

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: February 2, 2011



Item

7:30 PM **1.0 Call to Order**

7:31 PM **2.0 Pledge of Allegiance**

7:32 PM **3.0 Adopt Agenda**

7:34 PM **4.0 Public Forum**

7:44 PM **5.0 Presentations**

- Page 1 A. Bolton & Menk – Kreg Schmidt
- Page 2 B. Anoka County HRA – Karen Skepper
- Page 3 C. City Prosecutor – Bill Clelland

8:44 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 6-10 A. Approve Bills
- Page 11-32 B. Meeting Minutes, January 19, 2011, Regular Meeting
- Page 33-43 C. Meeting Minutes, January 12, 2011, Work Session
- Page 44 D. Resolution 2011-07 - Water Treatment Facility Site Plan Review – 60 Day Extension

New Business

7.0 Commission, Association and Task Force Reports

- A. Planning Commission (**No Report**)
- B. Park Commission (**No Report**)
- C. Road Commission (**No Report**)

8.0 Department Reports

- 8:50 PM A. Engineer
 - Page 45-49 1. Pay Estimate No. 5 for the Wild Rice Drive Reconstruction Project
- B. Attorney (**No Report**)
- C. Finance (**No Report**)
- D. Public Works
 - Page 50-55 1. 2011 Joint Powers Agreement (JPA) Street Maintenance Projects
- 9:00 PM E. Planning and Inspection/Code Enforcement
 - Page 56-62 1. 2011 Animal Control Contract
- F. Fire Department (**No Report**)
- G. City Administrator
 - 9:30 PM 1. RFP for Legal Services
 - Page 63-69 2. Closed Session – Former City Administrator Agreement
 - Page 70 3. Closed Session – Anoka County HRA Lawsuit
 - Page 71

	9.0	Other
10:00 PM		A. Council Reports
10:10 PM		B. Other
10:20 PM	10.0	Adjourn



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 5.0 A.1

Agenda Item:

Presentation Bolton & Menk

Requested Action:

Consider allowing Bolton & Menk to present information on the City sewer and water project.

Background Information:

At the continued City Council meeting on January 24, 2011 staff was directed to invite Bolton & Menk to give a presentation to Council and residents regarding the City sewer and water project. Mr. Kreg Schmidt of Bolton and Menk will make a presentation regarding the project covering the construction activities and certain aspects of the financing.

Fiscal Impact:

None at this time.

Recommendation(s):

For Informational Purposes Only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City Council Update on Municipal Sewer and Water Project



February 2, 2011

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Presentation Format

- 1) Review Overall Project
- 2) Review Phase I Project 1 Status
- 3) Review General Development Rate Scenario's Considered
- 4) Review Bond Repayment Status

Overall Project

1) Joint City and Metropolitan Council Project

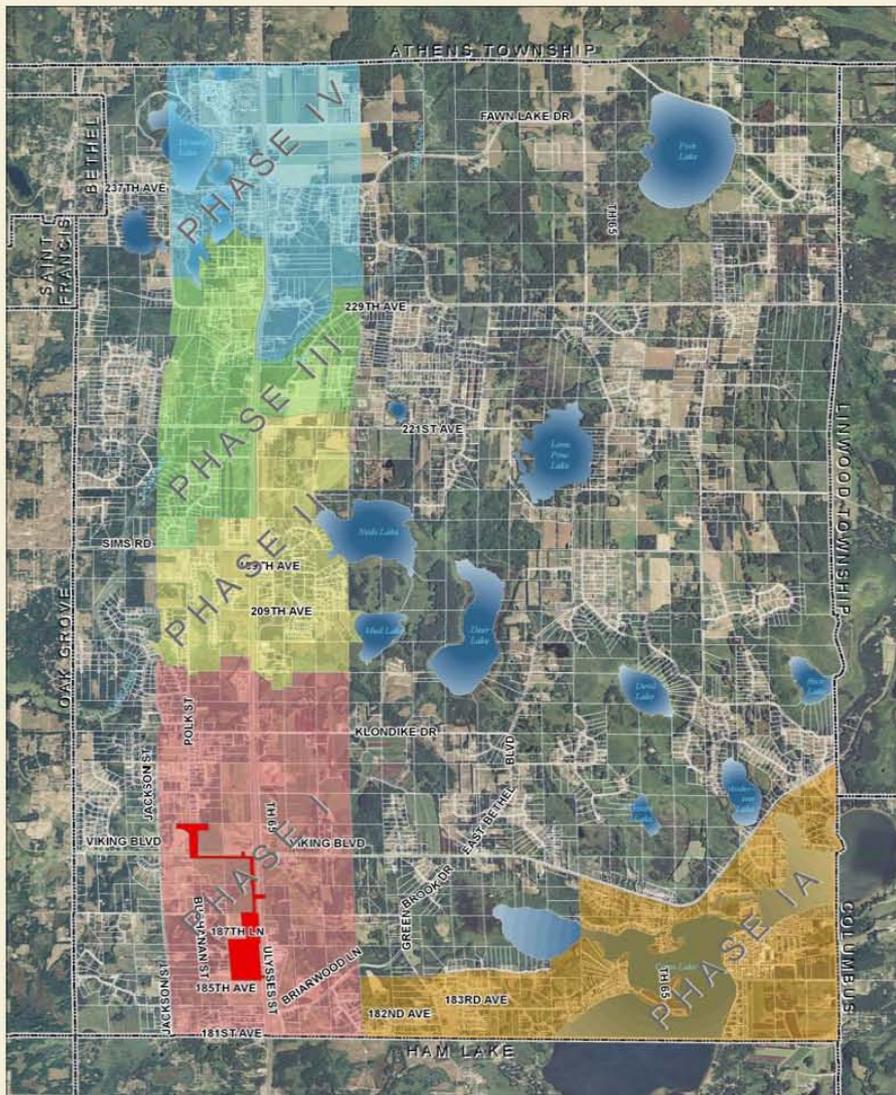
– Initial Project

- 40% City Funded
- 60% Metropolitan Council Funded



Project Location

- Overall Municipal Utility Phasing Plan (Per Comprehensive Plan)



LEGEND

- PHASE I
- PHASE IA
- PHASE II
- PHASE III
- PHASE IV
- Project Location

LEGEND

- PHASE I
- PHASE IA
- PHASE II
- PHASE III
- PHASE IV
- Project Location



FEASIBILITY
STUDY

FACILITY PLAN FOR UTILITY INFRASTRUCTURE PROJECT PHASING

FIGURE NO. 1.2

September, 2010



Not to Scale

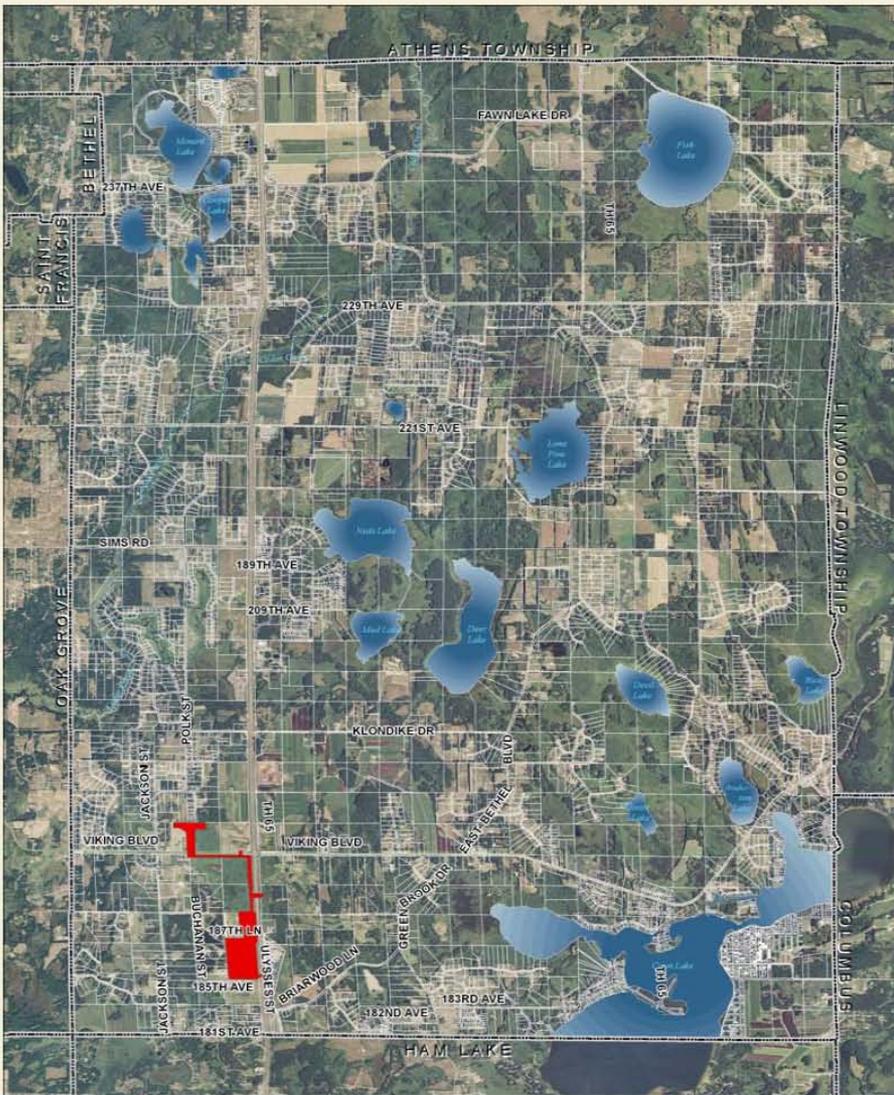
BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Project Location

- Phase I Project 1 Location

LEGEND

 Project Location



LEGEND

 Project Location



FEASIBILITY
STUDY

PHASE I PROJECT 1 PROJECT LOCATION

FIGURE NO. 1.1

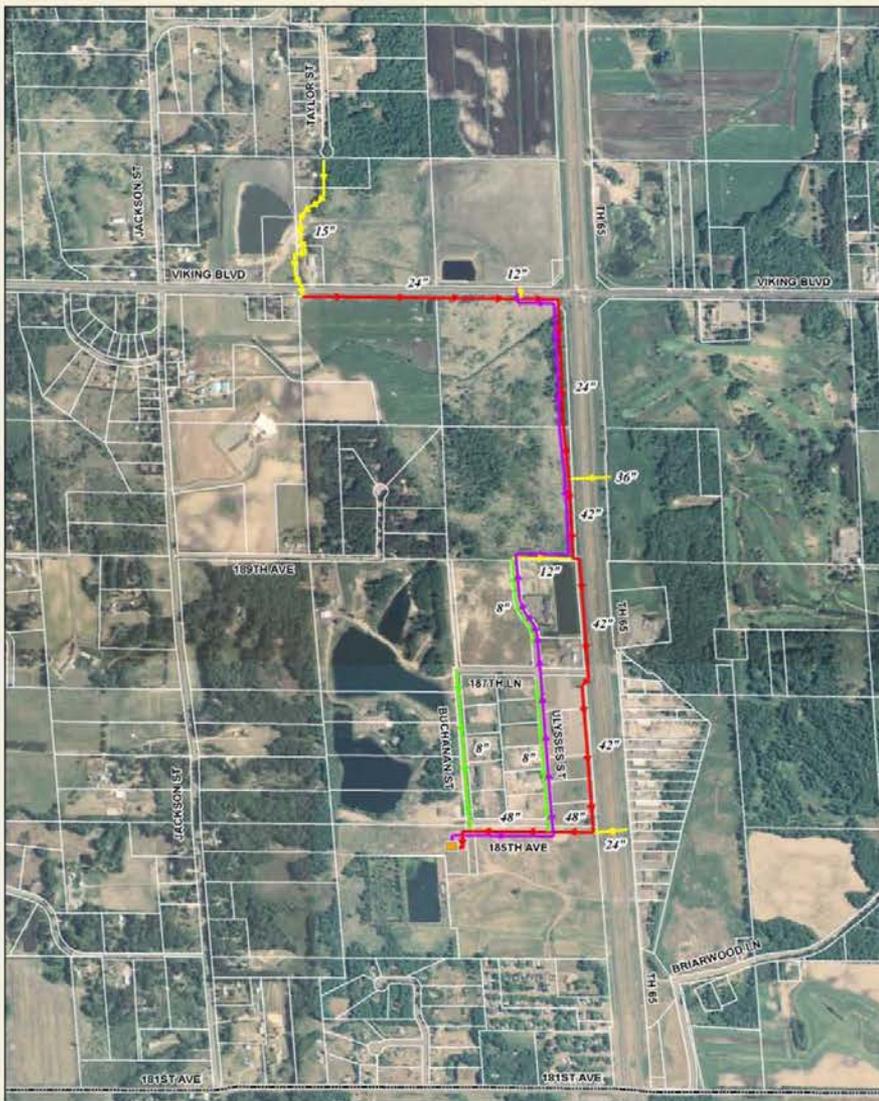
September, 2010



BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Sanitary Sewer System

- Overall Project 1 Area System



LEGEND

- WWRF
- City Trunk Sanitary Sewer
- MCES Interceptor
- MCES Discharge
- City Lateral Sanitary Sewer



LEGEND

- WWRF
- City Trunk Sanitary Sewer
- MCES Interceptor
- MCES Discharge
- City Lateral Sanitary Sewer



FEASIBILITY STUDY

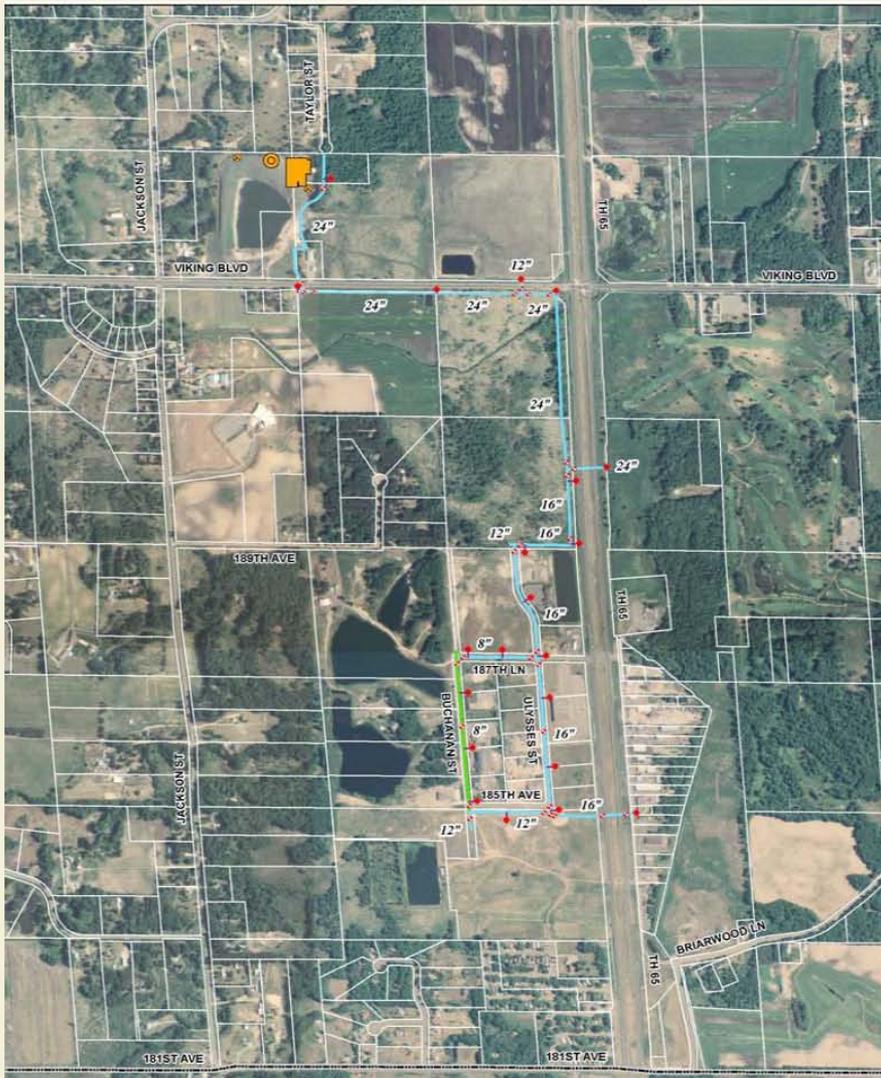
PHASE I PROJECT 1 SANITARY SEWER FIGURE NO. 2.1

September, 2010

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

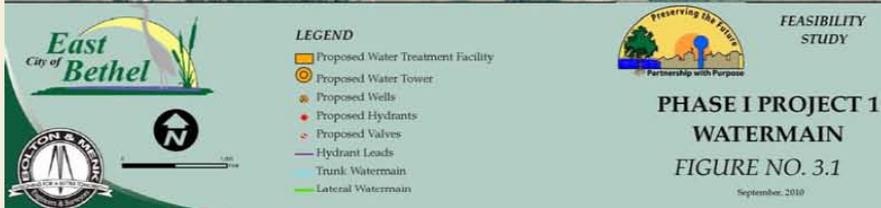
Water System

Overall Project 1 Area System



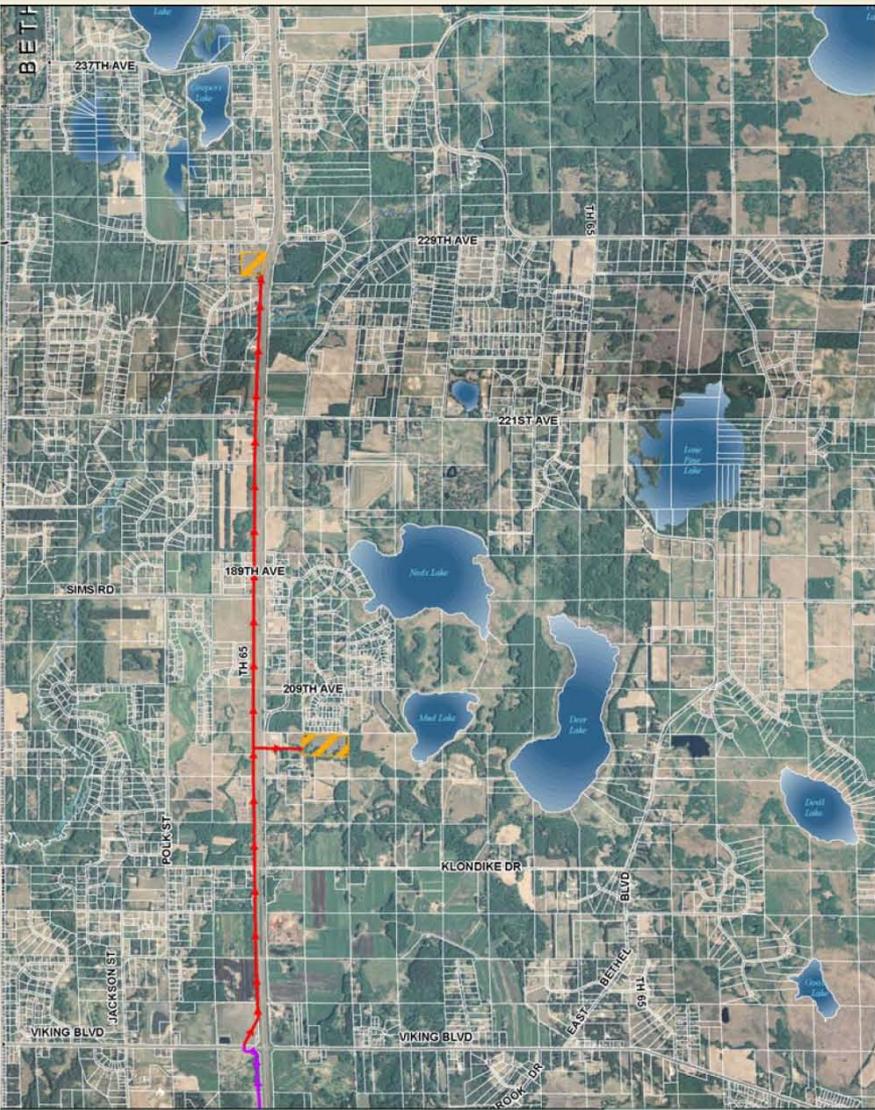
LEGEND

-  Proposed Water Treatment Facility
-  Proposed Water Tower
-  Proposed Wells
-  Proposed Hydrants
-  Proposed Valves
-  Hydrant Leads
-  Trunk Watermain
-  Lateral Watermain



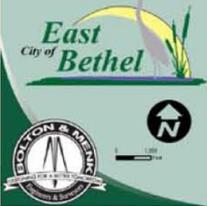
Sanitary Sewer System

- Discharge Piping and RIBs (By MCES – Not Part of Current Contracts)



LEGEND

- Potential MCES Rapid Infiltration Basin (RIB)
- MCES Discharge (This Project)
- Remaining MCES Discharge



LEGEND

- Potential MCES Rapid Infiltration Basin (RIB)
- MCES Discharge (This Project)
- Remaining MCES Discharge



FEASIBILITY STUDY

**PHASE I PROJECT 1
REMAINING MCES
DISCHARGE PIPING
FIGURE NO. 2.2**

September, 2010

BOLTON & MENK, INC.
Consulting Engineers & Surveyors

Phase I Project 1 Status

- 4 Contracts Awarded
 - 1) 500,000 Gallon Water Tower
 - 2) 2 – 500 gpm Wells
 - 3) 1,500 gpm Water Treatment Facility
 - Iron and Manganese Removal
 - Reverse Osmosis for Wastewater Irrigation Reuse Eliminated
 - 4) Sewer and Water Piping Project
 - Includes Met Council Interceptor & Discharge Piping within City Project Area

Phase I Project 1 Status

- Additional Non-City Projects
 - 1) Metropolitan Council Discharge Piping Outside City Project Area
 - 2) Metropolitan Council Wastewater Treatment Facility

Phase I Project 1 Status

- Status of Construction Projects Relative to Construction Fund Bond Proceeds:

Funds Available for Construction Projects:	\$16,294,000
<u>Estimated Needs:</u>	
Wells (Bid):	\$336,875
Water Tower (Bid):	\$1,072,000
Water Treatment Facility (Bid):	5,790,000
Pipe – City (Bid):	4,543,027
Land (Estimate):	\$600,000
Soft Costs (Estimate):	\$2,200,000
Subtotal =	\$14,541,902
Remaining Potential Debt Service Contingency =	\$1,752,098

General Development Rate Scenario's Considered

- **Development Rate Essential Issue**
- **Considered By Council in 2009 (2/2009)**
 - Comprehensive Plan Development Rate Seemed Aggressive Given Economic Downturn
 - 5 Scenarios Analyzed in 2009
 - Differing Development Rates
 - Differing Timing for Coon Lake Beach (Phase 1A)
 - 2015, 2020 or Not at All
 - Feasibility Study in October, 2010 Refined Further

General Development Rate Scenario's Considered

- 2009 Sensitivity Analysis Cash Flow Scenarios:
 - **Scenario 1:** Includes 67% of Available New Undeveloped ERUs and 100% of Existing ERUs After 2030 with Phase IA (Coon Lake) in 2015
 - **Scenario 2:** Includes 67% of Available New Undeveloped ERUs and 100% of Existing ERUs After 2030 with PH IA (Coon Lake) Starting in 2020 Versus 2015
 - **Scenario 3:** Includes 67% of Available New Undeveloped ERUs and 100% of Existing ERUs After 2030 with PH IA Excluded

General Development Rate Scenario's Considered

- 2009 Sensitivity Analysis Cash Flow Scenarios:
 - **Scenario 4:** Includes 50% of Available New Undeveloped ERUs and 100% of Existing ERUs After 2030 with Phase IA (Coon Lake) in 2015 (*Scenario 1 at 50%*)
 - **Scenario 5:** Includes 50% of Available New Undeveloped ERUs and 100% of Existing ERUs After 2030 with PH IA Excluded (*Scenario 3 at 50%*)

Feasibility Study ERU Unit Distribution Parameters

<u>Year</u>	<u>Total Annual ERUs Conn.</u>	<u>Cummulative Total ERUs Conn.</u>
2011	0	0
2012	0	0
2013	76	76
2014	76	152
2015	200	352
2016	200	552
2017	200	752
2018	200	952
2019	200	1152
2020	114	1266
2021	114	1381
2022	114	1495
2023	114	1609
2024	114	1724
2025	114	1838
2026	114	1953
2027	114	2067
2028	114	2181
2029	114	2296
2030	129	2425
2031	129	2554

- Refined Further From Facility Plan to Account for Phase I Project 1 Configuration

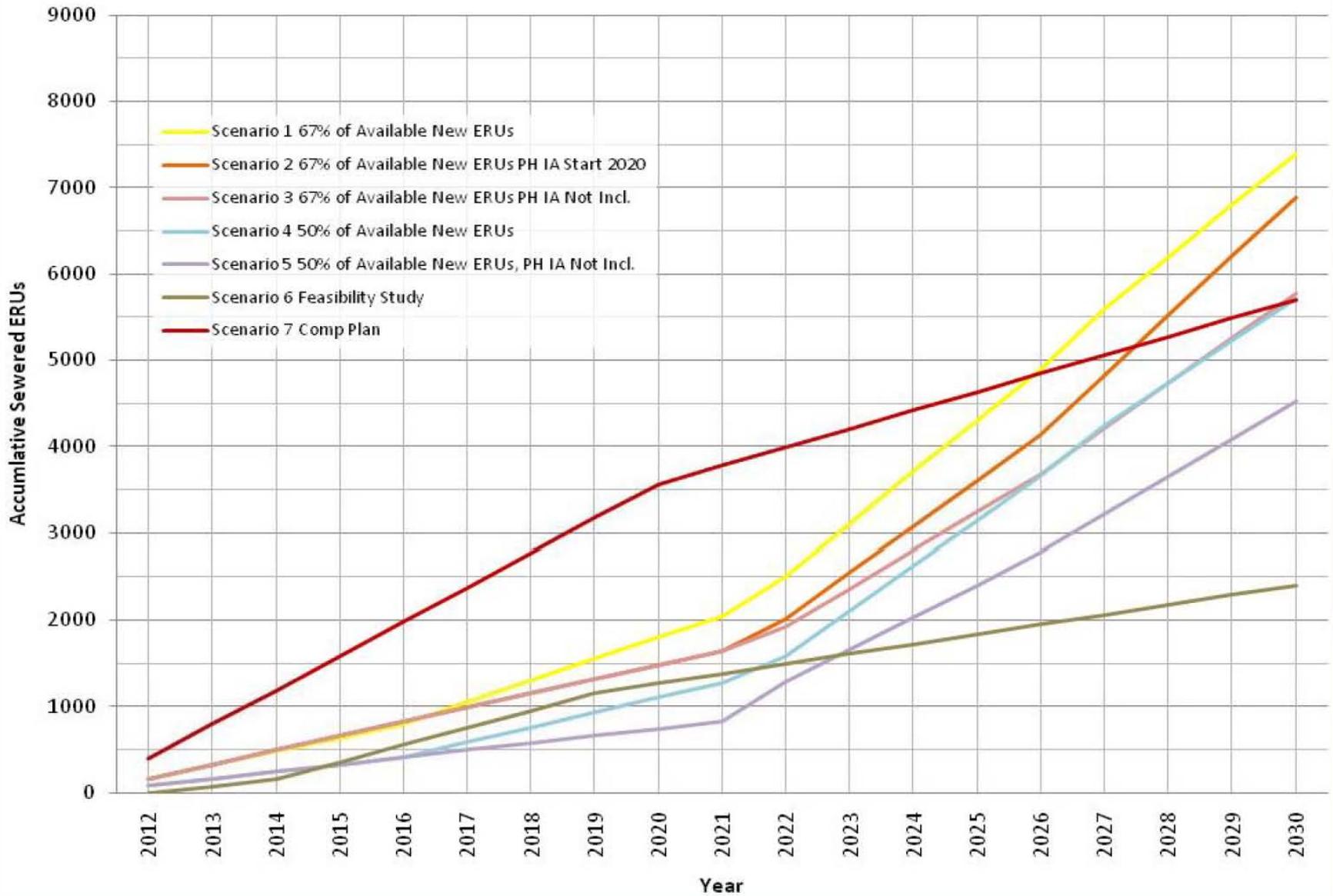
General Development Rate Scenario's Considered

- Feasibility Study Cost Apportionment Methodology
 - Estimated Unit Distribution
 - Approximates Distribution in “Facility Plan”
 - Adjusted for Project 1 Land Use Characteristics
 - Total Phase I, Project 1 Approximate ERUs = 580
 - Total Phase I ERU = 4162 (50% of Available Units)

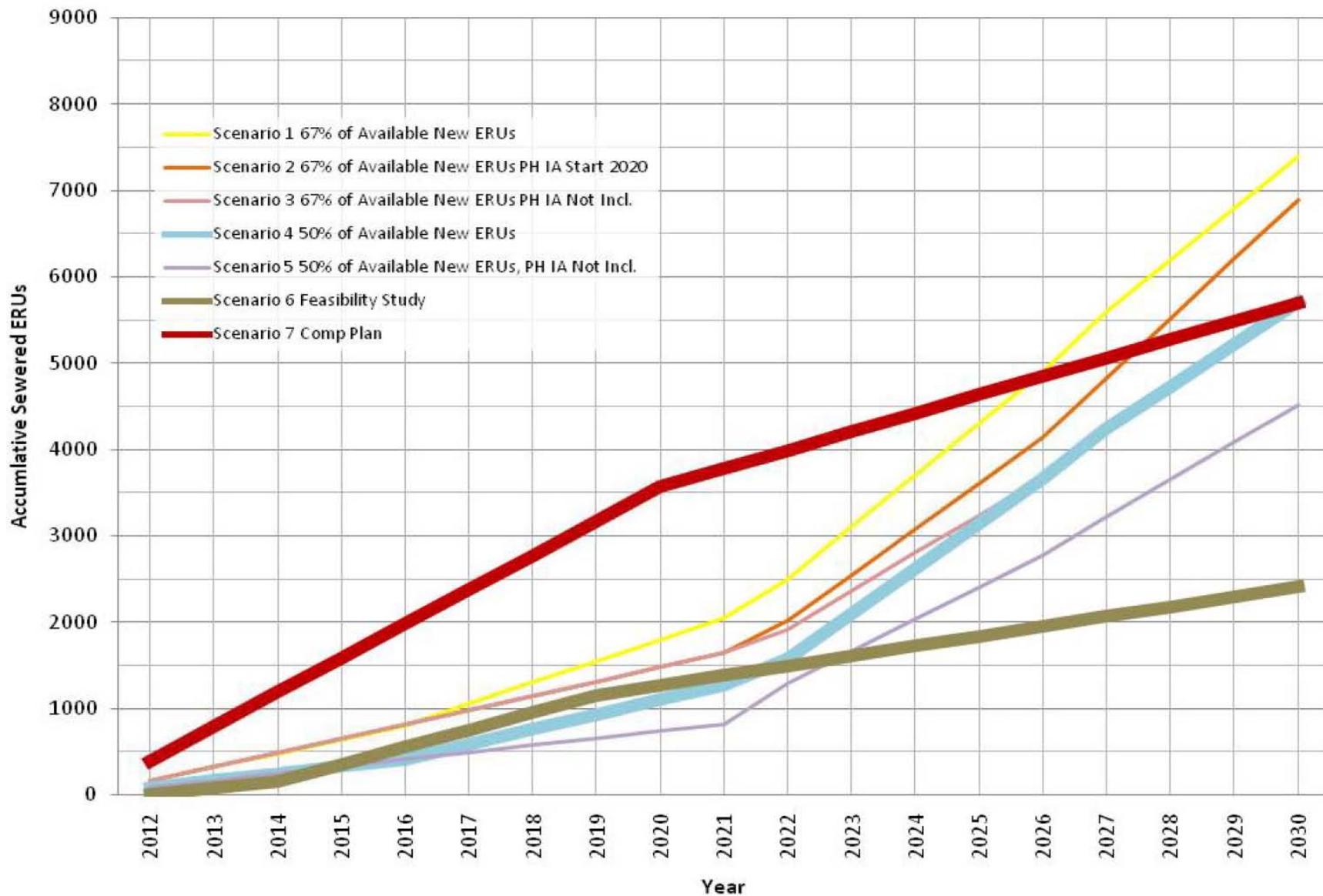
General Development Rate Scenario's Considered

- Feasibility Study Cost Apportionment Methodology
 - Estimated Unit Distribution Timing
 - Assessed Units Connected to the System as System Becomes Operational Over 2 Years (**2013-2014**) – **Required by City**
 - Existing Residential Non-Assessed Units in Project 1 Connected to the System Over 5 years (**2015 -2019**)
 - New (Undeveloped) Adjacent Parcel Units in Project 1 Connected to the System Over 5 Years (**2015 – 2019**)
 - 50% of Remaining New (Undeveloped) Phase I Parcel Units Connected to the System Over 30 Years (**2015 – 2044**)
 - Remaining Existing Phase I Parcel Units Connected to the System Over 10 Years (**2030 – 2039**)
 - **No NEWLY Constructed Units Until 2015**

Sewered ERU Development Scenarios - Through 2030



Sewered ERU Development Scenarios - Through 2030



General Development Rate Scenario's Considered

■ Summary

- Council Selected Scenario 4 in 2009
 - Second Most Conservative Scenario
 - 50% of Available Units Considered
- Refined in Feasibility Study in 2010
 - 1/3 to 1/2 of Development Rate Compared to Comprehensive Plan

Bond Repayment Status

- Have Approximately \$1,300,000 in Capitalized Interest
- Estimated \$1,500,000 – \$1,750,000 in Contingency Proceeds for Debt Service Fund
- Estimated \$100,000 Per Year in Assessment Revenue
- **Under Zero Growth Scenario the Above Highlighted Funds will Support the Project Fully Until 2015**

Questions / Discussion





City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 5.0 B

Agenda Item:

Anoka County HRA Presentation – Karen Skepper

Requested Action:

Informational only

Background Information:

Ms. Karen Skepper from the Anoka County HRA will provide Council with an overview of the programs available through the community development department and the Anoka County HRA.

Fiscal Impact:

None at this time

Recommendation(s):

Informational 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:

February 2, 2011

Agenda Item Number:

Item 5.0 C

Agenda Item:

Prosecuting Attorney Presentation

Requested Action:

Informational only

Background Information:

Mr. William Clelland, the City's prosecuting Attorney, will provide Council with an update on activities.

Fiscal Impact:

None at this time

Recommendation(s):

Informational only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X



2010 Bills to be Approved for Payment February 2, 2011	\$39,992.42
2011 Bills to be Approved for Payment February 2, 2011	\$41,117.55
Electronic Payments - Payroll	\$26,060.01
Payroll City Council - January 20, 2011	\$1,361.07
Payroll City Staff - January 20, 2011	\$33,472.08
Supplemental Payroll - January 26, 2011	\$2,029.43
Total to be Approved for Payment February 2, 2011	\$144,032.56

Approved by Council Member:

Bill Boyer	Robert DeRoche, Jr.	Richard Lawrence	Heidi Moegerle	Steve Voss
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

City of East Bethel
February 2, 2011
2011 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
2010 GO WATER REVENUE NO	Bond Interest	10711	MN Public Facilities Authority	309	30900	310.38
Arena Operations	Bldg/Facility Repair Supplies	78253	Class C Components	615	49851	1,049.27
Arena Operations	Bldg/Facility Repair Supplies	9434016367	Grainger	615	49851	27.94
Arena Operations	Concession for Resale	138277022	Midwest Coca Cola Bottling	615	49851	934.10
Arena Operations	Concession for Resale	794641	The Watson Co, Inc.	615	49851	376.46
Arena Operations	Concession for Resale	794371	The Watson Co, Inc.	615	49851	269.45
Arena Operations	Dues and Subscriptions	1464	M.I.A.M.A.	615	49851	145.00
Arena Operations	Gas Utilities	268044406	Xcel Energy	615	49851	4,101.24
Arena Operations	Motor Fuels	1036740861	Ferrellgas	615	49851	354.01
Arena Operations	Refuse Removal	1356848	Walters Recycling, Inc.	615	49851	27.13
Arena Operations	Refuse Removal	1356845	Walters Recycling, Inc.	615	49851	150.83
Building Inspection	Software Licensing	33019	TR Computer Sales, LLC	101	42410	1,008.68
Building Inspection	Telephone	332373310-110	Nextel Communications	101	42410	17.86
Central Services/Supplies	Office Supplies	546740949001	Office Depot	101	48150	40.56
Central Services/Supplies	Office Supplies	547863271001	Office Depot	101	48150	17.98
Central Services/Supplies	Office Supplies	547863171001	Office Depot	101	48150	10.14
Central Services/Supplies	Office Supplies	546683771001	Office Depot	101	48150	85.15
Central Services/Supplies	Office Supplies	546974763001	Office Depot	101	48150	29.98
Central Services/Supplies	Office Supplies	548344626001	Office Depot	101	48150	163.74
Central Services/Supplies	Small Tools and Minor Equip	12711	Michael Stokes	101	48150	364.23
Central Services/Supplies	Small Tools and Minor Equip	10699	Wavs, Inc.	101	48150	405.63
City Administration	Telephone	2511714611	Verizon Wireless	101	41320	31.89
City Clerk	Dues and Subscriptions	2011	IIMC	101	41430	135.00
Finance	Software Licensing	146104	Banyon Data Systems, Inc.	101	41520	1,645.88
Fire Department	Auto/Misc Licensing Fees/Taxes	2010063	Anoka County	101	42210	2,911.56
Fire Department	Dues and Subscriptions	12511	MN State Fire Dept Assn	101	42210	288.00
Fire Department	Gas Utilities	268044406	Xcel Energy	101	42210	2,609.51
Fire Department	Motor Vehicles Parts	1921-303020	O'Reilly Auto Parts	101	42210	38.45
Fire Department	Motor Vehicle Services (Lic'd)	1607	Kirvida Fire, Inc.	101	42210	606.25
Fire Department	Office Supplies	546753694001	Office Depot	101	42210	69.87
Fire Department	Personnel/Labor Relations	979462	LexisNexis Occ Health Solution	101	42210	347.75
Fire Department	Printing and Duplicating	3023	Print Plus, Inc.	101	42210	137.12
Fire Department	Refuse Removal	1355595	Walters Recycling, Inc.	101	42210	16.25
Fire Department	Refuse Removal	1356844	Walters Recycling, Inc.	101	42210	36.42
Fire Department	Telephone	332373310-110	Nextel Communications	101	42210	102.66
Fire Department	Travel Expenses	12111	Mark Duchene	231	42210	30.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	7051	Blaine Lock & Safe, Inc.	101	41940	111.41
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470587472	Cintas Corporation #470	101	41940	19.85
General Govt Buildings/Plant	Gas Utilities	268044406	Xcel Energy	101	41940	1,160.49
Mayor/City Council	Conferences/Meetings	12711	Heidi Moegerle	101	41110	24.10
Park Maintenance	Telephone	332373310-110	Nextel Communications	101	43201	70.37
Payroll	Insurance Premium	4553350	Delta Dental	101		1,023.70
Payroll	Insurance Premium	22958703	Medica Health Plans	101		7,161.25
Planning and Zoning	Legal Notices	IQ 01780350	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Legal Notices	IQ 01780481	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Telephone	332373310-110	Nextel Communications	101	41910	17.54
Recycling Operations	Gas Utilities	268044406	Xcel Energy	226	43235	342.74
Recycling Operations	Professional Services Fees	40575	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Refuse Removal	1356847	Walters Recycling, Inc.	226	43235	247.61
Recycling Operations	Travel Expenses	11911	Janet Haapoja	226	43235	20.00
Risk Management	Professional Services Fees	191659	Bearence Management Group	101	48140	7,250.00
Street Maintenance	Gas Utilities	268044406	Xcel Energy	101	43220	1,982.46

City of East Bethel
February 2, 2011
2011 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Refuse Removal	1348747	Walters Recycling, Inc.	101	43220	29.00
Street Maintenance	Refuse Removal	1356846	Walters Recycling, Inc.	101	43220	247.61
Street Maintenance	Telephone	332373310-110	Nextel Communications	101	43220	137.15
Water Utility Operations	Gas Utilities	11811	CenterPoint Energy	601	49401	319.64
	Sales & Use Tax	4th Qtr 10	Minnesota Revenue	101		964.00
						\$41,117.55

City of East Bethel
February 2, 2011
2011 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
	PERA					\$6,156.27
	Federal Withholding					\$5,648.58
	Medicare Withholding					\$1,631.86
	FICA Tax Withholding					\$5,852.09
	State Withholding					\$2,230.63
	MSRS					\$4,540.58
						\$26,060.01

**City of East Bethel
February 2, 2011
2010 Payment Summary**

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	4705	Menards Cambridge	615	49851	127.20
Arena Operations	Concession for Resale	794069	The Watson Co, Inc.	615	49851	335.06
Arena Operations	Motor Fuels	1036253824	Ferrellgas	615	49851	341.41
Fire Department	Travel Expenses	122710	Mark Duchene	231	42210	22.81
Wild Rice Drive	Improvements Other Than Bldgs	Pay Est #5	Dresel Contracting, Inc.	402	43123	39,165.94
						\$39,992.42



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 6.0 A-D

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, January 19, 2011 Regular City Council

Meeting minutes from the January 19, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, January 12, City Council Work Meeting

Meeting minutes from the January 12, 2011 City Council work meeting are attached for your review and approval.

Item D

Resolution 2011-07 - Water Treatment Facility Site Plan Review – 60 Day Extension

On January 19, 2011, City Council tabled the land use request and directed staff to extend the review period an additional sixty (60) days so City Council can further review the site plan to ensure compliance with city codes and adopted policies.

Resolution 2011 – 07 is a resolution supporting a request by City Council for a 60-day extension pursuant to Minnesota Statutes, Section 15.99 for a land use request of a site plan review for the City of East Bethel Water Treatment Facility.

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

January 19, 2011

The East Bethel City Council met on January 19, 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

Call to Order **The January 19, 2011 City Council meeting was called to order by Acting Mayor Moegerle at 7:30 PM.**

Adopt Agenda **DeRoche made a motion to adopt the January 19, 2011 City Council Agenda. Voss seconded.** Boyer said we need to add an item to the agenda so we can go to a closed session to discuss a land deal with GRE. Moegerle asked do we have paperwork on that. Boyer said yes, and he presented this to Schaaf last Wednesday. He said he believes we have a land application and we are going to bump up against the 60-day application limit if we don't deal with this. Boyer said he could outline this fairly quickly, there are two alternatives, but this is germane to the recommendations. Vierling said he met briefly with Boyer and he needs to get more data from him before we determine the process so he suggests you hold this as an item on the agenda and recess for 10 minutes so he can discuss this further with Boyer and he will come back and advice you after the recess. Moegerle asked is this appropriate for a closed session. Vierling said he will determine that when we recess, he can advise you then whether you it is appropriate. Add under 8.0 F.2 Recess to Consider GRE Closed Session. Moegerle said she wants to add 8.0 G.4 Landform Consultants, Third Party Review/Risk Assessment and 9.0 A.3 Closed Session – Discuss Former City Administrator Settlement. Voss asked he would like to add discussion of HRA Lawsuit, closed session. Vierling said if you had representation here then you could do so, but you don't have representation, so you cannot go into closed session. Voss said so with the rumors going on tonight about discussion of settlement negotiations; he would like to discuss this in open session. Moegerle said so we will add this as Item 8.0 F.3 HRA Lawsuit. Voss said also we were handed a letter tonight and were also e-mailed it from Met Council and he would like to add it as Item 8.0 G.5 Met Council Letter. Moegerle asked Vierling if this is something we should discuss in Executive Session. Vierling said he has not had an opportunity to review it. He said if he had an opportunity to review it, he could comment on it. Vierling reviewed the letter and then said he determines that not to be a closed session item. Voss said also he doesn't know if this would be under attorney fees, and he had asked to have this on the agenda, but he would like a broader discussion on this, discussion on going out for proposals for attorney services. Voss said can we do it right after the attorney's fees, as a separate item. **DeRoche amended his motion to include all the additions to the agenda as follows: Item 8.0 F.2 Recess to Consider GRE Closed Session; Item 8.0 G.4 Landform Consultants, Third Party Review/Risk Assessments; Item 9.0 A.3 Closed Session – Discuss Former City Administrator Settlement; Item 8.0 F.3 HRA Lawsuit; Item 8.0 G.5 Met Council Letter; Item 8.0 G.3 A Legal Services RFPs. Voss seconded the amendment; all in favor, motion carries.**

Lieutenant Orlando reported on the custodial arrests/significant arrests for the month of December 2010 as follows:

12-02-10 - 5th Degree Possess Controlled Substance / Warrant arrest – A Deputy stopped a vehicle for a traffic violation. While running a check on the driver, he was found to have a misdemeanor warrant. The deputy handcuffed the male, at which time the male began to resist. The deputy was able to get the male under control and into the squad with the help of a passerby and several other officers. The male was found to be possessing methamphetamine and marijuana. The male was taken to jail.

12-03-10 - 5th Degree Domestic Assault - Deputies were called to a domestic assault, where the victim's live-in girlfriend had punched him in the nose after an argument. The boyfriend advised the girlfriend was mad at him because he was working in the garage. She came out and yelled at him and then punched him. The girlfriend was arrested and taken to jail.

12-10-10 - Misdemeanor Theft / Under-age Drink and Drive - A deputy, while parked at a business doing paperwork, noticed some suspicious activity occurring. A pick-up truck with no license plates visible, had pulled up to a gas pump, and the male passenger, with a hood over his head, pumped gas and then the truck took off at a high rate of speed. The deputy stopped the vehicle, as the store was calling in a no-pay report. The driver had been drinking and neither the driver or passenger had money to pay for the \$57 worth of gas that they had pumped. Citations were issued to both the driver and passenger.

12-18-10 - 5th Degree Domestic Assault - Deputies were called to a delayed domestic assault report. The live-in girlfriend of the suspect advised she is a victim of on-going domestic assault. She advised that today her boyfriend had been mad at her, after coming home high on methamphetamine and had thrown a mug filled with coffee at her while she was trying to leave. She advised that she had been able to leave, but is in fear of her boyfriend. The boyfriend was located and taken to jail.

12-20-10 - Gross Misdemeanor DUI / Hit & Run Accident - A deputy responded to a hit and run traffic accident on Hwy 65 and Viking Blvd. The victim advised that a truck was turning onto Hwy 65 from 187th Ln, and had come into her lane of travel and struck her vehicle. She followed the vehicle and was able to obtain a license plate number. Another deputy located a vehicle matching the suspect vehicle description, driving erratically, with no headlights on. The driver was found to be intoxicated. The driver failed field sobriety tests and refused to take a test to determine his blood alcohol level. The driver was jailed.

Lieutenant Orlando said domestic calls (non-crime) for the month were fifteen (15) and DWI arrests for this month were eight (8).

Boyer said he was told that you were not going to be presenting monthly reports at our meetings, that the Council had asked for your reassignment. Lieutenant Orlando said yes, her direction from the City Administrator is that she won't be presenting them. Boyer said he wanted to thank you for your service; he thinks every resident is better off for having you here. Moegerle asked on page 2 of our report what is extra patrol. Lieutenant Orlando said extra patrol is if she gets calls for extra patrol such as if people have seen suspicious activity and want the squads to drive through more often and then they just document that. Moegerle asked what is aids and agency public, what does that include. Lieutenant Orlando said aids

to the agency is if you are looking at CSO stats, assisting deputy and go sit waiting for a tow or if they direct traffic and aid to the public is such things as if they assist when a vehicle is broken down. Schaaf asked Lieutenant Orlando is your relationship to City going to change at all. Lieutenant Orlando said no. Schaaf said you will still be responding to calls. Lieutenant Orlando said she just won't be giving monthly reports. She said she will be attending the meetings, but probably not in uniform. Moegerle said great.

Resident asked if the recreational officers had been in area patrolling for snowmobiles. Lt. Orlando yes, we have spent all of our overtime, all of our snowmobile grant. She said it seems a lot of people don't know about their snowmobile safety certificates.

Recognition
of Service –
Greg Hunter

Moegerle said at this time the City Council would like to recognize the service of the 2010 retirees. She said we would like to recognize Greg Hunter for his years of service. Mr. Hunter has served the City as Mayor since 2003. Schaaf read the plaque presented to Greg Hunter as follows: Presented to Greg Hunter by the City Council in Appreciation for his Dedicated Service and Commitment to Excellence. On behalf of the Citizens of East Bethel, we thank you for your leadership and your many contributions to our community.

Mayor Hunter said thank you he appreciates this a lot, he had a lot of people coming up and saying thank you and that means a lot more than this plaque.

Steve Channer

Moegerle explained this is in recognition of Steve Channer for his years of service on the City Council he served on the city council since 2010. Channer said he has lived here for seven years and this has become his home town. He said he served on the Planning Commission before serving on the City Council.

Kathy Paavola

Moegerle said this is in recognition of Kathy Paavola, she has served on the City Council since 2003, and this is to honor her for her years of service. Paavola said thank you, she appreciates this. She said without the support of her family and friends and supporters and without them she couldn't have gotten through this, it takes up a lot of time.

Public Forum

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

Jill Teetzel of 20913 Rendova Street NE said she may look familiar to many of you because she takes the commission meeting minutes, and many don't know but she has 12 years experience in City government, is certified as a municipal clerk, she worked her way up until she was a city administrator. She said she is very concerned about the actions of the Council since they were sworn in and she would like to touch on four of these actions. The first would be lack of response to an e-mail she sent to the Council Members. She read the e-mail, she said for the audience's reflection. Teetzel said this e-mail states her concerns about the interim City Administrator and 2-261, 2-262 and 2-263 which references how a City Administrator should be chosen and what qualifications he should have including knowledge and abilities. She said in reviewing the code it seems Mr. Schaaf does not meet the code to be employed based on his knowledge and abilities. Teetzel said previous to this hiring, all jobs were advertised, applications submitted, interviews completed and background checks were done. She asked who conducted a background check, criminal check.

Teetzel said secondly she is concerned about the hiring of the City Attorney. The new attorneys service fees are considerably higher the former attorney, no request for proposals

were not solicited. The Minnesota State Auditor has stated pertaining to the City of Greenfield that the state auditor suggests that cities go through the “request for proposal” process instead of just hiring your own attorney which is what the City of East Bethel did. She said today a contract is being proposed.

Teetzel said the third item she would like to address is an employee luncheon. She was advised that staff and council had a luncheon to discuss changes in the City and that either Fat Boys donated the lunch or that the City paid for the lunch. Teetzel said either way the lunch was illegal. She made a request for the information on the luncheon, who was present, how the lunch was paid for, and what was discussed. Teetzel said additionally the City’s past practice was for the City’s supervisor’s to pay for lunches for the employees and this has been the past practices since 2001/2002.

Teetzel said last the Council agenda that was published for the previous Council meeting and the Council decided to trash in lieu of their own agenda for the meeting. She said she knows that you state that staff would not put anything on the agenda as you requested. Teetzel said you could have scheduled a special meeting and published the agenda, that way everyone would have known what was going to be discussed. She said the new Council ran on a pledge to be upfront, honest and not cost the taxpayers more money. Additionally, one of the new Council Members ran on a pledge to be ethical and even went so far as to put an ethics policy together that was discussed at multiple Planning Commission meetings. She said at this point all she has seen is backroom deals and very little ethics display. Teetzel said you should take a look at your actions; she is afraid we will be on the front page of the Star Tribune and cause many lawsuits.

Josh Sturman of 226 Elm Road NE said as far as Coon Lake improvements, he forwarded an e-mail titled “Water Sustainable Framework” and if you were looking for avenues to get funds, this is a guideline to get funds, clean water funds, about \$10,000,000, from sales tax.

Greg Hunter of 3719 Viking Blvd. NE said he just wondered if Larry Martin is still employed. Moegerle said of course. Hunter said because on 65 it seems our sign ordinance is getting lax. He said the Village Bank sign is going off every three seconds and all of a sudden we have a bunch of temporary signs that is why he was wondering if Larry is still employed. Moegerle said and this has started happening since January 5th. Hunter said yes, it has. Moegerle said we will get Larry on it.

Denise Lachinski of 22286 Vermillion Street NE said she has some questions on this letter regarding the attorney, she is not sure this is the appropriate time to bring it up. She said the legal fees, she recalls at the January 5th meeting Mr. Snyder said their fee would be \$140 is this including mileage. Lachinski said and if other employees come, will they be able to charge us mileage. She said for \$400 a meeting what is she getting. Moegerle said we will be discussing that under attorney fees. She said it will be brought up and explained.

Doreen and Mike Murray of 19523 Jackson Street NE said they would like to welcome the new Mayor and Council Members it is a hopeful and refreshing beginning for people that had issues in the past and tenacity in the past. Murray said we literally had to speak with our feet in the election to get our voices heard. She said she still feels there is a huge divide of what the big business supposedly wants and ordinary, everyday people want. Murray said she hopes that the new City Council will take a long look at the sewer and water project in this economic times and if you are an East Bethel resident and you think that your property will not be affected, think again, putting up a 350 foot water tower, two wells and a water treatment plant it really will come out of our pockets, it will affect our property taxes, higher city fees, or some kind of assessments. She said the property owners need to start thinking

realistically.

Murray said also if you have person that is going to put up a garage with a variance it would be nice to get some kind of notice. Boyer said if you are adjacent you should have gotten a notice. Mike Murray said originally the property we are talking about said they were mining, then it was cattle, etc., we never got a notice. Voss said that wasn't affected by zoning. Murray said it was misleading stating it was going to be used for one thing, then it was for another thing. Voss said when he did a mining thing, he had to do a ghost plat. Murray said it has gone from one thing to another thing to another thing. Doreen Murray said and now a water treatment plant and she thinks it will adversely affect her property.

Sally Boyer of 3303 Luan Drive NE said she very much hope you do not undo the water treatment plant. She said she has been a commercial lender for almost 25 years a while ago when she worked for a bank someone approached us for a commercial loan and when they found out that sewer and water was so far away they decided not to pursue the loan. Boyer said she does not personally think you have backed up your figures of \$50,000 in your flyer and she would like to know where you came up with those numbers, how much was for water, how much for curb, etc. She would like it compared to what the other City Council did and she would like to see an apples to apples comparison. Moegerle said she thinks that is something you will be seeing soon. Boyer said she is disappointed in the disruption we have seen since the three new members have taken their position. She said and not just because she is a banker. Boyer said the former Council Members spent several years forming this plan, and she would like you take at least half this much time to form your plan. Moegerle said the plan is not cancelled, it is merely suspended.

Steve Channer of 21572 Tyler Street NE said he want to go back to the meal. He said he knows this is a little thing, and he understands as a public employee how this happens, but he sees in the packet this was charged to professional service fees. Channer said he understands you have to code it to something. He asked who was present. Moegerle said she was, she answered the phones. DeRoche said he was presents, and Lawrence said he was present. Voss and Boyer said they were not present. Channer asked if any City business was discussed. DeRoche said no.

Tiana Channer of 21572 Tyler Street NE said it looks like towards the end of the meeting there will be discussion about the City Administrator compensation and in the packet that was distributed there was no information about this item and she is a little naive, but it seems to her there should have been information about this. Schaaf said he did not have the information ready in time for the packet. Channer said this is public information correct, because there was lots of discussion about the former City Administrators compensation. Boyer said he sees a pattern here. Moegerle said excuse me, but we are in the public forum here, we need to stay on task. She said certainly you will have the time to address that on the agenda. Boyer said the citizen has a valuable point, the agenda has no contract for Mr. Schaaf, we are running this agenda on a mission. Moegerle said Council Member you are out of order.

Jason Anderson of 20319 Rendova Street NE said you stated no City business was discussed at the luncheon. He said he doesn't have the e-mails with him, but two Council Members said that the luncheon was held to inform employees of what was going on. Anderson said that is City business, there were three of you in this building. He said to him that doesn't smell right.

Christine Howe of 22314 7th Street NE said she is glad you are not stopping but halting but taking a step back and taking a look and seeing if this going to cost me money. She said if

this is going to cost me money, I want to know. So, she wants to thank you.

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

Consent
Agenda

Council decided to take the Consent Agenda items one by one.

Approval of Bills - Voss made a motion to approve the January 19, 2011 Bill List. DeRoche seconded. Boyer asked under whose authority was the lunch provided to employees, who authorized the expenditure of the funds. Schaaf said he did. He said he believes you are voting tonight on whether to pay the bills. Boyer said you are not authorized to spend the funds, now you have left me no option but to either stiff a local business or pay the bill. He said you have spent funds illegally. Schaaf said are you familiar with how the City operates, he has authority to do this. Moegerle said she would caution him about calling this illegal. Boyer said we have as a City been cautioned about this in the past by the state auditor office, as a matter of history, the City used to provide every employee with a holiday gift certificate and we were informed by the state auditors office that it was illegal, and giving them anything would be illegal. Schaaf said on January 5th some very strong actions were taken including eliminating staff, etc. and we met with the employees, explained changes to staff, did this on the recommendation to others in public administration, had a great meeting, he introduced himself to staff, and we had had volunteers to help facilitate this, some volunteers helped serve at the meeting, and volunteers answered phones, and as he understands good public administration, this was a good thing to do. If this was wrong he will reimburse the City. Voss said in terms of a meeting, this was a good thing to do, but it would have been better to invite all the Council Members. Boyer said you arranged this before the Council meeting and didn't tell Council about it. He said is this a bad Bill Clinton imitation. Schaaf said the Council meeting was January 5th. He said it is time in the best interest of the City to move on. Boyer said you certainly didn't tell Steve and me about it.

Vierling said in terms of meeting Mark in terms of meeting with the staff this wasn't illegal. He said in terms of the expenditure of funds, the auditor of the State of Minnesota has taken a very conservative position and many employers do some form of recognition programs that include training programs which include coffee, cookies, sandwiches, etc, that is the reality in which we live. Vierling said but most cities do some form of a recognition program. He said it is really an amount that is of dominium value. Schaaf said he mandated them to be there, they didn't have any choice. Boyer said you could have mandated them to be there without lunch. Voss asked why they weren't contacted. Schaaf apologized for his comment. Voss asked about the bill for Blaine Lock and Safe, why were the locks changed. Schaaf said this was done for safety purposes, following the January 5th Council meeting. DeRoche said Boyer you remember you left that meeting. Voss said during the meeting you had locks changed or after the meeting. Schaaf said if the Council would like to direct staff when they can buy pencils and paper. He said this was done after the meeting. Voss asked is there a reason you couldn't brought it up. Schaaf said there was an item on the agenda January 12, 2011, Administrator/Council Relations, under the authority the administrator had this is not an Council agenda item, if you want the administrator to act differently we need to discuss this. Boyer asked who was provided with keys. Schaaf said everyone who needed access to the City. Boyer said was he provided with keys, was Mr. Voss provided with keys. He said he is noticing a trend here. DeRoche said you keep bringing up a trend. He said what was brought up in the workshop has everything to do with what the Administrator is doing now, it seems that everything is becoming a hijack at this particular meeting and if you wanted to bring it up, why wasn't it brought up at the general workshop,

and it could have been discussed, if you want to air dirty laundry in the open public, I think it is an embarrassment to the City. Boyer said he agrees with him. DeRoche asked then why was it not brought up in the workshop. Boyer said it needs to be brought up in a regular Council meeting so it is broadcast, certain members are getting the information and certain members are not, and if that is the road we are going down this City is going to be looking at a lot of different lawsuits. Moegerle said Mr. Boyer you are entitled to your opinion but I object to your mischaracterization of what has occurred. She said now people have given you a reasonable explanation and you have chosen to take that way. Boyer said where are the keys that were provided to me. Voss said he asked why he wasn't given keys and was told it was an oversight. Moegerle said she doesn't want keys. Schaaf said if you want keys you will be provided with keys. **Boyer, nay; DeRoche, Lawrence, Moegerle, Voss, aye; motion carries.**

Meeting Minutes, January 5, 2011 – Voss said he has a change on page 4, top paragraph, line 4 from the bottom, add City Administrator to make it clear who we are discussing. Moegerle said it is made clear in the next sentence. Schaaf said when you talk about the minutes you need to remember they are motions and seconds and votes. He said if the motion is not clear or correct that we should address that. Schaaf said that is what is important, the rest of verbiage has no force and effect on the law. Voss said in this case a lot of this is verbatim. He said he thinks this is important because the City Administrator had a choice of whether this was open or closed and the Assistant Administrator didn't. Schaaf asked if he may, Mr. Vierling said the legal actions are the motions themselves. He said the minutes are a matter of choice of body, how descriptive you want to be, but the actions are the motions. Boyer said but the description is subject and can be brought up in a court of law. Vierling said and lots of times that is why Council's choice not to be so descriptive in their minutes, more brief. Voss said at the time we were talking about multiple positions. DeRoche said he is surprised this subject has come up, when he questioned the minutes before, he was told someone determined if certain information should be in there. Voss said this is pretty close to a transcript. Voss said there is a typo on page 6, bottom of page, second sentence, and change liability to viability. Voss said having been sued a couple times in the City it is important what is in the minutes. Moegerle said on page 6, third paragraph **East Bethel** needs to be capitalized, and on page 10 under Designating Official Depositories and Newspaper it says Designate, change to Designating and again on page 10, under Board of Health, it isn't capitalized. She said on page 11, third paragraph, second sentence, change precursory to cursory gave her changes. DeRoche said he has a change on page 9, third paragraph, 5th sentence, change 20 years to 28 years. **Boyer abstained, rest in favor, motion carries.**

Approve 2011 Residential Recycling Agreement with Anoka County - Voss made a motion to approve the 2011 Residential Recycling Agreement with Anoka County. DeRoche seconded. Moegerle said the goal is in tons, that was not clear to her at first so she wanted to point that out. **All in favor, motion carries.**

2011 Animal Control Contract – Moegerle said she reviewed this contract and she had some questions, so she would like to table this until February 3, 2011. **Moegerle made a motion to table the 2011 Animal Control Contract until February 3, 2011. Boyer seconded; all in favor, motion carries.** Voss asked so the existing contract stays in force until then. Moegerle said yes, our Building Official contacted Ms. Gimpl and assured me that it will.

Resolution 2011-05 Approving an Application with No Waiting Period for An Exempt

Permit for Cedar Creek Community School PTO to Hold a Raffle – April 9, 2011 – Boyer made a motion to adopt Resolution 2011-05 Approving an Application with No Waiting Period for An Exempt Permit for Cedar Creek Community School PTO to Hold a Raffle on April 9, 2011. DeRoche seconded; all in favor, motion carries.

FEMA Fire Safety and Prevention Grant - Voss made a motion to direct staff to move forward with preparing the FEMA Fire Safety and Prevention Grant. Boyer seconded. Boyer said eh would like to say our Fire Chief has been very good at getting grants for the City, he has gotten about \$600,000 in grants for the City. **All in favor, motion carries.**

Planning
Comm.
Minutes

Moegerle explained that the unapproved meeting minutes from the December 28, 2010 Planning Commission meeting are provided for your review and information.

Appoint
Planning
Comm.
Members

Moegerle said a resident brought up that candidates were interviewed that applied after the advertised deadline, is there any legal liability with interviewing candidates that applied after the deadline. Vierling said there are area volunteers that serve at the pleasure of the council and it is your opportunity to do this.

Voss made a motion to appoint the following to the Planning Commission with terms as indicated: Eldon Holmes for a term beginning January 2011 until December 31, 2013, Brian Mundle for a term beginning January 2011 until December 31, 2013 and Dale Voltin for a term beginning January 2011 ending December 31, 2011. DeRoche seconded; all in favor, motion carries.

East Bethel
Water
Treatment
Facility Site
Plan Review

Hanson explained according to State Statute 15.99 the City needs to approve or deny a written request within 60 days. She said she spoke with Vierling and he recommended that Schaaf do a written request for a 60 day extension. Hanson said this will give Council until April 12, 2011 to complete the request. She said at this time, Council can act on Schaaf's request for an extension or they can go ahead and act on the written request and she can proceed with her presentation. Schaaf said the City is building something in the City and we are asking ourselves to get an extension. He said you are asking yourself for authority for an extension on your building. Voss said he understand why the extension on the building because of the suspension, but he doesn't see the any harm in approving the site plan tonight; it doesn't mean it is going to move forward.

Schaaf said weren't the bid specs put out on water treatment facility that came in 33% high and in 10 days a bunch of stuff got ripped out and it was rebid in that short time. He said even though it will still be a water treatment facility, he would think we would want to take a look at that and wee if we might want to put some things back in, and the plan might change. Voss said if it changes, it changes, but wouldn't it be better to have it done. Voss said Council is not suggesting any changes right now, and it meets all requirements that a site plan needs to meet, but one of the comments he made to the engineer is it would be nice to see how it would look from the highway and we got that. Boyer said he doesn't like granting extensions, especially to ourselves, because everybody expects then. Moegerle said she doesn't understand your concerns about granting an extension, generally especially to residents. Boyer said he hasn't thought through the ramifications of this, and once we have done this, he knows where this is going to lead. Voss said Council has been cautious to grant ourselves an extension, we need to follow our own ordinances. Vierling said you are merely granting yourself an extension to the time period in which you have to make a decision, so

even if you grant an extension it doesn't mean you can't take final action well before that. He said by law if you don't take action before the end of the time the application is deemed approved. Schaaf said recommendation by me and staff is that it is tabled, whatever Council chooses to do, they can do.

Moegerle made a motion to table request of the City of East Bethel for site plan review for construction of the City of East Bethel Water Treatment Facility at 19458 Taylor Street NE. Lawrence seconded. Voss and Boyer, nay; DeRoche, Lawrence, and Moegerle; aye; motion carries. Voss said he suggests you bring this back to the first Council meeting in February with a resolution granting the 60 day extension. Vierling said if you intend to grant the additional time, you should preserve that as part of your motion. Voss said we have a form letter.

DeRoche made a motion to grant a 60 day extension to the City of East Bethel for their site plan for the construction of the City of East Bethel Water Treatment Facility at 19458 Taylor Street. Moegerle seconded. Voss and Boyer, nay; DeRoche, Lawrence, and Moegerle, aye; motion carries.

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| Park Comm. Minutes | Moegerle explained that the December 8, 2011 Park Commission unapproved meeting minutes are provided for your review and information. |
| Appoint Park Commission Members | Voss made a motion to appoint Tim Hoffman, Susan Jefferson and Denise Lachinski to the Park Commission all for terms beginning February 1, 2011 through December 31, 2013. Boyer seconded; all in favor, motion carries. |
| Road Comm Minutes | Moegerle explained that the unapproved meeting minutes from the December 14, 2010 Road Commission meeting are provided for your review and information. |
| Appoint Road Commission Applicants | Voss made a motion to appoint Al Thunberg, Brian Bezanson and Kathy Paavola to the Road Commission for terms beginning February 1, 2011 through December 31, 2013. Boyer seconded; all in favor, motion carries. |
| Identification of Storm Water Improvement Projects – Coon Lake | Jochum said this project was discussed briefly at the January 5 th meeting. He said it was presented to Council. Jochum said there was a request to put in two weir structures and from there water flows to the ditch onto a second culvert. He said we estimated the cost of the project and construction for sediment removal. Jochum said and there were ten (10) similar other projects identified. He said we met with ACD yesterday and they had other ideas for projects. Jochum said what came out of the meeting was a regional water quality study should be done for Coon Lake. He said ACD has done these types of study before for other watershed. Jochum said Leon Mager has agreed to take that proposed to the other cities to consider. He said their recommendations is to do the study first to see how many projects there would be and which ones would give you the biggest bang for your buck. |
- Voss asked when they would have the study done. Jochum said for the Sunrise Watershed Management Organization (SRWMO) February 24th meeting. He said they asked does staff want the proposal to come here first or go to SRWMO first. Voss said that is what he was asking. He said he thinks it would be good to have it go to the SRWMO first. Voss said then it gets to all the cities in the SRWMO. Jochum said one thing the study does is it identifies all the projects you have out there. Voss asked if there is any benefit down the road that we build this project as presented tonight as an example. Jochum said no, he would suggest that you would get more benefit for having a detailed study. Moegerle asked how do we build that consensus as a group, so we have that mass in that direction. Jochum

said Leon Mager volunteered to do that and the SRWMO will do that. He said and if the Council directs him to, he can do that. Voss said that is why he suggested this. He asked do you need direction. Jochum asked do you want them to figure out who is interested, etc. Voss said in light of keeping things moving along. Schaaf said your concern is to get input from the SRWMO. Voss said the SRWMO is the one that covers southern portion of the City, so it needs to go through there anyways. Resident said there is a minimum of \$30,000 out there for grant funds, 70% in funds, and 30% in matching. Jochum said he is a firm believer that you have to have a regional plan to get the grants. He said he will have the study, in pounds per dollars.

Tierney said when they first put this in they dug down to the driveway, this was done in October of 1982 and they very next spring they filled it in and sodded and then put a planter out there. He said whatever you do, what is it to say it is not going to be messed with immediately to make his yard look better. Tierney said this has been cleaned out four times, three times by myself. He said there is a depression in the road. Tierney said when they filled it in, they made a depression in the asphalt, and his actions caused harm to City. He said whatever we do needs to be protected so nothing happens to it. Voss said when this project gets to that stage; he trusts that you will remind us of that. Boyer said he remembers you reminding us of this. He asked did we notify the neighbors of this, it might be a good thing to do. Schaaf said there are environmental laws; we need to have a plan of action, so there is a regular inspection of these. He said it is going to be more and more important as we move forward. Moegerle asked do we need to amend our local water authority. Jochum said staff is addressing the local sunrise comments. He said we are way ahead of the SRWMO schedule. Jochum said if you put as a priority in the plan, you score high.

Moegerle made a motion to amend the City Watershed Plan. DeRoche seconded. Voss said what Jochum is saying once the plan is in place we can get grants, etc. **Moegerle withdrew her motion.** Josh Sturman asked is the SWPPP permit going to expire this year. Jochum said that is a separate program and is not an annual permit.

Code
Enforcement
Report

Moegerle explained that the code enforcement report is provided for your review and information.

Fire Dept
Reports

Moegerle explained that the monthly Fire Department reports are provided for your review and information. Voss said he just wants to comment that Council Member DeRoche is listed as the Fire Department liaison and we haven't appointed liaisons yet. Moegerle said she agrees, however, these aren't our minutes so we can't amend them. Schaaf was at the meeting, he indicated that there had not been an appointment.

Recess to
Discuss GRE
Closed
Session

Boyer said he is just going to fill everyone in. He said he sits on the task force for this; we have been meeting for a number of months. Boyer said Great River Energy is proposing to build a power line that would connect the Athens Township Substation to the Linwood Substation. He said this has been a need for future power needs in not only our City, but also in Athens and Linwood, and Oak Grove and to provide redundancy in the system. Boyer said as part of our ordinance for this, GRE was required to provide alternative routes, including a no build option. He said he doesn't like speak gin for a committee but he doesn't think a no build option is a viable option. Boyer said there are two alternatives and one has certain inducements, things they would be willing to do for the City to get their preferred route which is basically by the University property and stay on the north side City limits. He said no cost to the City, and they will be building a service road 8-10 feet wide and will build a trail for the City on that road and will build a trail on Durant Street to Fish

Lake as an inducement. Boyer said there are other items that the 8-10 landowners along here could ask for. He said there is another favored alternative that jogs around the City. Voss said these two you brought up, whose preferred paths are they. Boyer said GRE's. Moegerle asked do you have anything in writing from GRE. Boyer said no, he would expect that we would proceed just like we do with any other developer, enter into a development agreement and those would be the things to be negotiated. He said but if Council isn't in agreement, then we would have an issue. Boyer said we are also running against the 60 day clock. Moegerle asked if Boyer could get Council a document distributed to them. Boyer said it is an awful big document. Schaaf asked what involvement has the City staff had in this so far. Boyer said the City Planner has been at every meeting. Schaaf said does he understand the task force likes either Plan A or Plan B. Schaaf said he will work with Council Member Boyer and the City Planner on this. Boyer said we have had discussions on re-landscaping, and other additional benefits and GRE seemed amenable.

HRA Update

Schaaf said he is trying to decide what is appropriate for open session. Voss said it sounds like there have been meetings, who have they been with. Schaaf said with County staff members. Voss asked have you met with the County Attorney. Schaaf said yes, he met with the County Attorney. Moegerle asked was that a fact finding mission. Schaaf said yes, he needed to understand this. He said he was initially there to gather facts on a different issue and somebody said, oh why are you suing us and so I wanted to learn about it. Boyer said technically we aren't suing them, we won. Schaaf said right, in litigation. Vierling said it is still in litigation Council Member. Schaaf said he is one of those that thinks we can always sue, but if we can work something out, it might be better. He said and in my view, this is my view, there may be a way to arrive at a way that all parties can feel good about. Voss asked was that discussed with the County. Moegerle said were there specifics discussed. Schaaf said this was discussed in a way. He said he has his own way of going about this. Voss said isn't the mere fact that you are there talking about a settlement when the county is appealing a judgment, why would the City suggest a settlement to the issue. Schaaf said as he understands what the Counties concerns are, if they could be accomplished without spending anymore money, which would accomplish an end to the problem. Voss said there is years of history behind this and without consultation with the City Council you are going ahead and meeting with the folks we are in litigation with and suggesting things that City Council hasn't even suggested to you or authorized you to make those statements. Moegerle asked have you represented that this is anything but your flying ideas. Schaaf said no. He said he is initially just trying to find out why were are here and what the problem is. Voss said that is fine, but why wouldn't you ask us. Boyer said or ask our attorney. Schaaf said prior to January 5th he had discussions with the incoming Council Members so he gathered that insight. Voss said so you don't think going to the County and discussing negotiations, must be some seriousness, must be some reason that you need to go to closed session. Schaaf said if you got the County to surrender would that be good or bad. Boyer said that would depend on the terms of the surrender. Voss said you are asking a circular question. He said you are negotiating on behalf of the City Council. Schaaf said he is not sure he is negotiating. Voss said for what other reason would you go meet with the County. Schaaf said the past actions of the Council. He said would you love to have them keep suing. Boyer said what is more disturbing is not talking to the attorney that is handling this case. Moegerle said she understood Schaaf was over there on a different issue when he was pulled aside on this issue. She said she understands your concern, but she doesn't think we have heard enough for you two to realize your concern. Vierling said he talked to Mr. Hoff and oral arguments in front of court of appeals on February 10 and then matter will be under advisement. Voss said the reason why we couldn't go to closed session is the fact that Vierling is not the attorney on the case. Vierling said yes, you have to have your attorney present.

Schaaf said when he originally talked to our City Attorney; he thought he would take over the lawsuit. He said but then he found out that Hoff was the representative. Vierling said and because he hasn't been able to review the file, he wouldn't really be able to advise you anyway. Moegerle said she is going to give you a short time to speak. Jill Teetzel said as co-part in this lawsuit she said she should at least be allowed to speak. Teetzel said she represents the City's concerns for the residents. She said she e-mailed the City Administrator regarding the lawsuit. Teetzel said he responded that he was negotiating a deal. She said as a party in this lawsuit, she should know what is going on. Teetzel said she has been at every court case. She said every time the judge has said to Anoka County, you are wrong, go back, I don't want to see you again, we came back, and the judge told them again, we came back, and the County lost and now they are appealing. Teetzel said going and trying to settle something that shouldn't be settled is not in the taxpayers of East Bethel's best interest. Moegerle thanked her.

Boyer said he thinks we would be remiss not to point out that this lawsuit is about the County charging the residents \$201,000 after the court said they didn't have a right to charge them on their property taxes. Schaaf said the County has retained Fagre Benson and they have raised numerous new issues, and the City put \$50,000 aside to pay for this lawsuit. He said when he sent this e-mail he thought this was the direction we were going. Voss said the we you are referring to is the five member City Council and you are going to have times in life and government that you are going to be on the other side of the fence and it will not always be easy. He said he has been involved in enough litigation that you don't discuss this with your client. Schaaf said he asked to go into closed session to discuss this. Voss said you asked this tonight. Schaaf said he did a lot of fact finding and we will go into closed session when it is appropriate. Voss asked did you talk to anyone at the County about a settlement. Schaaf said no. He said he may have talked to others that could talk to him. Schaaf said he is not going to negotiate anything. He said he didn't commit anything. Voss said you have said it both ways. Schaaf said he doesn't know how to answer this to your satisfaction. Lawrence said we had a meeting at the County and talked to a person, not in charge, and they said you are spending \$50,000 on legal fees on this and you should be spending it other ways. Schaaf said even if we win, it doesn't mean the legislator isn't going to make a change and it will go another way. Voss said you are jeopardizing our litigation. Moegerle asked Vierling's opinion. Vierling said Schaaf as the Interim City Administrator is like the new kid on the block, and he is sure the County knows he doesn't have any authority to negotiate, and at this court level there is no settlement unless it is written down. He said he agrees that you want the attorneys directly involved in these issues, but many settlements happen because of conversations between clients or staff members that find there way up the chain. Vierling said he understands the issue, but at this point and time he thinks it is best to move on.

Moegerle said she understands Ms. Skepper was supposed to be here and she declined. Schaaf said she didn't decline, per say, but lawsuit imposes on what the County can and can't do with us. Voss said that was Skepper's. Schaaf said that was Skepper, yes. He said he thought it would be better to wait a bit to have her here. Schaaf said it was his judgment since we don't know what the relationship is going to be, until the lawsuit is done, it would be better to wait a bit. Voss said so we should stop doing anything with the County because we have a lawsuit with them. He asked wasn't she going to come present information on economic growth. Moegerle said right, that was her understanding. Schaaf said if you want information on economic growth he has suggestions on that. Voss said initially she was going to be at the work meeting, he said why not have her at the Council meeting so it is

broadcast. Schaaf said he thought it wouldn't be appropriate, if it is his bad, it is his bad, is on him. Voss said so because of a decision he has made, the project is maybe going to be delayed even further. He said don't take direction on your own. Voss said there are certain things you have to do to run a City. He said he is concerned about what is going to happen between now and the next meeting.

SafeAssure
Contract

Moegerle asked Schaaf to address this item. Schaaf said he is not sure. Boyer said he works for Minnesota OSHA. He said we are hiring an outside contractor, and he said most of this is freely available from the State of Minnesota. Boyer said the state gives free consultation services and the City got a grant on this. He said staff can call the state and see about this. Moegerle said this was discussed at the meeting with department heads and it was highly recommended. Boyer said he is in favor of having our workforce being the safest possible as could be.

Boyer made a motion to table the 2011 SafeAssure Contract. Lawrence seconded; all in favor, motion carries.

Set Meeting
Date for Local
Board of
Appeals and
Equalization

Vierling said most of the cities he works with have transitioned to the open book option, you can always go back to the other way, they get their meeting with the assessor and it is very well received. He said the assessor comes back to you with a final report. Voss asked if you go to the open book you don't have a meeting. Staff said that is correct. Voss said but they don't come back to Council. He said he would like to stay with Option One. DeRoche said so basically it is a public hearing with the assessor here. Boyer said the property owner can come before council and say my property is valued to high, and I don't think my assessment is correct. Schaaf said but we are in a different economic value then we used to be, and five of you are sitting there now. He said he spoke with the former City Administrator and he indicated he thought open book was a good idea. DeRoche asked what does it take to get the training. Boyer said it is a 2 ½ to 3 hour training. Moegerle said she doesn't think we should be sitting in judgment on the taxpayers; this isn't something we should do. She said she doesn't think we can get trained on that. Voss said hates the idea of losing the ability. DeRoche asked if someone takes the training does that throw the open book option out.

Boyer made a motion to approve Council Member DeRoche to take the Local Board of Appeals and Equalization Training. Lawrence seconded; all in favor, motion carries.

Voss made a motion to adopt Resolution 2011-06 Setting the Meeting Date for the Local Board of Appeal and Equalization. DeRoche seconded; all in favor, motion carries.

City Attorney
Fees

Vierling explained that he sent a subsequent letter to his fee schedule. He said when Dave Snyder explained the fees at the January 5th meeting; he explained the fees in a different format. Vierling said the fees as he submitted them do not include any transportation expenses, so he is charging a flat rate for the meetings. He said he would be happy to do a \$140 hour charge if you so desire instead of the \$400 per meeting charge. Vierling said also his form does not charge for photocopies or fax charges. He said right he believes the City is paying just for photocopying \$15. Moegerle said she thinks phone calls from staff and Council is generally is not billed for because they want to encourage calls from staff and Council. Boyer said he assumes there is a standard form of agreement. Voss asked what is different from the letter that you sent out. Vierling said if you want to agree to \$140 an hour that is fine, but then there is a transportation charge. Boyer said he thinks the whole process is skewed. He said in terms of this, he doesn't see any fiscal impact on the write-up, and he

knows the fees are roughly 40-50% higher than Randall and Goodrich. Boyer said he would expect to have fiscal impact included in the packet. Voss said we need a City Attorney, we need someone here. He said and Vierling has credentials, he comes from a respected firm. Voss said in the interim you tripled the cost of City attorney.

Voss made a motion to approve engaging Mr. Mark Vierling of Eckberg and Lammers as the City Attorney with rates as outlined in the letter dated January 14, 2011, with the understanding that staff will prepare an RFP for City Attorney Services for the next City Council meeting. DeRoche seconded; all in favor, motion carries.

Council gave staff direction to have the prosecuting attorney come to the next Council meeting and give an update.

Boyer made a motion to also go out for RFPs for prosecuting attorney. Voss said we just engaged our prosecuting attorney and there are not issues with the prosecuting attorney, why would we do this. **Boyer withdrew his motion.**

Since Council did not finish their agenda by 11:00 p.m. they decide to recess their meeting.

Voss made a motion to recess the January 19, 2011 meeting until Monday, January 24, 2011 at 6:30 p.m. DeRoche seconded; all in favor, motion carries.

Call back to
Order

The January 19, 2011 City Council meeting was called back to order on January 24, 2011 at 6:30 p.m. by Mayor Lawrence.

Lawrence made a motion to add a Closed Session – ACHRA Lawsuit at 7:00 p.m. Moegerle seconded; all in favor, motion carries.

Landform
Third
Party/Risk
Assessment
Proposal

Schaaf said we have a proposal from Landform before us for a Third Party/Risk Assessment. Voss asked why was this added to agenda. Schaaf said this part of the discussion about what is going to happen with the suspended projects. Mr. Schunicht can provide us with some alternative designs. Boyer said usually when he gets these things that are going to cost \$9,750 is says where the money is going to come from. Schaaf said from the savings eliminating a position from the City. Boyer said we haven't saved a penny yet. Moegerle said she respectfully disagrees. Voss said normally this is from a Council request. He said we had a work meeting and we didn't talk about doing this. Voss said we were supposed to have Bolton and Menk coming in for a work session on Wednesday to talk about this. Moegerle said the work session was cancelled. Voss said he wasn't told the work session was cancelled. Moegerle said we talked about this at the Council meeting. Voss said we talked about this at the Council meeting, when. Boyer said he would like to see the minutes where we talked about this.

Lawrence said let's get back to Landform project. He said this is a different style, project. Voss said we didn't talk about doing this at the work session; we talked about doing something different. DeRoche said this gentleman is here to lay out what he does, and you keep saying everything is so time sensitive, so let's get the information we need. Boyer said this is about transparency; we need to let contracts out for this. Schaaf asked would you like the presentation. Voss said so the meeting is cancelled for this Wednesday, he assumes you told Bolton and Menk because you haven't told Council. He said he got an e-mail about a different meeting, a luncheon. Moegerle said you were told at Council meeting. Lawrence said that is enough. Boyer said if we are proposing to spend \$10,000 then we should send this out to bid. Lawrence said he is here for informational purposes. Boyer said if you are going to turn around and put out an RFP for this and you have given him an open

competition for the contract, I would want the same rights as he has had for the contract. Voss asked when are you going to listen to Bolton and Menk's information. Schaaf said the council has taken action to suspend \$20,000,000 in contracts, he thinks the Council has indicated by the majority of the Council that they need information in an open meeting on how to get information. He said the election is over, let's move on.

Bob Schunicht said he is the Vice President of Landform and he is aware that East Bethel is facing a major decision on a waste water system that is ready to be implemented. He said it has to work technically and financially. Schunicht said it has been based largely on projections which are most largely almost wrong. He said you have to work some flexibility in those projections. Schunicht said you will have 50-80 years on the life of a system. He said when you are ramping up a system you are still trying to get a momentum on paying for it. Schunicht said what we laid out for you is a four part study on risk assessment. He said the first is evaluate design and funding projections, second is review current projections, third is investigate competing developments and cities and the fourth is prepare your risk assessments. Schunicht said we will do a series so spreadsheets and look at where the money is coming from. He said he has done this several times in his career. Schunicht said it is based on the risk you want to take. Then he will present it to you and say is this is what we think. Moegerle said she understands that the Met Council is paying for the sewer; we are talking about the city's part correct. Schunicht said that is correct, the Met Council has the funding of that figured out; we are talking about your project. Moegerle asked who will you be contacting at Met Council. Schunicht said he will start with some meetings with the City, then meetings with Bryce Pickart, then others, they are good to work with and willing to discuss change and maintaining a good dialogue.

Schaaf asked are you familiar with the project in Ramsey. Schunicht said Ramsey hired his partner to manage their project after it failed, to bring it back. Schaaf said so you have information on neighboring communities. Schunicht said yes. Moegerle said so you evaluated that failed system and then you were hired. Schunicht said in Ramsey there were people that went bankrupt and were jailed, etc. He said so it really had to be reworked. Boyer said wasn't there a large amount of bank fraud in that project. Schunicht said he is not sure that is before he was involved in the project. Lawrence said we talked about ERUs. He asked can your systems handle 100 ERUs. Schunicht said the Mayor is talking about our systems that we do, yes they can. Schaaf said but that is not part of the study. Schunicht said true, what should come out of the study is what should be done about the suspension. Voss said he doesn't disagree that there could be value to this, but there seems to be reluctance to not only hear about how the original numbers were put together, but how they were. Moegerle said we have asked about that not only post election, we have begged for those numbers. She said the information that was given was if you do that, and if they come, then you can do that. Moegerle asked where are the numbers, based upon this and that, where are the economics, demographics. Voss said that is what this Wednesday was supposed to be for, bring in Bolton and Menk. He said he tried to set this up in December. Moegerle said she wasn't contacted. Voss said we specifically set it up at the last work meeting. Schaaf said there was no Council action. He said he contacted Bolton and Menk and they gave him no information. Voss asked Schaaf is he his still a spokesperson for Bolton and Menk. Schunicht said the numbers he has seen are the projections for the ERUs. Voss asked are you inversed to having Bolton and Menk before this Council so you can ask those questions directly. He said all he is trying to do is get the person in front of you that has the answers in front of you.

Moegerle said Bolton and Menk is going to come to a meeting is that is going to be available on DVD, on tape. She said a work meeting wouldn't be televised. Boyer said it might cost

us \$20. Lawrence said we always wanted to meet with Bolton and Menk. He said we are well aware of the time issue we are working with; we are trying to get the most information we can. Voss said there is reluctance to do this.

Voss said you are the one making the decision now. He said if you don't want the information that you need as an elected official to make the decision, all he has done is try to get the information to you. Voss asked then why did we set up the work meeting. Schaaf said it is important for people to understand that the Mayor and I met with the former city administrator and we have no information on this. Voss said this is your opinion on this. He asked what is the timing on this if we retained Landform or someone else. Schunicht said he would have a report to you by February 23rd. Schaaf said it might be helpful to have Bolton and Menk and Landform at the same meeting. Boyer said are we talking about spending money again. Schaaf said possibly. Lawrence thanked Schunicht for his time.

Closed
Session –
ACHRA

Moegerle made a motion to adjourn to closed session regarding the Anoka County HRA Lawsuit. DeRoche seconded; all in favor, motion carries. Vierling explained that the Council can adjourn to closed session pursuant to Attorney/Client privilege with Mr. George Hoff the City's Attorney in this case number A-101628 to discuss the pending litigation regarding the Anoka County HRA. Boyer asked if Teetzel would be included in the closed meeting as she is a party in the lawsuit. Mr. George Hoff, the attorney representing the City in the lawsuit, after being informed who Ms. Teetzel was, agreed that it was appropriate for her to attend the closed meeting.

When Council returned from the closed session, Vierling explained that Council met in a closed session that was attended by all Council Members, himself, Mr. George Hoff, counsel for the City, Jill Teetzel, co-defendant, and Dave Schaaf, acting City Administrator. Strategy was discussed.

Landform
Proposal

Moegerle asked is it necessary to send out RFPs if we wanted to enter into a relationship with Landform. Vierling said no, he said it is an at will to engages into services unlike the process when it is over \$100,000. He said many cities do use RFPs, many do not.

Moegerle made a motion to accept the proposal by Landform for a Third Party Review/Risk Assessment, under avance as set forth under the letter dated January 19, 2011. DeRoche seconded. Boyer said so now we are certainly spending money, \$10,000. He said in the past the City has always for RFPs for things like this in sums of nature. Boyer said so you are doing this to give to some friend. He asked why wasn't this competitively bid. Moegerle said but when we discuss the letter from Met Council you are going to say there are circumstances to speed everything up. Boyer said we need to go out and get RFPs and get cost effective prices. Moegerle asked what are your facts to support that. Boyer asked you don't have facts to support that, but he was told at the beginning of the meeting that we weren't going to spend any money. He said this should go out for RFPs so you can't get the most qualified proposals and most effective person.

Schaaf said the motion is to authorize expenditures up to \$9,750, is there something in the background you think is inadequate. Boyer said he thinks there are other qualified consultants around twin cities that might be cheaper and might not be cheaper. Schaaf said and you are not concerned about how long that might take. Moegerle asked to call the question. Voss asked what is the timing on this. Schunicht said 3-4 weeks. Voss asked is there a way to speed that up. Schunicht said he can try to speed it up. Voss said the use of conveyance of the project is a good term, if Council so chooses to go forward with this, they

should never be afraid of the truth, this should be a sign that it would be for the Council to stop pushing off the meeting with Bolton and Menk and gives more than enough time to get the information from the people that have the information. Moegerle asked are you saving we should meet with them at the same time as Schunicht gives us his information, the first meeting in February, at work meeting, the second meeting in February. Voss said for right now, he assumes the work meeting on Wednesday is still on until he hears further. Moegerle said she is asking for your preference when you want the meeting. Schaaf said he has spoken with Kreg Schmidt from Bolton and Menk and he would be available February 2nd. He said he would like advance notice. **Boyer and Voss, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

Moegerle made a motion to direct staff to work with Bolton and Menk to have them at the February 2, 2011 City Council meeting. Boyer seconded; all in favor, motion carries. Council consensus was to have this first on the agenda.

Met Council
Letter

Voss said we received a letter from Met Council. He asked Schaaf is he talked to Met Council about this letter. Schaaf said the point where he talked to Bryce Pickart he was going to into a sub committee and he said he explained to him Pickart what the Council did and Pickart indicated there was no deadline in the contract. Voss said we received a letter directed to all of us that says Met Council understands the direction Council took on January 5, 2011 and that they have expended approximately \$2,000,000 and that they expect the Council to proceed with the water/sewer project as planned. Moegerle asked Schaaf if he has exchanged any additional correspondence with the Met Council. Schaaf said no, he has not. Voss said he heard about Schaaf's discussion. He said and the Met Council made it clear at the Town Hall meeting that they would want their investment back.

Voss asked how much of the bond proceeds have we expended. Schaaf said roughly \$2,000,000. Voss said and we have four contracts out, all who have started work and we have received three letters from them. He said they have expressed concern and they have stated their concerns and delay costs. Moegerle asked are there any weekly costs that are being assessed by Met Council. Schaaf said no. He said they are perfectly okay with us looking at what we are going to do. Schaaf said they haven't let any contracts. Lawrence said the delay costs they are talking about are the materials. Moegerle said the delay costs are not on the agenda. She said she is objecting to the discussion of this if it is not on the agenda. DeRoche said isn't it a fact if these contracts were not shoved through in a lame duck session we would not be in this situation. Voss said we are not getting any communication from our Acting City Administrator; we are having to get communication from these contractors. Schaaf said he wanted to discuss City Administrator/Council Communications and because you removed it he hasn't been able to discuss things with you. He said he has discussed this with all four contractors. Schaaf said we need to get to a decision, we understand the ramifications. Voss said he agrees with that. He said he think it is important that the Council and the public have all the information. Voss said in that time frame if you can provide what the cost liability is if the project is stopped, here it is outlined that we have \$5,000,000 daily cost delays, \$18,000,000 in bond, we have already spent \$2,000,000 if the project doesn't go and we have no way of paying that back, we have to talk to Springsted about that. He said if the Council does decide to stop this, how are we going to keep the City out of bankruptcy. Moegerle said her understanding is the HRA paid for some of this. Voss said we have investment in this already and we sure as heck better consider that. Schaaf said this is a very serious consequence that this Council has to face.

Commission/ Council decided to move the Commission/Committee Liaisons up on the agenda. Lawrence

asked Council Members to serve on the commissions/committees. Voss said his suggestion is for the three new Council Members to be on the Park, Road and Planning Commission. He said he would suggest someone different is assigned to the Planning Commission because Moegerle has already served.

Boyer made a motion to approve the Commission/Committee Liaisons as follows: Acting Mayor - Council Member Moegerle (previously assigned by Resolution), Road Commission – Council Member DeRoche, Park Commission – Mayor Lawrence, Planning Commission – Council Member Moegerle, Watershed Mgmt. Organizations – Council Member Voss, Cedar Creek Committee and Sandhill Crane Committee – Council Member Boyer, Fire Department – Council Member DeRoche, Police Liaison – Council Member Voss, Booster Day Committee – Mayor Lawrence and Council Member Voss and Finance Committee – Council Member Boyer and Council Member DeRoche. Voss seconded; all in favor, motion carries. Voss asked staff to complete the attachment and send to all Council Members.

Acting City
Administrator
Compensation

Schaaf said he has handouts on this item. He said the first handout is information from the League of Minnesota Cities (LMC) on other cities about the same size as East Bethel and what they pay their City Administrators, outstate and metro area. Schaaf said then the next sheet is something he sent to Council the 2010 Administrator expenses and the proposed 2011 Administrator expenses for the former Administrator. He said that is what the taxpayers paid to have that person work for City. Schaaf said next is what he is proposing a \$79,000 salary and \$7,911 in benefits, FICA/Medicare, workers compensation insurance and a laptop computer for a total of \$87,811.35 with no contribution for cafeteria health benefits, no cell phones, no ICMA membership, etc.

Boyer asked why are we not putting out an RFP for this position as we did for the City Attorney. Voss asked Doug Sell is still the City Administrator; he is on paid administrative leave, right. Vierling said that is correct. Voss said from what he understands the Mark correct. Voss from what he understands the LMC has a list of Interim City Administrators that we could work from. He said we have an Acting City Administrator now. Voss said at this point, we don't know what is going to happen with City Administrator Doug Sell, so for now we cannot just go out and advertise for this position; we can decide that after we make the decision about Doug Sell. He said but right now we need someone to run the ship. Voss said but this is just an Acting City Administrator. DeRoche said maybe we should meet in closed session and deal with Doug Sell first.

Voss said what we are dealing with here, is what is just compensation for the role you have been playing here. He said so the proposed salary is just shy of \$80,000. Voss asked how did you come up with that number. Schaaf said he had discussions with the incoming Council Members prior to January 5th. He said he is putting his foot in the quicksand. Schaaf said he indicated he would be willing to serve for a year at less than ½ the current salary of the City Administrator. Voss said and you are comfortable with this. Schaaf said yes, based on the list of cities compared to our size. Voss said so let's focus on the City Administrator in Alexandria. Schaaf said he isn't familiar with the City Administrator there, but he is familiar with Mike Robertson who is now in Otsego. Voss asked how long has he been a City Administrator. Schaaf said 12-14 years. Voss asked is there anyone else on list you are familiar with. Schaaf said Jerry Urban from Vadnais heights. Voss said and he has 40 years of experience. Schaaf said the taxpayers paid \$181,000 for the previous administrator.

DeRoche said when Sell was hired what kind of process was gone through. Boyer said we interviewed five candidates. He said we had a professional search firm involved. Boyer said we advertised in paper of record, and he is pretty sure it was in the Star Tribune and Pioneer and Press. Schaaf said we did some investigation and we are pretty sure that you had three people set up for interviews and one backed out, then another backed out because she didn't want to work nights or something and you only interviewed Mr. Sell. Voss said he wasn't on the Council then but he remembers something like this also. Moegerle asked how many years of experience did Sell have as an City Administrator. Boyer said he came to us from Jordan. Moegerle said no, he came from Brooklyn Center. DeRoche asked what pay rate did he start at. Voss asked why are you asking this. He said he is looking at proposed salary of \$79,900 with no experience in City government, except as a government official. Boyer asked do you have a master's degree in public administration. Voss said the pay is set with experience. He said this is not an unfair statement to make. Lawrence said we brought Mr. Schaaf in because of the issues at hand. Moegerle said and economic development in East Bethel and he has experience in that. Boyer asked do you have a master's degree in economic development. Schaaf said he had a business, Schaaf Floral, a small business, and a larger business in Stillwater, a Laundromat, worked on a large development in Oak Park Heights as a Council Member and a Mayor. He said he got elected as a trustee in sewer development. Schaaf said he is familiar with connection charges. He said as a legislator he dealt with metropolitan and urban affairs, he worked deeply on election issues, served on task force that reworked election laws, served as an appointee of Governor Anderson, he has dealt in the legislator on transportation, crime and crime prevention, in every aspect of the City, he has dealt with each issue.

Boyer asked have you ever held a job as a municipal employee. Schaaf said if you count an election judge as one, that would be my only job. Voss said he is looking at this with his experience, there are plenty of folks with his experience that could do what you have said you want to do for Council and the City and this is a leadership position that requires the skills of a large staff, dealing with five diverse opinions of a large Council and doesn't see your skills that are half of what our previous City administrators were. Schaaf said he had discussions with council that he would do this for half because he doesn't have a typical resume, he would need to bring in consultants to help. Moegerle asked how many years experience do you have in economic development. Schaaf said three years in the North Suburban Sanitary Sewer District, eight years on Oak Park Heights City Council as a Mayor and Councilman and eight years on senate. He said he also had eight years as real estate broker. Voss said rather than basing your comparison on half of what the City spent on the City Administrator in the past and certainly listening to what the city has heard criticism about, what else should we consider. Schaaf said he felt he was worth this. Boyer said he would ask why are we not advertising for this position. Lawrence said this is just an interim position. Boyer said he doesn't believe this proposal is just for the next 20 minutes. Schaaf said presumably if this proposal is adopted it will include a 30 day clause that would allow either parties to terminate with a 30 day notice. Boyer asked how long is this position for. Moegerle said this is until the City Administrator's employment issues are taken care of. Schaaf said no, he is proposing this for one year with a 30 termination clause.

Voss made a motion to approve the compensation package for Acting City Administrator Mr. David Schaaf at \$49,000 yearly salary. Boyer seconded. Moegerle said she disagrees with this, what this man has done already has been an amazing service to the City. She said this is disingenuous as a motion and as what he brings to the City primarily as what he brings to the City; he has a proven track record to the City, and what he brought to Oak Park Heights. Voss said there is no way he would get more than this in the

open procurement process. Moegerle said is this an requirement. Schaaf said he has already incurred some cost for moving expenses and he is not charging for that. He said at this proposed salary he has no interest in the position. Boyer said he has a master's degree and he knows. He said you would not be offered an entry level job, let alone \$40,000 to \$50,000. Boyer said at least not at a City with a population of 13,000 in the metro area. Moegerle said if your motion passes obviously we are going to see those documents, because we are going to need to see those documents in a hurry. Boyer said he can point you at the site if you like. Voss said the survey that Schaaf referred to will have that information. Vierling said the LMC does a regional approach. Voss said he may be way out of base with the \$49,000, but he is taking half like Mr. Schaaf did. He said we all have life experience. Voss said he is sure there are a few thousand out there that will take job. Lawrence said he would be on a 30 day notice. Moegerle said the issue before the Council is it is how long do we expect this to be. Voss said this is three steps. He said first we have to get Schaaf paid. Voss said then once there is resolution with the existing City Administrator and we know that we no longer have a City Administrator then we have to fill the position with an Interim City Administer, then we get a regular City Administrator. He said he suggests that just like the City Attorney, if folks are as good as they think they are, they shouldn't be afraid to compete in the competitive market. Moegerle said Schaaf shouldn't be afraid to, he is a valuable service to the City, he has contacted major players, we have a huge financial interest at stake, and we can't hire someone at \$49,000 a year and asked them to handle \$2,000,000 a year contracts. Boyer said this is based on his opinion. Voss said with the other items on there, it may only be for a couple weeks. He said he is here for one reason, he talked to an incoming Council Member prior to January 5th and if they don't want him to do this he is out of here. Voss said his actions prior to January 5th were very abrupt. He said he indicated that he had led two search committees for City Administrators previously; he should know how it works. **Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.**

Lawrence made a motion approve the compensation package for Acting City Administrator Mr. David Schaaf at \$79,900 and \$7,911 in benefits, FICA/Medicare, workers compensation insurance and a laptop computer for a total of \$87,811.35 with no contribution for cafeteria health benefits, no cell phones, no ICMA membership, etc. for a maximum one year, with 30 day termination clause for both parties. Voss said he wants it at will so we fill this gap, it may only be a week. Voss said in terms of an acting position, he doesn't have any problem with any of us being the Acting City Administrator. Vierling said the Council couldn't do that. **DeRoche seconded. Voss and Boyer; nay, DeRoche, Lawrence and Moegerle, aye; motion carries.**

Schaaf handed out information on outsourcing planning. He said this is just for informational purposes. Boyer said he feels somewhat snakbit, is it the Council's anticipation that we will take action on this also.

Anoka County
Broadband
Project

Moegerle said she met with Jack Davis to discuss the status of the broadband trunk lines. She said we were both surprised that the broadband had gone to Arena and then to City Hall. She said we also had discussions about the City water process. Moegerle said she attended a CLIA meeting on Thursday as well and they are looking at how to protect Coon Lake and the Tierney project and the 13 other points.

Joint Law
Enforcement
Council

Voss said he has a couple things. He said last December, he was asked by Sheriff Stuart to serve on the Joint Law Enforcement Council, which he accepted. Voss said he thinks the first meeting is Wednesday. He said they have been around a long time, he knows the

former mayor was on this Council for a long time.

Sheriff's Reports

Voss said so Lieutenant Orlando is no longer going to be giving in person reports. Schaaf said he found them embarrassing, of no value. Voss asked was there something specific in the report. Schaaf said it was the methodology of how the report was given, going through how the arrest was made, etc. Voss said we specifically asked the Sheriff to be here and to have one and one time with the Council and give these reports. Schaaf asked why would you do that. Moegerle said the statistics are still going to be presented. She said the presentation of assorted details are not reasonable. Voss said while he agrees they are not pleasant to listen to, they are eye-opening and back 4 or 5 years ago, our sheriff's reports had to be 50% meth related. He said this was very disturbing, it was a regional problem and we talked about what we had to do and when the law changed and you couldn't purchase the stuff needed to make meth so readily, those reports changed. Moegerle said you can still get those reports; just those details will be gone. Schaaf said he doesn't do those types of these things on whims. He said he checked with other cities. Voss said it is about exposure and ability to interact. He said and you don't do things we haven't asked you to do. Voss said you could tell Lieutenant Orlando was embarrassed by that. Schaaf said he didn't expect her here at the meeting. He said the reason Council needs information is to act on policy. Boyer asked you will use your judgment to control the information he gets. Schaaf said you will get those reports in writing. Voss said Council did not dismiss the sheriff from being at these meetings. He asked how does the Council feel about the sheriff represented at the meeting. Moegerle said she thinks it is great that she comes. She said she doesn't think we need a blow by blow of this information at the meeting. Moegerle said she thinks you embarrassed her. Voss said he didn't say anything to her. Boyer said he did. Moegerle said she apologizes. She said she would like her to still come to the meeting, but not do the blow by blow.

Voss said he would like to see him raise this concern, rather than all of a sudden making changes without any discussion. Moegerle said yes, handle it in a diplomatic way, duties in an administrative way. Voss said he asked to have this on the agenda and Schaaf said no, he would not put this on the agenda. Moegerle said we need to have a discussion about how things get put on the agenda.

Mayor Update

Lawrence said he has been working with a lot of people in the City. He said he is meeting with Sheriff Stuart for lunch.

Information

Boyer said he is wondering when Voss and himself are going to be provided the same things the rest of the Council is provided.

Fire Department Meeting

DeRoche said he went to the fire department meeting on Monday night and they have a heck of a fire department. He said they are very professional and seem to really respect Chief DuCharme. DeRoche said the department has some equipment needs and the needs are going to need to be met.

Closed Session – Former City Administrator Agreement

DeRoche made a motion to move to close session to discuss the an agreement with the former City Administrator pursuant to Minnesota Statutes, Section 13D.05, subd. 3. Moegerle seconded; all in favor, motion carries. Vierling said he wants the record to reflect we have written consent from Mr. Douglas Sell to go into closed session on this matter.

Vierling said we are back in session, after having concluded our closes session where we

reviewed the former City Administrator agreement. All Council Members were present, along with me, and Mr. Schaaf. He said the closed session concluded at 10:33 p.m.

Adjourn **Boyer made a motion to adjourn at 10:33 PM. Moegerle seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

EAST BETHEL CITY COUNCIL MEETING

January 19, 2011

The East Bethel City Council met on January 19, 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

Call to Order **The January 19, 2011 City Council meeting was called to order by Acting Mayor Moegerle at 7:30 PM.**

Adopt Agenda **DeRoche made a motion to adopt the January 19, 2011 City Council Agenda. Voss seconded.** Boyer said we need to add an item to the agenda so we can go to a closed session to discuss a land deal with GRE. Moegerle asked do we have paperwork on that. Boyer said yes, and he presented this to Schaaf last Wednesday, he believes, we have a land application and we are going to bump up against the 60-day application limit if we don't deal with this. He said he could outline this fairly quickly, there are two alternatives, but this is germane to the recommendations. Vierling said he met briefly with Boyer and he needs to get more data from him before we determine the process so he suggests you hold this as an item on the agenda and recess for 10 minutes so he can discuss this further with Boyer and he will come back and advise you after the recess. Moegerle asked is this appropriate for a closed session. Vierling said he will determine that when we recess, he can advise you then whether you it is appropriate. Add under 8.0 F.2 Recess to consider GRE Closed Session. Moegerle said she wants to add 8.0 G.4 Landform Consultants, Third Party Review/Risk Assessment and 9.0 A.3 Closed Session – Discuss Former City Administrator Settlement. Voss asked he would like to add discussion of HRA Lawsuit, closed session. Vierling said if you had representation here then you could do so, but you don't have representation, so you cannot go into closed session. Voss said so with the rumors going on tonight about discussion of settlement negotiations; he would like to discuss this in open session. Moegerle said so we will add this as Item 8.0 F.3 HRA Lawsuit. Voss said also we were handed a letter tonight and were also e-mailed it from Met Council and would like to add it as Item 8.0 G.5 Met Council Letter. Moegerle asked Vierling if this is something we should discuss in Executive Session. Vierling said he has not had an opportunity to review it. He said if he had an opportunity to review it, he could comment on it. Vierling said he determines that not to be a closed session item. Voss said also he doesn't know if this would be under attorney fees, and he had asked to have this on the agenda, but he would like a broader discussion on this, discussion on going out for proposals for attorney services. Voss said can we do it right after the attorney's fees, as a separate item. **DeRoche amended his motion to include all the additions to the agenda as follows: Item 8.0 F.2 Recess to consider GRE Closed Session; Item 8.0 G.4 Landform Consultants, Third Party Review/Risk Assessments; Item 9.0 A.3 Closed Session – Discuss Former City Administrator Settlement; Item 8.0 F.3 HRA Lawsuit; Item 8.0 G.5 Met Council Letter; Item 8.0 G.3 A Legal Services RFPs. Voss seconded the amendment; all in favor, motion carries.**

Sheriff's
Report

Lieutenant Orlando reported on the custodial arrests/significant arrests for the month of December 2010 as follows:

12-02-10 - 5th Degree Possess Controlled Substance / Warrant arrest – A Deputy stopped a vehicle for a traffic violation. While running a check on the driver, he was found to have a misdemeanor warrant. The deputy handcuffed the male, at which time the male began to resist. The deputy was able to get the male under control and into the squad with the help of a passerby and several other officers. The male was found to be possessing methamphetamine and marijuana. The male was taken to jail.

12-03-10 - 5th Degree Domestic Assault - Deputies were called to a domestic assault, where the victim's live-in girlfriend had punched him in the nose after an argument. The boyfriend advised the girlfriend was mad at him because he was working in the garage. She came out and yelled at him and then punched him. The girlfriend was arrested and taken to jail.

12-10-10 - Misdemeanor Theft / Under-age Drink and Drive - A deputy, while parked at a business doing paperwork, noticed some suspicious activity occurring. A pick-up truck with no license plates visible, had pulled up to a gas pump, and the male passenger, with a hood over his head, pumped gas and then the truck took off at a high rate of speed. The deputy stopped the vehicle, as the store was calling in a no-pay report. The driver had been drinking and neither the driver or passenger had money to pay for the \$57 worth of gas that they had pumped. Citations were issued to both the driver and passenger.

12-18-10 - 5th Degree Domestic Assault - Deputies were called to a delayed domestic assault report. The live-in girlfriend of the suspect advised she is a victim of on-going domestic assault. She advised that today her boyfriend had been mad at her, after coming home high on methamphetamine and had thrown a mug filled with coffee at her while she was trying to leave. She advised that she had been able to leave, but is in fear of her boyfriend. The boyfriend was located and taken to jail.

12-20-10 - Gross Misdemeanor DUI / Hit & Run Accident - A deputy responded to a hit and run traffic accident on Hwy 65 and Viking Blvd. The victim advised that a truck was turning onto Hwy 65 from 187th Ln, and had come into her lane of travel and struck her vehicle. She followed the vehicle and was able to obtain a license plate number. Another deputy located a vehicle matching the suspect vehicle description, driving erratically, with no headlights on. The driver was found to be intoxicated. The driver failed field sobriety tests and refused to take a test to determine his blood alcohol level. The driver was jailed.

Luitenant Orlando said domestic calls (non-crime) for the month were fifteen (15) and DWI arrests for this month were eight (8).

Boyer said he was told that you were not going to be presenting monthly reports at our meetings, that the Council had asked for your reassignment. Lieutenant Orlando said yes, her direction from the City Administrator is that she won't be presenting them. Boyer said he wanted to thank you for your service; he thinks every resident is better off for having you here. Moegerle asked on page 2 of our report what is extra patrol. Lieutenant Orlando said extra patrol is if she gets calls for extra patrol such as if people have seen suspicious activity and want the squads to drive through more often and then they just document that. Moegerle asked what is aids and agency public, what does that include. Lieutenant Orlando said aids

to the agency is if you are looking at CSO stats, assisting deputy and go sit waiting for a tow or if they direct traffic and aid to the public is such things as if they assist when a vehicle is broken down. Schaaf asked Lieutenant Orlando is your relationship to City going to change at all. Lieutenant Orlando said no. Schaaf said you will still be responding to calls. Lieutenant Orlando said she just won't be giving monthly reports. She said she will be attending the meetings, but probably not in uniform. Moegerle said great.

Resident asked if the recreational officers had been in area patrolling for snowmobiles. Lt. Orlando yes, we have spent all of our overtime, all of our snowmobile grant. She said it seems a lot of people don't know about their snowmobile safety certificates.

Recognition
of Service –
Greg Hunter

Moegerle said at this time the City Council would like to recognize the service of the 2010 retirees. She said we would like to recognize Greg Hunter for his years of service. Mr. Hunter has served the City as Mayor since 2003. Schaaf read the plaque presented to Greg Hunter as follows: Presented to Greg Hunter by the City Council in Appreciation for his Dedicated Service and Commitment to Excellence. On behalf of the Citizens of East Bethel, we thank you for your leadership and your many contributions to our community.

Mayor Hunter said thank you he appreciates this a lot, he had a lot of people coming up and saying thank you and that means a lot more than this plaque.

Steve Channer

Moegerle explained this is in recognition of Steve Channer for his years of service on the City Council he served on the city council since 2010. Channer said he has lived here for seven years and this has become his home town. He said he served on the Planning Commission before serving on the City Council.

Kathy Paavola

Moegerle said this is in recognition of Kathy Paavola, she has served on the City Council since 2003, and this is to honor her for her years of service. Paavola said thank you, she appreciates this. She said without the support of her family and friends and supporters and without them she couldn't have gotten through this, it takes up a lot of time.

Public Forum

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

Jill Teetzel of 20913 Rendova Street NE said she may look familiar to many of you because she takes the commission meeting minutes, and many don't know but she has 12 years experience in City government, is certified as a municipal clerk, she worked her way up until she was a city administrator. She said she is very concerned about the actions of the Council since they were sworn in and she would like to touch on four of these actions. The first would be lack of response to an e-mail she sent to the Council Members. She read the e-mail, she said for the audience's reflection. Teetzel said this e-mail states her concerns about the interim City Administrator and 2-261, 2-262 and 2-263 which references how a City Administrator should be chosen and what qualifications he should have including knowledge and abilities. She said in reviewing the code it seems Mr. Schaaf does not meet the code to be employed based on his knowledge and abilities. Teetzel said previous to this hiring, all jobs were advertised, applications submitted, interviews completed and background checks were done. She asked who conducted a background check, criminal check.

Teetzel said secondly she is concerned about the hiring of the City Attorney. The new attorneys service fees are considerably higher the former attorney, no request for proposals

were not solicited. The Minnesota State Auditor has stated pertaining to the City of Greenfield that the state auditor suggests that cities go through the “request for proposal” process instead of just hiring your own attorney which is what the City of East Bethel did. She said today a contract is being proposed.

Teetzel said the third item she would like to address is an employee luncheon. She was advised that staff and council had a luncheon to discuss changes in the City and that either Fat Boys donated the lunch or that the City paid for the lunch. Teetzel said either way the lunch was illegal. She made a request for the information on the luncheon, who was present, how the lunch was paid for, and what was discussed. Teetzel said additionally the City’s past practice was for the City’s supervisor’s to pay for lunches for the employees and this has been the past practices since 2001/2002.

Teetzel said last the Council agenda that was published for the previous Council meeting and the Council decided to trash in lieu of their own agenda for the meeting. She said she knows that you state that staff would not put anything on the agenda as you requested. Teetzel said you could have scheduled a special meeting and published the agenda, that way everyone would have known what was going to be discussed. She said the new Council ran on a pledge to be upfront, honest and not cost the taxpayers more money. Additionally, one of the new Council Members ran on a pledge to be ethical and even went so far as to put an ethics policy together that was discussed at multiple Planning Commission meetings. She said at this point all she has seen is backroom deals and very little ethics display. Teetzel said you should take a look at your actions; she is afraid we will be on the front page of the Star Tribune and cause many lawsuits.

Josh Sturman of 226 Elm Road NE said as far as Coon Lake improvements, he forwarded an e-mail titled “Water Sustainable Framework” and if you were looking for avenues to get funds, this is a guideline to get funds, clean water funds, about \$10,000,000, from sales tax.

Greg Hunter of 3719 Viking Blvd. NE said he just wondered if Larry Martin is still employed. Moegerle said of course. Hunter said because on 65 it seems our sign ordinance is getting lax. He said the Village Bank sign is going off every three seconds and all of a sudden we have a bunch of temporary signs that is why he was wondering if Larry is still employed. Moegerle said and this has started happening since January 5th. Hunter said yes, it has. Moegerle said we will get Larry on it.

Denise Lachinski of 22286 Vermillion Street NE said she has some questions on this letter regarding the attorney, she is not sure this is the appropriate time to bring it up. She said the legal fees, she recalls at the January 5th meeting Mr. Snyder said their fee would be \$140 is this including mileage. Lachinski said and if other employees come, will they be able to charge us mileage. She said for \$400 a meeting what is she getting. Moegerle said we will be discussing that under attorney fees. She said it will be brought up and explained.

Doreen and Mike Murray of 19523 Jackson Street NE said they would like to welcome the new Mayor and Council Members it is a hopeful and refreshing beginning for people that had issues in the past and tenacity in the past. Murray said we literally had to speak with our feet in the election to get our voices heard. She said she still feels there is a huge divide of what the big business supposedly wants and ordinary, everyday people want. Murray said she hopes that the new City Council will take a long look at the sewer and water project in this economic times and if you are an East Bethel resident and you think that your property will not be affected, think again, putting up a 350 foot water tower, two wells and a water treatment plant it really will come out of our pockets, it will affect our property taxes, higher city fees, or some kind of assessments. She said the property owners need to start thinking

realistically.

Murray said also if you have person that is going to put up a garage with a variance it would be nice to get some kind of notice. Boyer said if you are adjacent you should have gotten a notice. Mike Murray said originally the property we are talking about said they were mining, then it was cattle, etc., we never got a notice. Voss said that wasn't affected by zoning. Murray said it was misleading stating it was going to be used for one thing, then it was for another thing. Voss said when he did a mining thing, he had to do a ghost plat. Murray said it has gone from one thing to another thing to another thing. Doreen Murray said and now a water treatment plant and she thinks it will adversely affect her property.

Sally Boyer of 3303 Luan Drive NE said she very much hope you do not undo the water treatment plant. She said she has been a commercial lender for almost 25 years a while ago when she worked for a bank someone approached us for a commercial loan and when they found out that sewer and water was so far away they decided not to pursue the loan. Boyer said she does not personally think you have backed up your figures of \$50,000 in your flyer and she would like to know where you came up with those numbers, how much was for water, how much for curb, etc. She would like it compared to what the other City Council did and she would like to see an apples to apples comparison. Moegerle said she thinks that is something you will be seeing soon. Boyer said she is disappointed in the disruption we have seen since the three new members have taken their position. She said and not just because she is a banker. Boyer said the former Council Members spent several years forming this plan, and she would like you take at least half this much time to form your plan. Moegerle said the plan is not cancelled, it is merely suspended.

Steve Channer of 21572 Tyler Street NE said he want to go back to the meal. He said he knows this is a little thing, and he understands as a public employee how this happens, but he sees in the packet this was charged to professional service fees. Channer said he understands you have to code it to something. He asked who was present. Moegerle said she was, she answered the phones. DeRoche said he was presents, and Lawrence said he was present. Voss and Boyer said they were not present. Channer asked if any City business was discussed. DeRoche said no.

Tiana Channer of 21572 Tyler Street NE said it looks like towards the end of the meeting there will be discussion about the City Administrator compensation and in the packet that was distributed there was no information about this item and she is a little naive, but it seems to her there should have been information about this. Schaaf said he did not have the information ready in time for the packet. Channer said this is public information correct, because there was lots of discussion about the former City Administrators compensation. Boyer said he sees a pattern here. Moegerle said excuse me, but we are in the public forum here, we need to stay on task. She said certainly you will have the time to address that on the agenda. Boyer said the citizen has a valuable point, the agenda has no contract for Mr. Schaaf, we are running this agenda on a mission. Moegerle said Council Member you are out of order.

Jason Anderson of 20319 Rendova Street NE said you stated no City business was discussed at the luncheon. He said he doesn't have the e-mails with him, but two Council Members said that the luncheon was held to inform employees of what was going on. Anderson said that is City business, there were three of you in this building. He said to him that doesn't smell right.

Christine Howe of 22314 7th Street NE said she is glad you are not stopping but halting but taking a step back and taking a look and seeing if this going to cost me money. She said if

this is going to cost me money, I want to know. So, she wants to thank you.

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

Consent
Agenda

Council decided to take the Consent Agenda items one by one.

Approval of Bills - Voss made a motion to approve the January 19, 2011 Bill List.

DeRoche seconded. Boyer asked under whose authority was the lunch provided to employees, who authorized the expenditure of the funds. Schaaf said he did. He said he believes you are voting tonight on whether to pay the bills. Boyer said you are not authorized to spend the funds, now you have left me no option but to either stiff a local business or pay the bill. He said you have spent funds illegally. Schaaf said are you familiar with how the City operates, he has authority to do this. Moegerle said she would caution him about calling this illegal. Boyer said we have as a City been cautioned about this in the past by the state auditor office, as a matter of history, the City used to provide every employee with a holiday gift certificate and we were informed by the state auditors office that it was illegal, and giving them anything would be illegal. Schaaf said on January 5th some very strong actions were taken including eliminating staff, etc. and we met with the employees, explained changes to staff, did this on the recommendation to others in public administration, had a great meeting, he introduced himself to staff, and we had had volunteers to help facilitate this, some volunteers helped serve at the meeting, and volunteers answered phones, and as he understands good public administration, this was a good thing to do. If this was wrong he will reimburse the City. Voss said in terms of a meeting, this was a good thing to do, but it would have been better to invite all the Council Members. Boyer said you arranged this before the Council meeting and didn't tell Council about it. He said is this a bad Bill Clinton imitation. Schaaf said the Council meeting was January 5th. He said it is time in the best interest of the City to move on. Boyer said you certainly didn't tell Steve and me about it.

Vierling said in terms of meeting Mark in terms of meeting with the staff this wasn't illegal. He said in terms of the expenditure of funds, the auditor of the State of Minnesota has taken a very conservative position and many employers do some form of recognition programs that include training programs which include coffee, cookies, sandwiches, etc, that is the reality in which we live. Vierling said but most cities do some form of a recognition program. He said it is really an amount that is of dominium value. Schaaf said he mandated them to be there, they didn't have any choice. Boyer said you could have mandated them to be there without lunch. Voss asked why they weren't contacted. Schaaf apologized for his comment. Voss asked about the bill for Blaine Lock and Safe, why were the locks changed. Schaaf said this was done for safety purposes, following the January 5th Council meeting. DeRoche said Boyer you remember you left that meeting. Voss said during the meeting you had locks changed or after the meeting. Schaaf said if the Council would like to direct staff when they can buy pencils and paper. He said this was done after the meeting. Voss asked is there a reason you couldn't brought it up. Schaaf said there was an item on the agenda January 12, 2011, Administrator/Council Relations, under the authority the administrator had this is not an Council agenda item, if you want the administrator to act differently we need to discuss this. Boyer asked who was provided with keys. Schaaf said everyone who needed access to the City. Boyer said was he provided with keys, was Mr. Voss provided with keys. He said he is noticing a trend here. DeRoche said you keep bringing up a trend. He said what was brought up in the workshop has everything to do with what the Administrator is doing now, it seems that everything is becoming a hijack at this particular meeting and if you wanted to bring it up, why wasn't it brought up at the general workshop,

and it could have been discussed, if you want to air dirty laundry in the open public, I think it is an embarrassment to the City. Boyer said he agrees with him. DeRoche asked then why was it not brought up in the workshop. Boyer said it needs to be brought up in a regular Council meeting so it is broadcast, certain members are getting the information and certain members are not, and if that is the road we are going down this City is going to be looking at a lot of different lawsuits. Moegerle said Mr. Boyer you are entitled to your opinion but I object to your mischaracterization of what has occurred. She said now people have given you a reasonable explanation and you have chosen to take that way. Boyer said where are the keys that were provided to me. Voss said he asked why he wasn't given keys and was told it was an oversight. Moegerle said she doesn't want keys. Schaaf said if you want keys you will be provided with keys. **Boyer, nay; DeRoche, Lawrence, Moegerle, Voss, aye; motion carries.**

Meeting Minutes, January 5, 2011 – Voss said he has a change on page 4, top paragraph, line 4 from the bottom, add City Administrator to make it clear who we are discussing. Moegerle said it is made clear in the next sentence. Schaaf said when you talk about the minutes you need to remember they are motions and seconds and votes. He said if the motion is not clear or correct that we should address that. Schaaf said that is what is important, the rest of verbiage has no force and effect on the law. Voss said in this case a lot of this is verbatim. He said he thinks this is important because the City Administrator had a choice of whether this was open or closed and the Assistant Administrator didn't. Schaaf asked if he may, Mr. Vierling said the legal actions are the motions themselves. He said the minutes are a matter of choice of body, how descriptive you want to be, but the actions are the motions. Boyer said but the description is subject and can be brought up in a court of law. Vierling said and lots of times that is why Council's choice not to be so descriptive in their minutes, more brief. Voss said at the time we were talking about multiple positions. DeRoche said he is surprised this subject has come up, when he questioned the minutes before, he was told someone determined if certain information should be in there. Voss said this is pretty close to a transcript. Voss said there is a typo on page 6, bottom of page, second sentence, and change liability to viability. Voss said having been sued a couple times in the City it is important what is in the minutes. Moegerle said on page 6, third paragraph **East Bethel** needs to be capitalized, and on page 10 under Designating Official Depositories and Newspaper it says Designate, change to Designating and again on page 10, under Board of Health, it isn't capitalized. She said on page 11, third paragraph, second sentence, change precursory to cursory gave her changes. DeRoche said he has a change on page 9, third paragraph, 5th sentence, change 20 years to 28 years. **Boyer abstained, rest in favor, motion carries.**

Approve 2011 Residential Recycling Agreement with Anoka County - Voss made a motion to approve the 2011 Residential Recycling Agreement with Anoka County. DeRoche seconded. Moegerle said the goal is in tons, that was not clear to her at first so she wanted to point that out. **All in favor, motion carries.**

2011 Animal Control Contract – Moegerle said she reviewed this contract and she had some questions, so she would like to table this until February 3, 2011. **Moegerle made a motion to table the 2011 Animal Control Contract until February 3, 2011. Boyer seconded; all in favor, motion carries.** Voss asked so the existing contract stays in force until then. Moegerle said yes, our Building Official contacted Ms. Gimpl and assured me that it will.

Resolution 2011-05 Approving an Application with No Waiting Period for An Exempt

Permit for Cedar Creek Community School PTO to Hold a Raffle – April 9, 2011 – Boyer made a motion to adopt Resolution 2011-05 Approving an Application with No Waiting Period for An Exempt Permit for Cedar Creek Community School PTO to Hold a Raffle on April 9, 2011. DeRoche seconded; all in favor, motion carries.

FEMA Fire Safety and Prevention Grant - Voss made a motion to direct staff to move forward with preparing the FEMA Fire Safety and Prevention Grant. Boyer seconded. Boyer said eh would like to say our Fire Chief has been very good at getting grants for the City, he has gotten about \$600,000 in grants for the City. **All in favor, motion carries.**

Planning
Comm.
Minutes

Moegerle explained that the unapproved meeting minutes from the December 28, 2010 Planning Commission meeting are provided for your review and information.

Appoint
Planning
Comm.
Members

Moegerle said a resident brought up that candidates were interviewed that applied after the advertised deadline, is there any legal liability with interviewing candidates that applied after the deadline. Vierling said there are area volunteers that serve at the pleasure of the council and it is your opportunity to do this.

Voss made a motion to appoint the following to the Planning Commission with terms as indicated: Eldon Holmes for a term beginning January 2011 until December 31, 2013, Brian Mundle for a term beginning January 2011 until December 31, 2013 and Dale Voltin for a term beginning January 2011 ending December 31, 2011. DeRoche seconded; all in favor, motion carries.

East Bethel
Water
Treatment
Facility Site
Plan Review

Hanson explained according to State Statute 15.99 the City needs to approve or deny a written request within 60 days. She said she spoke with Vierling and he recommended that Schaaf do a written request for a 60 day extension. Hanson said this will give Council until April 12, 2011 to complete the request. She said at this time, Council can act on Schaaf's request for an extension or they can go ahead and act on the written request and she can proceed with her presentation. Schaaf said the City is building something in the City and we are asking ourselves to get an extension. He said you are asking yourself for authority for an extension on your building. Voss said he understand why the extension on the building because of the suspension, but he doesn't see the any harm in approving the site plan tonight; it doesn't mean it is going to move forward.

Schaaf said weren't the bid specs put out on water treatment facility that came in 33% high and in 10 days a bunch of stuff got ripped out and it was rebid in that short time. He said even though it will still be a water treatment facility, he would think we would want to take a look at that and wee if we might want to put some things back in, and the plan might change. Voss said if it changes, it changes, but wouldn't it be better to have it done. Voss said Council is not suggesting any changes right now, and it meets all requirements that a site plan needs to meet, but one of the comments he made to the engineer is it would be nice to see how it would look from the highway and we got that. Boyer said he doesn't like granting extensions, especially to ourselves, because everybody expects then. Moegerle said she doesn't understand your concerns about granting an extension, generally especially to residents. Boyer said he hasn't thought through the ramifications of this, and once we have done this, he knows where this is going to lead. Voss said Council has been cautious to grant ourselves an extension, we need to follow our own ordinances. Vierling said you are merely granting yourself an extension to the time period in which you have to make a decision, so

even if you grant an extension it doesn't mean you can't take final action well before that. He said by law if you don't take action before the end of the time the application is deemed approved. Schaaf said recommendation by me and staff is that it is tabled, whatever Council chooses to do, they can do.

Moegerle made a motion to table request of the City of East Bethel for site plan review for construction of the City of East Bethel Water Treatment Facility at 19458 Taylor Street NE. Lawrence seconded. Voss and Boyer, nay; DeRoche, Lawrence, and Moegerle; aye; motion carries. Voss said he suggests you bring this back to the first Council meeting in February with a resolution granting the 60 day extension. Vierling said if you intend to grant the additional time, you should preserve that as part of your motion. Voss said we have a form letter.

DeRoche made a motion to grant a 60 day extension to the City of East Bethel for their site plan for the construction of the City of East Bethel Water Treatment Facility at 19458 Taylor Street. Moegerle seconded. Voss and Boyer, nay; DeRoche, Lawrence, and Moegerle, aye; motion carries.

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| Park Comm. Minutes | Moegerle explained that the December 8, 2011 Park Commission unapproved meeting minutes are provided for your review and information. |
| Appoint Park Commission Members | Voss made a motion to appoint Tim Hoffman, Susan Jefferson and Denise Lachinski to the Park Commission all for terms beginning February 1, 2011 through December 31, 2013. Boyer seconded; all in favor, motion carries. |
| Road Comm Minutes | Moegerle explained that the unapproved meeting minutes from the December 14, 2010 Road Commission meeting are provided for your review and information. |
| Appoint Road Commission Applicants | Voss made a motion to appoint Al Thunberg, Brian Bezanson and Kathy Paavola to the Road Commission for terms beginning February 1, 2011 through December 31, 2013. Boyer seconded; all in favor, motion carries. |
| Identification of Storm Water Improvement Projects – Coon Lake | Jochum said this project was discussed briefly at the January 5 th meeting. He said it was presented to Council. Jochum said there was a request to put in two weir structures and from there water flows to the ditch onto a second culvert. He said we estimated the cost of the project and construction for sediment removal. Jochum said and there were ten (10) similar other projects identified. He said we met with ACD yesterday and they had other ideas for projects. Jochum said what came out of the meeting was a regional water quality study should be done for Coon Lake. He said ACD has done these types of study before for other watershed. Jochum said Leon Mager has agreed to take that proposed to the other cities to consider. He said their recommendations is to do the study first to see how many projects there would be and which ones would give you the biggest bang for your buck. |
- Voss asked when they would have the study done. Jochum said for the Sunrise Watershed Management Organization (SRWMO) February 24th meeting. He said they asked does staff want the proposal to come here first or go to SRWMO first. Voss said that is what he was asking. He said he thinks it would be good to have it go to the SRWMO first. Voss said then it gets to all the cities in the SRWMO. Jochum said one thing the study does is it identifies all the projects you have out there. Voss asked if there is any benefit down the road that we build this project as presented tonight as an example. Jochum said no, he would suggest that you would get more benefit for having a detailed study. Moegerle asked how do we build that consensus as a group, so we have that mass in that direction. Jochum

said Leon Mager volunteered to do that and the SRWMO will do that. He said and if the Council directs him to, he can do that. Voss said that is why he suggested this. He asked do you need direction. Jochum asked do you want them to figure out who is interested, etc. Voss said in light of keeping things moving along. Schaaf said your concern is to get input from the SRWMO. Voss said the SRWMO is the one that covers southern portion of the City, so it needs to go through there anyways. Resident said there is a minimum of \$30,000 out there for grant funds, 70% in funds, and 30% in matching. Jochum said he is a firm believer that you have to have a regional plan to get the grants. He said he will have the study, in pounds per dollars.

Tierney said when they first put this in they dug down to the driveway, this was done in October of 1982 and they very next spring they filled it in and sodded and then put a planter out there. He said whatever you do, what is it to say it is not going to be messed with immediately to make his yard look better. Tierney said this has been cleaned out four times, three times by myself. He said there is a depression in the road. Tierney said when they filled it in, they made a depression in the asphalt, and his actions caused harm to City. He said whatever we do needs to be protected so nothing happens to it. Voss said when this project gets to that stage; he trusts that you will remind us of that. Boyer said he remembers you reminding us of this. He asked did we notify the neighbors of this, it might be a good thing to do. Schaaf said there are environmental laws; we need to have a plan of action, so there is a regular inspection of these. He said it is going to be more and more important as we move forward. Moegerle asked do we need to amend our local water authority. Jochum said staff is addressing the local sunrise comments. He said we are way ahead of the SRWMO schedule. Jochum said if you put as a priority in the plan, you score high.

Moegerle made a motion to amend the City Watershed Plan. DeRoche seconded. Voss said what Jochum is saying once the plan is in place we can get grants, etc. **Moegerle withdrew her motion.** Josh Sturman asked is the SWPPP permit going to expire this year. Jochum said that is a separate program and is not an annual permit.

Code
Enforcement
Report

Moegerle explained that the code enforcement report is provided for your review and information.

Fire Dept
Reports

Moegerle explained that the monthly Fire Department reports are provided for your review and information. Voss said he just wants to comment that Council Member DeRoche is listed as the Fire Department liaison and we haven't appointed liaisons yet. Moegerle said she agrees, however, these aren't our minutes so we can't amend them. Schaaf was at the meeting, he indicated that there had not been an appointment.

Recess to
Discuss GRE
Closed
Session

Boyer said he is just going to fill everyone in. He said he sits on the task force for this; we have been meeting for a number of months. Boyer said Great River Energy is proposing to build a power line that would connect the Athens Township Substation to the Linwood Substation. He said this has been a need for future power needs in not only our City, but also in Athens and Linwood, and Oak Grove and to provide redundancy in the system. Boyer said as part of our ordinance for this, GRE was required to provide alternative routes, including a no build option. He said he doesn't like speak gin for a committee but he doesn't think a no build option is a viable option. Boyer said there are two alternatives and one has certain inducements, things they would be willing to do for the City to get their preferred route which is basically by the University property and stay on the north side City limits. He said no cost to the City, and they will be building a service road 8-10 feet wide and will build a trail for the City on that road and will build a trail on Durant Street to Fish

Lake as an inducement. Boyer said there are other items that the 8-10 landowners along here could ask for. He said there is another favored alternative that jogs around the City. Voss said these two you brought up, whose preferred paths are they. Boyer said GRE's. Moegerle asked do you have anything in writing from GRE. Boyer said no, he would expect that we would proceed just like we do with any other developer, enter into a development agreement and those would be the things to be negotiated. He said but if Council isn't in agreement, then we would have an issue. Boyer said we are also running against the 60 day clock. Moegerle asked if Boyer could get Council a document distributed to them. Boyer said it is an awful big document. Schaaf asked what involvement has the City staff had in this so far. Boyer said the City Planner has been at every meeting. Schaaf said does he understand the task force likes either Plan A or Plan B. Schaaf said he will work with Council Member Boyer and the City Planner on this. Boyer said we have had discussions on re-landscaping, and other additional benefits and GRE seemed amenable.

HRA Update

Schaaf said he is trying to decide what is appropriate for open session. Voss said it sounds like there have been meetings, who have they been with. Schaaf said with County staff members. Voss asked have you met with the County Attorney. Schaaf said yes, he met with the County Attorney. Moegerle asked was that a fact finding mission. Schaaf said yes, he needed to understand this. He said he was initially there to gather facts on a different issue and somebody said, oh why are you suing us and so I wanted to learn about it. Boyer said technically we aren't suing them, we won. Schaaf said right, in litigation. Vierling said it is still in litigation Council Member. Schaaf said he is one of those that thinks we can always sue, but if we can work something out, it might be better. He said and in my view, this is my view, there may be a way to arrive at a way that all parties can feel good about. Voss asked was that discussed with the County. Moegerle said were there specifics discussed. Schaaf said this was discussed in a way. He said he has his own way of going about this. Voss said isn't the mere fact that you are there talking about a settlement when the county is appealing a judgment, why would the City suggest a settlement to the issue. Schaaf said as he understands what the Counties concerns are, if they could be accomplished without spending anymore money, which would accomplish an end to the problem. Voss said there is years of history behind this and without consultation with the City Council you are going ahead and meeting with the folks we are in litigation with and suggesting things that City Council hasn't even suggested to you or authorized you to make those statements. Moegerle asked have you represented that this is anything but your flying ideas. Schaaf said no. He said he is initially just trying to find out why were are here and what the problem is. Voss said that is fine, but why wouldn't you ask us. Boyer said or ask our attorney. Schaaf said prior to January 5th he had discussions with the incoming Council Members so he gathered that insight. Voss said so you don't think going to the County and discussing negotiations, must be some seriousness, must be some reason that you need to go to closed session. Schaaf said if you got the County to surrender would that be good or bad. Boyer said that would depend on the terms of the surrender. Voss said you are asking a circular question. He said you are negotiating on behalf of the City Council. Schaaf said he is not sure he is negotiating. Voss said for what other reason would you go meet with the County. Schaaf said the past actions of the Council. He said would you love to have them keep suing. Boyer said what is more disturbing is not talking to the attorney that is handling this case. Moegerle said she understood Schaaf was over there on a different issue when he was pulled aside on this issue. She said she understands your concern, but she doesn't think we have heard enough for you two to realize your concern. Vierling said he talked to Mr. Hoff and oral arguments in front of court of appeals on February 10 and then matter will be under advisement. Voss said the reason why we couldn't go to closed session is the fact that Vierling is not the attorney on the case. Vierling said yes, you have to have your attorney present.

Schaaf said when he originally talked to our City Attorney; he thought he would take over the lawsuit. He said but then he found out that Hoff was the representative. Vierling said and because he hasn't been able to review the file, he wouldn't really be able to advise you anyway. Moegerle said she is going to give you a short time to speak. Jill Teetzel said as co-part in this lawsuit she said she should at least be allowed to speak. Teetzel said she represents the City's concerns for the residents. She said she e-mailed the City Administrator regarding the lawsuit. Teetzel said he responded that he was negotiating a deal. She said as a party in this lawsuit, she should know what is going on. Teetzel said she has been at every court case. She said every time the judge has said to Anoka County, you are wrong, go back, I don't want to see you again, we came back, and the judge told them again, we came back, and the County lost and now they are appealing. Teetzel said going and trying to settle something that shouldn't be settled is not in the taxpayers of East Bethel's best interest. Moegerle thanked her.

Boyer said he thinks we would be remiss not to point out that this lawsuit is about the County charging the residents \$201,000 after the court said they didn't have a right to charge them on their property taxes. Schaaf said the County has retained Fagre Benson and they have raised numerous new issues, and the City put \$50,000 aside to pay for this lawsuit. He said when he sent this e-mail he thought this was the direction we were going. Voss said the we you are referring to is the five member City Council and you are going to have times in life and government that you are going to be on the other side of the fence and it will not always be easy. He said he has been involved in enough litigation that you don't discuss this with your client. Schaaf said he asked to go into closed session to discuss this. Voss said you asked this tonight. Schaaf said he did a lot of fact finding and we will go into closed session when it is appropriate. Voss asked did you talk to anyone at the County about a settlement. Schaaf said no. He said he may have talked to others that could talk to him. Schaaf said he is not going to negotiate anything. He said he didn't commit anything. Voss said you have said it both ways. Schaaf said he doesn't know how to answer this to your satisfaction. Lawrence said we had a meeting at the County and talked to a person, not in charge, and they said you are spending \$50,000 on legal fees on this and you should be spending it other ways. Schaaf said even if we win, it doesn't mean the legislator isn't going to make a change and it will go another way. Voss said you are jeopardizing our litigation. Moegerle asked Vierling's opinion. Vierling said Schaaf as the Interim City Administrator is like the new kid on the block, and he is sure the County knows he doesn't have any authority to negotiate, and at this court level there is no settlement unless it is written down. He said he agrees that you want the attorneys directly involved in these issues, but many settlements happen because of conversations between clients or staff members that find there way up the chain. Vierling said he understands the issue, but at this point and time he thinks it is best to move on.

Moegerle said she understands Ms. Skepper was supposed to be here and she declined. Schaaf said she didn't decline, per say, but lawsuit imposes on what the County can and can't do with us. Voss said that was Skepper's. Schaaf said that was Skepper, yes. He said he thought it would be better to wait a bit to have her here. Schaaf said it was his judgment since we don't know what the relationship is going to be, until the lawsuit is done, it would be better to wait a bit. Voss said so we should stop doing anything with the County because we have a lawsuit with them. He asked wasn't she going to come present information on economic growth. Moegerle said right, that was her understanding. Schaaf said if you want information on economic growth he has suggestions on that. Voss said initially she was going to be at the work meeting, he said why not have her at the Council meeting so it is

broadcast. Schaaf said he thought it wouldn't be appropriate, if it is his bad, it is his bad, is on him. Voss said so because of a decision he has made, the project is maybe going to be delayed even further. He said don't take direction on your own. Voss said there are certain things you have to do to run a City. He said he is concerned about what is going to happen between now and the next meeting.

SafeAssure
Contract

Moegerle asked Schaaf to address this item. Schaaf said he is not sure. Boyer said he works for Minnesota OSHA. He said we are hiring an outside contractor, and he said most of this is freely available from the State of Minnesota. Boyer said the state gives free consultation services and the City got a grant on this. He said staff can call the state and see about this. Moegerle said this was discussed at the meeting with department heads and it was highly recommended. Boyer said he is in favor of having our workforce being the safest possible as could be.

Boyer made a motion to table the 2011 SafeAssure Contract. Lawrence seconded; all in favor, motion carries.

Set Meeting
Date for Local
Board of
Appeals and
Equalization

Vierling said most of the cities he works with have transitioned to the open book option, you can always go back to the other way, they get their meeting with the assessor and it is very well received. He said the assessor comes back to you with a final report. Voss asked if you go to the open book you don't have a meeting. Staff said that is correct. Voss said but they don't come back to Council. He said he would like to stay with Option One. DeRoche said so basically it is a public hearing with the assessor here. Boyer said the property owner can come before council and say my property is valued to high, and I don't think my assessment is correct. Schaaf said but we are in a different economic value then we used to be, and five of you are sitting there now. He said he spoke with the former City Administrator and he indicated he thought open book was a good idea. DeRoche asked what does it take to get the training. Boyer said it is a 2 ½ to 3 hour training. Moegerle said she doesn't think we should be sitting in judgment on the taxpayers; this isn't something we should do. She said she doesn't think we can get trained on that. Voss said hates the idea of losing the ability. DeRoche asked if someone takes the training does that throw the open book option out.

Boyer made a motion to approve Council Member DeRoche to take the Local Board of Appeals and Equalization Training. Lawrence seconded; all in favor, motion carries.

Voss made a motion to adopt Resolution 2011-06 Setting the Meeting Date for the Local Board of Appeal and Equalization. DeRoche seconded; all in favor, motion carries.

City Attorney
Fees

Vierling explained that he sent a subsequent letter to his fee schedule. He said when Dave Snyder explained the fees at the January 5th meeting; he explained the fees in a different format. Vierling said the fees as he submitted them do not include any transportation expenses, so he is charging a flat rate for the meetings. He said he would be happy to do a \$140 hour charge if you so desire instead of the \$400 per meeting charge. Vierling said also his form does not charge for photocopies or fax charges. He said right he believes the City is paying just for photocopying \$15. Moegerle said she thinks phone calls from staff and Council is generally is not billed for because they want to encourage calls from staff and Council. Boyer said he assumes there is a standard form of agreement. Voss asked what is different from the letter that you sent out. Vierling said if you want to agree to \$140 an hour that is fine, but then there is a transportation charge. Boyer said he thinks the whole process is skewed. He said in terms of this, he doesn't see any fiscal impact on the write-up, and he

knows the fees are roughly 40-50% higher than Randall and Goodrich. Boyer said he would expect to have fiscal impact included in the packet. Voss said we need a City Attorney, we need someone here. He said and Vierling has credentials, he comes from a respected firm. Voss said in the interim you tripled the cost of City attorney.

Voss made a motion to approve engaging Mr. Mark Vierling of Eckberg and Lammers as the City Attorney with rates as outlined in the letter dated January 14, 2011, with the understanding that staff will prepare an RFP for City Attorney Services for the next City Council meeting. DeRoche seconded; all in favor, motion carries.

Council gave staff direction to have the prosecuting attorney come to the next Council meeting and give an update.

Boyer made a motion to also go out for RFPs for prosecuting attorney. Voss said we just engaged our prosecuting attorney and there are not issues with the prosecuting attorney, why would we do this. **Boyer withdrew his motion.**

Since Council did not finish their agenda by 11:00 p.m. they decide to recess their meeting.

Voss made a motion to recess the January 19, 2011 meeting until Monday, January 24, 2011 at 6:30 p.m. DeRoche seconded; all in favor, motion carries.

Call back to
Order

The January 19, 2011 City Council meeting was called back to order on January 24, 2011 at 6:30 p.m. by Mayor Lawrence.

Lawrence made a motion to add a Closed Session – ACHRA Lawsuit at 7:00 p.m. Moegerle seconded; all in favor, motion carries.

Landform
Third
Party/Risk
Assessment
Proposal

Schaaf said we have a proposal from Landform before us for a Third Party/Risk Assessment. Voss asked why was this added to agenda. Schaaf said this part of the discussion about what is going to happen with the suspended projects. Mr. Schunicht can provide us with some alternative designs. Boyer said usually when he gets these things that are going to cost \$9,750 is says where the money is going to come from. Schaaf said from the savings eliminating a position from the City. Boyer said we haven't saved a penny yet. Moegerle said she respectfully disagrees. Voss said normally this is from a Council request. He said we had a work meeting and we didn't talk about doing this. Voss said we were supposed to have Bolton and Menk coming in for a work session on Wednesday to talk about this. Moegerle said the work session was cancelled. Voss said he wasn't told the work session was cancelled. Moegerle said we talked about this at the Council meeting. Voss said we talked about this at the Council meeting, when. Boyer said he would like to see the minutes where we talked about this.

Lawrence said let's get back to Landform project. He said this is a different style, project. Voss said we didn't talk about doing this at the work session; we talked about doing something different. DeRoche said this gentleman is here to lay out what he does, and you keep saying everything is so time sensitive, so let's get the information we need. Boyer said this is about transparency; we need to let contracts out for this. Schaaf asked would you like the presentation. Voss said so the meeting is cancelled for this Wednesday, he assumes you told Bolton and Menk because you haven't told Council. He said he got an e-mail about a different meeting, a luncheon. Moegerle said you were told at Council meeting. Lawrence said that is enough. Boyer said if we are proposing to spend \$10,000 then we should send this out to bid. Lawrence said he is here for informational purposes. Boyer said if you are going to turn around and put out an RFP for this and you have given him an open

competition for the contract, I would want the same rights as he has had for the contract. Voss asked when are you going to listen to Bolton and Menk's information. Schaaf said the council has taken action to suspend \$20,000,000 in contracts, he thinks the Council has indicated by the majority of the Council that they need information in an open meeting on how to get information. He said the election is over, let's move on.

Bob Schunicht said he is the Vice President of Landform and he is aware that East Bethel is facing a major decision on a waste water system that is ready to be implemented. He said it has to work technically and financially. Schunicht said it has been based largely on projections which are most largely almost wrong. He said you have to work some flexibility in those projections. Schunicht said you will have 50-80 years on the life of a system. He said when you are ramping up a system you are still trying to get a momentum on paying for it. Schunicht said what we laid out for you is a four part study on risk assessment. He said the first is evaluate design and funding projections, second is review current projections, third is investigate competing developments and cities and the fourth is prepare your risk assessments. Schunicht said we will do a series so spreadsheets and look at where the money is coming from. He said he has done this several times in his career. Schunicht said it is based on the risk you want to take. Then he will present it to you and say is this is what we think. Moegerle said she understands that the Met Council is paying for the sewer; we are talking about the city's part correct. Schunicht said that is correct, the Met Council has the funding of that figured out; we are talking about your project. Moegerle asked who will you be contacting at Met Council. Schunicht said he will start with some meetings with the City, then meetings with Bryce Pickart, then others, they are good to work with and willing to discuss change and maintaining a good dialogue.

Schaaf asked are you familiar with the project in Ramsey. Schunicht said Ramsey hired his partner to manage their project after it failed, to bring it back. Schaaf said so you have information on neighboring communities. Schunicht said yes. Moegerle said so you evaluated that failed system and then you were hired. Schunicht said in Ramsey there were people that went bankrupt and were jailed, etc. He said so it really had to be reworked. Boyer said wasn't there a large amount of bank fraud in that project. Schunicht said he is not sure that is before he was involved in the project. Lawrence said we talked about ERUs. He asked can your systems handle 100 ERUs. Schunicht said the Mayor is talking about our systems that we do, yes they can. Schaaf said but that is not part of the study. Schunicht said true, what should come out of the study is what should be done about the suspension. Voss said he doesn't disagree that there could be value to this, but there seems to be reluctance to not only hear about how the original numbers were put together, but how they were. Moegerle said we have asked about that not only post election, we have begged for those numbers. She said the information that was given was if you do that, and if they come, then you can do that. Moegerle asked where are the numbers, based upon this and that, where are the economics, demographics. Voss said that is what this Wednesday was supposed to be for, bring in Bolton and Menk. He said he tried to set this up in December. Moegerle said she wasn't contacted. Voss said we specifically set it up at the last work meeting. Schaaf said there was no Council action. He said he contacted Bolton and Menk and they gave him no information. Voss asked Schaaf is he still a spokesperson for Bolton and Menk. Schunicht said the numbers he has seen are the projections for the ERUs. Voss asked are you inverted to having Bolton and Menk before this Council so you can ask those questions directly. He said all he is trying to do is get the person in front of you that has the answers in front of you.

Moegerle said Bolton and Menk is going to come to a meeting is that is going to be available on DVD, on tape. She said a work meeting wouldn't be televised. Boyer said it might cost

us \$20. Lawrence said we always wanted to meet with Bolton and Menk. He said we are well aware of the time issue we are working with; we are trying to get the most information we can. Voss said there is reluctance to do this.

Voss said you are the one making the decision now. He said if you don't want the information that you need as an elected official to make the decision, all he has done is try to get the information to you. Voss asked then why did we set up the work meeting. Schaaf said it is important for people to understand that the Mayor and I met with the former city administrator and we have no information on this. Voss said this is your opinion on this. He asked what is the timing on this if we retained Landform or someone else. Schunicht said he would have a report to you by February 23rd. Schaaf said it might be helpful to have Bolton and Menk and Landform at the same meeting. Boyer said are we talking about spending money again. Schaaf said possibly. Lawrence thanked Schunicht for his time.

Closed
Session –
ACHRA

Moegerle made a motion to adjourn to closed session regarding the Anoka County HRA Lawsuit. DeRoche seconded; all in favor, motion carries. Vierling explained that the Council can adjourn to closed session pursuant to Attorney/Client privilege with Mr. George Hoff the City's Attorney in this case number A-101628 to discuss the pending litigation regarding the Anoka County HRA. Boyer asked if Teetzel would be included in the closed meeting as she is a party in the lawsuit. Mr. George Hoff, the attorney representing the City in the lawsuit, after being informed who Ms. Teetzel was, agreed that it was appropriate for her to attend the closed meeting.

When Council returned from the closed session, Vierling explained that Council met in a closed session that was attended by all Council Members, himself, Mr. George Hoff, counsel for the City, Jill Teetzel, co-defendant, and Dave Schaaf, acting City Administrator. Strategy was discussed.

Landform
Proposal

Moegerle asked is it necessary to send out RFPs if we wanted to enter into a relationship with Landform. Vierling said no, he said it is an at will to engages into services unlike the process when it is over \$100,000. He said many cities do use RFPs, many do not.

Moegerle made a motion to accept the proposal by Landform for a Third Party Review/Risk Assessment, under avance as set forth under the letter dated January 19, 2011. DeRoche seconded. Boyer said so now we are certainly spending money, \$10,000. He said in the past the City has always for RFPs for things like this in sums of nature. Boyer said so you are doing this to give to some friend. He asked why wasn't this competitively bid. Moegerle said but when we discuss the letter from Met Council you are going to say there are circumstances to speed everything up. Boyer said we need to go out and get RFPs and get cost effective prices. Moegerle asked what are your facts to support that. Boyer asked you don't have facts to support that, but he was told at the beginning of the meeting that we weren't going to spend any money. He said this should go out for RFPs so you can't get the most qualified proposals and most effective person.

Schaaf said the motion is to authorize expenditures up to \$9,750, is there something in the background you think is inadequate. Boyer said he thinks there are other qualified consultants around twin cities that might be cheaper and might not be cheaper. Schaaf said and you are not concerned about how long that might take. Moegerle asked to call the question. Voss asked what is the timing on this. Schunicht said 3-4 weeks. Voss asked is there a way to speed that up. Schunicht said he can try to speed it up. Voss said the use of conveyance of the project is a good term, if Council so chooses to go forward with this, they

should never be afraid of the truth, this should be a sign that it would be for the Council to stop pushing off the meeting with Bolton and Menk and gives more than enough time to get the information from the people that have the information. Moegerle asked are you saving we should meet with them at the same time as Schunicht gives us his information, the first meeting in February, at work meeting, the second meeting in February. Voss said for right now, he assumes the work meeting on Wednesday is still on until he hears further. Moegerle said she is asking for your preference when you want the meeting. Schaaf said he has spoken with Kreg Schmidt from Bolton and Menk and he would be available February 2nd. He said he would like advance notice. **Boyer and Voss, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

Moegerle made a motion to direct staff to work with Bolton and Menk to have them at the February 2, 2011 City Council meeting. Boyer seconded; all in favor, motion carries. Council consensus was to have this first on the agenda.

Met Council
Letter

Voss said we received a letter from Met Council. He asked Schaaf is he talked to Met Council about this letter. Schaaf said the point where he talked to Bryce Pickart he was going to into a sub committee and he said he explained to him Pickart what the Council did and Pickart indicated there was no deadline in the contract. Voss said we received a letter directed to all of us that says Met Council understands the direction Council took on January 5, 2011 and that they have expended approximately \$2,000,000 and that they expect the Council to proceed with the water/sewer project as planned. Moegerle asked Schaaf if he has exchanged any additional correspondence with the Met Council. Schaaf said no, he has not. Voss said he heard about Schaaf's discussion. He said and the Met Council made it clear at the Town Hall meeting that they would want their investment back.

Voss asked how much of the bond proceeds have we expended. Schaaf said roughly \$2,000,000. Voss said and we have four contracts out, all who have started work and we have received three letters from them. He said they have expressed concern and they have stated their concerns and delay costs. Moegerle asked are there any weekly costs that are being assessed by Met Council. Schaaf said no. He said they are perfectly okay with us looking at what we are going to do. Schaaf said they haven't let any contracts. Lawrence said the delay costs they are talking about are the materials. Moegerle said the delay costs are not on the agenda. She said she is objecting to the discussion of this if it is not on the agenda. DeRoche said isn't it a fact if these contracts were not shoved through in a lame duck session we would not be in this situation. Voss said we are not getting any communication from our Acting City Administrator; we are having to get communication from these contractors. Schaaf said he wanted to discuss City Administrator/Council Communications and because you removed it he hasn't been able to discuss things with you. He said he has discussed this with all four contractors. Schaaf said we need to get to a decision, we understand the ramifications. Voss said he agrees with that. He said he think it is important that the Council and the public have all the information. Voss said in that time frame if you can provide what the cost liability is if the project is stopped, here it is outlined that we have \$5,000,000 daily cost delays, \$18,000,000 in bond, we have already spent \$2,000,000 if the project doesn't go and we have no way of paying that back, we have to talk to Springsted about that. He said if the Council does decide to stop this, how are we going to keep the City out of bankruptcy. Moegerle said her understanding is the HRA paid for some of this. Voss said we have investment in this already and we sure as heck better consider that. Schaaf said this is a very serious consequence that this Council has to face.

Commission/ Council decided to move the Commission/Committee Liaisons up on the agenda. Lawrence

asked Council Members to serve on the commissions/committees. Voss said his suggestion is for the three new Council Members to be on the Park, Road and Planning Commission. He said he would suggest someone different is assigned to the Planning Commission because Moegerle has already served.

Boyer made a motion to approve the Commission/Committee Liaisons as follows: Acting Mayor - Council Member Moegerle (previously assigned by Resolution), Road Commission – Council Member DeRoche, Park Commission – Mayor Lawrence, Planning Commission – Council Member Moegerle, Watershed Mgmt. Organizations – Council Member Voss, Cedar Creek Committee and Sandhill Crane Committee – Council Member Boyer, Fire Department – Council Member DeRoche, Police Liaison – Council Member Voss, Booster Day Committee – Mayor Lawrence and Council Member Voss and Finance Committee – Council Member Boyer and Council Member DeRoche. Voss seconded; all in favor, motion carries. Voss asked staff to complete the attachment and send to all Council Members.

Acting City
Administrator
Compensation

Schaaf said he has handouts on this item. He said the first handout is information from the League of Minnesota Cities (LMC) on other cities about the same size as East Bethel and what they pay their City Administrators, outstate and metro area. Schaaf said then the next sheet is something he sent to Council the 2010 Administrator expenses and the proposed 2011 Administrator expenses for the former Administrator. He said that is what the taxpayers paid to have that person work for City. Schaaf said next is what he is proposing a \$79,000 salary and \$7,911 in benefits, FICA/Medicare, workers compensation insurance and a laptop computer for a total of \$87,811.35 with no contribution for cafeteria health benefits, no cell phones, no ICMA membership, etc.

Boyer asked why are we not putting out an RFP for this position as we did for the City Attorney. Voss asked Doug Sell is still the City Administrator; he is on paid administrative leave, right. Vierling said that is correct. Voss said from what he understands the Mark correct. Voss from what he understands the LMC has a list of Interim City Administrators that we could work from. He said we have an Acting City Administrator now. Voss said at this point, we don't know what is going to happen with City Administrator Doug Sell, so for now we cannot just go out and advertise for this position; we can decide that after we make the decision about Doug Sell. He said but right now we need someone to run the ship. Voss said but this is just an Acting City Administrator. DeRoche said maybe we should meet in closed session and deal with Doug Sell first.

Voss said what we are dealing with here, is what is just compensation for the role you have been playing here. He said so the proposed salary is just shy of \$80,000. Voss asked how did you come up with that number. Schaaf said he had discussions with the incoming Council Members prior to January 5th. He said he is putting his foot in the quicksand. Schaaf said he indicated he would be willing to serve for a year at less than ½ the current salary of the City Administrator. Voss said and you are comfortable with this. Schaaf said yes, based on the list of cities compared to our size. Voss said so let's focus on the City Administrator in Alexandria. Schaaf said he isn't familiar with the City Administrator there, but he is familiar with Mike Robertson who is now in Otsego. Voss asked how long has he been a City Administrator. Schaaf said 12-14 years. Voss asked is there anyone else on list you are familiar with. Schaaf said Jerry Urban from Vadnais heights. Voss said and he has 40 years of experience. Schaaf said the taxpayers paid \$181,000 for the previous administrator.

DeRoche said when Sell was hired what kind of process was gone through. Boyer said we interviewed five candidates. He said we had a professional search firm involved. Boyer said we advertised in paper of record, and he is pretty sure it was in the Star Tribune and Pioneer and Press. Schaaf said we did some investigation and we are pretty sure that you had three people set up for interviews and one backed out, then another backed out because she didn't want to work nights or something and you only interviewed Mr. Sell. Voss said he wasn't on the Council then but he remembers something like this also. Moegerle asked how many years of experience did Sell have as an City Administrator. Boyer said he came to us from Jordan. Moegerle said no, he came from Brooklyn Center. DeRoche asked what pay rate did he start at. Voss asked why are you asking this. He said he is looking at proposed salary of \$79,900 with no experience in City government, except as a government official. Boyer asked do you have a master's degree in public administration. Voss said the pay is set with experience. He said this is not an unfair statement to make. Lawrence said we brought Mr. Schaaf in because of the issues at hand. Moegerle said and economic development in East Bethel and he has experience in that. Boyer asked do you have a master's degree in economic development. Schaaf said he had a business, Schaaf Floral, a small business, and a larger business in Stillwater, a Laundromat, worked on a large development in Oak Park Heights as a Council Member and a Mayor. He said he got elected as a trustee in sewer development. Schaaf said he is familiar with connection charges. He said as a legislator he dealt with metropolitan and urban affairs, he worked deeply on election issues, served on task force that reworked election laws, served as an appointee of Governor Anderson, he has dealt in the legislator on transportation, crime and crime prevention, in every aspect of the City, he has dealt with each issue.

Boyer asked have you ever held a job as a municipal employee. Schaaf said if you count an election judge as one, that would be my only job. Voss said he is looking at this with his experience, there are plenty of folks with his experience that could do what you have said you want to do for Council and the City and this is a leadership position that requires the skills of a large staff, dealing with five diverse opinions of a large Council and doesn't see your skills that are half of what our previous City administrators were. Schaaf said he had discussions with council that he would do this for half because he doesn't have a typical resume, he would need to bring in consultants to help. Moegerle asked how many years experience do you have in economic development. Schaaf said three years in the North Suburban Sanitary Sewer District, eight years on Oak Park Heights City Council as a Mayor and Councilman and eight years on senate. He said he also had eight years as real estate broker. Voss said rather than basing your comparison on half of what the City spent on the City Administrator in the past and certainly listening to what the city has heard criticism about, what else should we consider. Schaaf said he felt he was worth this. Boyer said he would ask why are we not advertising for this position. Lawrence said this is just an interim position. Boyer said he doesn't believe this proposal is just for the next 20 minutes. Schaaf said presumably if this proposal is adopted it will include a 30 day clause that would allow either parties to terminate with a 30 day notice. Boyer asked how long is this position for. Moegerle said this is until the City Administrator's employment issues are taken care of. Schaaf said no, he is proposing this for one year with a 30 termination clause.

Voss made a motion to approve the compensation package for Acting City Administrator Mr. David Schaaf at \$49,000 yearly salary. Boyer seconded. Moegerle said she disagrees with this, what this man has done already has been an amazing service to the City. She said this is disingenuous as a motion and as what he brings to the City primarily as what he brings to the City; he has a proven track record to the City, and what he brought to Oak Park Heights. Voss said there is no way he would get more than this in the

open procurement process. Moegerle said is this an requirement. Schaaf said he has already incurred some cost for moving expenses and he is not charging for that. He said at this proposed salary he has no interest in the position. Boyer said he has a master's degree and he knows. He said you would not be offered an entry level job, let alone \$40,000 to \$50,000. Boyer said at least not at a City with a population of 13,000 in the metro area. Moegerle said if your motion passes obviously we are going to see those documents, because we are going to need to see those documents in a hurry. Boyer said he can point you at the site if you like. Voss said the survey that Schaaf referred to will have that information. Vierling said the LMC does a regional approach. Voss said he may be way out of base with the \$49,000, but he is taking half like Mr. Schaaf did. He said we all have life experience. Voss said he is sure there are a few thousand out there that will take job. Lawrence said he would be on a 30 day notice. Moegerle said the issue before the Council is it is how long do we expect this to be. Voss said this is three steps. He said first we have to get Schaaf paid. Voss said then once there is resolution with the existing City Administrator and we know that we no longer have a City Administrator then we have to fill the position with an Interim City Administrator, then we get a regular City Administrator. He said he suggests that just like the City Attorney, if folks are as good as they think they are, they shouldn't be afraid to compete in the competitive market. Moegerle said Schaaf shouldn't be afraid to, he is a valuable service to the City, he has contacted major players, we have a huge financial interest at stake, and we can't hire someone at \$49,000 a year and asked them to handle \$2,000,000 a year contracts. Boyer said this is based on his opinion. Voss said with the other items on there, it may only be for a couple weeks. He said he is here for one reason, he talked to an incoming Council Member prior to January 5th and if they don't want him to do this he is out of here. Voss said his actions prior to January 5th were very abrupt. He said he indicated that he had led two search committees for City Administrators previously; he should know how it works. **Boyer and Voss, aye; DeRoche, Lawrence and Moegerle, nay; motion fails.**

Lawrence made a motion approve the compensation package for Acting City Administrator Mr. David Schaaf at \$79,000 and \$7,911 in benefits, FICA/Medicare, workers compensation insurance and a laptop computer for a total of \$87,811.35 with no contribution for cafeteria health benefits, no cell phones, no ICMA membership, etc. for a maximum one year, with 30 day termination clause for both parties. Voss said he wants it at will so we fill this gap, it may only be a week. Voss said in terms of an acting position, he doesn't have any problem with any of us being the Acting City Administrator. Vierling said the Council couldn't do that. **DeRoche seconded. Voss and Boyer; nay, DeRoche, Lawrence and Moegerle, aye; motion carries.**

Schaaf handed out information on outsourcing planning. He said this is just for informational purposes. Boyer said he feels somewhat snakbit, is it the Council's anticipation that we will take action on this also.

Anoka County
Broadband
Project

Moegerle said she met with Jack Davis to discuss the status of the broadband trunk lines. She said we were both surprised that the broadband had gone to Arena and then to City Hall. She said we also had discussions about the City water process. Moegerle said she attended a CLIA meeting on Thursday as well and they are looking at how to protect Coon Lake and the Tierney project and the 13 other points.

Joint Law
Enforcement
Council

Voss said he has a couple things. He said last December, he was asked by Sheriff Stuart to serve on the Joint Law Enforcement Council, which he accepted. Voss said he thinks the first meeting is Wednesday. He said they have been around a long time, he knows the

former mayor was on this Council for a long time.

Sheriff's Reports

Voss said so Lieutenant Orlando is no longer going to be giving in person reports. Schaaf said he found them embarrassing, of no value. Voss asked was there something specific in the report. Schaaf said it was the methodology of how the report was given, going through how the arrest was made, etc. Voss said we specifically asked the Sheriff to be here and to have one and one time with the Council and give these reports. Schaaf asked why would you do that. Moegerle said the statistics are still going to be presented. She said the presentation of assorted details are not reasonable. Voss said while he agrees they are not pleasant to listen to, they are eye-opening and back 4 or 5 years ago, our sheriff's reports had to be 50% meth related. He said this was very disturbing, it was a regional problem and we talked about what we had to do and when the law changed and you couldn't purchase the stuff needed to make meth so readily, those reports changed. Moegerle said you can still get those reports; just those details will be gone. Schaaf said he doesn't do those types of these things on whims. He said he checked with other cities. Voss said it is about exposure and ability to interact. He said and you don't do things we haven't asked you to do. Voss said you could tell Lieutenant Orlando was embarrassed by that. Schaaf said he didn't expect her here at the meeting. He said the reason Council needs information is to act on policy. Boyer asked you will use your judgment to control the information he gets. Schaaf said you will get those reports in writing. Voss said Council did not dismiss the sheriff from being at these meetings. He asked how does the Council feel about the sheriff represented at the meeting. Moegerle said she thinks it is great that she comes. She said she doesn't think we need a blow by blow of this information at the meeting. Moegerle said she thinks you embarrassed her. Voss said he didn't say anything to her. Boyer said he did. Moegerle said she apologizes. She said she would like her to still come to the meeting, but not do the blow by blow.

Voss said he would like to see him raise this concern, rather than all of a sudden making changes without any discussion. Moegerle said yes, handle it in a diplomatic way, duties in an administrative way. Voss said he asked to have this on the agenda and Schaaf said no, he would not put this on the agenda. Moegerle said we need to have a discussion about how things get put on the agenda.

Mayor Update

Lawrence said he has been working with a lot of people in the City. He said he is meeting with Sheriff Stuart for lunch.

Information

Boyer said he is wondering when Voss and himself are going to be provided the same things the rest of the Council is provided.

Fire Department Meeting

DeRoche said he went to the fire department meeting on Monday night and they have a heck of a fire department. He said they are very professional and seem to really respect Chief DuCharme. DeRoche said the department has some equipment needs and the needs are going to need to be met.

Closed Session – Former City Administrator Agreement

DeRoche made a motion to move to close session to discuss the an agreement with the former City Administrator pursuant to Minnesota Statutes, Section 13D.05, subd. 3. Moegerle seconded; all in favor, motion carries. Vierling said he wants the record to reflect we have written consent from Mr. Douglas Sell to go into closed session on this matter.

Vierling said we are back in session, after having concluded our closes session where we

reviewed the former City Administrator agreement. All Council Members were present, along with me, and Mr. Schaaf. He said the closed session concluded at 10:33 p.m.

Adjourn **Boyer made a motion to adjourn at 10:33 PM. Moegerle seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

EAST BETHEL CITY COUNCIL WORK MEETING

January 12, 2011

The East Bethel City Council met on January 12, 2011 at 6:00 PM for a work 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

Call to Order The January 12, 2011 City Council work meeting was called to order by Mayor Lawrence at 6:00 PM.

Adopt Agenda Boyer asked why are items 4.0 through 8.0 on the agenda, we did not request these items to be on the agenda. Moegerle said maybe these items were not to be on agenda. Voss said items 3.0 through 5.0 were discussed at our regular meeting on January 5th when we set this meeting to be placed on the agenda. He said item 8.0, City Administrator Compensation was to be placed on the next regular meeting agenda.

Moegerle made a motion to adopt the January 12, 2011 Work Meeting Agenda including items 1.0 through 5.0 and item 9.0, deleting items 6.0, 7.0 and 8.0. DeRoche seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.

Planning, Lawrence asked should we start with the interviews for the Planning Commission. Voss
Road and Park said he hopes this doesn't take an hour and a half, as it is noted on the agenda. Schaaf said
Commission you can take this by commission. He said most have applied for a certain commission.
Interviews Schaaf said the Planning Commission is made up of seven members, you have three
 vacancies. He said you have new applicants, and then you have two residents reapplying for
 their positions. Schaaf said also you have two residents that expressed interest tonight in
 applying. He said also staff was contacted today by a resident who indicated that the former
 mayor was given her application and it was not in the information provided to us, so the
 resident provided it today and it has been handed out. Schaaf asked how Council wants to
 do this, do you want the new applicants to go first and then the people that are reapplying.
 Council consensus was to take the applicants alphabetical, have them step forward, introduce
 themselves and then answer a few questions.

Steve Channer of 21572 Tyler Street NE said he guesses one reason he put in for the Planning Commission is he has previous experience on the commission, he enjoys looking at subdivision plats. He said he is interested in how things are triggered such as variances, although he realizes we can't do them because of case law, but he likes the ability to serve the community. Channer said he had three years on the commission, one year as the chair and he would enjoy to do it again. Lawrence asked is this the only commission you are interested in serving on. Channer said yes, this is the only commission he applied for. DeRoche asked where do you see East Bethel in 10 years. Channer said he definitely thinks sometime in the next 10 years we will increase in population some. He said in most places he thinks we are tapped out in the home market, but he thinks there are businesses that will come here. DeRoche asked what do you think is most important issue for the Planning Commission at this time. Channer said he thinks we want to revisit the comp plan and ordinances. He said he thinks we want to go through those and decide what to keep and

what to change.

Tiana Channer of 21572 Tyler Street Ne said she has applied for the Planning Commission because she has lived in East Bethel for almost seven years and her kids are growing up and she is getting more involved in community activities and she feels like the commission is a way to get involved in the growth of the City. She said her work experience is in the medical device field and a large part of her work is interpreting compliance. DeRoche asked where do you see East Bethel in 10 years. Channer said growth is inevitable. She said she believes we need to involve the citizens to make sure growth is managed in a smart way. Channer said who knows with the economy, she can't predict x numbers of residents and businesses will come here, but we need to manage it appropriately within the rules and laws. Lawrence asked would you consider any other commission. Channer said she would be open to discussion about other commissions, but the Planning Commission is what she is most interested in.

Jessica Kloss couldn't attend the interviews.

Brian Mundle, Jr. of 24159 Pierce Street NE said he believes he will bring a new and fresh perspective to the Planning Commission. He said he has been a resident most of his life, if not a resident he has been involved in community organizations. Mundle said he attended Independent School District 15, then Mankato State where he graduated with a Bachelors of Science in Construction Management and he is currently employed by BDM who builds in East Bethel. He said he is their construction manager, he does a lot of remodeling. Mundle said he would like to serve on the Planning Commission, he likes East Bethel, it is a great town and his and his skills sets are a good background for the Planning Commission. DeRoche asked where do you see East Bethel going and in 10 years. Mundle said between Isanti and Ham Lake. He said in 10 years, well in the marketing meetings he has been to, as far as construction and the housing market, the outer tier will probably not see sales for five years or more, and if nothing big happens by 10 years out, there will be more growth, depending on what happens with sewer and water, there will be more growth. Lawrence asked where he got his information. Mundle said seminars he has been attending. Moegerle asked about his work in Isanti County. Mundle said that is where his office is. Moegerle asked do you have opinions on Isanti and East Bethel, comparisons. Mundle said that is where he works. Moegerle asked compared to, what are East Bethels strengths. Mundle said East Bethel is a rural community, it has Hwy. 65 and a lot of people like East Bethel because it is rural, and there is not a lot of City sewer and water, people like it because it is rural. He said we are close to shopping in Blaine, it is only 15 minutes away and we are within 45 minutes to the cities and watching a show. DeRoche asked what are the most pressing issues for the Planning Commission. He asked if there was one project you wanted to do, what would it be. Mundle said he would have to look at the traffic a bit, he said there has been a lot of talk about the Coopers Corner intersection, and the 221st Avenue and Highway 65 intersection and he hasn't seen anything go on about that. Moegerle said she has to ask this, are there any other commission you would be willing to serve on. Mundle said he would be interested, he is would like to serve the City, he would like to give back, but he would be most interested in the Planning Commission.

Dana Straubus is the applicant that Council just received her application today. She could not attend the interviews.

Dale Voltin of 190 Grove Road NE said just in case you didn't have enough help, he thought he would apply, but if you need help in other areas he would be interested in other areas such as economic He said he has not served on planning, but has always had good results in

what he has done. Moegerle asked what strengths he would bring to the Planning Commission. Voltin said he has a good background in building. He said he has time and education in building and developing, he knows how to read the information and the rules and laws. Moegerle asked what kind of development he has done. Voltin said he subdivided land in Ramsey and Coon rapids. He said he built houses, he has been the financier and the general contactor in Garrison, Aitkin and Crow Wing County. Lawrence asked size of the subdivision. Voltin said the one in Ramsey was 67 acres in and in Coon Rapids it was an old homestead seven7 lots. Moegerle said so you have experience in commercial development, so where do you see East Bethel in 10 years. Voltin said he doesn't see much happening soon. He said if we have sewer and water it will happen, but not much in 10 years. Voltin said he thinks it will take a good five years for recovery to happen and development to happen.

Tom Ronning of 20941 Taylor Street NE said he was under the impression there was a little more time so he doesn't have a resume to give Council, but he will have something to staff tomorrow. He said he would live to be considered for the Planning Commission because he would like to be part of what is happening with the community. He said he spent 37 years with Ford. Ronning said he was on the Blue Cross/Blue Shield Board of Directors in Michigan, and he went to Detroit and was with the United Autoworkers, and he spend his last three years there training people at plants on problem solving and he worked with consultants out of Princeton. He said he then did 10 years of arbitration, he was the head of the arbitration department, and then was the assistant director to the director overseeing the health and safety department, this is job security, he oversaw the collective bargaining. Ronning said his International Union time was in Detroit, Michigan. He said he has a substantial background from writing grievances, to settling contracts. Moegerle asked him what is the greatest strength he would bring to the Planning Commission. Ronning said he ran the arbitration, so he had to learn to listen, to content and context, and problem solving is something everyone should take in high school. Moegerle asked would you consider being on another commission. Running said he would prefer the Planning Commission. Moegerle asked where do you think East Bethel will be in 10 years. Ronning said he is a pessimist. He said he doesn't think the economy has bottomed out yet. Ronning said they are forecasting minimal job growth. He said and when you hear there are 250 homes foreclosing, and almost zero building permits in East Bethel, he thinks we are going to have to buckle down and figure out what there is to do about it.

Harley Hansen of 1960 221st Avenue NE said he has a brief resume he will pass out. He said as you notice he operated his own business for many years and worked for several construction companies. Hansen said he has had schooling in talking and reasoning with people and so forth, his sales rep job was to deal with the public and actually set up dealerships, he worked the five-state area. He said it was very trying to raise a family at that time, so he moved into something else. Hansen said he worked as an adult education teacher in the evenings for many years in Minneapolis. He said has been very active for the last 15 years, he thinks he moved up here in 1996. Hansen said Booster Days was a big part of his doings. Moegerle asked and how does your direct experience relate to the Planning Commission. Hansen said he has been in construction and self-employed, he had to do bidding and cost analysis, it all relates. Moegerle asked him if he pulled the permits for the construction. Hansen said yes he did for a 20 year period. DeRoche asked where do you see the City in 10 years. Hansen said he hopes it goes in the right direction. He said you have to look at the floor mat and how you lay your plans out. Hansen said he has started an organization in the City, a business organization, he has consulted with a number of business people and he is very excited about it. He said he understands there are 60 or more people to

contact.

Eldon Holmes of 2773 222nd Lane NE said he has been on the Planning Commission for seven years and has been the chair a couple times. He said he has always tried to do what is right for the City as far as the ordinances and always tried to remain neutral for decision making. Holmes said he has went against most of the people on the commission, he has volunteered for other committees for the City and is currently on the GRE committee. Lawrence asked where do you see East Bethel in 10 years. Holmes said he would like to see the City grow, but the financial situation we are in is a big factor. He said he would like to see it grow but still retain the rural factor. Holmes said he would like to stay on the Planning Commission, he likes the Planning Commission, his background is in construction and he will do the best he can. He said he was the chair last year and three years ago. DeRoche asked what is the most important issue the Planning Commission is facing right now. Holmes said the GRE project is a big project, but it is not a straight answer right now. He said another thing is traffic areas, he said he hears this from his neighbors all the time. Holmes said and the water and sewer is a big issue, City Center, comp plan, they are all big issues and all are important. He said they all have to be tackled and tackled properly.

Lori Pierson of 22707 London Street NE said she has been on the Planning Commission for 8 or 10 years. She said we owned a business in this City for 19 years, and she works for a current business in this City and would like to stay involved. Pierson said she comes from a construction background. Moegerle asked what is the most important issue the Planning Commission is facing right now. Pierson said the biggest issue is sewer and water. She said she is aware of businesses that want to come to this City, if you build the water and sewer they will come. Pierson said there are more than one, but if you build it they will come.

Joseph Pelawa of 20948 Davenport Street NE said he was hesitant about applying before with all the turmoil going on. He said he served on the Road Commission and he currently works for Hakanson Anderson which is the City engineer and in times it was difficult since he worked for the City. Pelawa said he wants to contribute to the City. He said there are a lot of good candidates, but he hopes Council will consider him. Moegerle said it looks like you have a lot of road experience. Pelawa said yes, he does. Moegerle asked why are you interested in Planning Commission, not the Road Commission. Pelawa said his experience in planning when his house burned down and he went through the rebuilding, and his work experience, he feels he has another perspective in what he was put through and along with his experience, including with the communities he works with and what is working and not working, he has a lot to bring to the commission. Moegerle asked for an example of what is working. Pelawa said what is working in East Bethel in regards to properties and lot sizes, is allowing the size of lots, but also having a minimum lot size, not putting houses in the middle of where roads should be, don't box yourself in, Highway 65 is a prime example, a large corridor. He said what is not working, we need an overpass on 221st and Hwy. 65.

Schaaf explained that the Road Commission is made up of seven members, and we have three seats to fill.

Kathy Paavola of 213 Hawthorne Road NE said she is just finished serving an elected term of 8 years on Council. She said she did her first year as the Road liaison and did her last year as Road liaison. Paavola said she served on all the commissions during her time. She said she would like to serve on the Road Commission, not knowing a whole lot about roads, she has learned a lot, and it is a way to stay involved and to give a little bit of herself to the community. Paavola said that is where she would like to stay, if at all possible because she is learning a lot. Lawrence asked here how long she has served on the Road Commission.

Paavola said she served two years on the Road Commission as a liaison. She said her first year and this last year. She said she saw great changes, not just in how things were done, but people that were working in that area. Paavola said one of the biggest things we deal with at the Road Commission is the safety of the community and how the roads are kept up. She said we have a lot of issues, she has been on tours and there are some really bad areas in the community and she would like to see that we take care of all of those that are issues in community. Moegerle asked would you tell the rest of these people to get them to apply to roads. Paavola said it is a great place to start and the people are great to work with and she has learned a lot, her biggest was bituminous, and learned how a road an as-built. Moegerle asked what road project do you think has to be of high priority. Paavola said Coon Lake Beach is a big issue, that road project has been put off for 7-10 years and that has to be looked at immediately as far as she is concerned. She said that is a big one. Paavola said if anyone ever drives through there in the summer the roads are falling apart, that is a big issue. Schaaf said you live in that are the residents eager for street assessments to get them fixed. Paavola said she doesn't know, but if you want them fixed you will have to pay for that, and something has to be done. Voss said East Bethel doesn't assess for this. Boyer said unless it is a rare case of a gravel road that is being paved. Paavola said that is her biggest concern. Boyer said the former Council woman is being modest about her knowledge of roads.

Al Thunberg of 22965 3rd Street NE said he has been on the Road Commission for three years and he served the last year as the chair. He said he is interested in the safety of the roads, the commission is a group of guys, and it was all guys at that time, that looked at the safety of the roads, looked at biggest issue of the safety of the roads. Moegerle asked him for his background. Thunberg said he works at the City of Minneapolis, been there 10 years, his youngest child is in college now. He said he is in Public Works. Moegerle asked him what projects are important for the Road Commission. Thunberg said the 221st and Highway 65 signal light project, that was a really important project and now that signal lights are slated to go there now in 2013 or 2014, we would have liked it to go in earlier, but that is good that this is going forward. He said also he agrees with Paavola that something needs to be done at Coon Lake Beach. Thunberg said also, Klondike, off of 65, maybe we need to close it off, close the access from Highway 65, but it is a bad intersection. Boyer said yes, we had an accident off of there about a year and half ago. Thunberg said in most of those cases they are heading to cross the highway and someone is in the turn lane and they can't see, and that causes the accident. He said he knows most people don't want more lights on Highway 65, but it would be safer.

Schaaf explained that there are seven commission members on the Park Commission. He said we have three seats to fill.

Tim Hoffman had an emergency and could not attend.

Sue Jefferson of 20610 East Bethel Blvd. said she has been on the Park Commission for 20 some years, she is not really sure how long. She said it has been a long time, she has seen a lot of City Council's, different people, different positions, she never joined Parks because she had something to gain from it, and she did it because she thought it was the right thing to do to be a good citizen. Moegerle asked what were the easiest, most fun and hardest things to do for the Park Commission. Jefferson said it is hard to plan into the future without knowing what the funding is going to be. She said the plus is with the economic situation we have a good City that has a comprehensive plan and parks does too. DeRoche asked as far as the current parks are any of them unsafe and/or is the equipment unsafe. Jefferson said we take a tour of our parks every year and we look at that. She said not all of our parks are in good shape, some are more than others, and we do what we can with our budget.

DeRoche said provided you had the money, what would be your goal. Jefferson said just trying to keep the equipment safe and trying to get parks and trails in here according to our comp plan, with green space in the future.

Denise Lachinski of 22286 Vermillion Street NE said she is directly behind the City Hall building here. She said she has 22 years retail experience working with a \$29 million dollar budget in research and development and she ended her employment, she told people where to put it and left. Lachinski said she has children in an age range that are using parks. She said she would like to maintain the parks system. Lachinski said she read seven years of minutes and it seems a common theme was SSA and skate park. She said we need to start putting our best foot forward and we can help with this. Lachinski said the North Metro Soccer Association used to play her. She said we don't have maintained soccer parks although there are two fields in Booster West. Moegerle said is that because of condition there are in. Boyer said he thinks it had a fair amount to do with membership in North Metro, a lot of their membership is in Andover. Lachinski said we have a lot of children not using our parks because of organizations fighting, there would be less vandalism if we are using our parks. Boyer said if we are not irrigating we can't use the parks for certain things. Lachinski said all the notes brought up SAA, but we have seniors that want to use the trails, but there is no where on the trails for them to sit. She said our kids want to use the fields but there is not a bathroom, we need to get people back in the parks, right now people don't realize what we have. DeRoche asked what she suggests can be done about the vandalism. Lachinski said it is possible to get a grant through Tony Hawk organization to rebuild the skate park. She said we send our kids to skate park in pairs because of older kids. DeRoche asked her if she sees that as an enforcement issue. He asked her if we need patrols on the trails. Lachinski said we need people on the trails, then we wouldn't have issue, they would be used, so they wouldn't be able to be out there. She said we don't have a warming house, outdoor rinks. DeRoche asked when did the vandalism issue come about. Boyer said it has gotten worse in the last year. Lachinski said you can have someone park there, but in the middle of the night someone can come with a can of spray paint. She asked what do they do about this at Coon Lake Beach. DeRoche said believe it or not, there is not a lot of damage that happens at Coon Lake Beach. Lachinski asked not a lot of damage or unreported damage. Boyer said we have an issue with street signs disappearing at the beach. He said more we are looking at proposals from the Public Works Manager at the moment to install cameras at the parks. Boyer said he guesses it is a fad to climb on pavilions, use shingles as Frisbees, the kids were posting these videos on U-Tube. Lachinski said these things are based on T.V. program. Boyer said we are talking about five kids. Voss said we had cameras in Booster Park before, and we did get a recording and found out who it was. Schaaf asked looking out window how much do you see a deputy sheriff. Lachinski said we just saw last a deputy last week. Moegerle asked about after school programs. Lachinski said they are non-existent. She said maybe we need a teen center. Lachinski said you are going in the right direction, but you need to take it further. Moegerle said if we did a weekly Friday night movie, would there be an interest for that. DeRoche said there is a trend in that, more and more things are being taken away for kids to do. Lachinski said Coon Rapids where we lived before had some good things to do that we might be able to incorporate here, maybe one night a month movie night, she would like to be involved in it.

Theresa Martin of 1130 233rd Avenue NE said she lives by John E. Anderson Park and everyone in her neighborhood is everyone keeps reminding her that the park is not hers. She said the biggest problem we had there is vandalism. Martin said her goal is maintenance of parks, just like our homes, we need to maintain them. She said she treats the park like her home, the community needs to understand the park is your park, not just the City's park, you

pay taxes if you live in the City so the park belongs to you. Martin said she has talked to many kids and told them if you wreck something in the park your parents are paying for it. Moegerle asked and how well is that received. Martin said they are usually very respectful. She said the park was redone, it has improved. Martin said we had vandalism on a bathroom window, but it happened because cameras were not put up.

Greg Vokovan was not present, he indicated on January 5, 2011 that he probably would not be present.

Brian Bezanson of 22337 Quincy Street NE said he has served on every one of these committees, and a little over 8 years on City Council. He said at one time we had a horse committee that was part of the Planning and Zoning and in his younger days he was a horseman so he also served on that. Bezanson said he has a construction background, he knows way too much about these processes. Lawrence asked what commission would you like to serve on. Bezanson said he would like to serve on Planning, but he thinks you should serve where you are asked to serve. Moegerle said we had so many applicants for Park and Planning, tell me about your views of the Road Commission. Bezanson said he was on the commission when it was roads and bridges, the they took the bridges off, probably because we don't really have any bridges. He said his experience with that commission was what it really does is budget setting and equipment planning function, there used to be a lot of crossover and head butting between Planning and the Road Commission, but he is under the impression that has gone away. Bezanson said he knows way too much about soils, he worked for general contractors and worked across the spectrum and put in lots of roads. He said it is an important commission and he thinks what he saw was good leadership on the budget and making sure maintenance superintendent had their ducks in a row for equipment and roads, even though the engineer had to build the roads, or make sure the plans were in.

Voss said every year we look at applications for commissions and it seems every year we get more and more applications, and we used to have to recruit. He said it is a great thing to have to make choices. Voss said and in case everyone is not aware, we are not making decisions tonight. Boyer said and we will still need volunteers for our schoolhouse project.

2011 Comp Plan Review

Moegerle said she asked that this be on the agenda because in the 2008 adopted Comprehensive Plan, Chapter 9 there is a requirement that states: The Comprehensive Plan will be reviewed on an annual basis to insure that the plan remains as an effective development guide for East Bethel. As necessary, corrections will be made to deal with unforeseen circumstances. She said she understands the Maxfield study was done as a keystone for the comp plan and so she asked that it be placed here so we can get guidance on how this was used. Schaaf asked the Council Members with the most experience if they could tell us how this study was used in the comp plan. Voss said it was one of many items used as a development tool of the comp plan. Moegerle asked what other items were used for development of comp plan. Boyer said we had many meetings, he thinks they were every fourth Wednesday, and he thinks we had a consultant as well, Bonestroo, and we developed a lot of numbers, had a lot of discussions of the City plan, and an RFP for developing the comp plan. He said as he remembers, we interviewed all of them for 25 minutes each. DeRoche asked was there a study done after 2006. Boyer said this study cost \$20,000 he thinks. He said there has not been another study done in a formal way, he went to grad school for this, and he is hesitant to say this, but he did an informal study in 2007, he found the same numbers. Boyer said but it was not a formal study.

Voss said this study was done for the City Center plan. Moegerle said when she read this what she saw was the growing population, now what the question is, should we redo the

market study and see what it says after the economy has taken this downturn. Boyer said in a certain sense Council would view this as a market tool, we were handing this out to potential developers. DeRoche said his concern is this, in 2006 the economy was doing pretty good, in 2007 it was okay, but since then it hasn't been very good. He said people are living on unemployment, and they don't have money to spend on anything. Voss asked how does that have to do with anything. DeRoche said so this has to do with sewer and water. He asked so do we have enough people to pay for system. DeRoche said with this study being from 2006, it is no good. Voss said with any study you do as soon as printed will be outdated. He said the question is what is the communities vision as far as long term development of the City, has the vision changed. DeRoche said he would say it changed quite a bit, if the mean income has changed. Boyer said he has heard this statement about 250 foreclosed homes where did that come from.

Marsha Carlson of 150 Maple Road NE said years ago there was emergency assistance you could apply for. She was told it would be \$6,000 to hook up to the street, but if they had to do vertical boring it might be \$12,000, but funds are given to counties in blocks, but if a person can't afford it they will be condemned. Carlson said they can only put out so much for welfare. She has been a welfare worker for 29 years.

Schaaf said the 250 foreclosed homes came from the census returns, the US Census does a running survey and it is constantly updated. Boyer said the City numbers will be released in the census in late February/early March. Moegerle asked should we do another market study. Boyer said you could compare the numbers in the census study to the market study. He said we have four new houses going up, there has been some signs of life. Lawrence said yes, maybe we should get an update on the numbers. Voss said he thought tonight this the review. Moegerle said she thought we were preparing for the review. Boyer said he would think that this would go to the Planning Commission. Voss asked is this required by Met Council. Schaaf said he is not sure. He said can find out what the requirements of Met Council are. Voss asked what is the scope of this review, what do they expect. Moegerle said she read the review expectations from Chapter 9. Boyer said he doesn't think Met Council expects us to reinvent the wheel. Voss said you keep coming back to the economy, in terms of the comp plan, it is nothing more than that, the fuel for the fire. He said the comp plan was developed by the community. Voss said the question we are asking is how fast do we get there. He said the question he is asking is has the community changed the vision for the future.

DeRoche said there are wants and needs, we have to look at what we want to do and say is this practicable, we have to look at the budget and everything around and see if we have to do some rethinking here. Voss said everyone should have a vision of how they want to retire, everyone wants to retire sooner than they can, there are a lot of folks that have to put that off, because of the means to retire might have been changed by the economy, but I bet no one has put off their vision to retire because of what has happened, so the vision remains the same. He said just how you are going to get there has changed. Voss said it was the community that set the goals and objectives long term for the comp plan. He said and as far as the market study, the economy might affect how we get there, and in terms of comp plan review, has the vision changed. Moegerle said that is a great question, how do we ask it. She said her thought is when the economy changed, the vision might have changed. Moegerle said she is not saying it did change, but it might have changed. Boyer said are you prepared to do that, another 30-40 meetings, etc. He said say we have two meetings about this, it couldn't be the same as 30-40 meetings and 10 town hall meetings and consultants, etc., it won't give the same information.

DeRoche said he is still working on the analogy of the retirement thing. He said so he is saving for retirement and he loses his job, well then things change and he wants the City to slow down, put on the breaks and say the economy has changed, he want to see it develop, but he doesn't want to see it turn into the City of Blaine, it would be nice to see businesses. Boyer said it would lower our taxes. Schaaf said as he understands the direction to staff is explain to Council what is expected from Met Council on the comp plan review. Voss said and statutory how much of the comp plan has to be updated. He said every communities comp plan has to be updated every 10 years, but we had to do it this time because they changed the process and we were the first City to submit it and the second to be approved. Voss asked what constitutes a review. He asked what is the process, not Met Council's intent. Tom Ronning said he remembers in 2006 at a number of town hall meetings, on of the that came out was they were forecasting around a population of 30,000 by 2020. Boyer said he remembers a number being talked about for ultimate phase one build out, the state demographer for 2020 is 30,000. Ronning said and part of that was an overpass on 221st and Klondike. Boyer said at one point council was certain about an overpass at 221st.

Bezanson said as someone who was involved with two comp plans before this one, at some point you are having a failure to communicate, the comp plan is supposed to drive where development occurs, but not drive development. He said he never heard anyone up there say, let's turn this into a big City faster. Bezanson said he heard Evelyn Bond say she wanted to see senior housing and she passed away in her house. He asked when did we have this big push to become urbanized. Bezanson said he wants to figure out when it happened that there was a big push to become urbanized. He said insofar as growth, there is no question that money is cheap right now, one of the reasons he is retired only is because right now money is cheap, but you have to be golden to get it. Bezanson said in the building trades you are dealing with more than 30% unemployment. He said he was the 17th house coming from county road 30 years ago, almost all of us were in construction. Bezanson said not anymore. He is asking Council to lower taxes, stop growth, don't get more services and keep the budget stays the same.

City Water and Sewer

Schaaf asked was the Maxfield report used in how big the sewer plant was going to be constructed. Voss said it was geared towards the City Center. He said he doesn't believe the engineers used it. Voss said it was done to provide developers background. Boyer said along those lines, virtually any developer will use their own numbers. He said Walgreens uses car numbers. Boyer said all developers use different numbers. Moegerle asked what numbers were given to the engineers. Voss said the comp plan. Moegerle said so nothing more than the comp plan. Boyer said and the areas to be served. Schaaf said what he is trying to decide is how they felt comfortable with a \$20,000,000 Wastewater Treatment project, SAC fees, etc. Boyer said the engineer developed the numbers, we went through many projections. Schaaf said he spent a couple hours with Kreg from Bolton and Menk and said he did x and z and after two hours the answer was we had in-depth conversations with City Council. Voss said eh is at a loss why you are asking this question. He said he knows it is on agenda and not sure why. Schaaf said we need to know more information so he can advise Council on how to move forward. Voss asked why is this on the agenda. Lawrence asked Schaaf to get more information.

Voss said if you want to get these answered, the consulting engineers would be able to give answers. He asked why aren't Bolton and Menk here. Schaaf said he asked him this and all Kreg from Bolton and Menk could tell him is they had lengthy discussions with City Council. He said and if he comes here, he would have to say he told me something else.

Voss said he gave us different scenarios and went through them. DeRoche asked what did the Council give them for a financial feasibility study for them to decide the residents could pay for it. Voss said you have been asking these questions right. DeRoche said he asked Council Members and asked staff. He said the minutes are wrong, they don't say what really happened. He said he has been before Council many times and he is not in the minutes. DeRoche said and they were told not to talk to him. Voss said the engineer made presentations, all that information is available, and the history is available. He said if you want to ask the question of how the numbers were arrived at the meetings were in November of 2009, they had to come back twice. Lawrence asked who generated those numbers. Voss said Bolton and Menk.

Lawrence said all he is asking and the residents are asking, how does the system pay for itself, we are looking for the process of how the system pays for itself. Voss said he thinks just this last October, if you want hard numbers those were presented to the City and we tabled action and brought in the businesses that were going to be affected. Lawrence asked but where did the numbers come from. Boyer said Bolton and Menk. Moegerle said a work meeting or regular meeting. Boyer said a work meeting. DeRoche said how did we go from we are assessing this to the business owners, to raising taxes and levies. Voss said you are mixing two different subjects. He said our concern for the longest time was who funds the project, a policy was developed, and the utility project is only paid for by actual users. Voss said a legitimate concern the people had is why if I live on Fish Lake should I pay for sewer on Highway 65. He said the second part is the bond sale, if the bonds don't make the payment schedule the first source of revenue is the users, the second is interest, and third is taxpayers. Boyer said that is assuming we didn't have enough hookups. Schaaf asked him to explain. Boyer said that is assuming we have assessed the property owners. Lawrence said he thinks it is assuming we don't have enough hookups. Voss said we discussed these scenarios with Bolton and Menk, what the ramifications are if we don't have the hook ups in 3 or 5 years. Moegerle asked did they have our budget, etc., did they just assume because we can pay it. Lawrence said we need to get Bolton and Menk in here. Voss said he would suggest we do it before the next meeting. Schaaf said normally you would send a staff person over to discuss this with them. He said the City Council has determined that they are going to pay for it with hook ups, now how do we determine that x will come. Schaaf said he thinks he knows how to ask questions, think they used the PFA (pluck from air) determination. Boyer said he is not used to a City Administrator advocating opinion. Schaaf said he does not believe the engineer had viable numbers. Boyer said you are not a voting member of this body.

Voss said the newly seated Council has questions about this. He said he has heard since the campaign that you don't understand, you deserve to understand. Voss said Bolton and Menk can give you a scope of what you are looking at. From a year and a half ago, from rosy picture to doomsday. He said he thinks that would be very enlightening. Boyer said he would suggest the 4th Monday of the month. Council consensus was Wednesday, January 26th to have Bolton and Menk in to do a presentation. Schaaf said he thinks three members are trying to determine how they came up with numbers and of how they determined connections. DeRoche said an how are you going to pay for this thing, that wasn't discussed. Moegerle asked and was there a marketing plan. Voss said all he is hearing is it doesn't matter what they are going to say. DeRoche said they didn't say how they came up with their numbers. He said someone should have done a current financial study on the City before they came up with the numbers.

Adjourn

Boyer made a motion to adjourn at 8:32 PM. DeRoche seconded. Schaaf asked why the other agenda items were removed. Voss said the expectation is when we receive an agenda

we want to know what to expect. He said he doesn't know what the other items are about. Voss said we want the background so we can make decisions and review. Schaaf said the ramifications of the actions the Council took at the last meeting are very significant. He said he wanted to discuss these things with the Council. **All in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Pay Estimate No. 5 for the Wild Rice Drive Reconstruction Project

Requested Action:

Consider approval of Pay Estimate No. 5

Background Information:

Attached is a copy of Pay Estimate No. 5 to Dresel Contracting, Inc for the Wild Rice Drive Reconstruction Project. The Pay Estimate includes payment for work completed to date minus a one percent retainage. The retainage will be held until all turf has established. We recommend partial payment of \$39,165.94. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 979,521.57
Less Previous Payments	\$ 930,560.41
Less 1% Retainage	<u>\$ 9,795.22</u>
Total payment	\$ 39,165.94

Attachments:

1. Pay Estimate No. 5
2. Project Location Map

Fiscal Impact:

The total construction cost for this project is estimated to be \$982,244.32. Construction costs for this project are financed through the City's State Aid Construction fund.

Recommendation(s):

Staff recommends Council consider approval of Pay Estimate No. 5 in the amount of \$ 39,165.94 for the Wild Rice Drive Reconstruction Project.

City Council Action

Motion by: _____

Second by: _____

Vote Yes:_____

Vote No:_____

No Action Required:_____

**PAY ESTIMATE #5
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project**

Date: January 25, 2011

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

RE: Wild Rice Drive Reconstruction Project

Contractor: Dresel Contracting, Inc.
Award Date: September 23, 2009
Completion Date: July 30, 2010

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Dresel Contracting, Inc.

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	MOBILIZATION	LUMP SUM	\$42,500.00	1.00	\$ 42,500.00
2	CLEARING	ACRE	\$1,100.00	1.60	\$ 1,760.00
3	CLEARING	TREE	\$55.00	46	\$ 2,530.00
4	GRUBBING	ACRE	\$1,100.00	1.25	\$ 1,375.00
5	GRUBBING	TREE	\$55.00	46	\$ 2,530.00
6	REMOVE PIPE CULVERTS	LIN FT	\$5.00	770	\$ 3,850.00
7	REMOVE RETAINING WALL	LIN FT	\$10.00	18	\$ 180.00
8	REMOVE CONCRETE PAVEMENT	SQ YD	\$3.00	162	\$ 486.00
9	REMOVE BITUMINOUS PAVEMENT	SQ YD	\$1.20	22,308	\$ 26,769.60
10	REMOVE CONCRETE APRON	EACH	\$50.00	1	\$ 50.00
11	REMOVE SEPTIC TANK	EACH	\$500.00	1	\$ 500.00
12	REMOVE SIGN	EACH	\$31.00	24	\$ 744.00
13	SAWING CONCRETE PAVEMENT (FULL DEPTH)	LIN FT	\$5.00	64	\$ 320.00
14	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	\$4.00	580	\$ 2,320.00
15	SALVAGE FENCE	LIN FT	\$6.00	244	\$ 1,464.00
16	SALVAGE SIGN	EACH	\$31.00		\$ -
17	COMMON EXCAVATION (P)	CU YD	\$4.60	20,345	\$ 93,587.00
18	MUCK EXCAVATION	CU YD	\$4.85	14,116	\$ 68,462.60
19	GRANULAR BORROW (LV)	CU YD	\$0.01	15,098	\$ 150.98
20	DEWATERING	LUMP SUM	\$1.00	1	\$ 1.00
21	HAUL & STOCKPILE EXCESS MATERIAL (LV)	CU YD	\$1.00	9,547	\$ 9,547.00
22	WOOD CHIPS (LV)	CU YD	\$65.00		\$ -
23	AGGREGATE BASE CLASS 5	TON	\$9.60	8,532	\$ 81,907.20
24	MILL BITUMINOUS SURFACE (2")	SQ YD	\$30.00	118.3	\$ 3,549.00
25	BITUMINOUS PAVEMENT RECLAMATION	SQ YD	\$1.50	1,973	\$ 2,959.50
26	TYPE MV 3 WEARING COURSE MIXTURE (B)	TON	\$52.40	4,361	\$ 228,516.40
27	TYPE MV 3 NON WEARING COURSE MIXTURE (B)	TON	\$48.70	3,738	\$ 182,040.60
28	CONCRETE FLUME	EACH	\$500.00	7	\$ 3,500.00
29	15" CS PIPE CULVERT	LIN FT	\$21.00	447	\$ 9,387.00
30	24" CS PIPE CULVERT	LIN FT	\$40.00	40	\$ 1,600.00
31	15" GS PIPE APRON	EACH	\$225.00	28	\$ 6,300.00
32	24" GS PIPE APRON	EACH	\$450.00	2	\$ 900.00
33	15" RC PIPE APRON	EACH	\$425.00	9	\$ 3,825.00
34	18" RC PIPE APRON	EACH	\$500.00	3	\$ 1,500.00
35	21" RC PIPE APRON	EACH	\$575.00	4	\$ 2,300.00

**PAY ESTIMATE #5
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project**

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
36	24" RC PIPE APRON	EACH	\$650.00	6	\$ 3,900.00
37	18" RC SAFETY APRON	EACH	\$650.00	2	\$ 1,300.00
38	TRASH GUARD FOR 15" PIPE APRON	EACH	\$300.00	3	\$ 900.00
39	TRASH GUARD FOR 18" PIPE APRON	EACH	\$350.00	3	\$ 1,050.00
40	TRASH GUARD FOR 21" PIPE APRON	EACH	\$400.00	2	\$ 800.00
41	15" RC PIPE SEWER DESIGN 3006, CL V	LIN FT	\$19.00	1,082	\$ 20,558.00
42	18" RC PIPE SEWER DESIGN 3006, CL III	LIN FT	\$22.00	492	\$ 10,824.00
43	21" RC PIPE SEWER DESIGN 3006, CL III	LIN FT	\$26.00	477	\$ 12,402.00
44	24" RC PIPE SEWER DESIGN 3006, CL III	LIN FT	\$38.00	168	\$ 6,384.00
45	SEPTIC TANK	EACH	\$9,500.00	1	\$ 9,500.00
46	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	LIN FT	\$215.00	39.47	\$ 8,486.05
47	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	LIN FT	\$350.00	2.81	\$ 983.50
48	CONSTRUCT DRAINAGE STRUCTURE DESIGN N	LIN FT	\$210.00	14.42	\$ 3,028.20
49	CASTING ASSEMBLY	EACH	\$425.00	12	\$ 5,100.00
50	RANDOM RIPRAP CLASS III	CU YD	\$50.00	50.6	\$ 2,530.00
51	SIDEWALK	SQ FT	\$7.00	96	\$ 672.00
52	CONCRETE CURB & GUTTER DESIGN B418	LIN FT	\$10.25	3,451	\$ 35,372.75
53	6" CONCRETE DRIVEWAY PAVEMENT	SQ YD	\$40.00	196.6	\$ 7,864.00
54	8" CONCRETE DRIVEWAY PAVEMENT	SQ YD	\$50.00	55.4	\$ 2,770.00
55	PEDESTRIAN CURB RAMP	EACH	\$525.00	1	\$ 525.00
56	MAILBOX SUPPORT	EACH	\$125.00	24	\$ 3,000.00
57	LANDSCAPE EDGER	LIN FT	\$10.00		\$ -
58	GUIDE POST TYPE B	EACH	\$51.00	26	\$ 1,326.00
59	TRAFFIC CONTROL	LUMP SUM	\$10,000.00	1.00	\$ 10,000.00
60	SIGN PANELS TYPE C	SQ FT	\$33.00	330.0	\$ 10,890.00
61	SIGN PANELS TYPE D	SQ FT	\$36.00	101.9	\$ 3,668.40
62	CONIFEROUS TREE 4' HT B&B	TREE	\$250.00	10	\$ 2,500.00
63	DECIDUOUS TREE 4' HT B&B	TREE	\$250.00		\$ -
64	CONIFEROUS SHRUB 2' HT CONT	SHRUB	\$200.00		\$ -
65	SILT FENCE, TYPE MACHINE SLICED	LIN FT	\$1.10	6,164	\$ 6,780.40
66	STORM DRAIN INLET PROTECTION	EACH	\$75.00		\$ -
67	FILTER LOG TYPE STRAW BIOROLL	LIN FT	\$1.00	665	\$ 665.00
68	TEMPORARY ROCK CONSTRUCTION ENTRANCE	EACH	\$500.00	2	\$ 1,000.00
69	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	\$1.25	4,673	\$ 5,841.25
70	EROSION STABILIZATION MAT CLASS 2	SQ YD	\$5.00	78	\$ 390.00
71	TURF ESTABLISHMENT	ACRE	\$600.00	8.7	\$ 5,220.00
72	4" SOLID LINE WHITE - EPOXY	LIN FT	\$0.20	14,189	\$ 2,837.80
73	4" DOUBLE SOLID LINE YELLOW - EPOXY	LIN FT	\$0.41	6,799	\$ 2,787.59
74	24" STOP LINE WHITE - EPOXY	LIN FT	\$7.25	35	\$ 253.75

TOTAL WORK COMPLETED TO DATE	<u>\$ 979,521.57</u>
LESS 1% RETAINAGE:	<u>\$ 9,795.22</u>
LESS PAY ESTIMATE #1:	<u>\$ 85,399.87</u>
LESS PAY ESTIMATE #2:	<u>\$ 282,606.38</u>
LESS PAY ESTIMATE #3:	<u>\$ 480,378.78</u>
LESS PAY ESTIMATE #4:	<u>\$ 82,175.38</u>
WE RECOMMEND PAYMENT OF:	<u>\$ 39,165.94</u>

**PAY ESTIMATE #5
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project**

APPROVALS:

CONTRACTOR: DRESEL CONTRACTING, INC.

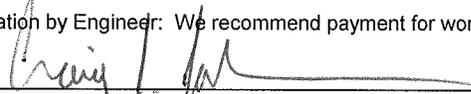
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: _____

Title: _____ Date _____

ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.

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

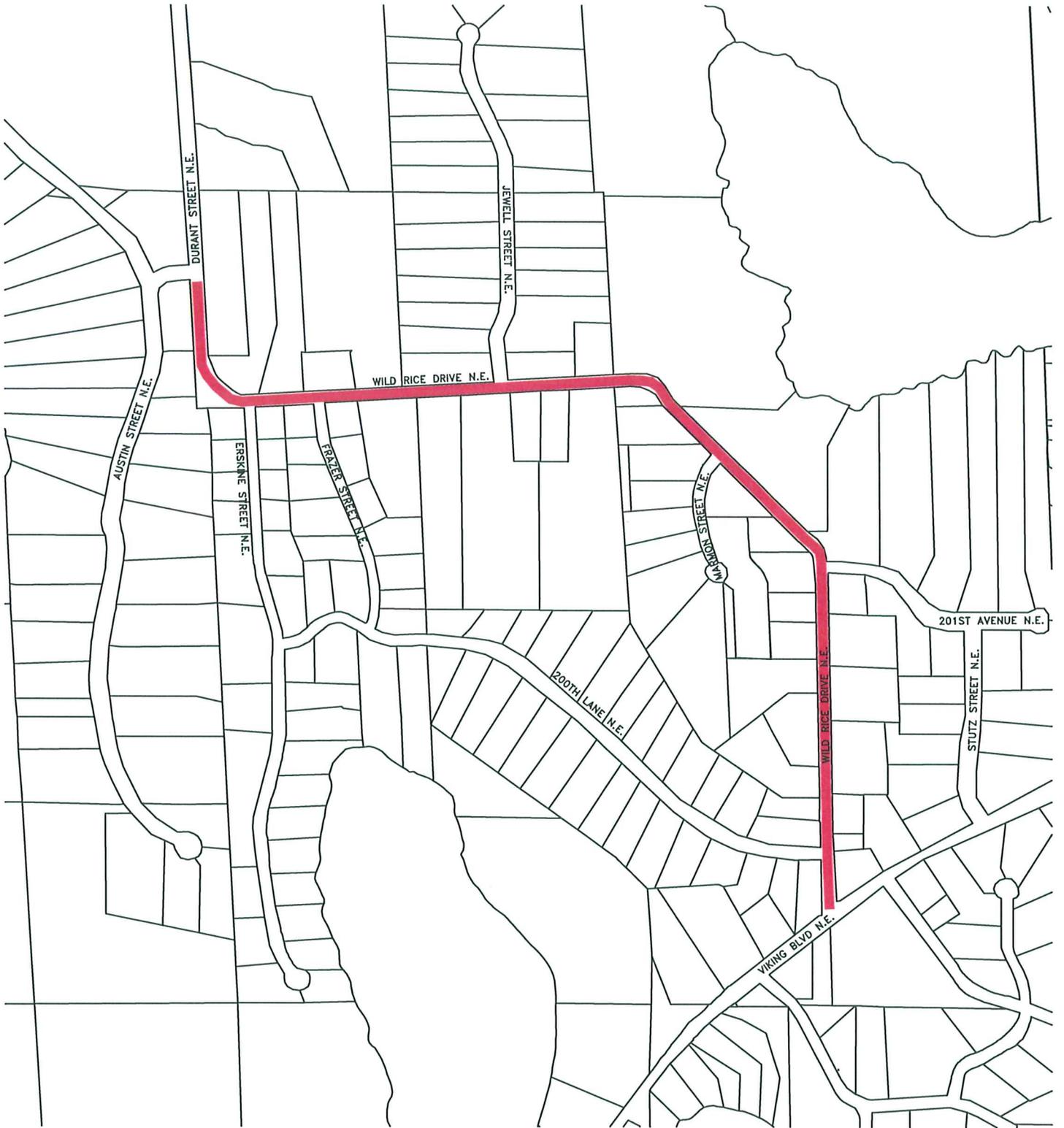
Signed:  _____

Title: City Engineer Date 11/25/11

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____



 PROJECT LOCATION

LOCATION MAP ATTACHMENT 2



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

2011 Joint Powers Agreement (JPA) Street Maintenance Projects

Requested Action:

Consider approving the listed projects to be bid for the 2011 Street Projects

Background Information:

The Cities of Coon Rapids, Andover, Brooklyn Center, Columbia Heights and Fridley entered into a Joint Powers Agreement on February 1, 2005 for the purpose of joint bidding for certain street maintenance services. This Joint Powers Agreement allows smaller cities to achieve more economies of scale in the bidding process and potentially achieve lower bids from contractors for crack sealing, seal coating and striping. The City East Bethel joined the group in February, 2008.

The City of Coon Rapids is the lead agency by the agreement for this group. As the lead agency, they draft the specifications, solicit bids and provide the necessary documents for member cities to sign to participate in the program. The agreement is structured such that it permits each member city to accept or reject the bids for their portion of the proposed contract. Each city will pay the contractor directly for their share of the work and contracts will be awarded separately for the various items.

The process is as follows:

- 1.) The City of East Bethel submits the quantities for crack sealing, seal coating and striping to the City of Coon Rapids for inclusion in the collective bid.
- 2.) The City of Coon Rapids develops all bid specifications and solicits bids for all quantities submitted by member cities. Bid specifications follow MnDOT guidelines requirements.
- 3.) Each City may modify the quantities they have submitted to maintain budgets for these projects after the low bid has been identified.
- 4.) Bids for these projects will be opened on February 25, 2011. The City of East Bethel is required to submit a letter of concurrence to the City of Coon Rapids by March 17, 2011 authorizing the City's level of participation in the program for 2011. The bid award date will be April 5, 2011.

The City of East Bethel realized savings of at least 20% over previous costs for these services through participation in the JPA Street Maintenance program. The savings were due to the pricing in the current construction market and the larger base of purchasing power afforded by the group bid.

The following projects are recommended to 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.

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 the item does 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.

Attachments

- Attachment #1 Location map for seal coating and crack sealing
- Attachment #2 2011-2015 Street Capital Improvement Plan
- Attachment #3 JPA Project Map

Fiscal Impact:

As noted above

Recommendation(s):

Staff recommends the approval of these projects to be bid as part of the City's JPA Street Maintenance Agreement. Bids for the work will be presented to City Council for final approval at the March 16, 2011 meeting.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

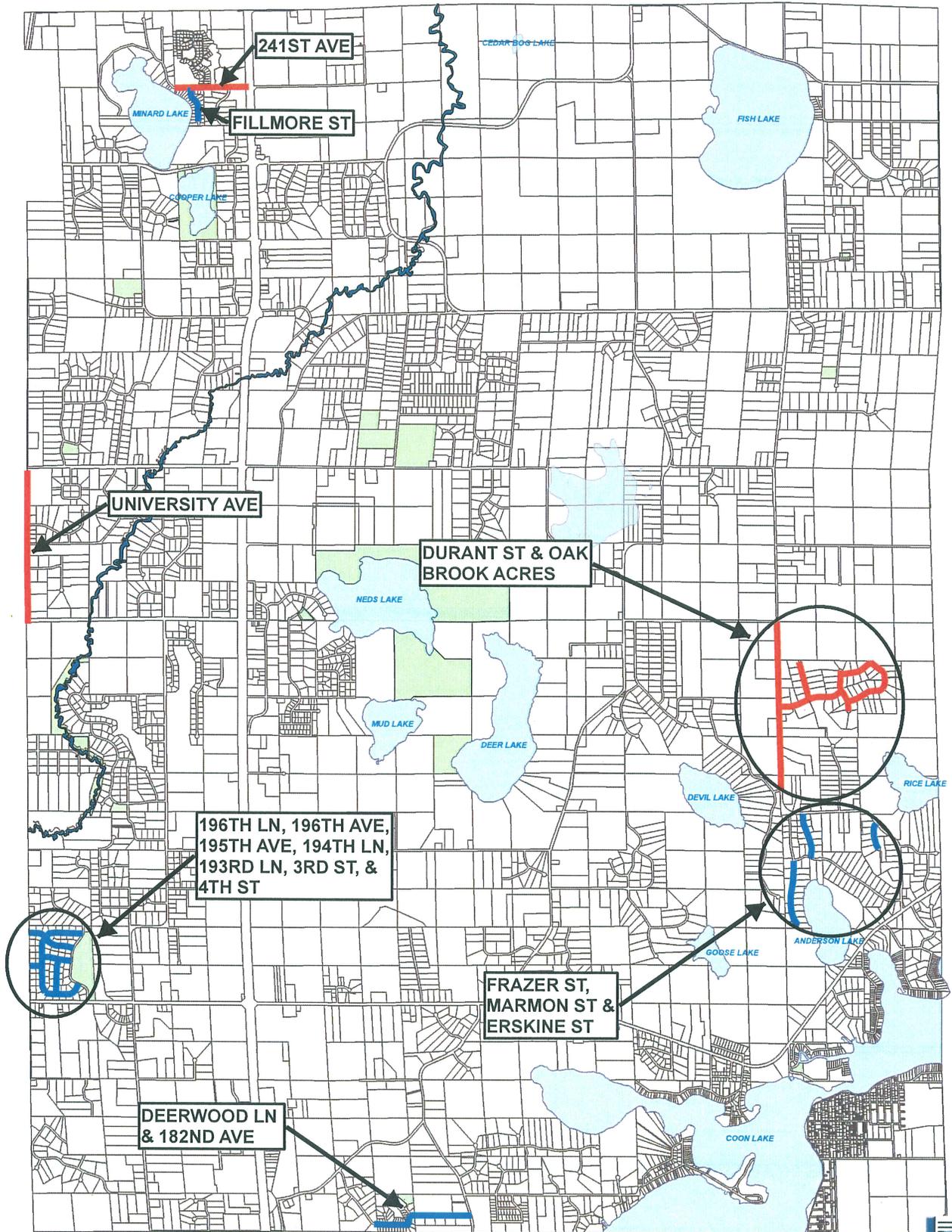
No Action Required: _____

Street Capital Projects CIP				
2011-2015				
Funding Analysis				
MUNICIPAL STATE AID FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2011 Beginning Balance	\$241,000			\$241,000
Municipal State Aid Funding		\$502,000		\$743,000
215th Ave to 221st Ave Service Rd			\$600,000	\$143,000
2011 Ending Balance				\$143,000
2012 Beginning Balance	\$143,000			\$143,000
Municipal State Aid Funding		\$502,000		\$645,000
Municipal State Aid Advanced Funding		\$915,000		\$1,560,000
Jackson St. Reconstruction-181st Ave to Viking Blvd			\$1,380,000	\$180,000
Sandy Drive Sealcoat			\$180,000	\$0
2012 Ending Balance				\$0
2013 Beginning Balance	\$0			\$0
Municipal State Aid Funding		\$0		\$0
No Projects				\$0
2013 Ending Balance				\$0
2014 Beginning Balance	\$0			\$0
Municipal State Aid Funding		\$89,000		\$89,000
No Projects				\$89,000
2014 Ending Balance				\$89,000
2015 Beginning Balance	\$89,000			\$89,000
Municipal State Aid Funding		\$502,000		\$591,000
187th Ave Reconstruction			\$450,000	\$141,000
2015 Ending Balance				\$141,000
TOTAL MUNICIPAL STATE AID FUND SOURCES AND USES		\$2,510,000	\$2,610,000	
<p>Note: MSA Funding can be "Advanced Funded" to met certain requirements. The City is permitted to Advance Fund up to two years allocations. A negative balance is not an indication of too many projects. It simply means the City has anticipated numerous projects and can fund this within the regulations identified by MnDOT. The annual allocation will increase over time.</p>				

Street Capital Projects CIP				
2011-2015				
Funding Analysis				
STREET CAPITAL FUND	Beginning	Sources	Uses	Ending
	Balance	(Revenues)	(Project Costs)	Balance
2011 Beginning Balance	\$978,362			\$978,362
Transfer from General Fund		\$425,000		\$1,403,362
Erskine, Frazier, Marmon Streets-Sealcoat			\$67,000	\$1,336,362
Deerwood and 182nd Ave-Sealcoat			\$88,000	\$1,248,362
196th Lane-Sealcoat			\$22,000	\$1,226,362
196th Ave-Sealcoat			\$26,000	\$1,200,362
195th Ave-Sealcoat			\$16,000	\$1,184,362
194th Lane-Sealcoat			\$14,000	\$1,170,362
4th Street-Sealcoat			\$19,000	\$1,151,362
3rd Street-Sealcoat			\$28,000	\$1,123,362
193rd Lane-Sealcoat			\$19,000	\$1,104,362
Fillmore Street-Sealcoat			\$62,000	\$1,042,362
2011 Ending Balance				\$1,042,362
2012 Beginning Balance	\$1,042,362			\$1,042,362
Transfer from General Fund		\$425,000		\$1,467,362
Whispering Aspens-Sealcoat			\$185,000	\$1,282,362
Okinawa and Tippecanoe-Overlay			\$245,000	\$1,037,362
Hupp St.-Sealcoat			\$18,000	\$1,019,362
2012 Ending Balance				\$1,019,362
2013 Beginning Balance	\$1,019,362			\$1,019,362
Transfer from General Fund		\$425,000		\$1,444,362
Thielan Road-Sealcoat			\$36,000	\$1,408,362
Sportsman Road -Sealcoat			\$12,000	\$1,396,362
Breezy Point Drive-Sealcoat			\$25,000	\$1,371,362
Edmar Lane-Sealcoat			\$40,000	\$1,331,362
Vickers Street-Sealcoat			\$13,000	\$1,318,362
Yalta Street -Sealcoat			\$6,000	\$1,312,362
189th Avenue-Sealcoat			\$6,000	\$1,306,362
190th Lane-Sealcoat			\$7,000	\$1,299,362
Naples Street-Sealcoat			\$12,000	\$1,287,362
190th Avenue-Sealcoat			\$12,000	\$1,275,362
191st Avenue-Sealcoat			\$18,000	\$1,257,362
195th Ave & E. Front Blvd-Sealcoat			\$38,000	\$1,219,362
Rendova Street-Sealcoat			\$12,000	\$1,207,362
209th, Austin, and 204th-Overlay			\$290,000	\$917,362
2013 Ending Balance				\$917,362

Street Capital Projects CIP				
2011-2015				
Funding Analysis				
STREET CAPITAL FUND	Beginning	Sources	Uses	Ending
	Balance	(Revenues)	(Project Costs)	Balance
2014 Beginning Balance	\$917,362			\$917,362
Transfer from General Fund		\$425,000		\$1,342,362
209th Street Overlay			\$200,000	\$1,142,362
224th Avenue-Sealcoat			\$56,000	\$1,086,362
Austin-Sealcoat			\$60,000	\$1,026,362
239th Ave-Sealcoat			\$55,000	\$971,362
221st Ave and Wake Street-Sealcoat			\$65,000	\$906,362
2014 Ending Balance				\$906,362
2015 Beginning Balance	\$906,362			\$906,362
Transfer from General Fund		\$425,000		\$1,331,362
Washington and 7th Streets-Sealcoat			\$45,000	\$1,286,362
Monroe St. and 238th Lane-Sealcoat			\$32,000	\$1,254,362
235th Avenue-Sealcoat			\$27,000	\$1,227,362
231st Lane-Sealcoat			\$27,000	\$1,200,362
Buchanan St.-Sealcoat			\$18,000	\$1,182,362
Taylor St. North and South-Sealcoat			\$42,000	\$1,140,362
229th Lane East and West-Sealcoat			\$78,000	\$1,062,362
225th Ave,222nd and 226th Lane and Jenkins-Sealcoat			\$166,000	\$896,362
Waconia Circle and Staples St-Sealcoat			\$110,000	\$786,362
2015 Ending Balance				\$786,362
TOTAL STREET CAPITAL FUND		\$2,125,000	\$2,317,000	
SOURCES AND USES				

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Legend

- CRACK SEAL ONLY
- SEAL COAT & CRACK SEAL



2011 JPA PROJECTS

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

ANIMAL CONTROL CONTRACT

THIS AGREEMENT made this _____ day of _____, 2011, by and between Gratitude Farms (hereinafter referred to as the "Contractor") and the CITY OF EAST BETHEL, a municipal corporation, located within the County of Anoka and State of Minnesota (hereinafter referred to as the "City").

WITNESSETH: In consideration of the covenants and agreements hereinafter set forth, it is mutually agreed by and between the parties hereto as follows:

1. This Agreement shall be effective as of January 1, 2011, and shall continue in effect until December 31, 2011 unless otherwise cancelled pursuant to paragraph 14 hereof.

2. **Patrol.** Contractor agrees to patrol the public streets of the City in a vehicle designated for transportation of animals in accordance with the schedule agreed to by both parties. The Contractor shall provide services in accordance with the attached schedule (Animal Control Proposal) and shall be directly responsible to the City. The vehicle operated by the Contractor shall have proper identification displayed on two sides and the back including the words "animal control", and Contractor further agrees to ensure service and maintain said equipment in good working order. There will also be available leashes and a snarem at all times in the vehicle. Gratitude Farms agrees to insure service and maintain said equipment at its own expense.

3. (a). **Place of Impoundment.** All animals collected and impounded shall be kept at 22359 Bataan St, East Bethel, MN 55011. Contractor agrees and warrants that all animals impounded shall be kept in a comfortable and humane manner for the period required by City Ordinance or state statute as appropriate. Contractor may temporarily board at an emergency facility if access and/or treatment are not immediately available at our facility.

The vehicle used will have at least one kennel designed for animal transportation along with being equipped with leather leashes and a snarem.

(b). **Callout.** Contractor shall respond immediately to any callout if directed by an authorized City representative. Acknowledgment of the call will be made within 15 minutes of the time of the call and will provide an estimated time of arrival at the location of the problem. Response to the site will not exceed two (2) hours from the initial call for service. Gratitude Farms will provide the City with current contact information, including but not limited to office, cell and pager numbers.

4. **Insurance.** The Contractor shall provide liability insurance on her automobile and shall provide her own automobile for purposes of supplying the services provided under the terms of this contract. The Contractor shall also provide comprehensive general liability insurance for herself to perform the services of animal control for the City as provided for within this Agreement. That a true and correct copy of the Certificate of Insurance for both automobile and general liability coverage will be filed of record with the City offices by the

Contractor as of the date of execution of this contract.

5. The City authorizes the Contractor to apprehend and retain dogs and other animals and/or issue citation tags for violations of the City ordinances related thereto. However, the Contractor shall not invade private property contrary to the wishes of an owner of said property nor forcibly take an animal from any person without the approval and assistance of a peace officer of the City.

6. **Impoundment, Boarding and Related Charges.** Animal Control Services to the City of East Bethel: \$250 month, to include call out, patrol, board and issuance of city dog license by appointment.

Animal Owner Charges if Animal is Claimed:

\$42.00 one time administrative handling fee;

\$18.00 Daily boarding fee, statutory veterinary services at cost.

Daily boarding fees are charged for any and all portions of a calendar day that an animal is boarded. Any and all other fees charged must be approved by the City. The attached fee schedule is incorporated by reference herein as **Exhibit A**.

Contractor shall use its best efforts to attempt to identify the owner of the animal and contact that owner to make arrangements for the retrieval of the animal and payment of fees.

7. **Reporting.** The Contractor shall provide periodic reports to the City at intervals requested which indicates the hours patrolled, the number of animals impounded, warning tags and violation notices issued, and other such information as requested by the Animal Control Commissioner for the City.

8. Prior to the release of any dog impounded by Contractor at the City's request, Contractor will request that the owner provides a valid City animal license (if applicable), owners' driver's license and/or a state issued identification card, and will obtain a copy of the current rabies vaccination certificate. Copies of drivers' licenses and rabies certificate along with animal license information can be requested by the City.

9. In the event an animal is impounded and boarded by order of the City, a court of competent jurisdiction or the City Council, or is placed under quarantine by statute or ruling of the State Department of Health, Contractor shall board such animal as required by this order or ruling plus an additional six days. At the end of such period, the City shall release all of its interest, right and control over the animal that may then be disposed of at the discretion of Contractor. In the event that any dogs, cats or other impounded animals are unclaimed after six (6) days, they shall become the property of Contractor and shall be surrendered to Contractor to be disposed of or sold at their discretion. All proceeds from the disposition of such animals may be retained by Contractor including any proceeds from any animals disposed of in accordance with Minnesota Statutes 35.71 as an offset to costs

incurred.

10. The City shall furnish to Contractor any special forms or receipts specified in City Ordinances or by the City's record keeping/accounting procedures and Contractor shall keep records of all animals impounded together with description of the same.

11. The Contractor shall assume all liability for all harmed animals due to her negligence, or that of her employees, in not properly caring for same and agrees to defend all lawsuits arising therefrom. The Contractor agrees to defend and indemnify and hold the City harmless, including its officers, employees or agents, from any and all claims, suits, losses, damages or expenses on account of bodily injury, sickness, disease or death and of property damage including injury to animals as a result of, or alleged to be as a result of, the Contractor's animal control operation.

12. The Contractor agrees that during the period of time of this contract it will not, within the State of Minnesota or elsewhere, discriminate against any employee, or applicant for employment, because of race, color, creed, sex, national origin or ancestry and will include a similar provision in all subcontracts entered into for the performance hereof. This paragraph is inserted into the contract to comply with the provisions of Minnesota Statute 181.59.

13. Notices pursuant to this Contract shall be addressed as follows:

- a. To Contractor: Tammy Gimpl
 Gratitude Farms
 22359 Bataan St NE
 East Bethel, MN 55011

- b. To City: City Administrator
 City of East Bethel
 2241 221st Ave
 East Bethel, MN 55011

14. **Independent Contractor.** It is understood and agreed that the Contractor is not an employee of the City but is an independent contractor solely responsible for her own payment of federal, state and social security withholding taxes. Further, the Contractor provides her own equipment with the exception for some equipment that may be made available for her use by the City in its discretion. The Contractor at no time shall hold herself out as an employee of the City, but will always identify herself as an independent contractor. No tenure or any rights or benefits, including Workers' Compensation, Unemployment Insurance, medical care, sick leave, vacation leave, severance pay, PERA, or

other benefits available to City employees, shall accrue to the Contractor or employees of the Contractor performing services under this Agreement.

15. Default and Cancellation.

A. If the Contractor fails to perform any of the provisions of this Agreement or so fails to administer the work as to endanger the performance of the Agreement, this shall constitute default.

Unless the Contractor's default is executed, the City may, upon written notice, immediately cancel this Agreement in its entirety.

B. This Agreement may be cancelled with or without cause by either party upon thirty (30) days written notice.

16. Subcontracting and Assignment. Contractor shall not enter into any subcontract for performance of any services contemplated under this Contract without the prior written approval of the City and subject to such conditions and provisions as the City may deem necessary. The Contractor shall be responsible for the performance of all subcontractors.

17. Records – Availability and Retention.

The Contractor agrees that the City or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Contractor and invoice transactions relating to this Agreement.

Contractor agrees to maintain these records for a period of three (3) years from the date of termination of this Agreement.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first above written.

CITY OF EAST BETHEL

CONTRACTOR

By: _____
Richard Lawrence
Mayor

By: _____
Tammy Gimpl
Gratitude Farms

EXHIBIT A
SCHEDULE OF ADDITIONAL FEES

Impoundment, boarding and related charges.

Patrol Services & Call out Services: Two hours per week Monday thru Friday between 8:00 A.M. and 6:00 P.M. as requested by the City.

Animal Owner Charges if Animal is Claimed:

\$42.00 One time administrative handling fee

\$18.00 Daily board fee, statutory veterinary services at cost

Licensing Fees:

\$5.00 if issued by Gratitude Farms to be collected and retained by contractor



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

RFP for Legal Services

Requested Action:

Consider approving RFP for Legal services and direction to solicit quotes.

Background Information:

Council directed staff at the January 19, 2011 City Council meeting to draft an RFP for legal services for consideration. We have drafted an RFP for your review and consideration. It provides for all the necessary services that the City would normally require.

Fiscal Impact:

Unknown at this time.

Recommendation(s):

Staff is recommending approval of the RFP for Legal Services and direction to solicit quotes.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

City of East Bethel
Request for Proposals for Legal Services

I. PURPOSE

The City of East Bethel is requesting proposals for legal services from firms experienced in municipal law and representation of municipal clients. Firms may choose to be considered for either or both of the following services:

- City Attorney
- Prosecuting Attorney

II. BACKGROUND

The City of East Bethel is located in northern Anoka County. Growth and development for the City is projected over the next several years based on recent approvals to the City's Comprehensive Plan that permits the introduction of municipal services for a significant portion of the community. The current population is approximately 13,500. The City operates under a statutory form of government consisting of a four member City Council and a Mayor. The City Council is responsible for adopting the City's budget and tax levy, adopting resolutions and ordinances, all hiring and firing decisions, policy making, development and growth planning, and overall direction of the City. In addition to providing general government services, the City offers a full range of other services including fire protection, building and other safety inspections, planning and zoning, parks, street maintenance, snow removal, infrastructure maintenance and repair, and others. The City provides limited municipal water and sewer services that will be expanded in the coming years.

III. PROCESS

The City will use the following process for selecting Legal Service Providers:

1. The City Council will establish a committee consisting of two Council Members and the City Administrator to review proposals received. A recommendation to the City Council will come from this committee. The committee may schedule interviews as they deem appropriate and/or necessary.
2. The City Council will select the firm or firms it believes would best meet the City's needs.
3. Pending a mutually agreeable contract arrangement, the City Council will appoint the firm or firms selected to provide the services indicated.

IV. GENERAL INSTRUCTIONS

A. Responses must provide complete information as described in this request. Ten (10) copies shall be submitted no later than 3:00 PM on March 25, 2011. Please forward proposals to:

City Administrator
City of East Bethel
2241 221st Avenue N.E.
East Bethel, MN 55011

B. To ensure fairness and uniformity, firms submitting responses are requested to not contact City staff or City Council members. Written questions about this RFP may be sent by e-mail to David.Schaaf@ci.east-bethel.mn.us prior to the submission deadline. Responses will be shared with all interested responders to the RFP.

C. The City will not reimburse any expenses incurred by the firm submitting a response including, but not limited to, expenses associated with the preparation and submission of the response and/or attendance at interviews.

D. The City reserves the right to reject any and all proposals, to request additional information from any and all Proposers and to suggest modifications to the terms and conditions of an agreement from that offered by a Proposer.

V. REQUIRED CONTENTS OF RESPONSE

A. Firms shall indicate which of the two legal services (City Attorney and/or Prosecuting Attorney) for which they wish to be considered. All proposals, one for City Attorney Services and one for City Prosecution Services shall not exceed 25 pages in length and provide, at a minimum, details for the following.

B. Firm Background:

1. Brief history of firm including nature of the firm's practice.
2. Number of attorneys, including number of partners and associates and areas of specialty or focused practice.
3. Provide the overall capabilities, qualifications, training, and areas of expertise for each of the principals, partners, and associates of the law firm including the length of employment for each person and his/her area of focused practice.
4. Support personnel including number and expertise.
5. Office organization and support capabilities.
6. Office location(s).
7. Current use of technology, especially capability for computerized legal research and for sharing and editing documents electronically.

8. Statements of any malpractice claims and/or ethics complaints taken against your firm or firm's attorney(s) over the last five years and the status or outcomes of such action. Indicate whether any action is pending or is currently under review by the State Ethics Board.
9. Statement of 2010 billings for civil and criminal municipal work as a percentage of total firm billing for 2010 billings.
10. Describe malpractice insurance coverage: carrier, limits, and exemptions.
11. Statement of compliance with federal and state laws respecting civil rights.

C. Attorney Qualifications:

1. Identify the specific attorney who will serve as the lead attorney for each of the legal services you have expressed interest in providing, and indicate the following:
 - Academic training and degrees
 - Year admitted to the Minnesota Bar Association and License Number
 - Description of background and experience
 - Description of prior municipal experience including cities served in a similar capacity
 - List of litigation in communities where designated attorney served as lead attorney and outcomes of litigation
 - Professional affiliations
2. Identify attorney who will serve in the lead attorney's absence, and provide information as requested in No. 1 above.
3. Identify other attorneys and support staff who will supply services for which the City will be charged.
4. Indicate current firm responsibilities of person designated to serve as lead attorney.

D. List cities you currently represent and the type of service provided.

E. List cities you began representing in the last three years and cities you stopped representing in the last three years.

F. Names, telephone numbers, and contact person of at least five (5) client references, at least two (2) of which shall be cities.

G. Describe the firm's view of their responsibilities to the City in the providing of legal services.

H. Copy of Malpractice/liability Insurance Certificate in a minimum amount of \$1,250,000.

I. Conflict of Interest:

1. Indicate whether designated lead attorneys or the law firm represent, or have represented, any client whose representation may conflict with your ability to provide legal services to the City.
2. Indicate whether designated lead attorneys or the law firm currently represent any real estate developers. If so, please identify those companies or persons in detail and provide a percentage breakdown of how much this work represents of your firm's total billings.
3. Identify what procedures your firm utilizes to identify and resolve conflicts of interest.

J. City/City Attorney Relationship:

1. Describe how you would structure the working relationship between the City Attorney and the City Council, City Administrator, Department Heads, and other staff members.
2. Define the standard time frames for response by the City Attorney to direction and/or inquiry from the City Council or City Administrator.
3. Describe the systems or mechanisms that would be established for monthly reporting of the status of projects, requests, and litigation.

K. Fees:

1. City Attorney-firms desiring to be considered for City Attorney services may indicate a monthly retainer amount (if appropriate) and describe specific services to be included within the retainer and any services that would be outside the retainer (refer to the list of services in Section VI.) For services outside the retainer, indicate the hourly rate for City Attorney and other attorneys and support staff that may be working on City business. Alternatively, firms may propose hourly rates for all services and/or flat fee billing services.
2. City Prosecutor-firms interested in providing City Prosecutor services may indicate a monthly retainer amount and describe specific services to be included within the retainer and provide an hourly rate for the lead attorney and hourly rates for other attorneys and staff that may be working on non-retainer City business. Alternatively, firms may propose hourly rates for all services and/or flat fee billings.
3. The City is open to exploring alternative fee arrangements other than the retainer or hourly rate. Indicate any alternate billing arrangements you would be willing to consider and under what circumstances they would be most appropriate.
4. Firms shall indicate all other costs and reimbursable expenses including travel (per mile), telephone, printing, photocopying, etc.
5. Firms shall indicate the minimum increment of time billed for each service including phone calls, correspondence, and personal conferences.
6. The City of East Bethel requests monthly billing statements which:
 - Itemize the date of services
 - Identify the personnel providing the services
 - List the time spent
 - Provide a detailed description of the services performed
 - State the fees for those services

- Organize billing on the basis of activity and City contact
- For activities that span multiple billing periods, a project-to-date summary may be requested
- Summarize monthly and annual costs by type of activity

VI. LEGAL SERVICES REQUIREMENTS

Following are the primary responsibilities for each of the two legal service areas. While this list is an attempt to identify the major areas of representation, it is not intended to be an all encompassing list.

City Attorney:

1. Attend City Council meetings and other City Board, Authority, Commission or Committee meetings as requested by the City Council or City Administrator.
2. Draft and/or review ordinances, resolutions, and correspondence, as requested. Review City Council agendas and meeting minutes as requested.
3. Advise and/or prepare legal opinions to the Mayor and Council members as requested or directed by the City Council and/or City Administrator.
4. Prepare and/or review municipal contracts, such as contracts for public improvements, joint powers of agreements, construction, and purchase of equipment.
5. Represent City in matters related to the enforcement of City building and zoning codes.
6. Provide legal briefings as requested to City Council and/or City Administrator regarding new or proposed legislation or judicial decisions affecting municipal operations and activities.
7. Provide advice on open meeting law, data practice, records retention and privacy issues.
8. Defend City in litigation (except in those cases where insurance companies are required to provide defense) including, but not limited to, 1) human rights claims; 2) condemnation; 3) permits and administrative actions; and 4) labor and employment matters.
9. Defend City in uninsured claims and other insurance matters.
10. In coordination with Bond Counsel, review of financing, special assessments, bonds and insurance requirements required by or for City contracts or activities.
11. Represent City in the acquisition of properties for public improvements, easements, and parks.
12. Represent City in condemnation proceedings for public improvement projects.
13. Initiate litigation on behalf of City as directed by the City Council.
14. Interpret and advise regarding State land use statutes and City Code.
15. Interpret and advise regarding impact fees and legal uses.
16. Advise and represent the City on environmental matters.
17. Prepare and/or review the following:
 - a. Conditional Use Permits and Documentation
 - b. Vacation of Rights-of-Way

- c. Special Assessments
- d. Planned Unit Developments
- e. Development Agreements
- f. Subdivision and Zoning Requests

18. The firm shall not subcontract out or assign any interest in the contract and shall not transfer any interest in the same without prior written consent of the City.

Prosecuting Attorney:

1. Represent and prosecute all criminal law matters within the City's jurisdiction, included but not limited to, scheduling, coordinating deputy appearances, reviewing all criminal cases presented for purposes of prosecution, determine technical compliance with criminal code and other state statutes, writing complaints, making recommendations to the Court for alternatives to prosecution where appropriate, act as a resource to the Sheriff's Department in the development of criminal cases, and provide training sessions for enforcement staff as needed.
2. Timely pursuit of disposition of criminal cases in advance of actual Court cases to avoid unnecessary officer court time.
3. Aggressively seek restitution to the City for all relevant costs of prosecution.

VII. ANTICIPATED TIMELINE

Following is the anticipated schedule the City Council expects to utilize for the review and selection of a City Attorney and Prosecuting Attorney. This is a tentative schedule and is subject to change.

1. Starting February 4, 2011 Distribute RFP
2. March 25, 2011 (3:00 p.m.) Deadline for receipts of RFP
3. March 25- April 15, 2011 Review proposals and make arrangements for interviews.
4. April 18-May 20, 2011 Interviews
5. May 25, 2011 Recommendation to City Council for appointment effective June 1, 2011



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Closed Session – Discuss Settlement with former City Administrator

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding settlement with former City Administrator.

Background Information:

The City’s Attorney representing the City in this settlement agreement has asked for a closed session pursuant to Attorney/Client privilege. The session is closed pursuant to Minnesota Statutes 13D.05 Subd 2 (4) b. and Attorney Client Privilege.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is recommending recessing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 2 (4) b. for an Attorney/Client discussion of the settlement agreement.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0 G.3

Agenda Item:

Closed Session ACHRA Law Suit

Requested Action:

Consider closing the regular session for an Attorney/Client discussion relating to current litigation with the ACHRA

Background Information:

The City's Attorney representing the City in the ACHRA and City lawsuit has asked for a closed session pursuant to Attorney/Client privilege. The session is closed pursuant to Minnesota Statutes 13D.05, Subd. 3.

Fiscal Impact:

None

Recommendation(s):

Staff is recommending closing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 for an Attorney/Client discussion of the ACHRA lawsuit.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 2, 2011

Agenda Item Number:

Item 8.0.E.1

Agenda Item:

Animal Control Contract

Requested Action:

Consider approval of an animal control contract with Gratitude Farms

Background Information:

The proposed agreement provides for animal control services in the City of East Bethel. This includes patrol services, pickup and impound of dogs and other agreed upon domestic animals and for other duties as may be assigned by the City related to the animal control activity. Services under this agreement will be billed at \$250.00 per month to include call out, patrol, boarding and issuance of city dog licenses by appointment.

Emergency Veterinary services will be provided to injured animals only to the extent necessary to keep them from suffering and to provide humane conditions while boarding the animal. These charges are the responsibility of the owner. Should the owner fail to claim the animal within six days, the animal becomes the property of Gratitude Farms.

The following fee schedule is in addition to the \$250.00 monthly rate for services.

Animal Owner Charges if Animal is claimed:

\$42.00 One time administrative handling fee

\$18.00 Daily board fee, statutory veterinary services at cost

Licensing Fees:

\$5.00 if issued by Gratitude Farms to be collected and retained by contractor

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the contract with Gratitude Farms for animal control services for period of one year effective January 1, 2011.

Attachments:

1. Proposed Contract

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

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

RESOLUTION NO. 2011-07

**RESOLUTION SUPPORTING A REQUEST BY CITY COUNCIL FOR A 60-DAY
EXTENSION PURSUANT TO MINNESOTA STATUTES 15.99 FOR A LAND USE
REQUEST OF A SITE PLAN REVIEW FOR THE CITY OF EAST BETHEL WATER
TREATMENT FACILITY**

WHEREAS, on December 14, 2010 the City of East Bethel made a land use request for the site plan review of the East Bethel Water Treatment Facility; and

WHEREAS, the 60-day review period as regulated by Minnesota Statutes, Section 15.99 ends on February 11, 2011; and

WHEREAS, the East Bethel Planning Commission heard the request and made a recommendation of approval for the site plan review on December 28, 2010; and

WHEREAS, the Planning Commission's recommendation of approval is based upon findings in which the site plan meets requirements set forth in East Bethel City Code Appendix A, Zoning; and

WHEREAS, on January 19, 2011 City Council made a request to table the request for the site plan review to allow additional time to review the site plan request; and

WHEREAS, on January 19, 2011 the City Council made a request to extend the 60-day review period per Minnesota States, Section 15.99 for an additional sixty (60) days, ending April 12, 2011.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council supports a 60-day extension of the site plan review for the East Bethel Water Treatment Facility as regulated by Minnesota Statutes, Section 15.99, until April 12, 2011 to further review the land use request.

Adopted this 2nd day of February, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Wendy Warren, Deputy City Clerk