on the console as well (depending on space required). If space isn't available on the console, the remaining controls shall be mounted on the cab dash immediately above the console for access by both the driver and officer. Space for radio shall be provided for between the drivers and passenger seats. Radio speaker to be mounted also.

The electrical control center console shall be fabricated of 1/8" smooth aluminum. A Radio shall be provided for bidders to be (hard wire with ignition) installed in the console.

East Bethel Utility Truck

The console shall house a majority of the electrical hardware required to serve chassis electrical functions. However, if adequate space isn't available, the remainder of the electrical hardware shall be located under cab seat pedestals. The exterior shall be zolatone finished gray, for a pleasing appearance and durable finish. Provide map lights and shelve on back of console for hand held radio/charger.

MASTER SWITCH - ROCKER TYPE

There shall be one (1) switch on the Master Rocker Switch Panel to activate the "master" functions of the electrical system. The red illuminated rocker switch shall indicate that the master electrical system is on. This switch will NOT, however, disconnect battery power from the chassis as the ECU and other critical components need power continuously for uninterrupted operation. All components of the chassis and apparatus shall to be protected against rain, snow, or all other adverse weather conditions.

BACK UP ALARM

An electronic backup alarm shall be furnished and installed. It shall be 97 decibels and actuate automatically when transmission gear selector is placed in reverse.

HEADLIGHT FLASHER

There shall be an alternating headlight system installed on the apparatus. The headlights shall alternate at 80 fpm. The headlights shall steady burn in the event that the chassis hi-beams are activated. The alternating headlights shall activate with a "Clear Warning" switch in conjunction with the "Master Warning" switch and shall extinguish when the transmission is in park.

BATTERY CHARGER

A battery charger shall be furnished and installed. It shall have a 15 amp output to the batteries with several "battery saver" outputs, allowing up to 3 amps of 12 volt rechargeable items to be wired through the charger, only allowing charging when the shoreline is plugged in. There shall be a bar graph display, to indicate battery condition, mounted near the shoreline. .

There shall be a 110 volt, 20 amp shoreline receptacle furnished and installed. When the ignition switch is activated, the electrical current shall be interrupted before the plug is automatically eject to prevent arcing. The plug for the receptacle shall be shipped loose to be installed on the shoreline cord.

The shoreline shall be connected to the receptacle(s) specified. The receptacle(s) may then be used to charge flashlights, radios, and other miscellaneous 110 v components.

There shall be two (2) outlet(s) installed in the following specified location on the apparatus.

One (1) 4-plex outlet(s) shall be located under front passenger seat.

East Bethel Utility Truck

One (1) 4-plex outlet(s) shall be located in the front of box with extra cord (10 feet), not permanently mounted.

One (1) shoreline connection(s) shall be installed in the driver side front box above fuel fill with waterproof cover.

SIREN

One (1) electronic siren, shall be furnished and installed. It shall be 100 watts and feature wail, yelp, phaser, air horn and manual wail. The microphone shall have noise canceling circuitry and Public Address override. The siren and hard wired microphone shall be installed with-in reach of the driver and officer unless otherwise directed by the fire department.

SIREN SPEAKER(S)

There shall be one (1) 100 watt siren speaker(s) furnished and installed. Each speaker shall be specifically designed to custom fit the bumper contour.

There shall be one (1) speaker(s) installed in the front bumper, mounted on the left side.

WINTER FRONT

Provide winter front with vehicle.

SEAT COVERS

Provide a washable **Black** seat covers for all seats.

MUD FLAPS

Heavy-duty rubber mud flaps shall be provided behind all wheels. The mud flaps shall be black rubber type and be bolted in place. The mud flaps shall not have any type of logo or advertisement.

EXHAUST

The exhaust system shall be piped to the passenger side of the apparatus body just behind the rear wheels. It shall have a chrome extension installed that shall terminate just past the rub rails with a slight downward angle.

TOPPER

To be furnished by department, installed by bidder with overhead lighting added inside topper.

CLASS IV TRAILER HITCH

The vehicle shall be equipped with a Class IV receiver hitch on the rear of the apparatus with a 2" hitch box opening. The hitch shall be attached to the frame rails. The maximum towing capacity shall be 7500 lbs. with a tongue weight of 750 lbs or 12000 lbs towing capacity with an approved distributed trailer load.

East Bethel Utility Truck

A 12V trailer receptacle shall be supplied adjacent to the trailer hitch receiver tube and wired for trailer lights.

2" BALL MOUNT

A ball mount for a 2" receiver tube and a 2 chrome ball shall be provided with the apparatus. A pin and clip shall also be included to fixture the ball mount into the receiver.

TOW EYES

There shall be two tow eyes furnished on each rear frame rail. The tow eyes shall be bolted directly to the frame rails and extend outside the rear vertical wall. The tow eyes are to have an inside diameter of approximately 3" and shall be painted.

PERIMETER LIGHTS

There shall be six (6) underbody perimeter lights furnished and installed. One (1) under each cab door, two (2) under the rear Bumper to illuminate the ground around the truck. Lighting designed to provide illumination on areas under the driver and crew riding area exits shall be switchable but activate automatically when the exit doors are open. All other ground area lighting shall be switchable.

EMERGENCY LIGHTING PACKAGE

Shall meet NFPA standards lighting package, shall be supplied and installed in the upper areas of the vehicle. All lighting shall be LEDs if possible and Lightbar shall have an opticom in it to be wired to turn off when in park.

LOWER LED WARNING LIGHTING

Shall meet NFPA standards.

LETTERING AND REFLECTIVE STRIPING

Lettering and reflective striping must match exiting graphics of department equipment.

CHROME GRILL GUARD

The apparatus shall be equipped with a chrome grill guard. The grill guard shall not interfere with or require modification of the OEM front bumper or grill assembly. The grill guard shall provide protection for the full front of the chassis.



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 7.0 A.1

Agenda Item:

Interim Use Permit (IUP) for Home Occupation in the R1-Single Family Residential District

Requested Action:

Consider Approval for an IUP for a Home Occupation Known as Anoka Computer Center, LLC

Background Information:

Property Owner/Applicant

Stephen Van Krevelen

18333 Yancy Street NE

East Bethel, MN 55092

Deer Path Farms, Lot 5, Block 4

PIN 34-33-23-32-0015

Mr. Van Krevelen is requesting an IUP for a home occupation to allow a home-based computer repair and IT support business known as Anoka Computer Center, LLC. The purpose of the business is to provide affordable personal computer repair, IT, and maintenance services to private parties and small businesses in the area. Mr. Van Krevelen has stated that the majority of the work will be completed off-site; however, some clients may visit the site.

Computer equipment and e-waste recycling will not be an offered service. The small amount of waste generated by hardware replacement parts will be recycled by Asset Recovery Corporation in St. Paul. According to Anoka County Environmental Services, a hazardous waste license is not required for this type of business.

Home occupations are a permitted use in the R1- Single Family Residential District as long as Mr. Van Krevelen can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

1. Site Location
2. Application
3. DRAFT Feb. 22, 2011 Planning Commission Minutes

Fiscal Impact:

Not Applicable

Recommendations:

Planning Commission recommends approval to City Council for an IUP for a home occupation known as Anoka Computer Center, LLC, located at 18333 Yancy Street NE, Deer Path Farm, Lot 5, Block 4, PIN 34-33-23-32-0015, with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Violation of conditions and City Codes shall result in the revocation of the IUP.
3. All conditions must be met no later than April 16, 2011. An IUP Agreement shall be signed and executed no later than April 16, 2011. Failure to execute the IUP Agreement will result in the null and void of the IUP.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



CITY OF EAST BETHEL
CivicSight Map

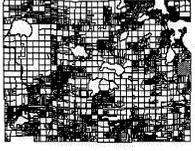


Map Scale: 1 inch = 363 feet
Map Date: 3/08/2011
Data Date: August 12, 2010
Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
Enter Map Disclaimer Here



Reference Map





LAND USE APPLICATION

IUP-11-01

OFFICE USE ONLY	
Date Rec'd	<u>2/4/11</u>
By	<u>JAB</u>
Fee \$	<u>150 app</u> <u>300 review</u>

#926

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

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

Application is hereby made for a Home Occupation Business called Anoka Computer Center, LLC. Anoka Computer Center, LLC is a start-up home based computer repair and IT support business. The purpose of the company is to provide affordable personal computer repair, IT, and maintenance services to private parties and small businesses in the area. A majority of the work will be done off-site however; some clients will visit the site. It is anticipated the there will be one to two visit per day by appointment only. (see attached business plan for further details)

LOCATION: PID 34-33-23-32-0015 Legal: Lot 5 Block 4 Subdivision DEER PATH FARM

PROPERTY ADDRESS: 18333 Yancy St. NE, East Bethel, MN 55092 PRESENT ZONING: R-1 Single Family Residential

PROPERTY OWNER

CONTACT NAME Stephen L. Van Krevelen PHONE 763-222-8794
 ADDRESS 18333 Yancy St. NE, FAX _____
 CITY/STATE/ZIP East Bethel, MN, 55092 E-MAIL svankrev@msn.com

APPLICANT

CONTACT NAME Stephen L. Van Krevelen PHONE 763-222-8794
 ADDRESS 18333 Yancy St. NE FAX _____
 CITY/STATE/ZIP East Bethel, MN, 55092 E-MAIL svankrev@msn.com

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

[Signature] STEPHEN L. VAN KREVELEN 2/4/11
 Property Owner's Signature Printed Name Date

OFFICE USE ONLY – DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>2/4/11</u>	_____	
Planning Commission	<u>2/22/11</u>	_____	
City Council	<u>3/16/11</u>	_____	

Attachment #2



Anoka Computer Center, LLC

18333 Yancy Street NE

East Bethel, MN 55092

763-222-8794

svankrev@msn.com

www.anokacomputercenter.com

Table of Contents

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2. Executive Summary
3. Business Description & Vision
4. Definition of the Market.
5. Description of Products and Services
6. Organization & Management
7. Marketing and Sales Strategy
8. Financial Management
9. Operations
10. Recycling and Hazardous Waste
11. Appendices

Executive Summary

Business Description & Vision

Anoka Computer Center, LLC is a start-up home based computer repair and IT support business. The company is organized as a single member limited liability company located in East Bethel, MN. The purpose and mission of the company is to provide affordable personal computer repair, IT, and maintenance services to private parties and small businesses in the area.

Initially, the company will be established as a part time home based entity and provide services to private parties and small businesses in the area. A majority of the work will be done off-site however; some clients will visit the site. It is anticipated there will be one to two visits per day by appointment only. It is the intent of the owner to build and expand the company by offering services to small businesses and to open a brick and mortar shop in Anoka County in the future.

Definition of the Market

Everybody with a computer knows that moment of panic when the hard drive crashes--and for businesspeople, it usually happens when they're staring into the eye of a deadline. Clients can be anybody with a computer, both businesses and individuals.

With the advent of the internet, personal computers have become a standard home appliance with many homes owning more than one. Also, home networks have become common place with many users not having an understanding of how they work or how to fix them when there are problems.

Hackers, spammers, identity thieves, fraudware, malware, spyware, and general cyber-nuisances create many problems for the average user. They can make a mess of a home or business computer jeopardizing or destroying important data.

Many users are frustrated and intimidated by the "big box" solutions and would prefer a more personalized service that is affordable.

Description of Products and Services

Home Users - Service and Repair

Operating System Installs: Windows 7, XP & Vista - Laptops & Desktops
CMOS password and Windows Password Reset
Data Recovery and Backups
System Imaging
Setup - Printers, Scanners, Camera's, IPOD, Zune's, Computer Tune Ups
New Home Computer Set-up
Custom Built Home Computers
Office/On-Site Computer Tune-Ups
Troubleshooting Hardware and Software Applications
Transfer Files
Virus & Spyware Removal
Software / Hardware Installations and Upgrades
Networks and Internet Connectivity
Routers, Switches, and Hubs.

Small Businesses - Service and Repair

Office/On-Site Computer Tune-Ups
Troubleshooting Hardware and Software Applications
Custom Built Business Computers
Business New Computer Set-Up
Software / Hardware Installations and Upgrades
Virus & Spyware Removal
Software / Hardware Installations and Upgrades
Servers, Backup Solutions - Setup and Installation
Network Installation, Wired and Wireless
Networks and Internet Connectivity
Routers, Switches, and Hubs.

Personal Training

Computer Fundamentals / Concepts
Microsoft Windows and Office Suite
Computer System Preventative Maintenance

Organization & Management

Stephen L. Van Krevelen
Owner and President

Carolyn M. Suiter
Support Staff

Marketing and Sales Strategy

The target demographic area will be centered on Anoka County, Minnesota.

Minnesota Service Area will include but not limited to

:

Andover, Anoka, Anoka County, Bethel, Blaine, Circle Pines, Columbia Heights, Coon Rapids, East Bethel, Elk River, Fridley, Ham Lake, Isanti, Oak Grove, Ramsey and Spring Lake Park, MN.

It is the intent of the owner to provide a flat fee for most clean up, data backup, virus removal, and tune-up type operations. The idea is to undercut the big box stores for these services and make it more affordable for private party users to realize the benefits of well maintained equipment.

A well designed website will be posted and strategically ranked on search engines using the internet service provider services. The web address will be:

www.anokacomputercenter.com

Company information and services will be published on social networking sites like Facebook and Twitter. Advantages of this strategy are still being considered.

Neighborhood paper-box fliers will also be circulated in the immediate area of the home.

Financial Management

Bookkeeping and financial will be accomplished using Intuit Quick Books Software. The package will generate invoices, purchase orders, monthly profit and loss statements and balance sheets. Capital investment, expenses, and revenue will be tracked in the same package.

Operations

Small Business services work will take place at customer sites for the most part with equipment occasionally being set up and serviced at the home based business. The same will apply for private parties however they will be given the option of dropping off and picking up serviced equipment at the home based business site. This will be allowed by appointment only.

Recycling and Hazardous Waste

Computer equipment and e-waste recycling will **not be** offered to customers. The small amount of e-waste that is generated by hardware parts replacements, and possible abandonment of computers will be recycled by the company using the following facility:

Asset Recovery Corp.
2299 Territorial Road
Saint Paul, MN 55114
651 602 0789 Local
651 602 0202 Fax

No more than 50 lbs of e-waste will be accumulated before being brought to the recycler. That is two boxes approximately 18"x18"x18"

EAST BETHEL PLANNING COMMISSION MEETING

February 22, 2011

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

MEMBERS PRESENT: Eldon Holmes Lorraine Bonin Glenn Terry Brian Mundle Jr
Tim Landborg Dale Voltin

MEMBERS ABSENT: Julie Moline

ALSO PRESENT: Stephanie Hanson, City Planner
Steve Voss, City Council Member

Adopt Agenda

Chairperson Terry called the February 22, 2011 meeting to order at 7:05 P.M.

(Unknown) motioned to adopt the February 22, 2011 agenda. (Unknown) seconded; all in favor, motion carries.

Public Hearing:

Interim Use Permit.

A request by owner/applicant, Stephen L. Van Krevelen, to obtain an Interim Use Permit for a Home Occupation, that being a computer repair and IT support business. The location being 18333 Yancy St. NE, East Bethel, MN 55011, PIN 34 33 23 32 0015. The Zoning Classification Single Family Residential (R-1) District.

Property Owner/Applicant

Stephen Van Krevelen
18333 Yancy Street NE
East Bethel, MN 55092
Deer Path Farms, Lot 5, Block 4
PIN 34-33-23-32-0015

Hanson stated Mr. Van Krevelen is requesting an IUP for a home occupation to allow a home-based computer repair and IT support business known as Anoka Computer Center, LLC. The purpose of the business is to provide affordable personal computer repair, IT, and maintenance services to private parties and small businesses in the area. Mr. Van Krevelen has stated that the majority of the work will be completed off-site; however, some clients may visit the site.

Computer equipment and e-waste recycling will not be an offered service. The small amount of waste generated by hardware replacement parts will be recycled by Asset Recovery Corporation in St. Paul. According to Anoka County Environmental Services, a hazardous waste license is not required for this type of business.

Home occupations are a permitted use in the R1- Single Family Residential District as long as Mr. Van Krevelen can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Fiscal Impact:

Not Applicable

Recommendations:

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation known as Anoka Computer Center, LLC, located at 18333 Yancy Street NE, Deer Path Farm, Lot 5, Block 4, PIN 34-33-23-32-0015, with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Violation of conditions and City Codes shall result in the revocation of the IUP.
3. All conditions must be met no later than April 16, 2011. An IUP Agreement shall be signed and executed no later than April 16, 2011. Failure to execute the IUP Agreement will result in the null and void of the IUP.

Public hearing opened at 7:10 pm.

Question was asked to how many cars would be visiting the location. Applicant stated about one or two. A second question was asked if the applicant owned a home business before, he said no, not on his own. Holmes questioned if the

services would be conducted in the house or in the garage? The applicant said they would be done in the house, but the majority of the work would be done at the customer's site.

Public hearing closed at 7:15 pm

Holmes motioned to recommend approval to City Council for an IUP for a home occupation known as Anoka Computer Center, LLC, located at 18333 Yancy Street NE, Deer Path Farm, Lot 5, Block 4, PIN 34-33-23-32-0015, with the following conditions:

- 1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:**
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.**
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.**
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).**
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 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.**
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.**
 - h. Parking needs generated by the home occupation shall be provided on-site.**
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.**
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.**
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.**
- 2. Violation of conditions and City Codes shall result in the revocation of the IUP.**
- 3. All conditions must be met no later than April 16, 2011. An IUP Agreement shall be signed and executed no later than April 16, 2011. Failure to execute the IUP Agreement will result in the null and void of the IUP.**

Terry seconded; motion carries unanimously.

This will be heard at the 3/16/2011 City Council meeting.

DRAFT



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

Park Commission Meeting Minutes for February 9, 2011.

Requested Action:

Information Only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

EAST BETHEL PARKS COMMISSION MEETING

February 9, 2011

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

MEMBERS PRESENT: Dan Butler Bonnie Harvey Kenneth Langmade Denise Lashinski
Sue Jefferson Dan Kretchmar Tim Hoffman

MEMBERS EXCUSED:

ALSO PRESENT: Jack Davis, City Public Works Manager

Oath of Office I, Sue Jefferson, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Park Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Denise Lashinski, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Park Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

I, Tim Hoffman, do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Park Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

Adopt Agenda **Hoffman made a motion to adopt the agenda as presented. Kretchmar seconded; all in favor, motion carries.**

Davis explained that the Mayor is the new Council liaison for Parks Commission. He believes that he is coming tonight.

Approve – January 12, 2011 Meeting Minutes **Harvey made a motion to approve the January 12, 2011 minutes. Butler seconded; all in favor, motion carries.**

Parks Financial Info

Davis stated, this being the first month of the budget year, there is not a lot to review. The Park Capitol Fund we are showing that there is \$50,000 anticipated in Park Dedication Fees. That should be zero. This leaves the City with \$32,000 for that fund for the year. The Park Capitol fund was reduced this year. This fund receives a deposit twice a year, once in June and once in December. So essentially the Commission has ½ of the monies to work with throughout the year. The Commission may have to put off a project until next year.

The trails fund has a larger balance. With the anticipated transfer, the balance should be over \$180,000 at the end of the year. The majority of the funds in that area have been

allocated to the Trail project. The Trail project has been temporarily suspended. If that project is cancelled, there will have been approximately \$80,000 spent to date, the bulk of which is engineering fees and a wetland credit and one easement that was purchased and paid for. If the project is cancelled, the City can charge up to 20% of the project cost of the engineering out of the MSA funds. The balance will be about \$10,000, which would have to come out of the trails project. Butler asked what about the other easements. Davis said that is something we will have to deal with. Two of the easements were for cash, which have not been paid. All of the easements the City agreed to do certain things in turn for the easement. If the project doesn't go through, there will need to be some decisions made on what to do about the easements. Butler asked how this affects the MSA project on Bataan. Davis said we would still go ahead and do the seal coating project as planned. Butler asked how that affects having the same people coming back and putting in the trail for the same cost. The City would have to negotiate the contract to only do the road portion of the project. We are waiting for some direction on how to proceed with the project. Butler wanted to know if the road project has to be rebid. Davis said only if the contractor says they don't want to do the project because we aren't giving them the full project. There are several variables involved.

Jefferson asked if the Council would proceed in time on this project. Davis said this is one that they haven't made a decision on. This is a project that will most likely not start until April or May and the contractor will wait until good weather and this is a six/eight week job. There is still ample time to get everything completed and still get it started on the same timeline.

Jefferson was wondering if the Mayor was still going to be coming tonight. Davis said he believes he is coming.

Hoffman motioned to accept the financial report as presented. Kretchmar seconded; all in favor, motion carries.

Recognize
Barb
Hagenson

Davis said Hagenson has been long time member of the Commission, and this is just a sample resolution. Council wants to recognize the Commission member with a plaque at the first meeting in March. The Commission member will be asked to attend. She has been a very valuable member to the Parks Commission.

Park Projects

The Park Acquisition and Development Fund are for new projects and the Park Capitol fund is for existing projects or repairs.

Langmade wanted to know about repairing the roofs. Davis said it can come out of this fund, or the Park Capitol Fund. He is in the process of getting two other quotes. The estimate is \$5,800. That is another two thousand dollar savings, so the project will not exceed \$7,000. Davis said he would prefer to pay for the roof out of the Park Acquisition and Development Fund.

Park Capitol Fund will be used to repair Booster West Irrigation system (repair/replacement of sprinkler heads, correct some of the stuff with the well motor) playground equipment replacement, mulch and edging for seven park playgrounds. At this time Davis is recommending postponing the purchase of playground equipment replacement and complete the mulch and edging project. Harvey asked if it is the same stuff put in at the Beach. Davis said yes it is. Kretchmar wondered what is wrong with it. Davis said the old stuff was pea gravel and some wood chips; it was a hodge-podge of

stuff. Harvey said the pea gravel worked well, and then there wood chips put in there. Davis said those were from a chipper. Davis said these are engineered wood chips and they are great. Kretchmar wondered if kids could run around without shoes, the answer was yes. Davis said Hidden Haven, Booster East and Booster West are the only ones that don't have problems. It will make it much easier to maintain and a safer facility.

Davis said the playground equipment at Norseland Manor, if we do not get a transfer of funds, there won't be enough money to do the project. We might have to put it off until 2012. Davis said the equipment is outdated, 1970s playground equipment, but it is safe. We inspect it once a month.

Harvey said what about the stuff that was at the Beach. Davis said that reusing that stuff, sometimes is hard if it had been sitting in concrete. What we have there now will be adequate, until we can do the replacement. The safety is the main thing. Norseland is a Park where we do field rental. It is one of the parks in the South part of the City. Harvey said if there is room to throw another piece in there, then we can put it in there. Certain things in playgrounds do get old after awhile.

Butler asked if there were still additional monies in the budget, did we buy any additional materials. Davis said the operating budget doesn't carry over. We were not able to utilize that to purchase additional material. Jefferson asked if that included the cameras. Davis said no, we didn't purchase a camera that could come out of Park Capitol or Park Acquisition Fund. A four-camera system would be about \$1,500.00. Davis said we are going to have to look strongly at that. We can buy a camera system now for much less. Langmade said will we need to add a camera at Booster East. Davis said yes. Lashinski asked if there was a camera put in Booster West. Davis said, yes there is a system in Booster West. Kids cut the cable last year, but they have been repaired.

The trails capitol fund, the \$54,000 amount that is in there. If the Booster Trail East is eliminated, are there any other projects that could be looked at. Davis said he was unsure and we need direction from Council to provide the Commission with direction on their expectations. Harvey said she would appreciate the Council Liaison at the meeting, since we are in limbo. Davis said he will see what he can do to have someone here next month, so we can see where the Commission will be going in the next few years. Hoffman said he has heard people saying it is a trail to nowhere. But a trail will be always to nowhere until the full trail is completed.

Butler said he was out to Cedar Creek on Saturday, and the Cross Country trails are maintained great. He wanted to thank them for a well maintained cross country ski trail. Jason Hehir is the one that does that and Davis said that is great to hear. They are currently plowing a circle through the turn around. If there are a number of cars there, we should be plowing that area. Davis said he will make sure that is done.

Council Report

There was not a Council Liaison present, so there was no report.

Langmade would like to thank Hoffman and Jefferson for coming back and Lashinski for joining.

Davis said anything Lashinski needs to contact him. The Commission typically takes a

Parks tour every year. Jefferson asked Davis to provide Lashinski with the comprehensive plan.

Adjourn

Butler made a motion to adjourn the February 9, 2011 meeting at 7:47 PM. Lashinski seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel

Recording Secretary



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 7.0 C.1

Agenda Item:

Road Commission Meeting Minutes for February 8, 2011.

Requested Action:

Information Only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Booster East/Cedar Creek Trail Project

Requested Action:

Determine the status of the Booster East/Cedar Creek Trail Project

Background Information:

The Booster Park to Cedar Creek Trail Project includes the construction of a trail from Booster East Park to County Road 26 (229th Avenue). The trail would begin at the Booster Park East Park pavilion and continue north to 224th Avenue through a trail easement, which was obtained from Timothy and Michelle Oney and Peter and Hafiza Aramalay. This segment of trail is 800 feet and would consist of a 6-foot wide bituminous surface.

The trail would then runs along the south side of 224th Avenue with the existing road right-of-way to Xylite Street. This segment of trail is 1,340 feet and would consist of a 6-foot wide bituminous surface that is separated by the road.

From there the trail route would continue south and east along Xylite Street and 222nd Lane to Bataan Street. This segment of trail is 1,990 feet and would include the widening of the pavement 3 feet on each side of these streets. This would allow a 4-foot wide striped trail adjacent to both sides of the road.

The final trail segment would run along the west side of Bataan Street from 222nd Lane to County Road 26 (229th Avenue). This segment of trail would be located in the existing road right-of-way. This segment of trail is 4,560 feet and consists of an 8-foot wide bituminous surface that is separated from the road.

This trail project is part of a larger project to connect Booster East Park to the City facilities at Fish Lake. The trail construction proposed along Bataan Street would be financed from the municipal state aid construction account (MSA).

Rum River Contracting, Inc. was awarded the bid on this project for a price of \$343,349.79. The contract was approved by City Council on December 15, 2010 and signed by Rum River Contracting on December 29, 2010. The total project costs for each segment are as follows:

- 1. Trail Segment from Booster Park East to Xylite Street = \$76,981.17

- | | | |
|--|---|--------------|
| 2. Trail Segment along Xylite Street and 222 nd Lane | = | \$63,129.35 |
| 3. Trail Segment along Bataan Street from 222 nd Lane to 229 th Avenue | = | \$300,434.52 |

This project was suspended by City Council and the contracts have not been mailed to the contractor.

Attachment(s):

1. Project Location Map
2. Option 3 Location Map
3. Option 3 Layout
4. Option 4 Map

To assist the Council in making a decision on the direction of this project the following financial information is provided along with four options for consideration.

To date a total of \$80,586.15 has been spent on this project. Those costs are as follows:

Engineering and Legal	\$62,292.90
Easement Acquisition	\$ 7,590.00
Wetland Bank Credits	<u>\$10,703.25</u>
Total	\$80,586.15

OPTION 1, Proceed with the project as planned

Should the Council elect to proceed with this project the total cost would be \$440,545.04 or an additional \$359,958.89 over what has been spent to date. These costs would be paid from the City's MSA fund (\$300,434.52) and from the Trails Development Fund (\$140,110.52). There is currently \$124,189.40 in the Trails Development Fund and a transfer of \$29,242 from the City Council is scheduled for July 2011 to this fund. This transfer would bring this account balance to \$153,431.40, which would cover costs of this portion of the project and leave a balance of \$13,320.88 as of July 2011. The construction completion date of this project is scheduled for June 30, 2011.

OPTION 2, Terminate the project

Should the City decide to terminate this project, the \$80,586.15 which was incurred prior to December 31, 2010, would be charged to funds designated to finance this project. In addition, the City has acquired and recorded 6 easements for the construction of this project. These easements were conditionally given by property owners and obligate the City to certain privacy and entrance improvements, tree removal and payment for two of the easements. Council should consider vacating the easements or retaining the easements and satisfying the terms under which they were given. The additional costs for this option are estimated as follows:

1. Engineering costs	\$ 300
2. Contractors bond costs	\$5,400
3. Vacation of 6 easements	<u>\$3,000</u>
Total	\$8,700

OPTION 3, Construction of the connection between Booster East Park and 224th Avenue as originally planned would provide for pedestrian access to Booster Park from the north and would eliminate the potential vacation of easements previously purchased from two property owners. Should the remaining portion of the trail be constructed in the future this section of the project

would be in place and its required easements secured. This alternative is shown as Attachment 2 and 3. If this option is selected the easements not necessary for this segment should be considered for vacation if the continuation of the trail to Cedar Creek at a future date is cancelled. The additional costs for this option are as follows:

1. Construction of 800 LF of 6' wide asphalt trail and fencing	\$ 39,000
2. Engineering	\$ 2,500
3. Vacation of 4 easements	<u>\$ 2,000</u>
Total	\$43,500

OPTION 4, Construct the connector trail between Booster East Park and 224th Avenue, add the connector trail on the City right of way between Xylite and Yancy Street and terminate the remainder of the project.

1. Construction of 800 LF of 6' wide asphalt trail and fencing	\$ 39,000
2. Construction of 1,000 LF of 6' wide asphalt trail(Xylite to Yancy)	\$ 45,000
3. Engineering	\$ 2,500
3. Vacation of 4 easements	<u>\$ 2,000</u>
Total	\$88,500

This project was presented to the Parks Commission and the residents who would be affected by Option # 4 at the March 9, 2011 Parks meeting. The residents were overwhelmingly against the construction of Option # 4. The Parks Commission voted not to endorse Option #3 and selected Option #1 as their preferred choice for this project.

Fiscal Impact:

As noted above

Recommendation(s):

The Parks Commission voted to recommend to City Council that Option # 1 be approved for this project. Staff is seeking direction from City Council as to an approved alternative for the Booster East/Cedar Creek Trail Project.

City Council Action

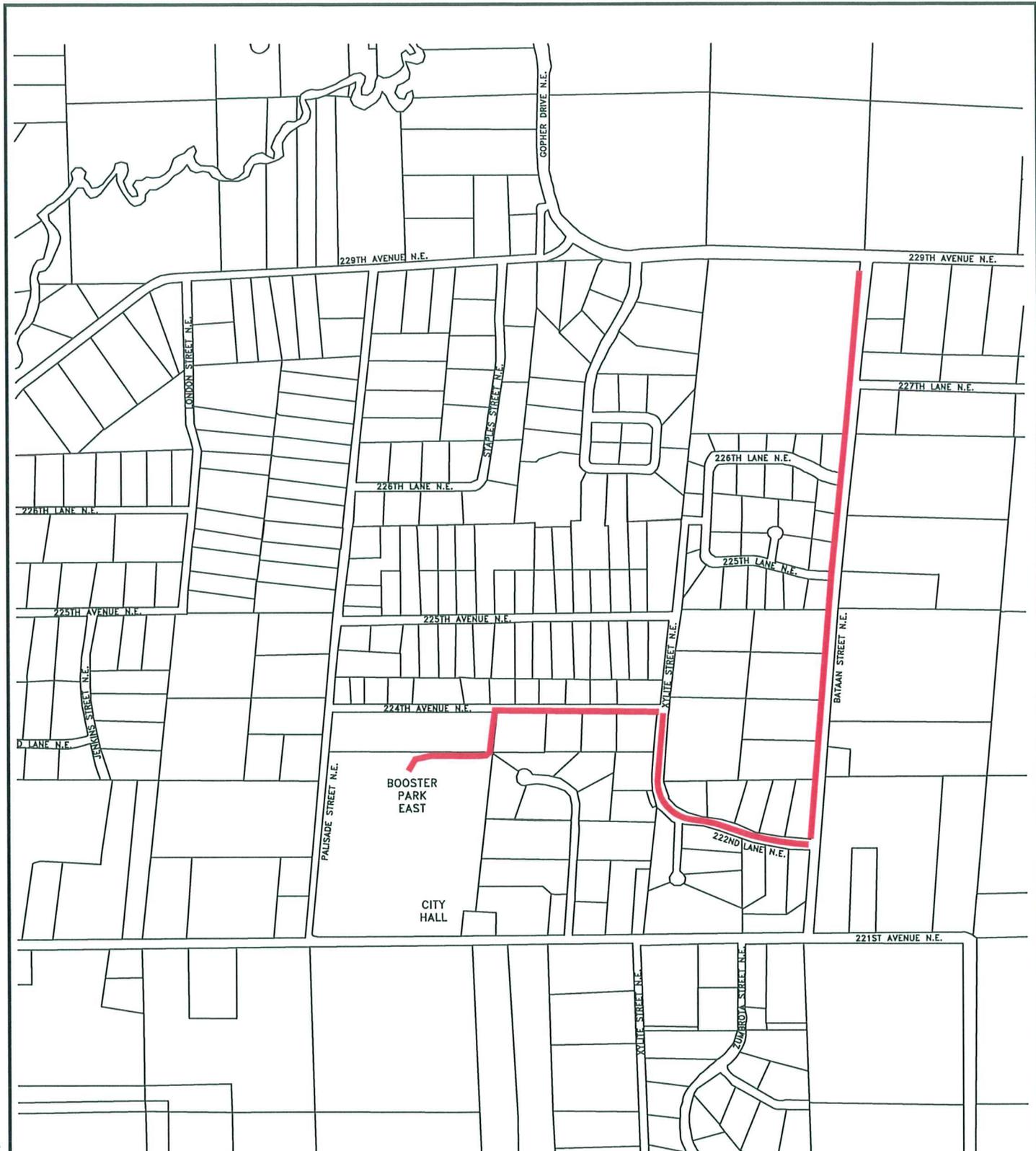
Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

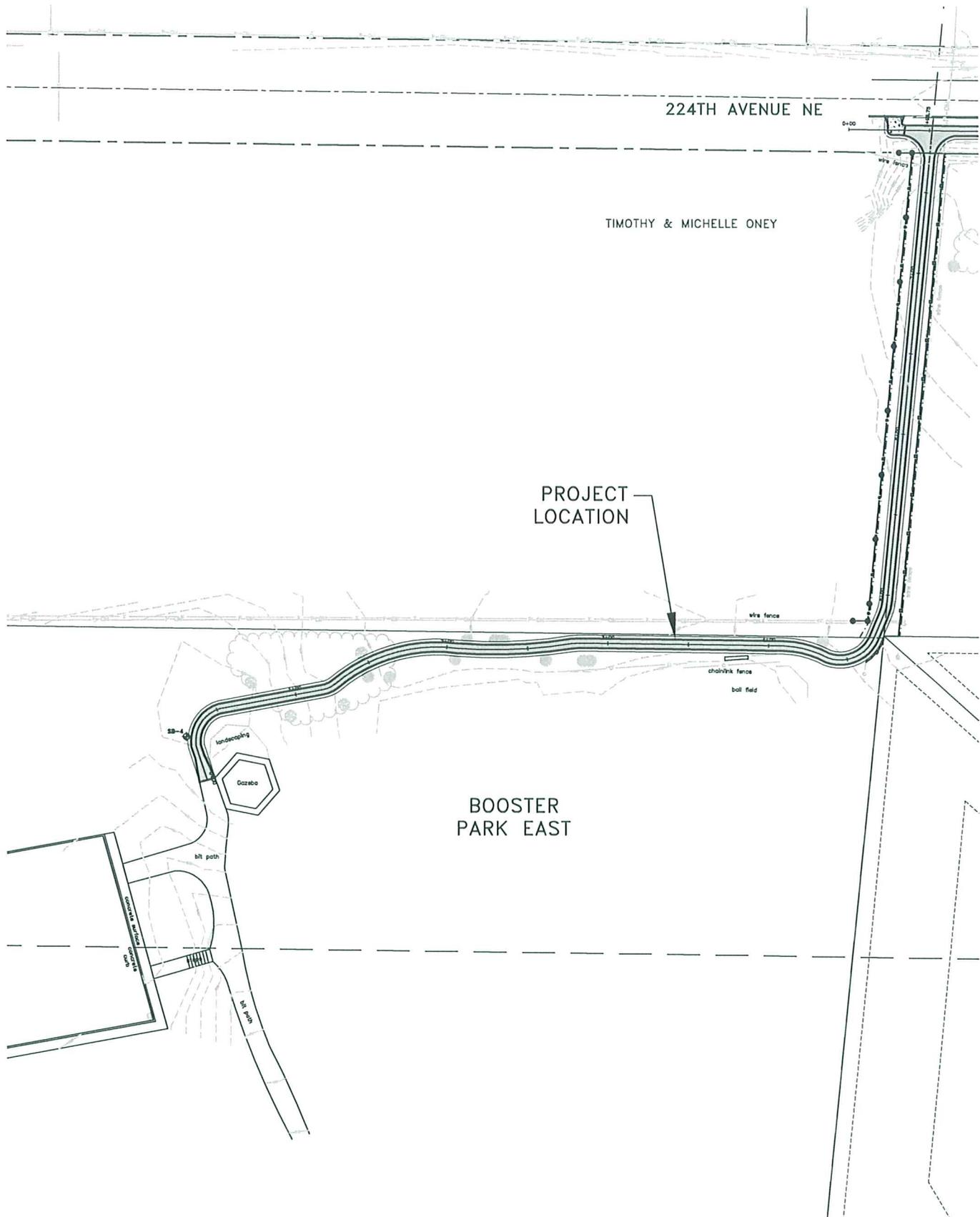


— PROJECT LOCATION



LOCATION MAP ATTACHMENT 1

Feb. 23, 2011 - 10:47am
K:\road_emp\PROJECTS\MUNICIPAL\EB338\dwg\EB338EXHIBIT2.dwg



**OPTION 3
PROJECT LAYOUT
ATTACHMENT 2**



CITY OF EAST BETHEL CivicSight Map

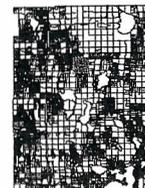
MAP LEGEND:

- WATER
- PARKS
- PARCELS2

*PROPOSED
TRAIL XYLITE
TO YANCY ST.*

*PROPOSED BOOSTER
PARK TRAIL*

Reference Map



Map Scale: 1 inch = 504 feet

Map Date: 3/03/2011

Data Date: August 12, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
Enter Map Disclaimer Here





City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 A.2

Agenda Item:

Request for Proposals for Construction Services for the Municipal Infrastructure Project

Requested Action:

Comment and approve the Request for Proposals.

Background Information:

Attached is a draft Request for Proposals (RFP) for construction for the City’s Utility Infrastructure Improvements. Due to the current project suspension, the RFP does not include the Water Treatment Facility at this time. As indicated in the RFP, Construction Services are being requested for:

Project 1 - Phase 1 Project 1 Utility Improvements and East Bethel Gravity Interceptor and Discharge

Project 2 - Construction of Municipal Well No. 1 and No. 2

Project 3 - Elevated Storage Tank

Per the agreement with MCES they must concur with the consultant that the City selects for Project 1. For that reason staff is recommending that the RFP be provided to only the firms that routinely work for MCES. The suggested list of consultants is: WSB, SEH, Bonestroo/Landform, TKDA, Barr Engineering, and Wenck.

The timeline as outlined on page 10 of the RFP is as follows:

Requests for Proposals Issued	March 18, 2011
Deadline for Written Questions	March 30, 2011
Responses to Written Questions	April 4, 2011
Deadline for Proposals	April 8, 2011
Evaluate Proposals	April 11-13, 2011
Interviews with City Council	April 20, 2011
Council Award	April 20, 2011

It is suggested that the Council form a selection committee that would evaluate the RFP’s and provide a short list of firms which then would be interviewed and selected by the entire Council.

Attachment(s):

- 1. Request for Proposals for Construction Services for City of East Bethel Utility Infrastructure Improvements.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is requesting that Council provide input and authorize staff to distribute the Request for Proposals for Construction Services for City of East Bethel Utility Infrastructure Improvements.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

REQUESTS FOR PROPOSALS

for

Construction Services

for

**City of East Bethel Utility Infrastructure
Improvements**

Issue Date: March 18, 2011

**Proposals due April 8, 2011
by 2:00 p.m.**

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

Draft

I. Submission of Proposals

All proposals must be addressed as follow:

Jack Davis, Public Works Manager
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

Proposals must be clearly marked “Proposal for City of East Bethel Utility Infrastructure Improvements” and must be received by the City of East Bethel by April 8, 2011 by 2:00 p.m. Ten (10) copies of the proposal must be provided.

II. Background Information

In 2008 the City of East Bethel initiated a study to provide municipal sewer and water services to portions of the City as shown on Map 2-1 of the Facilities Plan noted below.

In 2010 the City initiated preparation of Plans and Specifications for Phase 1 Project 1 for Utility Infrastructure Improvements in the Phase 1 service area. These improvements are detailed in the Feasibility Study noted below.

To date all studies and preparation of plans and specifications have been completed by Bolton & Menk. This RFP will be used to select a firm for the construction services of the projects that have already been let and awarded. The three projects are as follows:

Project 1 - Phase 1 Project 1 Utility Improvements and East Bethel Gravity Interceptor and Discharge – This Contract has been awarded to S.R. Weidema.

Project 2 - Construction of Municipal Well No. 1 and No. 2 – This contract has been awarded to Traut Wells.

Project 3 - Elevated Storage Tank – This Contract has been awarded to Caldwell Tanks.

Detailed information regarding these three projects is included in the documents listed under “**Available Project Information**” of this RFP.

III. Available Project Information

- Facility Plan for Utility Infrastructure Needs, dated February 23, 2009, prepared by Bolton & Menk.

- Feasibility Study for Phase 1 Project 1 Utility Infrastructure Improvements, Dated September 10, 2010, prepared by Bolton & Menk.
- Contract Documents, Elevated Storage Tank, East Bethel, MN, dated October 2010, prepared by Bolton & Menk.
- Project Manual, Construction of Municipal Well No. 1 & No. 2, East Bethel, MN, dated October 2010, prepared by Bolton & Menk.
- Project Manual, Phase 1 Project 1 Utility Improvements and East Bethel Gravity Interceptor and Discharge MCES Project 801621, City of East Bethel, MN, dated November 19, 2010, prepared by Bolton & Menk.
- Aquifer test for East Bethel Well Field Development, Letter from Minnesota Department of Natural Resources to Bolton & Menk, dated August 2, 2010.

IV. Scope of Services

A. Scope of Services for Project 1 - Phase 1 Project 1 Utility Improvements and East Bethel Gravity Interceptor and Discharge

At a minimum, provide the services as listed below:

1. Project Management
 - a. Schedule, lead, and document all site and project meetings and construction meetings as needed.
 - b. Coordinate with affected business and property owners.
 - c. Coordinate and provide oversight of construction surveying, staking and construction observation services.
 - d. Coordinate and provide oversight of all testing and geotechnical services.
 - e. Review and approve shop drawings.
 - f. Perform all duties of the “Engineer” as defined in the Project Manual and Construction Plans.
 - g. Review the existing Construction Plans, Project Manual and addendums and identify any potential conflicts or issues that in your opinion, the City should address in the early stages of the project.
 - h. Solicit quotes from geotechnical firms for testing services and prepare a recommendation for the City.
2. Provide Complete Construction Administration
 - a. Prepare and approve Pay Estimates.

- b. Review Change Order requests and report to the City of the merit of the request.
 - c. Prepare and approve Change Orders that are warranted.
 - d. Request documentation from the Contractor and verify that all wage requirements are being met.
- 3. Construction Surveying and Staking
 - a. Provide construction staking as necessary to layout the work.
 - b. Provide surveying services as necessary to identify the work limits and easements.
- 4. Construction Observation (Resident Project Representative)
 - a. Provide full time construction observation.
- 5. As-Builts
 - a. Prepare a complete set of as-builts for use by the City.
- 6. Certify that the project was constructed in accordance with the plans and specifications (certification letter).

B. Scope of Services for Project 2 – Construction of Municipal Well No. 1 and No. 2

At a minimum, provide the services as listed below:

- 1. Project Management
 - a. Schedule, lead, and document all site and project meetings as needed.
 - b. Coordinate and provide oversight of construction surveying, staking and construction observation services.
 - c. Coordinate and provide oversight of all testing and geotechnical services.
 - d. Perform all duties of the “Engineer” as defined in the Project Specifications.
 - e. Review and approve shop drawings.
 - f. Perform all duties of the “Engineer” as defined in the Project Manual and Construction Plans.
 - g. Review the existing Construction Plans, Project Manual and addendums and identify any potential conflicts or issues that in your opinion, the City should address in the early stages of the project.

2. Provide Complete Construction Administration
 - a. Prepare and approve Pay Estimates.
 - b. Review Change Order requests and report to the City of the merit of the request.
 - c. Prepare and approve Change Orders that are warranted.
 - d. Request documentation from the Contractor and verify that all wage requirements are being met.
3. Construction Surveying and Staking
 - a. Provide construction staking as necessary to layout the work (per project specifications).
 - b. Provide surveying services as necessary to identify the work limits and easements.
4. Construction Observation (Resident Project Representative)
 - a. Provide critical point construction observation.
5. As-Builts
 - a. Prepare a complete set of as-builts for use by the City.
6. Certify that the project was constructed in accordance with the plans and specifications (certification letter).
7. Aquifer Test
 - a. Perform all work outlined in the letter from the Minnesota DNR dated August 2, 2010.

C. Scope of Services for Project 3 – Elevated Storage Tank

At a minimum, provide the services as listed below:

1. Project Management
 - a. Schedule, lead, and document all site and project meetings as needed.
 - b. Coordinate and provide oversight of construction surveying, staking and construction observation services.
 - c. Coordinate and provide oversight of all testing and geotechnical services.

- d. Perform all duties of the “Engineer” as defined in the Project Specifications.
 - e. Review and approve shop drawings.
 - f. Perform all duties of the “Engineer” as defined in the Project Manual and Construction Plans.
 - g. Review the existing Construction Plans, Project Manual and addendums and identify any potential conflicts or issues that in your opinion, the City should address in the early stages of the project.
 - h. Solicit quotes from geotechnical firms for testing services and prepare a recommendation for the City.
2. Provide Complete Construction Administration
 - a. Prepare and approve Pay Estimates.
 - b. Review Change Order requests and report to the City of the merit of the request.
 - c. Prepare and approve Change Orders that are warranted.
 - d. Request documentation from the Contractor and verify that all wage requirements are being met.
3. Construction Surveying and Staking
 - a. Provide construction staking as necessary to layout the work.
 - b. Provide surveying services as necessary to identify the work limits and easements.
4. Construction Observation (Resident Project Representative)
 - a. Provide periodic inspections throughout the course of the construction and full time observation during critical construction (i.e. major concrete pours, installation of underground piping, etc).
 - b. Perform Specific review and erection construction inspections by an AWS certified welding inspector with a minimum of five years of experience in the construction of steel elevated water storage tank (AWWA D100-05 standards) including, but not limited to:
 - X-ray testing of welds
 - Ensure welds are in conformance with details
 - Proper cleaning of welds
 - c. Perform full time coating inspections by a NACE certified coating inspector with a minimum of five years of

experience in coating inspections on steel elevated water storage tanks including, but not limited to:

- Inspection of shop surface preparation and applied coating in conformance with AWWA D102-06.
- Inspection of field surface preparation and application of coating.
- Temperature and humidity monitoring / controls.

5. As-Builts

a. Prepare a complete set of as-builts for use by the City.

6. Certify that the project was constructed in accordance with the plans and specifications (certification letter).

V. Items Required to be Submitted with Proposal

A. General Information

1. Transmittal Letter / Executive Summary: **Two Pages Maximum**

2. Brief Proposer Background: **Three Pages Maximum**

- a. Identify the Proposer's organization, including the complete legal name of the company, the company's complete corporate address, the name and position of the person to be contacted regarding the proposal, and his/her address, telephone number, fax number, and email address.
- b. Describe the proposing entity, its capabilities and its experiences in providing services on similar projects, including projects for the Metropolitan Council Environmental Services (MCES).
- c. Identify and briefly describe the various services the firm provides within this area of expertise.
- d. Describe the Proposer's organization, including the total number and organization of staff located in the office from which the Proposer would serve the City of East Bethel.

B. Information for Project 1 - Phase 1 Project 1 Utility Improvements and East Bethel Gravity Interceptor and Discharge

1. Proposer Qualifications: **One Page Maximum**

Proposers should describe their firm qualifications related to this Project.

2. Proposer Experience: **Five Pages Maximum**

Name and describe at least three recent projects your firm has completed that would pertain to the services included for this project.

- a. Include the name and location of each project, year it was completed/will be completed, description of the project, cost of the project, the firm's role in the project.
- b. Include Owner's name, contact person, address, email and phone number. The City of East Bethel may contact the indicated contact person as a reference.

3. **Key Personnel: Four Pages Maximum**

Proposers should identify the key personnel who would be available to work on the project. Proposer should identify the proposed Project Manager, Surveyors, Construction Observers, and any other staff member proposed to work on the project. For each identified person include a brief synopsis of his or her qualifications. Clearly indicate if any of the proposed Key Personnel would be a sub-consultant. Detailed resumes may be provided in an appendix.

4. **Work Plan: Four Pages Maximum**

Prepare a work plan indicating your proposed approach to providing services for the project. Indicate your approach to project management, communication with the City, and involvement with property owners.

5. Describe the services the firm would sub-contract out for this project to ensure all work needed within the area of expertise is provided.

C. Information for Project 2 - Construction of Municipal Well No. 1 and No. 2

1. **Proposer Qualifications: One Page Maximum**

Proposers should describe their firm qualifications related to this Project.

2. **Proposer Experience: Three Pages Maximum**

Name and describe at least three recent projects your firm has completed that would pertain to the services included for this project.

- a. Include the name and location of each project, year it was completed/will be completed, description of the project, cost of the project, the firm's role in the project.
- b. Include Owner's name, contact person, address, email and phone number. The City of East Bethel may contact the indicated contact person as a reference.

3. **Key Personnel: Two Pages Maximum**

Proposers should identify the key personnel who would be available to work on the project. Proposer should identify the proposed Project Manager, Surveyors, Construction Observers, and any other staff member proposed to work on the project. For each identified person include a brief synopsis of his or her qualifications. Clearly indicate if any of the proposed Key Personnel would be a sub-consultant. Detailed resumes may be provided in an appendix.

4. **Work Plan: Two Pages Maximum**

Prepare a work plan indicating your proposed approach to providing services for the projects. Indicate your approach to project management, communication with the City, and involvement with property owners.

5. Describe the services the firm would sub-contract out for this project to ensure all work needed within the area of expertise is provided.

D. Information for Project 3 – Elevated Storage Tank

1. **Proposer Qualifications: One Page Maximum**

Proposers should describe their firm qualifications related to this Project.

2. **Proposer Experience: Three Pages Maximum**

Name and describe at least three recent projects your firm has completed that would pertain to the services included for this project.

- a. Include the name and location of each project, year it was completed/will be completed, description of the project, cost of the project, the firm's role in the project.

- b. Include Owner's name, contact person, address, email and phone number. The City of East Bethel may contact the indicated contact person as a reference.

3. **Key Personnel: Two Pages Maximum**

Proposers should identify the key personnel who would be available to work on the project. Proposer should identify the proposed Project Manager, Surveyors, Construction Observers, and any other staff member proposed to work on the project. For each identified person include a brief synopsis of his or her qualifications. Clearly indicate if any of the proposed Key Personnel would be a sub-consultant. Detailed resumes may be provided in an appendix.

4. **Work Plan: Two Pages Maximum**

Prepare a work plan indicating your proposed approach to providing services for the projects. Indicate your approach to project management, communication with the City, and involvement with property owners.

5. Describe the services the firm would sub-contract out for this project to ensure all work needed within the area of expertise is provided.

E. Cost Detail

Proposers shall submit their cost detail for each of the three projects. The Cost Detail shall be submitted in spreadsheet form and shall include the total number of hours included for each staff member for each task, the hourly rate of each staff member, and an estimated cost of service for each project. The proposer is encouraged to discuss assumptions used to develop the cost and indicate an anticipated range of cost that the City could anticipate for their services.

F. Additional Tasks

Respondents are encouraged to propose additional tasks if it is thought to be needed to complete the project, or if it will substantially add value to the project. Additional tasks should be separated on the cost detail and clearly identified.

VI. Questions

Any questions regarding this Request for Proposals shall be submitted in writing no later than 5:00 pm on March 30, 2011. A list of the questions and responses will be provided to all RFP holders by April 4, 2011.

All questions will be addressed by the City Engineer:

Hakanson Anderson
Craig J. Jochum
3601 Thurston Avenue
Anoka, MN 55303
Phone: 763-427-5860
Email: craigj@haa-inc.com

The Proposer shall not otherwise contact any City staff, City officials, or Contractors regarding the Request for Proposals. Such contact may be grounds for rejection of the consultants proposal.

VII. Estimated Timeline for Proposal Submission, Review, and Selection

The City intends to select and award a contract to the firm evaluated to be best qualified to perform the work for the City with cost, compatibility and other performance factors considered. The proposed timeline is as follows:

Requests for Proposals Issued	March 18, 2011
Deadline for Written Questions	March 30, 2011
Responses to Written Questions	April 4, 2011
Deadline for Proposals	April 8, 2011
Evaluate Proposals	April 11-13, 2011
Interviews with City Council	April 20, 2011
Council Award	April 20, 2011

VIII. Negotiations and Contract Execution

The City reserves the right to negotiate the final terms and conditions of the contract(s) to be executed. Should the City and a consultant(s) be unable to mutually agree upon the entire contract, the City reserves the right to discontinue negotiations, select another consultant or reject all of the proposals. Upon

completion of negotiations agreeable to the City and consultant(s), contract(s) shall be executed. The City reserves the right to reject all proposals.

IX. Terms and Conditions

1. The City of East Bethel reserves the right to cancel or amend the request for proposals at anytime. The City of East Bethel reserves the right to determine the successful respondent. The City of East Bethel reserves the right to reject any or all proposals.
2. The City of East Bethel will not be liable for any costs incurred by the firm preparing or responding to this request for proposal.
3. Contract(s) will be executed between the successful respondent(s) and the City of East Bethel. It is anticipated that the successful firm's proposal and the specifications of this request, including the Terms and Conditions set forth herein, will be incorporated in the contract(s).
4. The firm may not assign any interest in the contract(s) and may not transfer any interest in the same without the prior written consent of the City of East Bethel.
5. For the purposes of this agreement, the consultant(s) shall be deemed to be an independent contractor, and not an employee of the organization. Any and all agents or employees of the firm or other persons, while engaged in the performance of any work or services required to be performed by the City of East Bethel under this agreement, shall not be considered employees of the City of East Bethel and any and all actions which arise as a consequence of any act or omission on the part of the firm(s), its agents, employees or other persons shall in no way be the obligation or responsibility of the City of East Bethel. The consultant(s), its agents, or employees shall not be entitled to any rights, privileges or benefits of City employees.
6. The consultant further agrees to comply with all federal, state and local laws or ordinances, and all applicable rules, regulations, and standards established by any agency of such governmental units, which are now or hereafter promulgated insofar as they relate to the firm's performance of the provisions of this agreement.
7. If, for any reason, in the City's sole opinion, the firm shall fail to fulfill in timely and proper manner the obligations under the contract(s), the City of East Bethel shall reserve the right to terminate the contract by specifying the date of termination in a written notice to the firm at least thirty (30) calendar days before the termination date. In this event, the firm shall be entitled to just and equitable compensation for any satisfactory work completed.
8. The City reserves the right to award separate contracts to separate consultants for each of the three projects.

SECTION 00991 – CHANGE ORDER

No. 1

Date of March 16, 2011 Effective March 17, 2011

Project: East Bethel Elevated Storage Tank	Owner: City of East Bethel	Date of Contract: December 1, 2010
Contractor: Caldwell Tank, Inc.		Engineer's Project No.: EB606

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

Description:

Due to the temporary suspension of this project, the Contractor has requested 99 calendar days be added to the Contract. All other terms of the Contract remain unchanged.

Attachments (list documents supporting change):

None

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 1,072,000.00	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): 510 days Ready for final payment (days or date): 540 days
Net changes from previous Change Orders No. _ to No. _: \$ N/A	Net Changes from previous approved Change Orders No. _ to No. _: Substantial completion (days): N/A Ready for final payment (days): N/A
Contract Price prior to this Change Order: \$ 1,072,000.00	Contract Times prior to this Change Order: Substantial completion (days or date): 510 days Ready for final payment (days or date): 540 days
Net (Increase/Decrease/No Change) of this Change Order: \$ 0	Net Increase of this Change Order: Substantial completion (days or date): 99 days Ready for final payment (days or date): 99 days
Contract Price incorporating this Change Order: \$ 1,072,000.00	Contract Times with all approved Change Orders: Substantial completion (days or date): 609 days Ready for final payment (days or date): 639 days

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



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 A.3

Agenda Item:

Change Order No. 1 – Elevated Storage Tank

Requested Action:

Consider approval of Change Order No. 1 for the Elevated Storage Tank

Background Information:

The contract for the Elevated Storage Tank was awarded to Caldwell Tank, Inc. on December 1, 2010. Staff has notified the contractor that the temporary project suspension has been lifted. The contractor has requested that the contract time be extended 99 calendar days due to the suspension. The attached change order adds 99 calendar days to the contract. The revised final completion date for the Elevated Storage Tank is October 1, 2012.

Attachment(s):

- 1. Change Order No. 1

Fiscal Impact:

The contract amount for this project is \$1,072,000. This change order does not change the contract amount.

Recommendation(s):

Staff recommends Council approve Change Order No. 1, which extends the contract time for the Elevated Storage Tank 99 calendar days.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 A.4

Agenda Item:

Pay Estimate No. 1 for the Water Treatment Facility Improvements

Requested Action:

Consider approval of Pay Estimate No. 1

Background Information:

Attached is a copy of the application for payment to Municipal Builders, Inc. for the Water Treatment Facility Improvements. The major pay items for this pay request include the bonds and insurance payments and soil testing work that has already been completed. The Pay Estimate includes payment for work completed to date minus a five percent retainage. The contractor is requesting a partial payment of \$63,574.00. A summary of the payment is as follows:

Total Work Completed to Date	\$66,920.00
Less 5% Retainage	<u>\$ 3,346.00</u>
Total payment	\$63,574.00

Due to the current project suspension, staff has requested that the City Attorney review the payment. The City Attorney has indicated that the payment should be paid if the contractor acknowledges the following two items in a letter type agreement:

1. If this project was cancelled, any refund from the bonds would be credited back to the City.
2. The City is paying this under a reservation of all rights.

Attachments:

1. Project Location Map
2. Application for Payment

Fiscal Impact:

The total estimated construction cost for the Water Treatment Facility Improvements is estimated to be \$5,790,000.00. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for these projects.

Recommendation(s):

Staff recommends Council consider approval of Pay Estimate No. 1 in the amount of \$63,574.00 for the Water Treatment Facility Improvements with the condition that the contractor sign a letter agreement stating, 1) If this project is cancelled, any refunds from the bonds would be credited to the City and 2) The City is making this payment under a reservation of all rights..

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



LOCATION MAP ATTACHMENT 1

APPLICATION AND CERTIFICATE FOR PAYMENT

AIA DOCUMENT G702

PAGE 1 OF 3 PAGES

TO (Engineer):

PROJECT:

APPLICATION NO ONE

BOLTON & MENK
 7533 SUNWOOD DR. NW SUITE 206
 RAMSEY, MN 55303

WATER TREATMENT FACILITY
 CITY OF EAST BETHEL, MN

PERIOD FROM: 12/15/2010
 TO: 1/15/2011

FROM (Contractor)

CONTRACT FOR:

MUNICIPAL BUILDERS, INC.
 17125 ROANOKE ST. NW
 ANDOVER, MN 55304

CITY OF EAST BETHEL
 2241 221st AVE NE
 EAST BETHEL, MN 55011

CONTRACTOR'S APPLICATION FOR PAYMENT

CHANGE ORDER SUMMARY		
Change Orders approved in previous months by Owner	ADDITIONS	DEDUCTIONS
TOTAL		
Approved this Month		
Number	Date Approved	
TOTALS		0.00
Net change by Change Orders		0.00

Application is made for Payment, as shown below, in connection with the Contract. Continuation Sheet, AIA Document G703, is attached.

The present status of the account for this Contract is as follows:

PERCENT COMPLETE TO DATE.....	1%
ORIGINAL CONTRACT SUM.....	\$ 5,790,000.00
Net change by Change Orders.....	\$ 0.00
CONTRACT SUM TO DATE.....	\$ 5,790,000.00

TOTAL COMPLETED & STORED TO DATE.....	\$ 66,920.00
(Column G on G703)	
RETAINAGE ---5%.....	\$ 3,346.00
or total in Column I on G703	
TOTAL EARNED LESS RETAINAGE.....	\$ 63,574.00
LESS PREVIOUS CERTIFICATES FOR PAYMENT.....	\$ 0.00
CURRENT PAYMENT DUE.....	\$ 63,574.00
AMOUNT CERTIFIED \$	

(Attach explanation if amount certified differs from the amount applied for)
 ENGINEER:

CONTRACTOR:
 By:  Date: 3-3-11
 CITY:

By: _____ Date: _____
 This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 2 OF 3 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
 Contractor's signed Certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: ONE
 Period From: 12/15/2010
 To: 1/15/2011

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK		E COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H % (G / C)	I BALANCE TO FINISH (C - G)	J RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	COMPLETED THIS PERIOD						
1	GENERAL REQ.									
1.1	MOBILIZATION	70,200.00	0.00	720.00	0.00	720.00	1%	69,480.00	36.00	
1.2	BONDS & INSURANCE	85,000.00	0.00	65,000.00	0.00	65,000.00	76%	20,000.00	3,250.00	
1.3	ALLOWANCES	256,910.00	0.00	0.00	0.00	0.00	0%	256,910.00	0.00	
2	SITWORK	395,000.00	0.00	0.00	0.00	0.00	0%	395,000.00	0.00	
2.1	TEST PIT	1,200.00	0.00	1,200.00	0.00	1,200.00	100%	0.00	60.00	
3	CONCRETE	1,408,490.00	0.00	0.00	0.00	0.00	0%	1,408,490.00	0.00	
4	MASONRY	450,000.00	0.00	0.00	0.00	0.00	0%	450,000.00	0.00	
5	METALS	113,000.00	0.00	0.00	0.00	0.00	0%	113,000.00	0.00	
6	CARPENTRY	42,000.00	0.00	0.00	0.00	0.00	0%	42,000.00	0.00	
7	THERMAL/ MOIST. PROT.	128,000.00	0.00	0.00	0.00	0.00	0%	128,000.00	0.00	
8	DOORS/ WINDOWS	44,000.00	0.00	0.00	0.00	0.00	0%	44,000.00	0.00	
9	FINISHES	112,000.00	0.00	0.00	0.00	0.00	0%	112,000.00	0.00	
10	SPECIALTIES	16,000.00	0.00	0.00	0.00	0.00	0%	16,000.00	0.00	
		3,121,800.00	0.00	66,920.00	0.00	66,920.00	2%	3,054,880.00	3,346.00	

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 3 OF 3 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing
 Contractor's signed Certification is attached.
 In tabulations below, amounts are stated to the nearest dollar.
 Use Column 1 on Contracts where variable retainage for line items may apply.

APPLICATION NUMBER: ONE

Period From: 12/15/2010

To: 1/15/2011

A ITEM NO	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK		E COMPLETED THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)	H % (G / C)	I BALANCE TO FINISH (C - G)	J RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)							
11	EQUIPMENT	352,000.00	0.00	0.00	0.00	0.00	0.00	0%	352,000.00	0.00
12	FURNISHINGS	10,200.00	0.00	0.00	0.00	0.00	0.00	0%	10,200.00	0.00
13	SPECIAL CONSTRUCTION	300,000.00	0.00	0.00	0.00	0.00	0.00	0%	300,000.00	0.00
14	CONVEYING SYSTEMS	1,000.00	0.00	0.00	0.00	0.00	0.00	0%	1,000.00	0.00
15	MECHANICAL	1,100,000.00	0.00	0.00	0.00	0.00	0.00	0%	1,100,000.00	0.00
16	ELECTRICAL	905,000.00	0.00	0.00	0.00	0.00	0.00	0%	905,000.00	0.00
		2,668,200.00	0.00	0.00	0.00	0.00	0.00	0%	2,668,200.00	0.00



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

2011 Joint Powers Agreement (JPA) Street Maintenance Projects

Requested Action:

Consider approving bids for the JPA 2011 Street Projects to City Council

Background Information:

The following projects were bid as part of the 2011 JPA Street Maintenance program. These projects have been identified in the 2011 Street Capital Improvement Plan (CIP) and recommended by the Roads Commission at their February 8, 2011 and March 8, 2011 meetings. The Roads Commission also recommended that the balance of \$72,861.54 between the project cost of \$288,138.46 and the project budget of \$361,000 be applied to seal coating additional streets under this years proposed work. The additional streets would be selected from the Roads Capital Improvement Plan.

1. Seal coat and crack seal Erskine, Frazier, Marmon, Fillmore, 4th and 5th Streets, 182nd, 195th and 196th Avenues, and Deerwood, 193rd, 194th and 196th Lanes.
2. Crack-seal 20,000 LF as part of the annual street maintenance program.
Crack sealing will be performed prior to any seal coating applications. This project item should begin around June 1, 2011.
3. 32,000 LF of striping to be determined.

Bidding these item did not obligate the City to accept the bid. The bid for individual items can be rejected or amended as to quantities to accommodate the project budget.

The estimate for seal coating and crack sealing the above listed streets is \$361,000. These projects will be funded from the Street Capital Fund as identified the 2011-2015 Capital Improvement Plan and \$16,500 for 20,000 LF of crack sealing other streets will be paid from the 2011 Street Maintenance Budget.

The bids were as follows:

Trap rock, 80,000 SY @ \$0.81/SY	\$64,800.00
CRS-2 Oil, 22,400 Gals. @ \$2.00/Gal	\$44,800.00
Crack Sealing, 300,000' @ \$0.47/LF	\$141,000.00
Striping, 32,000' @ \$0.082/LF	\$ 2,611.20

Contingency (5%)	\$12,660.50
Tax	\$18,278.68
Administrative Cost	\$ 3,988.08
Total Project Cost	\$288,138.46

Attached is the bid sheet for this project and the bid sheet for the 2010 costs.

Attachments

- Attachment #1 JPA Project Map
- Attachment # 2 Bid Sheet 2011
- Attachment # 3 Bid Sheet 2010
- Attachment # 4 Letter of Concurrence

Fiscal Impact:

As noted above

Recommendation(s):

Staff recommends acceptance of the 2011 JPA Street Maintenance Agreement bids and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in these projects in an amount of \$288,138.46 and up to \$361,000 if the additional seal coat work is approved.

City Council Action

Motion by: _____

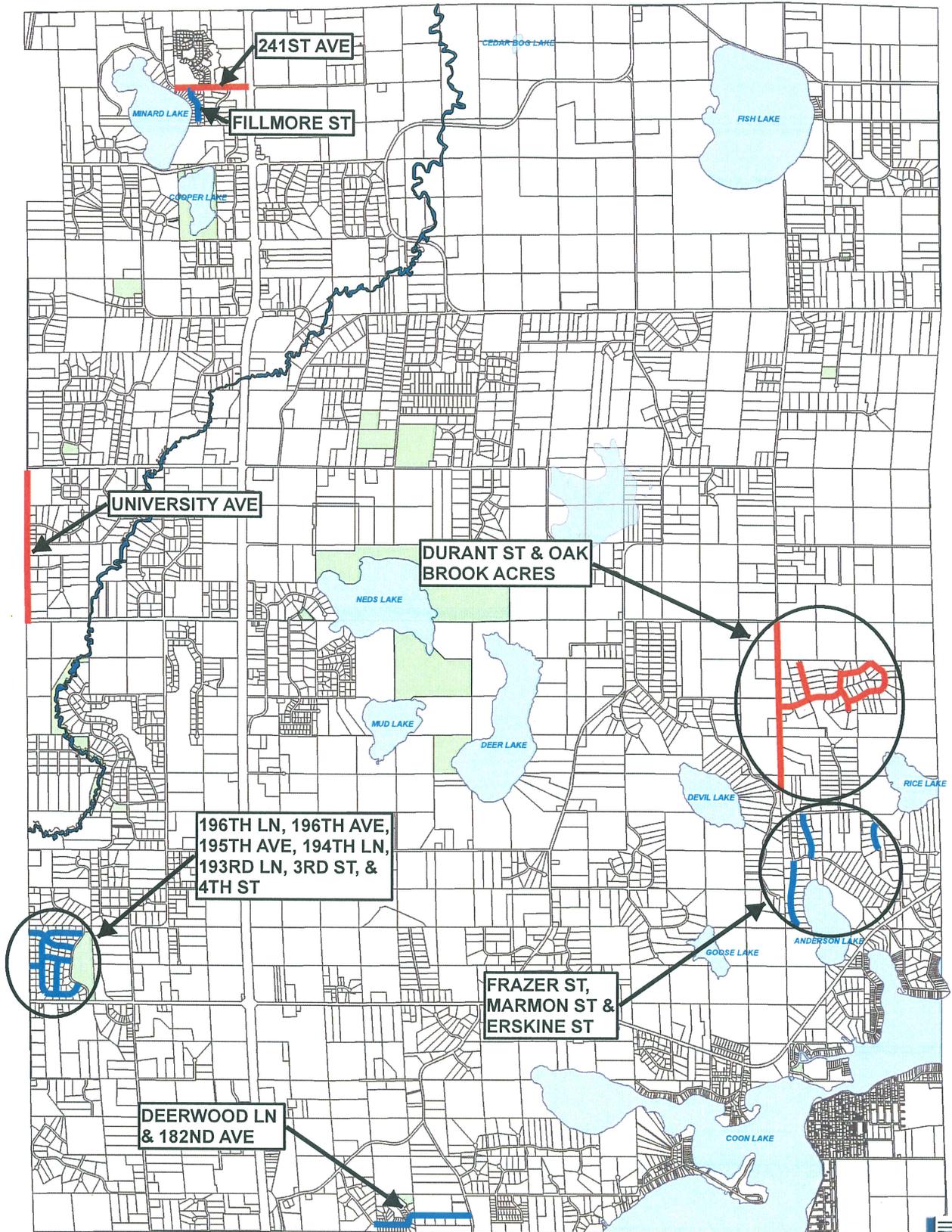
Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

K:\lead_eng\PROJECTS\GIS\EB901\2011\PDF Files



Legend

- CRACK SEAL ONLY
- SEAL COAT & CRACK SEAL



2011 JPA PROJECTS

SOURCE: ANOKA COUNTY SURVEY DEPARTMENT,
MINNESOTA DEPARTMENT OF NATURAL RESOURCES



March 17, 2011

Mr. Steve Gatlin
Director of Public Services
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433-3761

RE: JPA Letter of Concurrence in Award of Bids

Dear Mr. Gatlin:

At the regular City Council meeting on March 16, 2011, the City Council directed that a letter be drafted indicating approval to participate in the JPA Street Maintenance Project agreement for 2011. The City of East Bethel will participate in the Agreement at the bid rates for the following minimum quantities for the 2011 Street Maintenance Materials Project 11-5 bid which was received and opened by your office on February 25, 2011.

- 1.) Seal Coating.....80,000 SY
- 2.) Crack Sealing.....300,000 LF
- 3.) Striping..... 32,000 LF

Thank you for your assistance and we look forward to working with you and the consortium.

Sincerely yours,

Jack Davis
Interim City Administrator



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 E.2

Agenda Item:

Annual Comprehensive Plan Review

Requested Action:

Set Meeting Date for the Annual Comprehensive Plan Review

Background Information:

According to the 2008 East Bethel Comprehensive Plan, it will be reviewed on an annual basis to insure the plan remains as an effective development guide for East Bethel. As necessary, corrections may be made to deal with unforeseen circumstances.

To date, there has not been a review of the 2008 Comprehensive Plan. Staff suggests City Council set an evening work session in April to review the plan.

Fiscal Impact:

Undetermined

Recommendation:

Staff recommends City Council set an evening work session in April to review the 2008 Comprehensive Plan.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 E.3

Agenda Item:

Farmer's Market

Requested Action:

Staff Seeks Direction to Begin the Process for the Establishment of an East Bethel Farmer's Market

Background Information:

Farmer's Markets are an exciting and fast-growing trend within America's food system. They promote healthy life styles, offer a venue for personal interactions between consumers and producers, and strengthen communities.

Current USDA statistics indicate that farmer's markets nationwide, is up 111%. Minnesota alone has well over 100 markets, a number that has doubled in the last five years. Consumer demands for local foods and benefits for producers from direct marketing their products are two factors contributing to this dramatic rise in numbers.

To get the market off to a positive start, it typically takes at least eight (8) months. With this in mind, the earliest a market could be part of the East Bethel community is spring 2012. Staff has acquired the Farmers' Market Manual for Minnesota, developed by the University of Minnesota Extension Service which will assist staff and City Council in the process of establishing a market. The manual provides information including starting the market, governance structure, retail locations, promoting/managing the market, etc. Staff also is networking with other communities that have successful markets such as Ramsey, Maple Grove, and White Bear Lake.

If the City Council decides to pursue a market, some questions that will need to be answered at some point include the following:

- Where do you see the market located?
- What size of market would you like to have?
- What kind of market would you like to have?
- What products would you like to sell at the market?
- What activities, if any, beyond buying and selling would you like to see at the market?
- What are your vision/goals for the market in three (3) years, five (5) years, ten (10) years?

A clear vision of a market will help design a market in a manner that best suits the needs of the community. In the near future, a work group may need to be established to assist in the process.

Fiscal Impact:

Undetermined at this time

Recommendation:

Staff seeks direction from City Council to begin the process of collecting information to present to City Council for the possible establishment of a farmer's market in the spring of 2012.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

EAST BETHEL > View Station Info

I want to:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 8 9 All

Search (Station Name):

Station Number	Station Name	Address	City	State	Zip	Phone	Status
 40	Day All Stations (Weekdays)	2751 Viking Blvd	East Bethel	MN	55011		Active
 99	Duty Officer	2751 Viking Blvd.	East Bethel	MN	55011	763-367-7885	Active
 88	Night and Weekend All Stations	2751 Viking Blvd.	East Bethel	MN	55011	763-367-7885	Active
 11	Station 1 (Weekends)	2751 Viking Blvd	East Bethel	MN	55011		Active
 12	Station 1 (Night)	2751 Viking Blvd	East Bethel	MN	55011		Active
 21	Station 2 (Weekends)	2375 221st Avenue NE	East Bethel	MN	55011		Active
 22	Station 2 (Night)	2735 221st Avenue NE	East Bethel	MN	55011		Active

Records 1-7 of 7

Goto Page: 1

INCIDENT TYPE CODES

- 100 Fire
- 200 Overpressure Rupture, Explosion, Overheat (No Ensuing Fire)
- 300 Rescue and Emergency Medical Service (EMS) Incidents
- 400 Hazardous Condition (No Fire)
- 500 Service Call
- 600 Good Intent Call
- 700 False Alarm and False Call
- 800 Severe Weather and Natural Disaster
- 900 Special Incident Type



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Fire Department Reports

Requested Action:

Informational only

Background Information:

February Reports are included for your review.

To aid in your understanding, staff has included as Attachment #1 and #2 the Incident Type Codes and Station Codes as they appear on the reports.

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Fire Incident By Street Address
 From 02/01/11 To 02/28/11
 Report Printed On: 03/09/2011

Incident Number	Incident Date	Alarm Time	Location	Primary Station	Incident Type
EAST BETHEL					
080	02/28/2011	12:15	18164 65 HWY NE	40	321 EMS call, excluding vehicle accident with injury
079	02/28/2011	07:23	18164 65 HWY NE	40	321 EMS call, excluding vehicle accident with injury
078	02/28/2011	07:06	480 206th AVE NE	40	321 EMS call, excluding vehicle accident with injury
077	02/26/2011	18:59	65 HWY NE	40	611 Dispatched and cancelled en route
076	02/26/2011	15:56	2832 185th LN NE	11	321 EMS call, excluding vehicle accident with injury
075	02/26/2011	10:30	Fawn Lake DR NE	21	322 Motor vehicle accident with injuries
074	02/25/2011	20:18	339 Cedar RD NE	11	321 EMS call, excluding vehicle accident with injury
073	02/25/2011	16:25	21257 Eveleth ST NE	40	321 EMS call, excluding vehicle accident with injury
072	02/24/2011	11:25	1438 215th AVE NE	40	321 EMS call, excluding vehicle accident with injury
071	02/22/2011	07:53	65 HWY NE	40	322 Motor vehicle accident with injuries
070	02/22/2011	06:53	192 Dogwood RD NE	40	321 EMS call, excluding vehicle accident with injury
069	02/21/2011	12:55	18164 65 HWY NE	40	321 EMS call, excluding vehicle accident with injury
068	02/20/2011	09:56	2120 Deerwood LN NE	11	321 EMS call, excluding vehicle accident with injury
067	02/19/2011	01:36	2150 146th AVE NE	11	111 Building fire
066	02/17/2011	10:12	19923 Wild Rice DR NE	40	611 Dispatched and cancelled en route
065	02/16/2011	16:55	4150 225th LN NE	40	131 Passenger vehicle fire
064	02/15/2011	16:06	18216 Yancy ST NE	40	321 EMS call, excluding vehicle accident with injury
063	02/13/2011	19:56	18452 Vermillion ST NE	11	321 EMS call, excluding vehicle accident with injury
062	02/13/2011	04:26	18164 65 HWY NE	11	321 EMS call, excluding vehicle accident with injury
061	02/13/2011	04:22	19957 Edison ST NE	11	321 EMS call, excluding vehicle accident with injury
060	02/12/2011	09:37	21257 Eveleth ST NE	11	321 EMS call, excluding vehicle accident with injury
059	02/11/2011	20:32	3551 Crosstown BLVD NE	88	111 Building fire
058	02/11/2011	20:10	456 195th AVE NE	11	321 EMS call, excluding vehicle accident with injury
057	02/11/2011	10:12	1262 237th AVE NE	40	321 EMS call, excluding vehicle accident with injury
056	02/10/2011	21:10	22718 Buchanan ST NE	22	321 EMS call, excluding vehicle accident with injury
055	02/10/2011	02:57	24355 65 HWY NE	22	321 EMS call, excluding vehicle accident with injury
054	02/08/2011	16:46	1545 209th AVE NE	40	321 EMS call, excluding vehicle accident with injury
053	02/08/2011	07:20	24355 65 HWY NE	40	321 EMS call, excluding vehicle accident with injury
052	02/07/2011	18:58	3180 199th AVE NE	12	321 EMS call, excluding vehicle accident with injury
051	02/07/2011	13:30	2616 Klondike DR NE	40	321 EMS call, excluding vehicle accident with injury
050	02/07/2011	02:55	3645 223rd AVE NE	22	321 EMS call, excluding vehicle accident with injury
049	02/06/2011	11:13	18164 65 HWY NE	11	321 EMS call, excluding vehicle accident with injury
048	02/05/2011	05:01	65 HWY NE	21	322 Motor vehicle accident with injuries
047	02/04/2011	14:33	Packard ST NE	40	321 EMS call, excluding vehicle accident with injury
046	02/03/2011	10:46	203 Elm DR NE	40	111 Building fire
045	02/02/2011	20:00	1825 209th CT NE	12	321 EMS call, excluding vehicle accident with injury
044	02/02/2011	16:58	530 221st AVE NE	40	321 EMS call, excluding vehicle accident with injury
043	02/02/2011	16:30	2849 227th LN NE	40	138 Off-road vehicle or heavy equipment fire
042	02/02/2011	00:08	19921 Stutz ST NE	22	321 EMS call, excluding vehicle accident with injury
041	02/01/2011	17:23	925 215th LN NE	99	733 Smoke detector activation due to malfunction
Total					40

Search Criteria	
Dates	From 02/01/2011 To 02/28/2011
Service	EAST BETHEL
Incident Address	All
Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

[Report Description](#)

**City of East Bethel
Fire Department
February 2011 Calls
Additional Information**

Call Number	Incident Date	Reported Location	Actual Location	Type of Call
48	02/05/2011	65 Hwy NE	Hwy 65 and 221 st	Fatal Vehicle Accident
59	02/11/2011	3551 Crosstown	3551 Crosstown	Ham Lake Mutual Aid
67	02/19/2011	2150 146 th Ave NE	2150 146 th Ave NE	Ham Lake Mutual Aid
71	02/22/2011	65 Hwy NE	65 Hwy NE and 187 th	Motor Vehicle Accident
75	02/26/2011	Fawn Lake Dr NE	Fawn Lake Dr NE and East Bethel Blvd	Motor Vehicle Accident

City of East Bethel

Subject: Fire Inspector Report

February 1 – 28, 2011

City of East Bethel Fire Inspection List		
Name	Address	Comments
Total Entertainment/MSB	4817 Viking Blvd	3 rd Inspection: NO VIOLATIONS
Rodger's Rod & Custom	18689 Buchanan St.	2 nd Inspection: NO VIOLATIONS
A-Blast	21473 Johnson St	NO VIOLATIONS
Quality Carpentry of Cedar	21435 Johnson St 300	NO VIOLATIONS
Detail Drafting & Design	21435 Johnson St 100	NO VIOLATIONS
Minnesota Jobs	21435 Johnson St.200	NO VIOLATIONS
Blue Sky Alpacas Inc.	21476 Johnson St.	NO VIOLATIONS
Cedar Creek Auto	21388 Johnson St.	NO VIOLATIONS
Building By Design	1815 Viking Blvd	There was a miss communication on the mailing address. Granted additional 60 days and will not count as a 2 nd inspection.
Finishing Touch	23488 Ulysses St.	NO VIOLATIONS
ICC Training	Northland Inn	Feb 7 through Feb 11. Classes were 8am to 4pm Monday through Friday.
NOTE: First Inspections Unless Noted		

00 Businesses Inspected

Reported by Mark Duchene
Fire Inspectors



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Seasonal Employees

Requested Action:

Consider authorizing the hire of seasonal employees for public works maintenance activities.

Background Information:

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

During the upcoming spring and summer, there are labor intensive park projects scheduled for the installation of edging and mulch at seven parks and irrigation repairs and improvements at Booster West Park which will require City personnel and equipment for completion. The extra staffing will enable the Department to complete the projects as well as ensure adequate maintenance for existing parks. Road projects include crack sealing, seal coating, Class V resurfacing and patching/paving work on approximately eight miles of City streets. These projects are in addition to the normal maintenance activities that generally require significant staff time.

To complete the work scheduled, staff is requesting approval to hire three seasonal employees to work from mid-May through the end of August 2011. These seasonal employees would permit the normal park and street maintenance to proceed while the more experienced staff work in those construction activities that require additional experience. Seasonal employees would also be used for general labor and to back up the schedule when full time personnel are scheduled for vacation.

These positions are limited to approximately 13 weeks for each seasonal employee.

Fiscal Impact:

Funding for these positions in the amount of \$9,052 is provided for in the 2011 General Fund under the Parks Department budget and an additional \$12,244.82 in salary savings in this Department is available to fund these positions. First year seasonal employees are proposed to be paid \$10.00/hr. and seasonal employees with previous employment with the City would be paid

\$11.00/hr. The total funds available for seasonal employees are \$21,296.82 and the projected cost for these positions is \$18,000.

Recommendation(s):

Staff is recommending approval to hire three seasonal employees for the period mid-May to the end of August, 2011.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Website Work Group

Requested Action:

Staff seeks Council direction to form a Website Work Group

Background Information:

The City of East Bethel Website has had the same “look and feel” since 2002. For many residents, businesses and visitors, this is one of the first looks they get at the City of East Bethel.

It is recommended that City form a Website Work Group consisting of three to five members. Council Member Moergerle has shown interest in serving on this work group, the deputy clerk and city planner would also like to be involved in this work group. The work group would be responsible for making recommendations to Council on the updating of the website, establishing a budget and draft a timeline for the project.

Fiscal Impact:

Unknown at this time.

Recommendation(s):

Staff seeks Council direction to begin the process of forming a website work group.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 G.3

Agenda Item:

City Clerk/Treasurer Appointment

Requested Action:

Consider approving an Acting/Interim City Clerk/Treasurer

Background Information:

The attached is a response to our request for information from the League of Minnesota Cities (LMC) inquiring if the City can operate with a Deputy City Clerk and Deputy City Treasurer until a new City Administrator/Clerk/Treasurer is appointed later this year. According to the response from the LMC, the City of East Bethel needs to designate a person to be the Clerk/Treasurer. Operating with deputies is not advisable in their opinion. However, the Interim City Administrator or one of the deputies could be appointed to Acting or Interim Clerk/Treasurer. A Minnesota Statutory City, such as East Bethel, must have a named Clerk. Minnesota Statute 412.151

Attachment(s):

Attachment 1, LMC e-mail opinion

Fiscal Impact:

None at this time

Recommendation(s):

It is recommended that Council appoint the interim City Administrator as the Acting City Clerk/Treasurer.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: _____

Rita J. Pierce

City of East Bethel
Fiscal & Support Services Director

Phone: 763-367-7852

-----Original Message-----

From: Eisenschenk, Amber [<mailto:aeisenschenk@lmc.org>]

Sent: Wednesday, March 09, 2011 4:25 PM

To: Rita Pierce

Subject: Request for Information from the League of Minnesota Cities

Dear Ms. Pierce,

This email is in response to your request for information from the League of Minnesota Cities regarding if your city can operate with a Deputy City Clerk and Deputy City Treasurer until a new City Administrator/Clerk/Treasurer is appointed later this year. East Bethel needs to designate a person to be the Clerk/Treasurer. Operating with deputies is not sufficient. However, one of the deputies or the Interim City Administrator could be appointed to Acting or Interim Clerk/Treasurer. A Minnesota Statutory City, such as East Bethel, must have a named Clerk. Minnesota Statute 412.151
<<https://www.revisor.mn.gov/statutes/?id=412.151>>

After reviewing the city code and the minutes of council meetings currently available on the City of East Bethel's website, the information below is relevant to the current situation.

The positions of Clerk and Treasurer have been combined to be Clerk/Treasurer by East Bethel city ordinance. Only one person should then be appointed to Interim or Acting Clerk/Treasurer.

Since the position of Administrator/Clerk/Treasurer was previously held by one person, the city council may have intended to have the Interim City Administrator continue the position of Administrator/Clerk/Treasurer. In the city council minutes found online, it does not seem clear if the position was to include the Clerk/Treasurer responsibilities. Comparing the previous City Administrator's and the Interim City Administrator's job descriptions and contracts may be informative as to what the city council intended or if the Clerk/Treasurer position was overlooked. The East Bethel city ordinance that details the duties and responsibilities of the City Administrator does not specifically include the Clerk/Treasurer duties.

If that does not produce a clear answer that the Interim City Administrator is also the Clerk/Treasurer, the city council should remedy this situation by specifying their wishes at the council meeting next week. They could appoint the Deputy Clerk or Deputy Treasurer to Interim or Acting Clerk/Treasurer until the new City Administrator/Clerk/Treasurer is hired later this year or assign the responsibilities to the Interim City Administrator or another official by ordinance.

If you think the City Council needs to take action, please consult with the Interim City Administrator and your City Attorney to take the necessary steps. This response is intended to convey general information and should not be taken as legal advice or as a substitute for competent legal guidance. Consult your city attorney for advice regarding specific situations.

I hope this information will prove helpful. Please contact our office if we can be of further assistance.

Sincerely,

Amber Eisenschenk | Research Law Clerk
Tel: 651-281-1227
aeisenschenk@lmc.org <<mailto:jbach@lmc.org>> | www.lmc.org
<<http://www.lmc.org/>> League of Minnesota Cities
145 University Ave. West | St. Paul, MN 55103



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0 G.4

Agenda Item:

US Cable PEG Fee

Requested Action:

Consider implementing or amending 2008 to 2011 PEG Fees for the cable access channel

Background Information:

US Cable notified the City of East Bethel on Thursday, March 10, 2011 at 5:38 p.m. 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. As indicated in the attachment, 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 951 cable subscriptions, \$11,982.60 in PEG fees have not been collected by US Cable for distribution to the City during the period listed above. US Cable has proposed four options to remedy this problem:

- 1.) Amend the ordinance to delete the PEG fees. However, that won't support future equipment purchases or replacements for cable access equipment;
- 2.) Proceed with the scheduled fees as indicated in the attached schedule, forgiving the unbilled PEG fees through March 2011;
- 3.) Change the fee schedule to allow an additional sum of \$0.35 to be added for a three year period to the March 1, 2011 through February 29,2016 schedule or other pro-rated amounts to recover the unbilled cost; or
- 4.) Change the fee schedule to a lower amount and use the 5% franchise fee to support the cable access program as necessary or if required.

Any change in fees or schedules would have to be 30 day noticed by US Cable to its customers.

Attachment(s):

US Cable e-mail notice of failure to bill PEG Fees

Article 7.03 and 7.04 Cable Franchise Ordinance

Fiscal Impact:

As noted above.

Recommendation(s):

Staff is seeking Council direction regarding this matter

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

7.03 Access Channels.

A. Grantee shall provide to each of its Subscribers who receive some or all of the video services offered on the System reception on at least two (2) specially designated noncommercial access Channels for public, educational or governmental ("PEG") programming to be determined in City's sole discretion. The VHF spectrum must be used for at least one (1) of the specially designated noncommercial access Channels required in this section.

B. City may establish rules for acceptance of tapes for insertion on Channels, as required under this section consistent applicable laws.

C. The Grantee shall provide two (2) PEG Channels as part of the Cable Service provided to any Subscriber, at no additional charge, other than the advertised rate for the given tier of service, and so that the PEG Channels are viewable by the Subscriber without the need for additional equipment beyond that required to receive the Basic Service tier. If Channels are selected through a menu system, the PEG Channels shall be displayed as prominently as commercial programming choices offered by Grantee.

7.04 Access Equipment and Facilities.

A. Grantee shall provide City with access capital grants of Ten Thousand and No/100 Dollars (\$10,000), payable upon acceptance of this Franchise and Five Thousand and No/100 Dollars (\$5,000) payable upon the first anniversary of the date of acceptance of this Franchise. Grantee specifically agrees not to itemize or pass-through the access capital grants to Subscribers nor to offset such capital grants from Franchise Fees due and payable to the City. Grantee shall also pay to the City a per subscriber per month fee ("Access Fee"), solely to fund PEG access related expenditures. Said Access Fee shall be paid to the City on a quarterly basis, pursuant to the following schedule:

March 1, 2008 through February 28, 2011	\$.35 per subscriber per month
March 1, 2011 through February 29, 2016	\$.40 per subscriber per month
March 1, 2016 through the expiration date	\$.45 per subscriber per month

Grantee reserves all rights under applicable law to itemize and pass through to Subscribers the Access Fee. Any and all payments by Grantee to City in support of PEG access programming shall not be deemed "Franchise Fees" within the meaning of Section 622 of the Cable Act (47 U.S.C. Section 542).

B. City shall be responsible for insuring, maintaining, repairing, fixing and adjusting all equipment so purchased.

C. Grantee shall continue to provide, free of charge, space for an access organization in Forest Lake and Cambridge.

Jack Davis

From: Steve Johnson [sjohnson@mn.uscable.com]
Sent: Thursday, March 10, 2011 5:38 PM
To: Jack Davis; Johnson, Steve
Cc: Wendy Warren; Gorga, Connie; Appio, Joe
Subject: PEG access fee
Attachments: SKMBT_C55011031014460.pdf

Jack

As per our conversation today I am sending a summary of our situation.
Attached is page 8 of our franchise agreement that was executed the summer of 2006 for reference.

US Cable as requested by Doug Sell in the agreement with City of East Bethel, agreed to pass through to our video customers a .35 cent PEG Access (per customer/per month) fee starting March 1st 2008, increasing to .40 cents March 1st 2011. To date these charges have not been implemented, as I found through some paperwork house-keeping.

By federal law these fees can only be used for capital PEG access expenditures if implemented.

We have three options:

1. Amend the ordinance to strike the PEG Fees (but that won't support future equipment purchases or replacements unless monies from your 5% payment will suffice).
2. Go forward with the pass through fee as indicated in the schedule with a 30 day advance notice to the customers, sent by US Cable.
3. Change the fee schedule to a lower amount and pass on with 30 days notice.

Whichever is decided, US Cable will send a document confirming the decision to the City for proper paper trail.

Month end February US Cable has 951 basic customers so you can do the math.

For the record I feel it is important to have a strong access channel for the customers but remember, Dish (DBS) customers do not get charged the 5% fee or a PEG fee, so we don't want to create any larger delta than needed to support the channel.

Thanks

Steven Johnson
State Manager

One simple connection. That's 

US Cable
402 N Red River Ave. Suite 5
Cold Spring, MN 56320
320-685-2814

3/11/2011



City of East Bethel City Council Agenda Information

Date:

March 16, 2011

Agenda Item Number:

Item 8.0.E.1

Agenda Item:

Code Enforcement Report

Requested Action:

Informational Only

Background Information:

Attached is a copy of the monthly report of code enforcement activities for properties posted as Unfit or Hazardous. The report provides a snapshot of the activity and status of various properties.

Attachments:

Code Enforcement Report

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

POSTED UNFIT/HAZARDOUS PROPERTIES

03/16/2011

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
607 Viking Blvd.	2/20/08 Posted unfit	Sept 2010 property sold	Closed	Property sold, septic system just replaced and building permits issued for repairs. City assessment has been paid.
22906 Jackson St.	3/19/08 Posted unfit	8/8/10 Property sold	Tracking(2/18/11)	On 8/08/10 new owner contacted Building Official and stated that she has closed on the property, currently addressing issues with oak wilt and hopes to start constructing new principle structure within the next couple of months.
204 Dahlia Dr. NE	11/6/08 Posted unfit	4/26/10 Court ordered abatement.	Tracking(08/10/10)	Owner has construction debris still stored on site working to remove. (progress slow)
Castle Towers Trailer Park	6/7/10 posted lot #106 , #149 and #122 as Hazardous/Unfit	6/8/10 Compliance letters for hazardous structures	Tracking (2/18/11)	Owners obtained demolition permits on 10/08/10 to remove the structures located on lots #149, #106 and #122. As of 12/17/10 the structures have been removed from lots #149 and #106.
22568 Sandy Dr.	12/10/08 Hazardous/Unfit Structures	8/26/10 Demolition permit issued	Tracking (2/18/11)	Structures are down, owner conducting site clean-up.

221 Birch Rd.	Demo permit issued 6/4/10	Site inspection by Building Official conducted on 6/7/10	Closed	Wells Fargo has reimbursed the city for abatement and prosecution. (8/31/10)
191 Elm Rd. Garage	Posted structure (Garage) as unfit for human habitation on 9/22/09		Tracking	Owner was ordered not to reside in the garage and given 14 days to clean out the interior. Currently tracking. Have asked Anoka Co. Sheriff to cite individuals with trespass if staying on the property.
330 Dogwood Rd.	12/1/09 Primary residence unfit to occupy, public health issue,	Letter sent to owner on 12/02/09	Tracking	Building department is watching the property; it is believed that the structure is occupied. Prior agreement with property owner was that structure shall not be occupied until permits for plumbing and sewer has been issued, inspections approved and finalized.
19079 Greenbrook Dr.	01/05/10 Residential structure posted as Unfit to Occupy	4/16/2010 Final inspections completed	Closed	Property sold, outstanding assessments paid to city, building permits issued for repairs.

775 199 th Ave NE.	02/17/10 Residential structure posted as Unfit to Occupy	Dec 2010 property sold	Closed	Issued building permits to new owner for remodel.
3424 Edmar Ln.	Sent Hazardous Bldg. Orders	9/17/10	Closed	Principle structure and garage have been removed, septic abandoned and well sealed.
22779 Sandy Dr.	Sent Hazardous Bldg. Orders	06/21/10	Closed	Property has sold, new owner conducting abatement and repairs. (01/20/11)
265 Dahlia Rd.	Accessory structure post as Hazardous Bldg.	10/07/10	Closed	Building permit issued for reconstruction.

19926 Buchanan St.	09/21/10 Principle structure posted as unfit	02/17/11	Closed	Property has sold new owner conducting abatement.
1203 189 th Ave	10/08/10 Principle structure posted as Hazardous Building	10/08/10 Hazardous building/property letter sent to owner.	Tracking(6/1/11)	Posted structure as hazardous building and property is considered a public nuisance. Property owner contacted building official on 12/16/10 and requested an extension. Extension has been granted till June 01, 2011.
1927 Jenkins St. NE.	12/01/10 Principle structure posted as unfit	01/10/11 Final notice sent	Tracking(2/17/11)	Follow up site inspection on 2/17/11 revealed windows that had been compromised have been secured.
18211 Jackson St. NE	03/09/11 Principle structure posted as unfit/hazardous building	03/09/11 Hazardous building orders sent to owner and mortgage co.	Tracking (3/9/11)	On 3/7/11 Anoka Co. drug task force seized the property and deemed it to be a clandestine lab. City fire dept. responded and ventilated the structure. Building official currently working with Anoka county Environmental Services to ensure assessments and remediation comply with state statutes, county and local ordinances.

SECTION 00991 – CHANGE ORDER

No. 1

Date of March 16, 2011 Effective March 17, 2011

Project: East Bethel Elevated Storage Tank	Owner: City of East Bethel	Date of Contract: December 1, 2010
Contractor: Caldwell Tank, Inc.		Engineer's Project No.: EB606

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

Description:

Due to the temporary suspension of this project, the Contractor has requested 99 calendar days be added to the Contract. All other terms of the Contract remain unchanged.

Attachments (list documents supporting change):

None

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ 1,072,000.00	Original Contract Times: <input type="checkbox"/> Working days <input checked="" type="checkbox"/> Calendar days Substantial completion (days or date): 510 days Ready for final payment (days or date): 540 days
Net changes from previous Change Orders No. _ to No. _: \$ N/A	Net Changes from previous approved Change Orders No. _ to No. _: Substantial completion (days): N/A Ready for final payment (days): N/A
Contract Price prior to this Change Order: \$ 1,072,000.00	Contract Times prior to this Change Order: Substantial completion (days or date): 510 days Ready for final payment (days or date): 540 days
Net (Increase/Decrease/No Change) of this Change Order: \$ 0	Net Increase of this Change Order: Substantial completion (days or date): 122 days Ready for final payment (days or date): 130 days
Contract Price incorporating this Change Order: \$ 1,072,000.00	Contract Times with all approved Change Orders: Substantial completion (days or date): 632 days Ready for final payment (days or date): 670 days

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

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 Price or Times.

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

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

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

B. COMPLETING THE CHANGE ORDER FORM

Engineer normally initiates the form, including a description of the changes involved and attachments 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 Owner or Contractor for approval, depending on whether the Change Order is a true order to the Contractor or the formalization of a negotiated agreement for a previously performed change. After approval by one contracting party, all copies should be sent to the other party for approval. Engineer should make distribution of executed copies after approval by both parties.

If a change only applies to price or to times, cross out the part of the tabulation that does not apply.

Anoka County Sheriff's Office Report February 2011

DUI Arrests: There were two for the month of February. One was a vehicle traveling on Hwy 65 southbound in the northbound lanes. The driver stated she had been at a bar in Blaine drinking.

A driver was arrested after he was seen driving erratically out on Coon Lake, with no head lights on, after midnight. Driver advised he was drunk and stupid to be driving.

There were 2 theft from vehicle reports for the month. Both vehicles were parked at businesses with backpacks/purses left inside the vehicle. When the owners returned to the vehicle they found a window broken out and their backpacks/purses stolen.

The Sheriff's Office recommends not leaving valuables inside your vehicle, thinking it is safe because the vehicle is locked. As Spring is approaching the number of theft from vehicle reports increases and it is a good time to remind you to lock valuables away in your trunk or take them with you. If you choose to lock them in your trunk, do so before you reach your destination.

Last week there was a search warrant executed at a residence in East Bethel where a meth lab was found. The homeowner was arrested.

Crime trends that are occurring within Anoka County:

Currently we are seeing an increase in burglaries to homes, during the day. The suspects are gaining entry by kicking in the rear doors of residences, opening the garage door, and parking their vehicle inside to fill with items from the home. When they leave, they leave the garage door open. If you see any type of suspicious activity going on, please don't hesitate to call 911 – our deputies cannot be everywhere and it's alert neighbors who help us solve these types of crimes.

There is an on-going issue with thefts of outgoing mail. Make sure to utilize the blue post office mailboxes instead of using your curbside mailbox when sending mail. Mail thefts target mailboxes that have their red flag up. They will take your mail, being able to obtain bank account information (if you are paying bills), as well as credit card information (if you are mailing a

credit card bill). These thieves will in turn create new checks with your bank account information or “wash” the checks that you have written and make them out to whomever they want. This can create a nightmare for you trying to clear your name from the fraudulent checks.

Copper thieves are hitting abandoned homes. They will break into a residence and take out all the copper piping located inside. Once again, this type of crime will be solved only with the help of diligent neighbors.

A new lucrative method for thieves to raise money is to hack into social networking sites and obtain relative information. The thieves (who are usually in Canada) then call and claim to be the person’s grandson or granddaughter and being held in jail until someone will post bail for them. The unsuspecting relatives believe this is real and end up sending money which is very rarely recovered. Unsuspecting relatives are being bilked out of thousands of dollars.

Miscellaneous Information:

The Sheriff’s Office does have a full time recreational deputy. He does enforcement in all of our contract cities. If you are having any issues with snowmobile / atv / watercraft problems please contact a deputy so he can pass the information along or you can contact Deputy Sink at the Sheriff’s Office.

When you see a deputy out on a traffic stop, and want to talk to them, please do not stop and approach them. This creates a safety hazard for the deputy, as well as other concerns. When a deputy is out on the stop, they are concerned with their safety as well as the safety of others. Many accidents occur on the roadside by people who “don’t see the lights” etc, and the deputy needs to be able to concentrate on the incident they are dealing with at the time. If you do need to talk with a deputy, you can call 911 and someone will either come to your house or if you don’t want them to respond to your house, they will give you a call when they are clear.