



	<b>9.0</b>	<b>Other</b>
8:50 PM		A. Council Reports
8:55 PM		B. Other
9:00 PM	<b>10.0</b>	<b>Adjourn</b>



# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

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**Agenda Item Number:**

Item 4.0 A

\*\*\*\*\*

**Agenda Item:**

Public Hearing – Delinquent Charges

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**Requested Action:**

Conduct a Public Hearing for Delinquent Utility and Emergency Services Charges

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**Background Information:**

East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) provides for the collection of delinquent utility bills through the property tax system. East Bethel Code of Ordinances, Chapter 30, Sec. 30-105 provides for the collection of unpaid emergency services through the property tax system in the county which the recipient of the services owns property. These ordinances provide an opportunity for property owners that are delinquent in payments to the City for utility services and for emergency services to come before the City Council to explain their specific situation. The Public Hearing on Wednesday evening is that hearing required in the ordinances.

The Public Hearing must be conducted and property owners must be provided an opportunity to be heard before the final certification of delinquent amounts is forwarded to the County for collection with property taxes.

At its September 15, 2010 meeting, Council set November 3, 2010 as the Public Hearing date for individuals wishing to object to the delinquent charges being collected through the property tax system. All affected property owners have been notified via U.S. Mail of the opportunity to appear before the City Council on Wednesday evening. Requests to be heard at the Public Hearing as provided for by ordinance were accepted through October 15, 2010. As of this date, no property owners have notified the City of their intent to be heard before the City Council.

Five emergency service charges remain unpaid. At 1823 221<sup>st</sup> Ave NE, the property owner was cutting trees near power lines. The top of one of the trees snapped and snagged power lines causing the power pole to break; the resulting sparks caused no less than four different grass fires. Two fire trucks @ \$150/hour and 23 firefighters @ \$15/hour totaling \$645.00 were charged to the property owner. At 23352 Monroe St NE Schroeder Construction’s trenching equipment cut a ½ inch gas service line because the area was not properly marked. Firefighters responded to the call and waited until the gas company arrived at the scene. Schroeder Construction was charged \$300 for the service. The remaining three unpaid amounts are for the fire department’s response to motor vehicle accidents. These accidents occurred at Hwy 65 & Viking, Hwy 65 between 185<sup>th</sup> & 187<sup>th</sup>, and at Viking and Breezy Point Drive.

The original proposed certification list included sixteen properties. These property owners were notified. Of these sixteen properties, five made payment in full to correct the deficiency.

Council has set the final certification date as November 17, 2010. Following adoption of the assessment roll on that date, the City will continue to accept payments until November 26, 2010. The final list must be provided to the County no later than November 30, 2010 (Minnesota Statute 429.061, Subd. 3 requires the City to certify its assessments to the county auditor by November 30).

Delinquent accounts listing:

City of East Bethel  
 Past Due Amounts, Period Ending September 24, 2010

**PRELIMINARY 2011 CERTIFICATION LIST**

Utility Billing Accounts

Address	Name	Balance	Certification Charge	Certification Amount
1024 243rd Ave	Fenton	1,455.46	\$70.00	\$1,525.46
1050 243rd Ave	Tuon	1,471.19	\$70.00	\$1,541.19
1080 Fillmore Cir	Hunter	482.71	\$70.00	\$552.71
1142 243rd Ln	Bender	2,088.05	\$70.00	\$2,158.05
1153 Pierce Path	Demarais	845.40	\$70.00	\$915.40
24150 Whispering Cir	Bergstrom	1,543.15	\$70.00	\$1,613.15
		<u>\$7,885.96</u>	<u>\$420.00</u>	<u>\$8,305.96</u>

Emergency Services Amounts

Address	Name	Balance	Certification Charge	Certification Amount
1823 221st Ave NE East Bethel, MN 55011	Nelson	\$645.00	\$70.00	\$715.00
18329 263rd Ave Big Lake, MN 55309	Schroeder Construction	\$300.00	\$70.00	\$370.00
1111 Madison Ave Isanti, MN 55040	Grant	\$300.00	\$70.00	\$370.00
17545 Swedish Drive Ham Lake, MN 55304	Freund	\$300.00	\$70.00	\$370.00
4855 Viking Blvd East Bethel, MN 55011	Womack	\$300.00	\$70.00	\$370.00
		<u>\$2,145.00</u>	<u>\$420.00</u>	<u>\$2,565.00</u>

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**Fiscal Impact:**

Certification of delinquent charges will improve the City's opportunity to collect these charges.

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**Recommendation(s):**

Staff recommends that the public hearing be conducted on Wednesday, November 3, 2010 to provide an opportunity for citizens to be heard on their delinquent amounts.

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**City Council Action**

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

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

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

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

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

INCIDENT INFO

Agency Name: ANOKA COUNTY SHERIFFS OFFICE		ORI #: MN0020000	JCF: <input type="checkbox"/>	Add'l Pages: <input type="checkbox"/>	 * 1 0 2 2 5 3 3 6 *
Reporting Officer(s): 18356 WOLD, TRAVIS				Total Value Stolen (Property): \$0.00	
Date Reported: 09/29/2010 06:32 PM	Assigned: 1832	Arrived: 1940	Cleared: 2003	Total Value Damaged (Property): \$0.00	
Earliest Date/Time Occurred:		Latest Date/Time Occurred:		Total Value Recovered (Property): \$0.00	
Location of Offense/Incident: 632 238 LN NE EAST BETHEL, MN 55005-				Apt.:	Grid: L10000 - EAST BETHEL

OFFENSE(S)

MOC Code:	Classification:	Disposition:
09561	ANIMAL - DOG BITES	ASSISTED/ADVISED

NARRATIVE

**Incident Narrative 1**  
 ON 9/29/2010 AT 1840 HOURS I, DEPUTY WOLD, RECEIVED A DOG BITE REPORT AT 632 238TH LN NE. I ARRIVED AND SPOKE TO THE REPORTING PARTY TABITHA, WHO STATED THAT HER DAUGHTER SKY WAS BITTEN BY A NEIGHBOR'S DOG.

TABITHA ADVISED ME THAT SHE HAD ALREADY TAKEN HER DAUGHTER TO CAMBRIDGE HOSPITAL PRIOR TO MY ARRIVAL AND NO STITCHES WERE PUT IN. SKY DID HAVE TWO SMALL PUNCTURE WOUNDS AND A SMALL SCRAPE ON THE RIGHT CHEEK OF HER FACE.

TABITHA ADVISED ME THAT SKY WAS AT 554 238TH LN NE PLAYING WITH HER NEIGHBOR'S GREAT DANE. SHE SAID THE GREAT DANE WAS LICKING SKY'S FACE AND THEN FOR NO REASON BIT HER IN THE FACE.

I THEN WENT TO 554 238TH LN NE WHERE I SPOKE TO THE DOG'S OWNER. THERE I SPOKE WITH CHRISTOPHER NORBY WHO STATED THAT HE WASN'T HOME WHEN HIS DOG BITE SKY BUT HE DID GO AND

**NAME CODES:** A - Adult Arrested, AC - Arresting Citizen, C - Complainant, D - Driver, F - Family/Parent, G - Guardian, J - Juvenile Arrested, M - Mentioned, MP - Missing Person, I - Other Involved, O - Owner, P - Passenger, PT - Perpetrator, R - Reportee, S - Suspect, V - Victim, W - Witness

NAME(S)

<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U:	Code:	Name: ELSTAD, TABITHA LYNN	Alias:
Address (Street, City, State, Zip): 632 238 LN NE EAST BETHEL, MN 55005-				
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:
Work/Bus. Cell:		Cell/Pager/Fax:		
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U:	Code:	Name: ARENDS, MARK GREGORY	Alias:
Address (Street, City, State, Zip): 632 238 LN NE EAST BETHEL, MN 55005-				
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:
Work/Bus. Cell:		Cell/Pager/Fax:		
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U:	Code:	Name: ARENDS, SKY LYNN	Alias:
Address (Street, City, State, Zip): 632 238 LN NE EAST BETHEL, MN 55005-				
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:
Work/Bus. Cell:		Cell/Pager/Fax:		

CASE

Supervisor:	Extra Copy To: CITY OF EAST BETHEL	Related Case Number:
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Attachment #1

SPEAK WITH HER PARENTS, TABITHA ELSTAD AND MARK ARENDS. CHRIS WAS UNABLE TO PROVIDE THE CURRENT RABIES VACCINATION BUT HIS WIFE ANGELA, WHO IS A VET TECH, STATED THAT SHE HAS THE DOG'S SHOTS RECORDS IN HER COMPUTER. I ISSUED MY BUSINESS CARD TO ANGELA WHO STATED THAT SHE WILL BE FAXING HER DOG'S RECORDS AS SOON AS SHE GETS TO HER OFFICE.

I THEN SPOKE TO TABITHA AND ADVISED HER THAT THE SHOT RECORDS WILL BE GETTING TO MY OFFICE TOMORROW AND IF THERE WERE ANY PROBLEMS I WOULD CONTACT HER IMMEDIATELY. I THEN CONTACTED TAMMI WITH EAST BETHEL ANIMAL CONTROL AND ADVISED HER OF THE SITUATION. SHE STATED THAT IF I TRUSTED THE DOG OWNER I COULD HAVE THEM QUARANTINE THE DOG ONCE THE SHOT RECORDS WERE PRODUCED. I ALSO GAVE TAMMI THE CONTACT INFORMATION FOR THE DOG OWNER AND I CLEARED WITH NO FURTHER ACTIONS TAKEN.

DEPUTY WOLD  
:KH 9/30/10

CC: EAST BETHEL CITY HALL



To Whom It May Concern:

I'm writing this letter to appeal the decision being made to label my dog as a "potentially dangerous dog". My dog's name is "Moose" and we got him in October 2008, when he was 8 weeks old. Moose is a Great Dane and is a part of our family. We have 4 children whom are all under the age of 8 years. He has grown up around our children, they climb on him, sleep on him and play with him everyday. Moose has never shown aggression towards my family or any of the other families that visit our home. The incident that occurred on September 29<sup>th</sup> still has me puzzled. No one saw what had happened or has any idea why it happened. I had just pulled into the driveway after coming home from work and got out of the truck to get the kids out, when I heard crying. I looked down the driveway and seen Sky standing on her bike crying. I asked her if Moose bumped her cheek cause he and our other dog were by her and she said no. I went down there to check on her and when I moved her hand I seen the bite marks. I then took Sky home and her mom brought her to the doctor where they examined her and applied tissue glue on her two punctures.

My husband and I do not believe that this was an aggressive attack. I'm not sure if it was because the dogs were all worked up because I had just arrived home, or if there was another reason. Sky had said that Moose was licking her as she was riding her bike up our driveway, so then I thought maybe she got nervous because he was licking her and he sensed her fear and bit. The what ifs could go on for ever, and I just cant come up with a reason why this happened.

I'm currently employed as a Veterinary Technician and work for the Ramsey Animal Hospital in Ramsey, where Moose has also been seen since he was a puppy. I see aggressive dogs almost on a daily basis and I still believe Moose is not aggressive. In my field of work one of the first things you learn is not to be nervous around animals, as they sense that fear and will react to protect themselves in away they feel is going to protect them from what they think is going to happen.

By all means we are not making excuses for what had happened and my husband and I believe that no dog should bite, but this was not an aggressive attack. We have lived in our current home for the past 3 years, and have never had an incident with our dogs. We have 5 acres where they are able to run because we also have invisible fencing. Our dogs are only able to reach to the swamp and only half way down our driveway before the road. We always have neighborhood kids over as well as our friends' children and they are always playing with the dogs without incidents.

I hope you take this letter into consideration when making your decision. If Moose is labeled as a "potentially dangerous dog" we will be unable to keep him and that would break my heart as well as my families' hearts. Thank you for your time and please call with any questions you may have for me.

Sincerely



Angela Norby  
763-498-9184

RECEIVED

OCT 22 2010

BY: \_\_\_\_\_

Case # 10225336

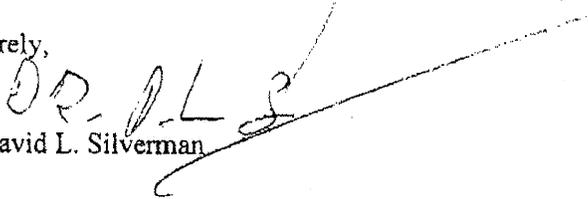
Attachment #2

**Ramsey Animal Hospital  
14027 St. Francis Blvd.  
Ramsey, MN. 55303  
(763) 323-4838**

To whom it may concern:

My name is Dr. David Silverman DVM and I'm writing this letter in regards to "Moose" Norby, who is a Great Dane, owned by Angela and Chris Norby. I have provided veterinary care for Moose since he was 8 weeks old. Moose has never shown aggression while in the clinic towards other animals or humans. Angela also brings him to work on occasion and he is always well behaved while at the clinic. I did hear about the incident that occurred on September 29<sup>th</sup> 2010 and however do not believe this was an aggressive attack and also do not believe this dog should be deemed an potentially dangerous dog. If you have any questions for me or my staff please feel free to contact me.

Sincerely,

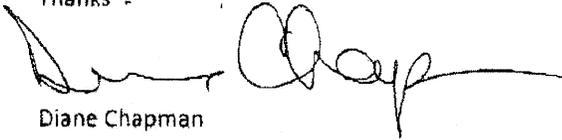
  
Dr. David L. Silverman

Case # 10225336

To whom it may concern,

My name is Diane. I have lived next to Chris and Angi for 3 years. I have never had a problem with there dogs. I have a 4 year old granddaughter who comes to visit on the weekends. She plays with there children at there house and we have not had a problem with the dogs at all. If I had any concerns she would not be allowed over there. Moose is just a baby. He is a very loving dog. If you have any questions for me feel free to call. 612-810-7193

Thanks -



Diane Chapman

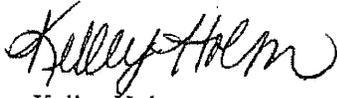
578 238<sup>th</sup> lane

East Bethel MN 55005

Case # 10225336

To Whom It May Concern:

I'm writing this letter in regards to the dog bite incident that occurred at 554 238<sup>th</sup> lane NE, in East Bethel, with a Great Dane named "Moose" I am a friend of the Norby's and have 3 small children whom are at their house quite often. My kids play with their dogs all the time and I have boys so they are definitely not gentle. I would not allow my children over there if I believed either one of their dogs were aggressive in any way. I do not believe Moose should be deemed a "potentially dangerous dog." If you have any questions or concerns please feel free to contact me at 612-384-2294.



Kelley Holm

Case # 10225336

My name is Jordyn. My dog's name is  
 moose And he lets me play with him  
 and ride him like ~~my~~ a horse And  
 I Love him very much.  
 And I dont want moose taken  
 away from are family.

Jordyn.



Case # 10225336



# City of East Bethel City Council Agenda Information

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**Date:**

November 03, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 4.0 B

\*\*\*\*\*

**Agenda Item:**

Potentially Dangerous Dog Hearing

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**Requested Action:**

Determine if the Potentially Dangerous Dog determination should be maintained, modified or removed.

\*\*\*\*\*

**Background Information:**

The hearing requested by the animal owner relates to a dog bit incident which occurred on September 29, 2010. The Anoka County Sherriff's office reported a child was bit by a Great Dane at 554 238<sup>th</sup> Lane NE.

The incident was unprovoked and it is now sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City code. Staff has included a copy of the incident report from the Sheriff's Office. A review of city records indicates that the dog is currently licensed with the city.

On October 22, 2010, Ms. Norby submitted a request for a hearing before Council. Pursuant to City Code Chapter 10, Section 10-72, they are to be granted a hearing before the City Council. Ms. Norby will be present on November 3<sup>rd</sup>, 2010 to appeal the determination that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The City Council pursuant to Section 10-72 has several obligations and options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
  - a. dispose of the animal
  - b. allow the owners to keep the animal with restrictions.
3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

We have outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained. These include:

a) Requirements: If after a hearing, if a hearing is requested under Section 10 – 72, the City Council finds that the dog is potentially dangerous but does not order the destruction of the dog, the City Council shall order one or more of the following as the requirement(s) for the keeping of the dog in the City, which, beginning six months after the dog is declared a potentially dangerous dog, will be reviewed on an annual basis by the City Administrator. If, in reviewing the requirement(s) for keeping a potentially dangerous dog, the owner has provided the evidence required under Minnesota Statutes, Sec. 347.51, Subd. 3a. and there have been no ordinance violations for a period of two years, the City Administrator may use discretion in determining whether one or more or none of the requirement(s) set forth below will still be required:

- 1) That the owner provide and maintain a proper enclosure for the potentially dangerous dog as defined in Section 10 - 70; and
- 2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the City, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes, Sec. 347.51 in the case of a dangerous dog. The owner must pay a reasonable fee to cover the cost of the warning symbol; and
- 3) That an easily identifiable, standardized tag identifying the dog as potentially dangerous and containing the uniform dangerous dog symbol must be affixed to the dog's collar at all times as specified in Minnesota Statutes, Sec. 347.51 for a dangerous dog; and
- 4) That the owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$300,000.00. The insurance must insure the owner for any personal injuries inflicted by the potentially dangerous dog. The owner shall have 14 business days from the request to show proof of insurance, except that if the dog is impounded, proof of insurance must be demonstrated prior to the dog's release; and
- 5) That if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 18 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration; and
- 6) That all dogs deemed potentially dangerous by the City Council be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the City Administrator.
- 7) That the dog must have a lifetime license and be up to date on rabies vaccination.
- 8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council.

b) Registration Fee: The owner(s) of a dog that has been declared potentially dangerous shall pay an annual registration fee to the City of \$250.00 in addition to any regular dog licensing fees and a reasonable fee to cover the City's administrative costs within 14 days of the declaration and again on or before the anniversary date of the declaration for the two year period. If the dog has been impounded, the fee must be paid prior to the dog's release.

The animal control authority shall issue a certificate of registration to the owner of the potentially dangerous dog if the owner presents sufficient evidence of compliance with the requirements of this section.

**Attachment(s):**

1. Incident Report #10225336 dated August 29, 2010
2. Hearing request letter from Ms. Norby, received October 22, 2010

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**Fiscal Impact:**

None at this time

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**Recommendation(s):**

City Staff seeks a direction regarding the potentially dangerous dog determination in this incident pursuant to City Code Chapter 10, Animals, Article II. Dogs, Division 3 and recommends an administrative fee of \$65.00 in addition to any licensing or impound fees.

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**City Council Action**

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

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

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

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

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



Bills to be Approved for Payment November 3, 2010	\$223,398.90
Electronic Payments	\$26,291.10
Payroll City Council - October 28, 2010	\$1,552.82
Payroll City Staff - October 28, 2010	\$34,653.40
<b>Total to be Approved for Payment November 3, 2010</b>	<b>\$285,896.22</b>

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer
<input type="text"/>				

# City of East Bethel

November 3, 2010

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	83109	Menards Cambridge	615	49851	45.19
Arena Operations	Gas Utilities	257785685	Xcel Energy	615	49851	258.66
Arena Operations	Refuse Removal	1310754	Walters Recycling, Inc.	615	49851	26.74
Arena Operations	Refuse Removal	1310147	Walters Recycling, Inc.	615	49851	148.67
Arena Operations	Repairs/Maint Machinery/Equip	81043	Becker Arena Products, In	615	49851	561.09
Arena Operations	Repairs/Maint Machinery/Equip	81042	Becker Arena Products, In	615	49851	169.29
Arena Operations	Repairs/Maint Machinery/Equip	46062-IN	R & R Specialities, Inc.	615	49851	19.00
Arena Operations	Repairs/Maint Machinery/Equip	46007-IN	R & R Specialities, Inc.	615	49851	282.00
Building Inspection	Telephone	332373310-107	Nextel Communications	101	42410	21.96
Cedar Creek Trail Project	Improvements Other Than Bldgs	Pay Est #1	Rum River Contracting	402	43124	712.50
Central Services/Supplies	Office Supplies	536575526001	Office Depot	101	48150	2.62
Central Services/Supplies	Office Supplies	536795012001	Office Depot	101	48150	12.69
Central Services/Supplies	Office Supplies	536233163001	Office Depot	101	48150	26.51
Central Services/Supplies	Office Supplies	536233162001	Office Depot	101	48150	7.92
Central Services/Supplies	Office Supplies	536233038001	Office Depot	101	48150	5.18
Central Services/Supplies	Office Supplies	536233164001	Office Depot	101	48150	3.40
Central Services/Supplies	Postage/Delivery	100510	Reserve Account	101	48150	1,000.00
Central Services/Supplies	Postage/Delivery	2011	USPS	101	48150	185.00
Central Services/Supplies	Telephone	7485823	Integra Telecom	101	48150	209.31
City Administration	Telephone	2468351388	Verizon Wireless	101	41320	31.68
City Administration	Travel Expenses	102710	Douglas Sell	101	41320	202.50
City Clerk	Office Supplies	536795012001	Office Depot	101	41430	24.98
Elections	Legal Notices	IQ 01776866	ECM Publishers, Inc.	101	41410	30.75
Elections	Legal Notices	IQ 01776865	ECM Publishers, Inc.	101	41410	205.00
Finance	Office Supplies	536575526001	Office Depot	101	41520	34.24
Fire Department	Dues and Subscriptions	2011	MCFOA	101	42210	100.00
Fire Department	Employer Paid Expenses	601	MFSCB	231	42210	900.00
Fire Department	Gas Utilities	257785685	Xcel Energy	101	42210	80.10
Fire Department	Motor Vehicles	80482273	Bound Tree Medical, LLC	701	42210	603.84
Fire Department	Motor Vehicles	80481475	Bound Tree Medical, LLC	701	42210	53.61
Fire Department	Personnel Advertising	100610	The Courier	231	42210	138.00
Fire Department	Refuse Removal	1310149	Walters Recycling, Inc.	101	42210	35.90
Fire Department	Repairs/Maint Machinery/Equip	32564	Emedded Systems, Inc.	101	42210	85.00
Fire Department	Telephone	7485823	Integra Telecom	101	42210	130.84
Fire Department	Telephone	332373310-107	Nextel Communications	101	42210	139.80
Fire Department	Telephone	101110	Qwest	101	42210	61.15
General Govt Buildings/Plant	Gas Utilities	257785685	Xcel Energy	101	41940	59.51
Housing & Redevelopment Autho	Legal Fees	102010	Hoff, Barry & Kozar, P.A.	230	23000	4,387.22
Housing & Redevelopment Autho	Legal Fees	102610	Randall and Goodrich, P.L.C.	230	23000	113.25
Legal	Legal Fees	102610	Randall and Goodrich, P.L.C.	101	41610	1,336.40
Mayor/City Council	Other Advertising	100610	The Courier	101	41110	35.00
Park Acquisition/Development	Park/Landscaping Materials	11934	Bjorklund Trucking	404	40400	264.52
Park Acquisition/Development	Park/Landscaping Materials	11904	Bjorklund Trucking	404	40400	51.44
Park Acquisition/Development	Park/Landscaping Materials	279004	Ham Lake Hardware	404	40400	38.39
Park Acquisition/Development	Park/Landscaping Materials	220486	S & S Industrial Supply	404	40400	4.80
Park Capital Projects	Improvements Other Than Bldgs	Pay Est #1	Rum River Contracting	407	40700	69,762.44
Park Maintenance	Clothing & Personal Equipment	470538552	Cintas Corporation #470	101	43201	34.17
Park Maintenance	Clothing & Personal Equipment	470541989	Cintas Corporation #470	101	43201	34.17
Park Maintenance	General Operating Supplies	1675996	Kimball Midwest	101	43201	81.25
Park Maintenance	General Operating Supplies	1665784	Kimball Midwest	101	43201	250.79
Park Maintenance	Lubricants and Additives	160711	Lehmann's Power Equipment	101	43201	20.68
Park Maintenance	Motor Vehicles Parts	220812	S & S Industrial Supply	101	43201	32.79

# City of East Bethel

November 3, 2010

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Park/Landscaping Materials	1630038	Discount Steel, Inc.	101	43201	163.82
Park Maintenance	Park/Landscaping Materials	84888	Menards Cambridge	101	43201	40.61
Park Maintenance	Professional Services Fees	102710	Jill Teetzel	101	43201	45.00
Park Maintenance	Professional Services Fees	101910	Plochocki Construction	101	43201	800.00
Park Maintenance	Professional Services Fees	102610	Plochocki Construction	101	43201	2,800.00
Park Maintenance	Telephone	7485823	Integra Telecom	101	43201	47.96
Park Maintenance	Telephone	332373310-107	Nextel Communications	101	43201	88.14
Park Maintenance	Telephone	101110	Qwest	101	43201	27.40
Park Maintenance	Tires	54028	Gerdin Auto Service Inc	101	43201	232.33
Payroll	Insurance Premium	4505729	Delta Dental	101		1,095.65
Payroll	Insurance Premium	40483	Fort Dearborn Life Insurance	101		1,158.84
Payroll	Insurance Premium	22051697	Medica Health Plans	101		7,161.25
Planning and Zoning	Escrow Reimb	101510	Mary J. Ciagne	917		300.00
Planning and Zoning	Legal Fees	102610	Randall and Goodrich, P.L.C.	921		384.75
Planning and Zoning	Legal Notices	IQ 01776530	ECM Publishers, Inc.	101	41910	51.25
Planning and Zoning	Legal Notices	IQ 01776531	ECM Publishers, Inc.	101	41910	51.25
Planning and Zoning	Professional Services Fees	102710	Jill Teetzel	101	41910	95.00
Planning and Zoning	Telephone	332373310-107	Nextel Communications	101	41910	21.96
Recycling Operations	Gas Utilities	257785685	Xcel Energy	226	43235	29.27
Recycling Operations	General Operating Supplies	1539-355440	O'Reilly Auto Parts	226	43235	98.37
Recycling Operations	Refuse Removal	1310146	Walters Recycling, Inc.	226	43235	244.08
Sewer Operations	Chemicals and Chem Products	3162679 RI	Hawkins, Inc	602	49451	10.00
Sewer Operations	Legal Fees	102610	Randall and Goodrich, P.L.C.	602	49451	372.25
Sewer Operations	Small Tools and Minor Equip	83010	Menards Cambridge	602	49451	29.36
Street Capital Projects	Improvements Other Than Bldgs	Pay Est #1	Rum River Contracting	406	40600	118,858.85
Street Maintenance	Bldgs/Facilities Repair/Maint	470541989	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470538552	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Clothing & Personal Equipment	470538552	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470541989	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Gas Utilities	257785685	Xcel Energy	101	43220	18.60
Street Maintenance	Professional Services Fees	102710	Jill Teetzel	101	43220	35.00
Street Maintenance	Refuse Removal	1310148	Walters Recycling, Inc.	101	43220	244.08
Street Maintenance	Reimbursement-3rd Party Exp.	11074335	League of MN Cities Ins Trust	101	43220	839.07
Street Maintenance	Street Maint Materials	83010	Menards Cambridge	101	43220	158.60
Street Maintenance	Telephone	7485823	Integra Telecom	101	43220	47.96
Street Maintenance	Telephone	332373310-107	Nextel Communications	101	43220	88.14
Street Maintenance	Tires	54028	Gerdin Auto Service Inc	101	43220	223.00
Street Maintenance	Tires	879092	Pomp's Tire Service, Inc.	101	43220	2,718.50
Transfers Out	Contingency	1804	The Tinklenberg Group	101	49360	1,400.00
Water Utility Operations	Gas Utilities	101510	CenterPoint Energy	601	49401	33.45
Water Utility Operations	Professional Services Fees	112080000	E.H. Renner & Sons, Inc.	601	49401	90.00
Water Utility Operations	Utility Maint Supplies	83010	Menards Cambridge	601	49401	86.31
	Reimbursement	102210	Debbie Holm	101		2.18
						<b>\$223,398.90</b>





# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 6.0 A-E

\*\*\*\*\*

**Agenda Item:**

Consent Agenda

\*\*\*\*\*

**Requested Action:**

Consider approving Consent Agenda as presented

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**Background Information:**

Item A

Bills/Claims

Item B

Meeting Minutes, October 20, 2010 Regular City Council

Meeting minutes from the October 20, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, October 13, 2010 Work Meeting

Meeting minutes from the October 13, 2010 Work Meeting are attached for your review and approval.

Item D

Approve 2:00 AM Liquor License – Fat Boys Bar and Grill

Fat Boys Bar and Grill has submitted their renewal application for an Optional Liquor License to stay open until 2:00 AM. This license is authorized by the Minnesota Department of Public Safety, Division of Alcohol & Gambling Enforcement (AGED). Staff is recommending City Council approve the renewal and authorize the City Administrator to sign the application.

Item E

Seasonal Snow Plow Driver – Public Works

There are currently two maintenance workers on approved medical leaves. To ensure the City is capable of managing snow plow activities to provide a safe and passable roadway system, City staff is recommending creation of a list of several on-call snowplow drivers that Mr. Davis can use on an as needed basis to meet the need. Under the direction of the Public Works Manager, the seasonal on-call snowplow drivers would perform labor related to snow removal such as shoveling, operating light equipment and vehicles necessary for snow removal.

In the past, several fire fighters have been available and provided this service. East Bethel firefighters are required to maintain a Class B driver's licenses and are familiar with City streets. This activity would not interfere with their normal fire fighting responsibilities. City staff is recommending posting this opportunity internally for five calendar days. This would allow fire fighters to apply for the positions and establish a list. If there is no interest, the City would advertise on the City's website, community bulletin board and official newspaper.

Staff is requesting direction to accept applications, interview and make a preliminary offer of employment subject to Council confirmation. The rate of pay would be \$14.50 an hour. Funding for this position is provided for in the General Fund Budget for 2010. The on-call snowplow drivers appointed would perform snow removal duties for the current winter season.

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**Fiscal Impact:**

As noted above.

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**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

October 20, 2010

The East Bethel City Council met on October 20, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter (arrived at 7:45 PM)  
Kathy Paavola Steve Voss

ALSO PRESENT: Douglas Sell, City Administrator  
Tammy Schutta, Asst. City Administrator/HR Director  
Rita Pierce, Director of Fiscal and Support Services  
Jerry Randall, City Attorney  
Craig Jochum, City Engineer

Call to Order **The October 20, 2010 City Council meeting was called to order by Acting Mayor Voss at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the October 20, 2010 City Council Agenda. Paavola seconded; all in favor, motion carries.**

Sheriff's Report Lieutenant Orlando reported on the custodial arrests/significant arrests for the month of September 2010 as follows:

**09-11-10 - 5th Degree Domestic Assault** - Deputies responded to a family domestic. The mother reported that her adult son arrived home drunk and out of control. She reported that he hit her in the face and pushed her. He was arrested and taken to jail.

**09-28-10 - Felony Domestic Assault Strangulation / 5th Degree Domestic Assault** - Deputies responded to a family domestic where the father and adult son had been arguing and putting each other into "headlocks". The father had also run through a screen door, going after the mother, but no physical assault had occurred with her. The adult daughter had attempted to stop the father and had fallen striking a retaining wall. The father left the residence, prior to deputy arrival, but did agree to meet with deputies. The father and adult son were taken into custody.

**09-30-10 5th - Degree Domestic Assault** - Deputies responded to a husband/wife domestic. Upon arrival the female advised the male was intoxicated and being verbally abusive in front of their 2 year old child. She locked herself and the child into the bedroom, and the male kicked the door down. The male was arrested.

Lieutenant Orlando said domestic calls (non-crime) for the month were eighteen (18) and DWI arrests for this month were nine (9).

Potentially Dangerous Dog Hearing – Joan Havrish – 23408 Davenport St. NE  
Sell explained that Havrish, the animal owner, has requested a hearing as it relates to a dog bit incident on August 18, 2010. The Anoka County Sheriff's office reported a child was approached and bit by a Doberman at 23408 Davenport St NE. A copy of the sheriff's report was included with your agenda materials. The incident was unprovoked and was sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City Code. A review of city records indicates that the dog is not currently licensed with the city.

On September 14, 2010, Havrish submitted a request for a hearing before Council. Pursuant to City Code, Section 10-72, the owner is to be granted a hearing before the City Council if

requested. The City Council, pursuant to Section 10-72, has several obligations and options regarding this matter. These were outlined in your agenda materials.

If, after a hearing under Section 10 – 72 the City Council finds that the dog is potentially dangerous, but does not order the destruction of the dog, the City Council must order one or more of the requirements for the keeping of the dog in the City as outlined in your agenda materials.

If the dog has been declared potentially dangerous, the owner is required to pay an annual registration fee to the City of \$250.00 in addition to any regular dog licensing fees and a reasonable fee to cover the City's administrative costs within 14 days of the declaration and again on or before the anniversary date of the declaration for the two year period. If the dog has been impounded, the fee must be paid prior to the dog's release.

City Staff is recommending that Havrish be allowed to address the Council on this matter. If Council determines that the animal is potentially dangerous, staff seeks direction on the sanctions to be imposed as outlined in your agenda materials.

Havrish said she wasn't home, she was up north on vacation but her boyfriend was there. She said her dogs were in for twelve (12) hours and when her boyfriend got home (by the way her dogs are licensed) the kids came running up, the mother stayed in the van. Havrish said the Doberman who is very loving and is not used to children running up the driveway nipped at one of the kids. She said her boyfriend asked if dog got them and they said not to worry about it and they continued selling tickets. Havrish said she is a rescue Doberman.

Voss asked how old the dog is. Havrish said she is four (4) and we have had her for two (2) years. She said we bring her to the Ice Arena for the shot clinic and everyone loves her. Havrish said the mother should have been with children in unknown neighborhood. She said my dog did not run in street. Havrish said the kids ran up and she was there in our yard.

Voss asked was anyone there to witness this. Havrish said yes, my boyfriend was, Tim Gove. Voss asked was he outside. Tim Gove said yes, he had just got home from work. He said there were kids on the street selling something for some St. Francis sport and he pulled in his driveway and opened door and let the dogs out and then he saw the kids running up. Gove said it wasn't a vicious thing, after his dog nipped the young man, he bought a ticket and they left and he found out about this two days later. He said all this information you said, it bothers him. Gove said everything the City Administrator was reading, it is totally misleading. Havrish said the first police report is misleading. She said the second report is more accurate. Voss said the report says the dog ran up to the kid. Havrish asked do you have both reports. Boyer said he doesn't see anything that makes him think that. Voss said the understanding he has from reading the report is the kids came on the property and the dog met them and bit. Havrish said they are licensed. Voss said and they should be licensed, it is a requirement of the City.

Channer asked if anyone else was present. Voss asked if there are any priors. Sell said no. Paavola said it is hard to say this animal is dangerous, she did nip but at same time the dogs were just let out for the day and they are a little excited when just let out for the day. She said and to have children just come running up on their property, she doesn't really know that this is really a case for the potentially dangerous dog issue. Voss said to him the issue is kids running up the driveway, someone is going to come up the driveway. He said he thinks also there is the fact that it says in the police report it was almost like the kid didn't know he was bit.

**Boyer made a motion to determine that the Doberman named Dolce owned by Joan**

**Havrish at 23408 Davenport St. NE be determined to be a potentially dangerous dog and requirements 1-8 be imposed but all items be stayed except item 2 as follows as long as there is no repeat offense in the next two years from this date: 2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the City, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes, Sec. 347.51 in the case of a dangerous dog. The owner must pay a reasonable fee to cover the cost of the warning symbol. Channer seconded; all in favor, motion carries.** Gove asked when this starts and do we have a little time to get these signs posted. Sell said the time starts tonight, and Mr. Martin will be contacting you about posting the signs.

Potentially Dangerous  
Doug Hearing – Adam  
Vigstol – 3651 Edmar Lane NE

Sell explained that Vigstol, the animal owner, has requested a hearing as it relates to a dog bit incident on August 18, 2010. The Anoka County Sherriff’s office reported a child was approached and bit by a Yellow Labrador at 3642 Edmar Lane NE. A copy of the sheriff’s report was included with your agenda materials. The incident was unprovoked and was sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City code. A review of city records indicates that the dog is not currently licensed with the city.

On September 28, 2010, Vigstol submitted a request for a hearing before Council. Pursuant to City Code, Section 10-72, the owner is to be granted a hearing before the City Council if requested. The City Council, pursuant to Section 10-72, has several obligations and options regarding this matter. These were outlined in your agenda materials.

If, after a hearing under Section 10-72 the City Council finds that the dog is potentially dangerous, but does not order the destruction of the dog, the City Council must order one or more of the requirements for the keeping of the dog in the City as outlined in your agenda materials.

If the dog that is declared potentially dangerous, the owner is required to pay an annual registration fee to the City of \$250.00 in addition to any regular dog licensing fees and a reasonable fee to cover the City’s administrative costs within 14 days of the declaration and again on or before the anniversary date of the declaration for the two year period. If the dog has been impounded, the fee must be paid prior to the dog’s release.

City Staff is recommending that Vigstol be allowed to address the Council on this matter. If Council determines that the animal is potentially dangerous, staff seeks direction on the sanctions to be imposed as outlined in your agenda materials.

Vigstol said his dog is just a puppy, he is a year old now. He said he has a statement from the neighbor, John Scheiderich who got scratched by his dog. Vigstol read the statement as follows: To Whom it May Concern: The dog in question was running free on August 18, 2010 and to protect it from traffic hazards I captured it and returned it to its owner and in the process it scratched me and I had to report it to Sheriff’s department because I didn’t know the history of the dog. The matter has been cleared up and is totally contained by its owner. I do not consider the dog to be aggressive or dangerous at this time.

Vigstol said he was at work and his girlfriend was at home. He said the dog got out. Vigstol said the sheriff report said the dog approached Scheiderich and bit him. He said according to him he approached the dog down by his dock and he tried to tie a rope around his collar and he scratched him and it did bruise him pretty good. Vigstol said he is a retired fire department guy and so he followed protocol and called the sheriff. He said when he found out that the dog was going to be declared potentially dangerous he wrote this letter.

Hunter said his biggest concern is your dog got out of yard. Vigstol said he has him on a chain now. He said we don't let him out without being out with him. Voss said dogs get loose, his own dogs get loose, it happens. He said he knows John personally and he can see him writing this letter. Voss said if someone tried to put a rope around my dog he would jump around too.

**Voss made a motion to not find the lab named Trip owned by Adam Vigstol at 3651 Edmar Lane NE as a potentially dangerous dog. Paavola seconded. Hunter and Channer, nay; Boyer, Paavola, Voss, aye; motion carries.**

Municipal  
Utilities -  
Resolution  
2010-61  
Accept Plans  
and  
Specifications  
for Project 1,  
Phase One

Sell explained that at the October 6, 2010 Council meeting, City Council directed that plans and specifications be prepared for the municipal utility project. The City's consulting engineer on this project, Bolton and Menk, Inc. has completed the plans and specifications for this project.

The project will be bid in four parts including one for the water storage facility, one for well construction, one for the water treatment plant and one for all the piping work. A copy of the plans were included with your agenda materials. Mr. Kreg Schmidt will be present to review the plans with Council.

Following review Mr. Schmidt will respond to questions you have regarding the project. Following the question and answer period, staff will ask for Council approval of the plans and specifications direction to solicit bids.

Staff is recommending approval of Resolution 2010-61 approving the plans and specifications and directing solicitation of bids.

Schmidt said as Sell mentioned we are here to entertain Resolution 2010-61 approving plans and specifications and directing solicitation of bids. He said ultimately there will be four contracts. Schmidt showed a drawing of the MCES Interceptor and Discharge Improvements. He said the water portion will include 22 fire hydrants. Schmidt said there will be discharge piping and interceptor piping. He said in addition to that there is 4 1/2 mile of discharge piping. Schmidt showed a map of the street reconstruction. He said one change from the feasibility study is we are not going to reconstruct 187<sup>th</sup> Lane. He said water service will be north side of the street. Schmidt said in addition we have water improvements, 1/2 million gallon water tower and two wells. He said it is a 340 feet well depth. Schmidt said the wells have 500 gallons power per minute each.

Schmidt said the last component is the water tower. He said it is proposed as a 500,000 gallon water tower. Schmidt said there are eight 4 inch penetrations for future cellular transmissions.

Schmidt said if we move forward with this the bids would be due November 23, 2010. He said all four contracts would be bid. Schmidt said then we would probably bring the bids back to council on December 1, 2010 to award. He said this is a fairly long linear project. Schmidt said if we proceed in the winter, by August of 2012 all components will be operational.

Sell said he is handing out a revised resolution 2010-61. He said there is an additional whereas as follows: **WHEREAS**, the Metropolitan Council Environmental Services (MCES) has been provided a copy of these plans for review as they relate to interceptor and discharge piping.

Randall asked has Met Council approved the plans. Schmidt said they are reviewing them, but we don't expect any issues.

**Boyer made a motion to adopt Resolution 2010-61 Approving Plans and Specifications and Directing Bids be Solicited for Project 1 Phase One Utility Infrastructure Improvements.**

**Paavola seconded; all in favor, motion carries.**

Utility Project  
Funding –  
Resolution  
2010-58  
Authorizing  
Recovery Zone  
Economic  
Development  
(RZED) Bond  
Sale &  
Resolution  
2010-59  
Authorizing  
Build America  
Bonds (BAB)  
Sale and/or  
G.O. Utility  
Revenue  
Bonds

Sell explained that at the September 15, 2010 Council meeting, Council reviewed options for funding of the municipal utilities project, specifically for Project 1 Phase One. Mr. Paul Steinman of Springsted, Inc. presented several bond alternatives.

The \$11.465 million established for the water system will be Recovery Zone Economic Development (RZED) Bonds that afford the City a 45% interest rebate over the life of the bonds. Mr. Steinman has indicated that this, based on current tax-exempt and taxable interest rates with the rebate would be the best alternative. Resolution 2010-58 provides for the sale of these bonds.

Several alternatives for funding of the sewer portion of the project were presented. Council directed that the alternative that included Build America Bonds, or BAB's, should be explored as it presented the least costly alternative. These bonds provide for a 35% interest rebate from the U.S. Treasury over the life of the bonds. This would amount to a savings of about \$140,000 over the life of these bonds when compared to traditional tax-exempt debt for the same purpose.

Mr. Steinman is recommending that both the BAB debt be considered along with a traditional tax-exempt issue. This would permit the City to receive two bid proposals, one for the taxable BAB issue and one for the tax-exempt issue and then determine which is the most cost effective based on interest rates, rebates, etc. There is no additional cost to soliciting two separate bids for this bond issue as both would be noticed in the public sale notice. Council, on the date of sale, could select the bond issue that is the most cost effective at that time. Resolution 2010-59 provides for the solicitation and sale for both Build America Bonds and a traditional G.O. Utility Revenue Bond.

Mr. Steinman will review the options with Council for debt issuance alternatives for this project. Following the presentation and responses to Council questions, Mr. Steinman will ask for adoption of Resolution 2010-58 setting the sale parameters for the RZED bonds and Resolution 2010-59 setting the sale parameters for BAB or tax-exempt utility bonds.

Staff is recommending adoption of Resolution 2010-58 Setting Bond Sale for Recovery Zone Economic Development Bonds and Resolution 2010-59 Setting Bond Sale for Build America Bonds or G.O. Utility Bonds.

Steinman said good evening, tonight we have two (2) resolutions for your consideration. He said they establish the sale time and date for competitive offers of the bonds. Steinman said as part of the discussion tonight we have included in your packet the difference between 20 year and 25 year structures. He said the 25 year gives you a great deal of flexibility of structure.

Boyer asked him to summarize the cost differences between the 20 and 25 years. Steinman said certainly the 25 year has a higher cost but they both have a call on them at 10 years and if necessary it can be called. Channer asked the maturity date on February 1, is that interest, do the principal payments begin in 2016. Steinman said yes. Boyer asked we receive remunerations from Anoka County when. Sell said July and December.

**Boyer made a motion to adopt Resolution 2010-58 Setting Bond Sale for the Recovery Zone Economic Development Bonds in the amount of \$11,465,000. Hunter seconded; all in favor, motion carries.**

**Boyer made a motion to adopt Resolution 2010-59 Setting Bond Sale for Build America Bonds (BAB) or G.O. Utility Revenue Bonds in the amount of \$7,115,000. Paavola**

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

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

Chris Vee of 745 225<sup>th</sup> Avenue NE said he is here like you told him to be at the candidate forum. He said he wants to talk about the driveway ordinance, and what he is asking Council for is to look at what you have written and maybe make some changes. Vee said he lives on a dirt road and he is putting in a second driveway to get to his pole barn. He said with what you have right now, he has to pave the driveway. Vee asked what sense it makes to pave a driveway on a dirt street. He asked can you put in some kind of option so residents have an option to pave now or when you pave the street. Vee said he will be glad to do it, but give him the option to do it when you pave the street.

Boyer said the ordinance makes sense to a degree. He said dirt roads get paved in this City sooner or later and if you sell your house then whoever buys it they have this bill staring them in the face for this concrete driveway. Hunter said he understands that, so maybe we make it contingent on that. Randall said he would suggest you make a contact with this gentlemen that he would pave this when he sells his property. Hunter said he thinks we need to look at the ordinance and change it. Vee said he just pulled the permit so he has a year. Channer said if we make him pave it now, the dirt road will ruin his driveway. Voss said when this was brought up he realized it is a flaw, it is our issue. He said his suggestion is we look at the ordinance and if it is on a dirt road we take out the requirement to pave it, it is not worth it. Sell said why don't you let staff take a run at modifying the ordinance and bring it back to you for consideration. Channer said also, one of the things that came up is this isn't being enforced evenly in some neighborhoods.

Michele Goldman said she does still not understand how the bonds affect her as a resident at Coon Lake. Sell said if the bonds don't sell not only us but other communities around the state would be in pretty rough shape. Hunter said the easy explanation is if the bonds don't sell the project doesn't go forward.

Jamie Hoffman of 1623 Viking Blvd. NE asked if City sewer and water come through, her question is at one of the meetings a while back you showed where the lines would go and it would virtually take out her septic system. She asked what would happen then to her when it comes through. Voss said who knows how long it will be before that will happen. Hoffman said it also will go right through her neighbor's house. Voss said you are safe for a while, quite a while. Hoffman asked how much will the assessment cost. Voss said for your property, zero. Hunter said when the project gets designed, then it will be discussed, but nothing right now.

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

Consent Agenda **Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, October 6, 2010, Regular Meeting; C) Resolution 2010-62 Declaring November Homelessness Awareness Month; D) Fire Fighter Termination; E) Resolution 2010-63 Setting Special Meeting Date to Canvass General Election Results; F) Resolution 2010-64 Declaring Surplus Property; G) Norlyn Farms Shoulder Work. Voss seconded; all in favor, motion carries.**

Planning Minutes Sell explained that the meeting minutes from the September 28, 2010 Planning Commission meeting are provided for your review and information.

Laurie & Tom Sell explained that it is typical that the responsible person to submit a land use application is the

October 20, 2010  
Weed –  
IUP/Farm  
Animals –  
22666 East  
Bethel Blvd.  
NE

property owner. In this particular case, as of August 25, 2010, the property is a bank-owned foreclosure by Chase Home Finance LLC. The applicants, Tom and Laurie Weed, are interested in residing within East Bethel and purchasing the property. However, the purchase of the property is contingent on an IUP for the keeping of five (5) alpacas they currently own.

The applicants must go through the proper legal avenues to purchase a foreclosed property, and there is some uncertainty as to how long this process will take. Based on the advice of the City Attorney conditional approval can be granted subject to a condition on the IUP stating that if the applicants do not take ownership of the property by April 1, 2011, the approved IUP is null and void.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 40-acre parcel is not located within a platted subdivision. City Code has a limit on the number of animals per parcel. Five (5) alpacas require 5 grazable acres. The property contains approximately 7 acres of fenced grazable lands. There is shelter provided for the animals. City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

Planning Commission recommends approval of an IUP for the keeping of five (5) alpacas for Tom and Laurie Weed, located at 22666 East Bethel Blvd, East Bethel subject to the conditions outlined in your agenda materials.

**Boyer made a motion to approve the request of Tom and Laurie Weed at 22666 East Bethel Blvd. NE (PIN 03-33-23-14-0004) for an Interim Use Permit (IUP) for the keeping of five (5) alpacas with the following conditions: 1) An Interim Permit must be signed and executed by the applicants and/or property owners and the City; 2) Applicants/property owners must comply with City Code Section 10, Article V, Farm Animals; 3) Permit shall expire when: a) The property is sold, or b) Non-compliance of IUP conditions; 4) Applicants/property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of IUP; 5) Property will be inspected and evaluated annually by City staff; 6) Applicants must provide proof of ownership or purchase will result in the null and void of the IUP; 7) Conditions of the IUP must be met no later than April 1, 2011. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP; 8) Applicants must provide proof of ownership no later than April 1, 2011 or the IUP will be null and void. Voss seconded; all in favor, motion carries.**

Adam  
Sheppard –  
IUP/Home  
Occupation  
Bakery –  
21984 Wake  
St. NE

Sell explained that Adam Sheppard is requesting an IUP for a bakery business known as *Designer Desserts*, located on a 2.01 acre parcel at 21984 Wake Street NE, East Bethel. The bakery business will provide specialty cakes such as wedding cakes, cartoon character cakes and large orders of gourmet cupcakes.

The plan is to construct a facility in the basement of the home. The facility will consist of one oven, a refrigerator/freezer, sink, and work surface. Bakery establishments are regulated and licensed through Minnesota Department of Agriculture. Sheppard is in the process of obtaining the required license(s). Sheppard is required to submit the required license(s) to city staff upon approval. In addition to the state license, Mr. Sheppard is required to obtain the proper building permit applications through the City of East Bethel Building Department.

Michelle Sheppard has made this her profession for the past 5 years. She is the only person who will be baking and decorating the baked goods. Ms. Sheppard does not intend to increase the number of employees. However, East Bethel City Code Appendix A, Zoning 10.18(A), allows

no more than three persons, at least one of whom shall reside within the home and shall be employed by the home occupation.

Most of the baked goods are delivered to the location by Sheppard. However, there may be instances when a customer may pick up from the site. East Bethel City Code Appendix A, Zoning 10.18(B) states that no traffic generated by the home occupation shall be a significantly greater volume than would normally be expected from a single-family residence. At this time, staff does not foresee an issue with a significant amount of traffic generated from this particular type of home occupation.

Planning Commission recommends approval for an IUP for a home occupation known as *Designer Desserts* located at 21984 Wake Street NE, East Bethel with the conditions noted in your agenda materials.

**Voss made a motion to approve the request of Adam Sheppard for an Interim Use Permit (IUP) for a Home Occupation for a bakery business known as “Designer Desserts” located at 21984 Wake St. NE (PIN 21984 Wake Street NE (PIN 11-33-23-12-0012) with the following conditions: 1) Home Occupation shall meet the specific standards for home occupation as permitted in East Bethel City Code, Appendix A, Zoning, Section 10.18; 2) There shall be no more than three (3) employees, 3) The IUP shall be for a term of three (3) years, expiring December 31, 2013, to which the applicant will be required to submit a land use application requesting a review and approval of home occupation; 4) Signage shall comply with East Bethel Sign Code, Chapter 54, Signs, which states home occupations may have one identification sign not to exceed two square feet; 5) Applicant shall submit a copy of the required; 6) Appropriate building permits from the City of East Bethel must be obtained prior to the construction of the facility in the basement of the home; 7) IUP Agreement must be executed no later than November 30, 2010 or the IUP will be null and void; 8) Violation of conditions and City Codes shall result in the revocation of the IUP.**

**Boyer seconded.** Voss said the only thing he is concerned about is the traffic. He said he would like to have the option to review in this in a year. Sheppard said this is a catering service. He said mostly he would be delivering his bakery items. Paavola asked about supplies about supply delivery, would he have most supplies delivered. He said no, he would pick up most of his supplies. **All in favor, motion carries.**

Parks Comm. Minutes Sell explained that the meeting minutes from the September 8, 2010 Parks Commission meeting are provided for your review and information.

Road Comm. Minutes Sell explained that the meeting minutes from the September 14, 2010 Roads Commission meeting are provided for your review and information.

Pay Est. No. 6 Municipal Builders for Well No. 2 Construction Sell explained that a copy of Pay Estimate No. 6 to Municipal Builders, Inc for the Well No. 2 Construction was included with your agenda materials. This Pay Estimate includes payment for all work required on the project minus a five percent retainage. The Contractor has submitted water analysis results from the new well. The well results indicated that the radium levels are below the allowable regulatory limits for Radium. The Department of Health completed their final inspection of the project on October 11, 2010. They did not have any issues with the project. The Department of Health also obtained a water sample during the final inspection which will be tested for Radium. Radium results take approximately four weeks to complete. The City will be notified of the results when they are completed.

The total project cost is estimated to be \$373,004. The city has received a grant in the amount \$298,403. The remaining \$74,601 is financed through the Public Facilities Authority’s Drinking Water Loan program over 20 years at a 1% interest rate. The loan payment will be repaid

through user fees. Staff recommends Council consider approval of Pay Estimate No. 6 in the amount of \$11,662.31 for Well No. 2 Construction

**Channer made a motion to approve Pay Estimate #6 to Municipal Builders, Inc. for Well No. 2 Construction, Well Pump, Piping and Electrical Revisions to Pumphouse No. 1.**

**Voss seconded.** Boyer asked why we aren't putting this on the consent agenda. Sell said we could put this on the consent agenda. He said the previous ones were on the regular agenda. Channer asked did we ever get it resolved about sending out the letter. Sell said he is working on a letter. Hunter said he understood when we came online that there were some issues with the water. He asked resident Ken Langmade about the water quality. Langmade said the water now is crystal clean. He said it was brown and actually turned some of his wives wash brown. Langmade said he called the Public Works Manager when this happened and he found out that they are going to be flushing once a month now because there isn't enough usage. He said when they are going to flush, it would be helpful if they would let everyone know a day ahead of time. Voss said they should put up a sign. He asked have we looked at all at changing the water chemistry. Jochum said one system that hasn't been operational is the polyphosphate system, we are going to get that on line. He said but as far as comparing the two streams they are very similar. **All in favor, motion carries.**

Settlement  
Agreement Fat  
Boys Bar and  
Grill & the  
City of East  
Bethel

Sell explained that In November of 2009, the owners of Fat Boys Bar and Grill had their permit to purchase suspended for failure to pay liquor sales taxes to the State of Minnesota. During this period of suspension of their privilege to purchase liquor and beer from licensed wholesalers in Minnesota, the owners of Fat Boys Bar and Grill purchased liquor and beer from other retail off-sale stores for re-sale at their bar.

As part of an enforcement operation, the Minnesota Alcohol and Gambling Enforcement Division of the Public Safety Department found that the owners of Fat Boys Bar and Grill had beer in their coolers that had a manufacture date after the date their permit to purchase was suspended. As a result, the owners of Fat Boys Bar and Grill admitted to the State that they purchased beer and liquor from retail off-sale stores for re-sale in their bar and paid a \$200 administrative penalty.

This violation of state statute constitutes a violation of City Liquor Ordinances. When asked whether the owners would prefer to settle this with a hearing before City Council or allow the matter to follow the court process as a criminal violation of a liquor statute and/or ordinance, they asked that the matter be allowed to process through the courts.

In June of this year, Fat Boys Bar and Grill was again added to the suspended permit to purchase list by the State for failure to pay liquor sales tax collected/owed. They were offered an opportunity to appear before City Council on this matter as the failure to pay taxes due and owing another government entity represented a violation of City ordinance and was basis for the City Council to take action against their liquor license. They requested a hearing. At the hearing on July 21, 2010, Parker stated they owed the State "couple thousand dollars." He went on to say that he "(Parker) said he paid February's taxes twice. He said when he paid his February taxes he accidentally paid it twice, so it tied up his money."

Upon investigation, the Department of Revenue stated that he did pay the February tax deposit twice. However, the matter was corrected in March by the Department of Revenue. The current tax delinquency was not related to the duplicate payment according to the Department of Revenue.

The matter was forwarded to the City's prosecuting attorney. Both Parker and Stewart had their initial court appearance in August and were scheduled for their second appearance in September.

Through their attorney, they asked if the matter could be settled without going through the court process. The prosecuting attorney asked and, I in turn asked Council their preference in moving forward with this matter. Council indicated it did not have a problem allowing the matter to move through the court system. Or, in the alternative, Council did not object to the drafting of a settlement agreement to be presented to the City Council for consideration.

A settlement agreement was drafted for consideration by the owners of Fat Boys. This document essentially followed the same settlement agreement they were offered in court. A copy of the proposed agreement is included with your agenda materials.

However, when asked to sign off and provide a signed copy to the City, the owner's balked saying that they now objected to several provisions of the settlement agreement. The signed agreement was due at City Hall no later than 20<sup>th</sup> such that it could be placed before Council on October 6<sup>th</sup>. They objected to a provision that states a violation of City Code, Chapter 26, Outdoor Entertainment Ordinance, would be sufficient to suspend the license. The rationale is that should there be a violation of the Outdoor Entertainment Ordinance while operating the bar would be an ordinance violation related to the operation of the bar including the liquor license. The second item was an objection to making the payment to the City of the administrative penalty in a timely manner. Apparently they do not object to this provision as they have not lined through this item on the settlement agreement they signed.

As noted, a copy of the agreement they signed is included with your agenda materials. Staff is seeking direction on the execution of the agreement between the City and Fat Boys Bar and Grill to settle the matter relating to a violation of State statute and City ordinance regarding the purchase of alcohol from a retail store for re-sale at Fat Boys Bar and Grill. Staff is seeking Council direction on the settlement agreement as proposed by Parker and Stewart.

Hunter said Parker called me and I gave him direction that if there was anything he disagreed with to line through it and put it back in our lap. Sell said they did strike through and 26, Article VII which is the Outdoor Entertainment Ordinance.

**Voss made a motion to approve the Settlement Agreement between Fat Boys Bar and Grill and the City of East Bethel as presented in the City Council packet. Hunter seconded. Boyer, nay; Channer, Hunter, Paavola and Voss, aye; motion carries.**

Code Enforcement Report

Sell explained that the Code enforcement Report is included for your review and information.

Wyatt Administrative Subdivision

Sell explained that East Bethel City Code Chapter 66, Subdivisions, allows lot boundary line adjustments where the division is to permit the adding of a parcel of land to an abutting lot. Administrative subdivisions do not require a public hearing; therefore, City Council is the only review body for this land use request.

The request would allow the Wyatt's and Strandlund's to decrease or increase parcel sizes. The details of the Administrative Sub-division were included in your agenda materials and are best reflected on Attachment #3. Parcel C is owned by Mr. Gordon Wyatt and is 38.11 acres. The request would reduce this parcel to 22.29 acres. 2.99 acres would be added to Parcel B and 12.86 acres would be added to parcel A, the Strandlund parcel. With approval, Parcel B would increase to 5.01 acres and Parcel A would increase to 56.72 acres.

City Staff is requesting City Council to approve the Administrative Subdivision that would allow a lot line adjustment with conditions noted in your agenda materials.

Sell said there was a question today regarding combining or consolidating. Randall said to be on compliance with the ordinance they will have to combine to form no more than two (2) new parcels. He said they have complied with parcel B, but not for Mr. Strandlund's lot. Randall said that is a new parcel. He said his parcel has to become part of one of his existing parcels. Randall said we will want him to do a metes and bounds description connecting parcel A to one of his other parcels. He said he will have to have a surveyor write the description. Voss said he doesn't understand what is being split off. Randall said they are splitting to four (4) parcels. Voss said so what you are saying is parcel A needs to be redefined to create one parcel. Strandlund said he already has done that and it was given to staff.

**Boyer made a motion to approve the request of Gordon Wyatt, George Wyatt and Curt Strandlund for an administrative subdivision for a lot line adjustment for Parcel C (PIN 28-34-23-31-0001), Parcel B (PIN 28-34-23-31-0002) and Parcel A (PIN 28-34-23-42-0003). Parcel C will decreased from 38.11 acres to 22.29 acres, Parcel B will increase from 2.02 acres to 5.01 acres and Parcel A will increase from 43.86 acres to 56.72 acres. Approval is contingent on the following conditions: 1) The property owners shall record the deed and survey at the Office of the County Register of Titles no later than 90 days after the date of approval which is January 17, 2011. Failure to promptly record this transaction will void the administrative subdivision granted by the City Council; 2) The property owners shall submit one (1) digital electronic file of the lot line adjustment with Anoka County Coordinates, datum NAD83 (NAD 1983 Stateplane MN fips 2203 south) prior to the signing of the parcel deeds. This information will be obtained from E.G. Rud & Sons, Inc.; 3) The property owners are required to submit certification from the surveyor that all lot corners are set: Property monuments must be set no later than November 1, 2010. Should the property owners fail to set the monuments as required, the City will draw down on the escrow to have the work performed following a ten day written notice to the property owners. Should the property owners perform the within the time restraints noted, any remaining escrow shall be returned upon receipt of the final certificate of survey reflecting that all monuments have been set. This shall be completed prior to the signing of the parcel deeds; 4) Parcel A must be combined with Mr. Strandlund's existing parcel known as PIN 28-34-23-42-0003. New property description must be reviewed and approved by City Engineer prior to the signing of the parcel deeds; 5) A new survey must be submitted reflecting the following: a) Parcel A combine with the parcel to the east, b) Property descriptions, c) Survey to identify name, address and telephone number of all legal land owners; 6) All comments from City Staff, City Engineer, and City Attorney must be satisfactorily met prior to the signing of the parcel deeds. Voss seconded; all in favor, motion carries.**

Fire Dept.  
Minutes

Sell explained that the Fire Department reports are provided for your review and information. Hunter said this is nice. He said the reality is did the others get updated. Channer said he thinks the address then got in there. He said they have done this, so this is great. Channer said they know how important this is. Hunter said this is very important history.

City Hall Roof  
Repairs

Sell explained that the roof over the conference room and the back half of City Hall is more than 25 years old. As such, it has exceeded it useful life. And, there are a number of places where the roof leaks, have caused damage to ceiling tiles in this room and has stained the carpet.

Replacement of this roof segment was proposed as part of the remodel of City Hall in 2007. However, the cost exceeded the budget amounts available to expand City Hall and upgrade technology.

With the damage to the conference room, staff solicited quotes from several roofing contractors for the repair of this roof. Both contractors, after an on-site review, indicated that repairs would

not be an efficient corrective method. Replacement of the roof with PVC roofing materials would be the better alternative as it would provide for a membrane with a full warranty of 15 years to include repair and replacement of the roof and coverage for any consequential damages as a result of improper installation or material defects, as compared to EPDM or rubber roof which provides for a 10 year warranty labor and materials only.

The proposed membrane is a PVC material that is recognized as a superior product to the rubber roofing materials used over the past decades. It is flame retardant, UV ray resistant and meets all Factory Mutual Ratings. These ratings are the industry standard for this type of roofing products and assemblies. It is rated by Underwriters Laboratories as Class A material, the highest rating for flame retardant roofing materials.

The (PVC) installation is prefabricated one piece to the exact size of the structure. No on site seaming or welding is required. Work will be completed within four weeks of contract execution.

At the August 18, 2010 Council meeting, Council asked for quotes on replacement with a rubber roof material. Staff requested several quotes for this type of installation.

The proposals include:

**PVC Roofing Materials**

All Elements, Inc 1440 James Road Rogers, MN 55374	\$22,058.00	(Permit fees, not included in proposal, will be \$226.58)
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In-Motion, LLC P.O. Box 257 New Richmond, WI 54017	\$29,900.00	(Permit fees, not included in proposal, will be \$305.00)
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**Rubber Roofing Materials**

Berwald Roofing 2440 N Charles St. North St. Paul, MN 55109	\$29,967.00	(Permit fees, not included in the proposal, will be \$305.67)
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Walker Roofing 2274 Cap Rd. St. Paul, MN 55114	\$19,600.00	(Permit fees, not included in the proposal, will be \$202.00)
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**Gas piping remove/replace**

Vogel Sheetmetal 10864 Lansing Ave. N Stillwater, MN 55082	\$2,279.00	(Permit fees, not included in the proposal, will be \$55.00)
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Sowada & Barna Plumbing P.O. Box 188 East Bethel, MN 55011	\$2,955.00	(Permit fees, not included in the proposal, will be \$55.00)
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The City's Building Capital Fund has \$56,000 in available funding for these type projects.

Staff is seeking direction to proceed with award of the roofing replacement for City Hall to All Elements, Inc in an amount not to exceed \$22,284.58.

**Boyer made a motion to approve All Elements for the roofing replacement for City Hall not to exceed \$22,284.58. Paavola seconded.** Voss asked for clarification of why we are going with PVC over rubber. Sell said the substantial difference is the warranty alone is worth it. **All in favor, motion carries.**

**Voss made a motion to approve Vogel Sheetmetal for the gas piping remove and replace not to exceed \$2,279.00. Channer seconded; all in favor, motion carries.**

The Tinklenberg Group

Sell explained that in February 2010, the City of East Bethel and The Tinklenberg Group entered into a consulting services agreement. The tasks of the agreement focused on assisting the City in pursuit of federal funding for transportation and trail improvement projects.

The Tinklenberg Group drafted and submitted funding applications as part of the FY2011 Appropriations Bill to House and Senate congressional leadership. There is currently an allocation of \$250,000 for the corridor study on Congressman Franken’s request list. Also, there is currently an allocation of \$250,000 for the corridor study and \$500,000 for the trail study on Senator Klobuchar’s request list.

The current consulting services agreement was effect through August 31, 2010 with a total cost not to exceed was \$25,000, including expenses. As of August 31, 2010, the remaining allocated funds are \$2,773.51.

It is The Tinklenberg Group’s belief that continuing to remain informed of various funding opportunities is critical to the City and that these efforts should remain ongoing.

The Tinklenberg Group has requested the City of East Bethel consider a contract amendment that would extend these activities through December 31, 2010, within the existing “not to exceed” amount. The Tinklenberg Group anticipates that timing of state applications will be known very soon, and the plan for addressing Reauthorization revealed more clearly as the mid-term elections near and concludes.

Staff is recommending City Council consider extending the contract agreement with The Tinklenberg Group through December 31, 2010, within the existing not to exceed amount of \$25,000.

**Boyer made a motion to extend the contract agreement with The Tinklenberg Group through December 31, 2010. Paavola seconded, all in favor, motion carries.**

Schoolhouse Building Move

Sell said tomorrow morning beginning at 9:00 AM the schoolhouse building will be moved. He said it will take about three hours. Boyer said he hopes they ware going west on 226<sup>th</sup> to Palisade South. Channer asked the dimensions of the schoolhouse. Sell said 16 x 24.

Meet the Candidates

Paavola said we have a Meet the Candidates on Monday, October 25<sup>th</sup> at 7:00 PM at the Coon Lake Beach Community Center.

EB Royalty Spaghetti Dinner

Channer said he just wants to remind everyone again that the East Bethel Royalty has their Spaghetti dinner tomorrow night at the Ham Lake VFW from 5:00 PM to 8:30 PM. He said you can contact Doug at 763-434-3973 or go to their web site at [www.eastbethelroyalty.org](http://www.eastbethelroyalty.org).

Council Mtgs. Via Internet

Hunter said the only thing he had is at the meet the candidate we had a discussion about projecting the Council meetings live via the internet, is there a point, way, we could do that. Sell said the HR Director is working on this with the City of Roseville.

Adjourn      **Boyer made a motion to adjourn at 9:05 PM. Paavola seconded; all in favor, motion carries**

Attest:

Wendy Warren  
Deputy City Clerk

DRAFT

## EAST BETHEL CITY COUNCIL WORK SESSION MEETING

October 13, 2010

The East Bethel City Council met on October 13, 2010 at 7:00 PM for their work session meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter  
(arrived at 8:20 p.m.)

Kathy Paavola Steve Voss

MEMBERS EXCUSED: None

ALSO PRESENT: Douglas Sell, City Administrator  
Tammy Schutta, Asst. City Administrator/HR Director

Call to Order **The October 13, 2010 City Council work session meeting was called to order by Mayor Hunter at 7:00 PM.**

Adopt Agenda **Councilmember Paavola made motion to adopt the October 13, 2010 City Council work session meeting. Councilmember Channer seconded.**

Discussion of Municipal Utility Services City Administrator Douglas Sell stated that we will have a presentation from Kreg Schmidt, Bolton and Menk, Inc. The meeting was turned over to Mr. Schmidt.

Schmidt stated there will be a short PowerPoint presentation tonight. Schmidt stated he just wanted to focus on the cost element associated with the project. Schmidt stated that we've gone through the last two city council meetings reviewing improvements and the various aspects of the project. After the last meeting, there was still some confusion because we are presenting so much cost data. Schmidt explained that he was going to try to explain the costs several different ways. After the presentation, the meeting will be opened up for discussion with the property owners.

Schmidt began his presentation reviewing the map of Phase I, Project 1 parcel categories. Schmidt reviewed the 22 assessed parcels having 16 owners. Also there would be 10 availability charge parcels having 6 owners. There are three types categories. The three categories are summarized below.

Category 1 is property that is fully served including services by adjacent sewer and water lines. The charges for a Category 1 are the following:

1. Assessment for Sewer, Water and Restoration: \$8,000/ERU for Project 1 Area
  - Completion of project – Property Owner
2. City Availability Charges for Trunk Facilities: \$2,800/ERU
  - Time of Connection/Building Permit or Time of Development
3. City SAC/WAC Charges: \$2,800/ERU
  - Time of Connection/Building Permit
4. MCES SAC Charges: \$3,400/ERU
  - Time of Connection/Building Permit
5. Ongoing Usage Charges: Varies
  - End User

Category 2 property requires additional lateral sewer and water construction. Sewer and water is adjacent to the property. The charges for a Category 2 are the following:

1. Sewer and Water Availability Charge for Off-Site and Adjacent Pipe Improvements: TBD for Future = \$6,000/ERU for Project 1 Area
  - Developer at Time of Development
2. City Availability Charges for Trunk Facility: \$2,800/ERU
  - Developer at Time of Development
3. City SAC/WAC Charges: \$2,800/ERU
  - End User at Time of Building Permit
4. MCES SAC Charge: \$3,400/ERU
  - End User at Time of Building Permit
5. Ongoing Usage Charges: Varies
  - End User

Category 3 property requires additional lateral sewer and water construction. Sewer and water is not adjacent to the property. The charges for a Category 3 are the following:

1. Off-Site Improvements To Serve Site: TBD for Future
  - Developer at Time of Development
2. City Availability Charges for Trunk Facility: \$2,800/ERU
  - Developer at Time of Development
3. City SAC/WAC Charges: \$2,800/ERU
  - End User at Time of Building Permit
4. MCES SAC Charge: \$3,400/ERU
  - End User at Time of Building Permit
5. Ongoing Usage Charges: Varies
  - End User

Mr. Schmidt reviewed the following PowerPoint Presentation slides with the audience:

CATEGORY 1 UNITS – SEWER AND WATER CHARGES				
ASSESSMENTS (AT TIME OF PROJECT COMPLETION) – PAYMENTS BEGINNING SPRING 2013				
Sewer Assessment Per ERU	Water Assessment Per ERU	Financed	Financing Term	Financing Interest Rate
\$4,000	\$4,000	YES	20 - Years	Est. 5.5%
CONNECTION CHARGES (AT TIME OF CONNECTION) – 2013 OR 2014				
Met Council SAC Charge Per ERU		Financed	Financing Term	Financing Interest Rate
\$3,400		NO	N/A	N/A
Remaining City Sewer Connection Charges Per ERU	Remaining City Water Connection Charges Per ERU	Financed	Financing Term	Financing Interest Rate
\$2,000	\$3,600	Possibly / TBD	5 – Years	5.5%

**BOLTON & MENK, INC.**  
Consulting Engineers & Surveyors

### CATEGORY 2 UNITS – SEWER AND WATER CHARGES

AVAILABILITY CHARGE (AT TIME OF PROJECT DEVELOPMENT)				
Sewer Availability Charge Per ERU	Water Availability Charge Per ERU	Financed	Financing Term	Financing Interest Rate
\$3,000	\$3,000	Possibly / TBD	TBD	TBD

TRUNK AVAILABILITY CHARGES (AT TIME OF PROJECT DEVELOPMENT)				
Sewer Trunk Availability Charge Per ERU	Water & Water Facility Trunk Availability Charge Per ERU	Financed	Financing Term	Financing Interest Rate
\$1,000	\$1,800	Possibly / TBD	TBD	TBD

CONNECTION CHARGES (AT TIME OF CONNECTION / BUILDING PERMIT) – SAC / WAC				
Met Council SAC Charge Per ERU		Financed	Financing Term	Financing Interest Rate
\$3,400		NO	N/A	N/A
Remaining City Sewer Connection Charges Per ERU	Remaining City Water Connection Charges Per ERU	Financed	Financing Term	Financing Interest Rate
\$1,000	\$1,800	NO	N/A	N/A

### CATEGORY 3 UNITS – SEWER AND WATER CHARGES

OFF-SITE LATERAL COSTS (AT TIME OF PROJECT DEVELOPMENT)				
Off-Site Sewer Costs Per ERU	Off-Site Water Costs Per ERU	Financed	Financing Term	Financing Interest Rate
TBD	TBD	Possibly / TBD	TBD	TBD

TRUNK AVAILABILITY CHARGES (AT TIME OF PROJECT DEVELOPMENT)				
Sewer Trunk Availability Charge Per ERU	Water & Water Facility Trunk Availability Charge Per ERU	Financed	Financing Term	Financing Interest Rate
\$1,000	\$1,800	Possibly / TBD	TBD	TBD

CONNECTION CHARGES (AT TIME OF CONNECTION / BUILDING PERMIT) – SAC / WAC				
Met Council SAC Charge Per ERU		Financed	Financing Term	Financing Interest Rate
\$3,400		NO	N/A	N/A
Remaining City Sewer Connection Charges Per ERU	Remaining City Water Connection Charges Per ERU	Financed	Financing Term	Financing Interest Rate
\$1,000	\$1,800	NO	N/A	N/A

**CATEGORY 1, 2, & 3 UNITS – ONGOING USER CHARGES**

USER CHARGES (ONGOING BASED ON USAGE)				
Sewer Base Charges Per ERU	Water Base Charges Per ERU	City Sewer Gallonage Charge Per Kgal	Met Council Sewer Gallonage Charge Per Kgal	Water Gallonage Charge Per Kgal
\$5.00	\$15.00	\$2.75	\$1.98	\$3.00

BOLTON & MENK, INC.  
Consulting Engineers & Surveyors

Schmidt opened it up for questions and discussion. Mayor Hunter invited property owners to come to podium to ask their questions. Councilmember Voss reminded everyone that the intent for this meeting is to have a discussion with the current property owners. This is a work session, not a public hearing. It's to give a more one on one discussion with the property owners in Phase I Project 1. To give them a better understanding of the project. Also for the Council as they move forward in their decision making. It's been a week since the Public Hearing.

Ms. Heidi Moegerle, 179 Forest Road, ask for clarification on cost. Schmidt stated that it would be \$17,000 per ERU. Schmidt explained that presentation and handout explained the costs in two different formats. Schmidt want to demonstrate how the costs flowed through the system as development occurred.

Pat Sprague, 525 159<sup>th</sup> Ave, Andover, also with S&S Industrial Supply, 18541 Hwy 65 NE. Name asked for if it's \$17,000 per ERU, would it be twice that if you had two ERUs. Schmidt stated yes, the cost would be \$17,000 per ERU. So for two ERUs it would cost \$34,000. Name asked why it appears that future developers will be paying less than the current property owners. Schmidt explained that as you go from Category 1 to Category 2 and 3, is there is a different level of service. Category 1 is fully served. Property owners will have a water and sewer stub at their property line. Category 2 requires more additional lateral work and Category 3 requires even more lateral work. There is even adjacent lateral work near Category 3 properties. All the connections charges are the same. All the SAC and WAC fees are the same. What is different are the offsite improvements that has been made. For Category 1 properties, they have brand new water and sewer in front of their streets that they are ready to hook to.

Name asked the Council if they knew what the average monthly cost would be for sewer and

water. What are the average gallons used by an individual. Mayor Hunter stated it's going to be different for businesses. There is one business where they only have one or two employees. Then there may be another business with ten employees. Sprague asked if there was an average cost per person. Schmidt estimated that for 1 ERU it would be \$43.00 per month and for 2 ERUs it would be \$86.00. This is based on 3,000 gallons of water used for 1 ERU and 6,000 gallons for 2 ERUs.

Councilmember Voss explained that when a Category 2 or Category 3 hook-up, they will be paying more. It just won't be to the City. It will be through the developer's costs when the property is developed. It's not the City's cost. The total cost probably equals out. Schmidt explained that was the intent. It wouldn't make the development of property prohibited. It would be a fair process. The City related charges variable is in where is the property, how much offsite sewer and water needs to be constructed to get there.

Donna Dingmann, River County Co-op stated that she sees the charges would begin spring of 2013, but when would the actual construction start. She is concerned that there is one-way in and one way out of their property. Is there is going to be special conditions to get these people in and out from their business, the Theatre and the businesses behind the gas station. Schmidt stated yes there will be. Provisions are being made either through temporary roads or construction through alignment of the sewer and water, traffic will be able to get in and out at all times. Schmidt stated from a timing stand point, with the approval process of this project. The desire because of soil conditions, if all goes ahead, some of the deep sewer along Hwy 65 would be constructed over the winter months of this year. Start to finish, including the water towers and treatment plant, is a two year process. That is why some of these payments would begin the spring of 2013.

Donna asked what how many ERUs are assigned to the gas station. Schmidt explained there are 4 ERUs because of the car wash. Donna stated the car wash has been closed since April of 2009, because of the current water conditions. If they were to reopen the car wash, they would have to replace the whole thing. It's currently being used for a storage area. Schmidt explained the car wash was figured into the equation. Schmidt stated they would take a look at it. The ERUs are based on the square footage of a building. Schmidt explained that prior to doing any assessments; there will be an assessment hearing over the course of the next couple of years as they work through the final numbers for ERUs.

Gordon Hoppe, 18530 Buchanan St NE, asked why the SAC and WAC charges are higher than in Andover. Andover is \$2,275 per ERU. Schmidt explained it's entirely possible. It's very hard to pick just one component of a charge system out of any city and compare them and say that you have apples to apples comparison. You have to look at the entire system. What you are looking at is the end user; you're at the point of the SAC and WAC charge. In this case, we have the Met Council charge. In this case it's 55% is SAC and WAC is Met Council that the City can't do anything about. Schmidt explained that we want to keep that number at a reasonable level, which is why we have various input points. To sit and look at one charge and to it's bad here and good here. It just so complicated to make that comparison. Schmidt stated that if the Council wants me to look at other charge systems, he would be happy to do that, but it really got to be the whole flow through the whole system from start to finish. Because you don't know what the developer paid for the area charge or the availability charges all those sorts of things. It just so happens in East Bethel's case, if you want to set up a nice balanced system, you have those various components that make sense and you want to keep all in balance so that each step along the way people are reasonably satisfied with what they have to pay. Hoppe commented that it's not reasonable;

you're not the one writing the check.

Mayor Hunter stated that Met Council's charge in East Bethel is \$1,300 more. Sell explained the Met Council SAC charge is predicated on the waste water treatment plant being exclusively used by the City of East Bethel. We are not hooked on to the big pipe. By Minnesota Statute, Met Council is required to recoup those costs dedicated to this waste water treatment facility from the area that it serves. Met Council has determined through their analysis that if you are hooked up to the big pipe, its \$2,100 and for the City of East Bethel it's \$3,400 because we have exclusive use at this time of their waste water treatment facility. For Met Council, this will be a regional system that will potentially serve Andover, Ham Lake, and Oak Grove. When other cities connect to the system, they will be paying the same connection charges.

Schmidt explained that this is a rural center. It's not part of the Metropolitan service area. Councilmember Channer stated that the sewage will not end up in Stillwater.

Schmidt explained that this is a new policy for Met Council and rural growth centers. Sell explained that explained that East Bethel is the second city to be tasked for a Rural Growth Center. Elko-New Market was the first. They are attached to Empire Wastewater Treatment Plant by a pipe. The basis remains the same.

Councilmember Voss asked so this is Met Council cost of what they are building. Schmidt stated correct. Voss stated that it's safe to say the one different thing Met Council is doing is they are recharging the water back into our ground water. Because of new environmental laws, the water cannot be discharged to surface water. The system is recharging back into the ground and there is a cost associated with it. There is a lot of pipe to put in the ground. If other cities would be required to do the same, there is an added cost to their system.

Channer asked can you explain that fact that you cannot dump water back into water. It's the law. Voss explained that it's been Clean Water Act for the past 30 years. Voss explained that in the past 10 years, it's being enforced. Coon Creek, Crooked Creek, and Rum River are restricted from receiving new discharge just because of the current pollutant levels. Until the watersheds are cleaned up, there can't be anymore discharge to them. Surface water discharge.

Voss explained because of the system that Met Council is building; the treated water from these plants has to be very stringent standards. The water has to be cleaner going back into the ground. That's the way the law is written. It meets drinking water standards.

Curt Strandland, 18542 Ulysses Street, owner of parcel 24 and 35, a piece of raw land. Why parcel 24 would be receiving assessments right away and parcel 35 isn't. Schmidt stated that parcel 24 will have sewer and water stubs installed to it. Strandland asked why would you stub it, when we don't even know what we are going to do with it. Schmidt explained that parcel 24 is on that is a little tricky, but sewer and water studs would be installed for whatever development would go on that piece of property in the future. There wouldn't necessary have to be any lateral service construction associated with that. There would be end user buildings verse parcel 35. Parcel 35 would require main lateral sewer and water that would have to run up to serve it. As you recall, this is the distinguishing characteristic between Category #1 parcel and Category 2 parcel. In this case, you wouldn't have a situation where you would have to run sewer and water up to it. Parcel 24 would have end users that would come in propose a building on that site that is already platted. Strandland

stated it's not platted its 20 acres that I'm not able to anything with at this time with City standards. Strandland stated that he can't even store stuff out there. Strandland commented that he's going to have a pipe run by and have an assessment of \$32,000 a year. Voss stated he thought that lot was platted. Schmidt explained that it was part of that plat for the development. Strandland explained it's an outlot that he can't do anything with. Voss stated it's developable as a 20 acre piece as long as you don't subdivide. Voss if 200,000 square foot building on it. Strandland asked where was he going to find someone to put a 200,000 square foot building on it. In these times, it doesn't make sense. Strandland isn't able to anything with that piece of property.

Voss ask about property number 17. It's not a whole lot different than property 24. Schmidt explained parcel 17 and parcel 35 are Category 2 units. Parcel 24 is a Category 1 unit. It part of the plat for the overall development. It's going to be fully served. Parcel 35 and Parcel 17 will have to be developed in the future. Parcel 35, the developer will have to go through a process. There will be streets constructed. There will be sewer and water constructed. All those things will have to happen internally to make that work. Same with parcel 17. It will be part of a subdivision process. Parcel 24, that not the scenario for this piece of property.

Schmidt explained that with parcel 24, a number of service stubs along the way that can be hooked to. Strandland explained they don't even know what they are doing there. Schmidt explained that as you are doing the street, that's the economical time to install the stubs. Strandland asked so you're going to run a stub out when you don't even know if there is going to be a street there or where there's a future building. Voss stated he interpreted right; you want to install the stubs, you may not use all the stubs. Schmidt stated that was right. Strandland stated he didn't want to pay for stubs if he wasn't going to use the stubs.

Voss explained the alternative would be to tear up the road, which would be at a much high cost in the end, then to install the stubs at this point along Ulysses. Strandland stated we aren't talking about Ulysses, we are talking about Buchanan. Parcel 24 doesn't abut Ulysses. Voss, you also have 187<sup>th</sup> Lane going east west. Strandland stated asked if they were going to ghost plat it, just stick some stubs in here and there. Schmidt explained that he envisions. This is done often that stubs are installed in these larger parcels as you go by. In this case where you would, no doubt, you would be making an educated guess to where the stubs would be placed and they may not be in the exact perfect spot. But in the long run, that's by the far, the most cost effective way to do it. Some may or may not be used in the future. Some may used for looping water mains. Some may not be used. For this particular piece, this process that would you use typical use in order to serve that parcel as construction is happening for sewer and water as you go by it. Certainly it's a large piece. Strandland asked if there was a way of doing one stud for that whole piece. Schmidt stated that you could. However, Schmidt doesn't envision this piece having one end user, but there would be multiple end users on it. Strandland envisions residential development with 20 -40 lots and hook up in one stop.

Voss stated looking at the map, it seems that a couple of lots on the east side are theatre lots, but seem like lot 24, essentially the only lot in Category 1 that's not developed. Voss asked are there lots along Ulysses and Buchanan that aren't developed yet. Schmidt there are a number of empty lots that do not have an end user yet. But it is true to say that lot 24 posses the most difficulty relative to that. Because of the fact that it's such a large piece. Parcel 6, which gives you a feeling of magnitude. It's a 40 acre parcel. It's not developed. There are things that have to be done. It could be argued that it could be either a Category 1 or Category 2. Voss stated if there are other lots, 18 through 29, that aren't developed. He can

understand stubbing them in. We know development is going to happen. It started back in 1994, talk about development of lot 24. It's not developed yet. At some point it will. Strandland agreed at some point it will. Voss, we have to find that balanced. He doesn't want to tear up these roads we are rebuilding. Strandland doesn't want to pay for stubs he's not using or pay assessments that might be considerably down the line. Voss said in terms on how we set policy. There is a construction cost to get that stub in there. Schmidt said to distinguishing factor would be if that was an outlot, it a large piece that could have future subdivision; you could draw that line at that point. Schmidt stated that right now it's an outlot, it's in a platted area. That's where the line is drawn. It may make some sense to roll that into a different category. It may have some effect on revenues, but it's not going to be a deal breaker kind of thing at all. Hunter stated that we have to put a stub in on a 187<sup>th</sup> Ave and one off of Ulysses. It would be imperative not to put them in. We are going by with the pipe. What's the real cost of putting that pipe in? Stubs would have to be installed in both locations. Strandland asked would it be assessed. Schmidt stated that's not what's going to determine what the assessments are going to be, the question is it going to be treated as a Category 1 or a Category 2 property. To Schmidt that is the question. We would still do the same things that make some sense. Strandland doesn't see a user coming in for awhile.

Schmidt explained that there will be at least two water connection locations. Strandland stated that could be done on Buchanan. Voss stated if we are going up Ulysses past the bank, it's going to have to be looped. Hunter stated that this will give you an option that if a Burger King want to come in, you wouldn't have to develop the whole property and extend the pipe up to Buchanan. There are some options and the there wouldn't be the need to tear up the road.

Voss stated that looking at property 24 talked about sustainably amount of its added to the cost of the land. The point that Voss is making, depending on what happens there. We are going to be rebuilding both of those roads and the City and Category 1 properties are paying for this. That's not recaptured from a Category 2. Voss in terms of fairness, it seems a little bit. Your cost to provide sewer service to the property would probably be less then property 17. Strandland doesn't see anything happening in these economic times coming to my piece of land that I'm going to pay \$32,000 a year in assessments waiting for something to happen. Voss agrees and see Strandland's point. Schmidt stated there could be another option that can be considered too, in that you may consider it a Category 1 parcel, have the same charges, but the Council could consider deferring as well. Deferring the assessments for parcels that are undeveloped. The downside is they are usually deferred with interest. A deferment with interest. But that would be a way that you wouldn't have to levy initially if you didn't want to do that. From Schmidt perspective, parcel is #24 is a challenge. All the other parcels, it pretty clear, that they are going to get buildings that you can predict the size of the building.

James Saenger, 446 Cedar Road NE, asked about Coon Lake Beach area. The Council reiterated that Project I Phase 1 doesn't affect the Coon Lake Beach area. Schmidt showed a copy of the project map to the resident.

Hunter asked a question about the design. How will the services be determined into the properties? Schmidt explained because they are commercial service, they need to actually have 6-in stud; some may even require an 8-in stud because of the property size. It will be valued and then capped and plugged. The value will be at the back of the curb. It will be at the right-of-way line. A kicker is added to keep the plug on. It could be moved to the street. Hunter and Schmidt discussed the elevation of the sewer.

Sprague inquired if commercial businesses will have the option of not hooking up? Schmidt explained that in 2013/2014 hooks would be required. Sprague stated a lot of the buildings are fairly new and have newer septic systems. They have already paid for them. Sprague also inquired about the assessment. Schmidt explained that \$8,000 per ERU would be levied the fall of 2012 for payable beginning in 2013. The bank would be 4 ERUs. Schmidt reviewed the financial information and what would be required over 20 years.

Voss asked about Met Council's connection fee. Will they do an assessment? Sell responded no. Voss asked if the connection fee could be finance through the City. Sell responded that there is, but he believes that it wouldn't cash flow at the time. Schmidt stated Met Council would need a check for \$6,800. Sell stated that Metropolitan Council will not allow the City to finance that. It's not a feasible option.

Roger Ricky, Roger's Rod and Custom, 18689 Buchanan stated that this is a great system that is designed to go to people that need it. Like the theatre. Restaurants. Why not design the system to go to that area right now. What about the buildings on the other side of the street. The buildings have been around for at least thirty. Voss explained that there is benefit to the existing buildings on the other side. However, we haven't spent the last 10 years trying to work something to serve the businesses in Soder's park. Voss explained that the system is slated to start on the west side of Hwy 65. The City has identified this area. There is over 100 acres of developable land. The reason it hasn't developed is because there isn't water and sewer. The Theatre is on their second system.

Voss explained over the past several years, there have been a number of businesses that have wanted to come in, but can't because of no water and sewer. This is where businesses are. Commercial has already started there. Part of the vision on the east side is that it will look a lot different over the next 20 years when the area really starts to develop.

Ricky asked why isn't the system going to start on the other side of Hwy 65. Schmidt explained it's because of the City's land-use concepts; the early growth opportunities. As the City develop, where the facilities are going to be. The logical reasons. Where treatment plants are set. All the factors combined, from Viking to 185<sup>th</sup>.that makes the most sense of the system. If you look at how the truck lines lay out. All of the large system piping ends up here.

Ricky can't understand why he has to hook up. The building is only 7 years old.

Dan Richarson, Northway Sports, 24129 Ulysses St NE, asked how the ERUs are figured out. Schmidt explained ERUs are based on square footage and usage types. The Metropolitan Council Reserve Capacity/SAC manual. The manual is used across the metro area.

Voss asked how you would figure the ERUs for a change in the usage of the building. Schmidt explained that is why Met Council uses square footage, because it's not going to change. Schmidt continued to explain how ERUs are calculated.

Sprague ask if this a community project, why isn't the community paying for it. Voss the easy question to ask to have people read the City's comprehensive plan. It's the objectives and goals of the City. It's to encourage business development. Provide jobs. City Council was very careful to balance the objectives of the Comprehensive Plan with the goals and

objectives of others that live in the rural area of the City. We worked to find that balances. We aren't going to get grocery; We're not going to get big boxes without water and sewer. To build a Fleet Farm 20 years ago, water and sewer was needed. In terms of business development, we have to have sewer and water. Voss explained that Met Council is a partner in this project.

There was a lengthy discussion on the timeliness of this project and the current economic conditions. It's a tough decision. Voss stated he's on the front end of development and he's busy. The easy thing would be to put it off. However, would Met Council be here? Costs will never be cheaper. Hunter stated that we are taking steps to improve property right now. The more commercial business you have in the area, the value of property will increase. It's a hard first step.

The various business owners in attendance discussed their current challenges with property taxes and the current value of their property. There were concerns with the proposed assessments.

Voss explained that the City works hard to communicate with the community. There is information available on the City's website and quarterly newsletter.

The Council continued to have a discussion with property owners present at the work session regarding the sewer and water project and the overall cost of the project (The audience did not use microphone during this part of the discussion and it was difficult to record their comments).

Adjourn

**Boyer made a motion to adjourn at 9:20 PM. Paavola seconded; all in favor, motion carries.**

Submitted by:

Tammy Schutta  
Assistant City Administrator



# Renewal Application for Optional Liquor 2AM

License Type: 2AM-100K-500K Expires On: October 27, 2010

ID Number: 16304

DBA

Fat Boys Bar & Grill Inc.  
Fat Boys Bar & Grill  
21383 Ulysses Street  
East Bethel MN 55011

Business Phone: 7634348181

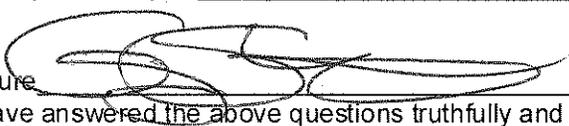
If any of the above licensee information is not correct, please make corrections as necessary.

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

- \$300 2 AM license fee - Up to \$100,000 in on sale gross receipts for alcoholic beverages
- \$750 2 AM license fee - Over \$100,000, but not over \$500,000 in on sale gross receipts for alcoholic beverages
- \$1000 2 AM license fee - Over \$500,000 in on sale gross receipts for alcoholic beverages
- \$200 2 AM license fee - 3.2% On Sale Malt Liquor licensees or Set Up license holders
- \$200 2 AM license fee - Did not sell alcoholic beverages for a full 12 months prior to this application

Yes  No Does the city or county that issues your liquor license allow the sale of alcoholic beverages until 2 AM?

City Clerk/County Auditor Signature \_\_\_\_\_ Date \_\_\_\_\_  
(I certify that the city or county of \_\_\_\_\_ approves the sale of alcoholic beverages until 2AM)

Licensee Signature  \_\_\_\_\_ Date 10/20/10  
(I certify that I have answered the above questions truthfully and correctly)

Licensee Minnesota Tax ID Number (Required): 6971085

**Licensee: Prior to submitting this application to the Alcohol & Gambling Enforcement Division you must have this form signed by your local city or county licensing official**

Minnesota Department of Public Safety  
Alcohol and Gambling Enforcement Division (AGED)  
444 Cedar Street, Suite 133, St. Paul, MN 55101-5133  
Telephone 651-201-7500 Fax 651-297-5259 TTY 651-282-6555  
www.dps.state.mn.us



# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

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**Agenda Item Number:**

Item 7.0 A.1

\*\*\*\*\*

**Agenda Item:**

Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

\*\*\*\*\*

**Requested Action:**

Consider Approval of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code

\*\*\*\*\*

**Background Information:**

At the August 18, 2010 City Council meeting, staff was directed to explore the possibilities of allowing a place of worship in the City Center (CC) zoning district. "Place of Worship" is defined as "a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship."

After discussion between staff, City Council and the City Attorney, it is being recommended to make "Place of Worship" as defined in the city zoning regulations as an interim use permit (IUP) in the CC district. Attachment 1 is Ordinance 27, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.

Also as part of the changes to the CC district, staff is proposing an amendment to allow Essential Services – Governmental as a permitted use. The proposed amendment would allow uses such as water supply or distribution system(s) and sanitary sewage disposal systems. Existing code defines "essential services" and "essential services – governmental" as follows:

"Essential Services" is defined as "The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities, but not including buildings greater than 120 square feet, necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare."

"Essential services – governmental" is defined as "An area of land or structures used for public purposes, storage, or maintenance, and which is owned or leased by a governmental unit."

At the September 28, 2010 Planning Commission meeting, Commission members discussed the existing language pertaining to home occupations and its' interpretation as it related to a specific request for an IUP.

Appendix A, Zoning, Section 10.18 Home Occupations current language reads “a home occupation shall occupy no more than 50 percent of the floor of the structure. This shall include offices of professionals, home beauty shops, and other such occupations than by custom are an accessory use.” In the past, when a request for a home occupation was presented, staff applied the provisions of this section of code to mean only 50 percent of the structure that the home occupation could occupy. It made no difference whether it was a tax service in the principal structure or a catering business in the accessory structure when this section of the Zoning Ordinance was applied.

During the discussion, Planning Commission members and Council Member Voss indicated that they thought this may be a misapplication of the intent of this section of the Zoning Ordinance. Based on the discussion, it was indicated that the intent of the code was directed towards home occupations in a principal structure but does not regulate home occupations in an accessory structure. Planning Commission, by consensus seemed to indicate it favored home occupations in an accessory structure having an ability to use the entire square footage of the accessory structure for the business.

Based on the discussion, Planning Commission asked staff to propose language to the Zoning Ordinance that would clarify this section. There was consensus that the City fully supports the “home occupation” concept as it frequently provides a base from which a full commercial venture grows.

On October 6, 2010, a proposed amendment was forwarded to City Council for their review; at which City Council directed staff to move forward with the proposed amendment. The proposed amendment will occur in Appendix A, Zoning, Section 10.18 Home Occupations and would include the following (Attachment 1 is Ordinance 27, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment):

Delete the language “A home occupation shall occupy no more than 50 percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use”.

The language is proposed to be replaced with “The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.”

Additional language is proposed to read: “The area set aside for the home occupation in attached or detached accessory structures or garages shall not exceed total accessory structure space allowed on the property of the home occupation.”

Attachment:

1. Attachment 1 is Ordinance 27, Second Series, an Ordinance Amending Appendix A. Zoning, of the East Bethel City Code and reflects the proposed amendment.

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**Fiscal Impact:**

Not Applicable

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**Recommendation(s):**

Planning Commission recommends approval to City Council of Ordinance 27, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. Also, staff seeks direction from City Council to publish Ordinance 27, Second Series.

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**City Council Action**

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

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

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

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

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

**ORDINANCE NO. 27, Second Series**

**AN ORDINANCE AMENDING APPENDIX A. ZONING, OF THE EAST BETHEL CITY CODE**

**The City Council of the City of East Bethel ordains:**

**Section 10. GENERAL DEVELOPMENT REGULATIONS**

**13. Home Occupations**

- I. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure.
- L. The area set aside for the home occupation in attached or detached accessory structures or garages shall not exceed total accessory structure space allowed on the site of the home occupation. ~~A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.~~

**Section 49. CITY CENTER (CC) DISTRICT**

**2. Permitted uses.**

- A. The primary land uses within the CC district shall include office, retail, and residential uses. The mix, location, and relationship of these uses shall conform to the land use plan, the purpose statement, and all the specific findings of the city council. In addition, the applicant shall demonstrate to the satisfaction of the city that the proposed lot sizes and land uses and their mix and location are compatible and complementary both internally and with adjacent land uses.
- B. Essential Services – Governmental.

**4. Interim uses.**

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Place of worship.
- C. Other uses similar to those permitted in this section as determined by the planning and zoning commission and city council.

Adopted by the City Council of the City of East Bethel, Minnesota, this 3rd day of November, 2010.

For the City:

ATTEST:

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Greg Hunter, Mayor

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Douglas Sell, City Administrator

Adopted: XXX  
Published: XXX  
Effective: XXX



# City of East Bethel Agenda Information

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**Date:**

November 3, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 7.0 C.1

\*\*\*\*\*

**Agenda Item:**

East Front Boulevard Storm Water Project

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**Requested Action:**

Evaluate the potential for a storm water pretreatment runoff structure on East Front Boulevard

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**Background Information:**

The Anoka Conservation District (ACD) has proposed a plan to construct a storm water pretreatment structure on City right of way at the north end of East Front Boulevard to treat runoff to Coon Lake. The project would include a concrete sediment trap inlet with two concrete weirs to increase water retention in a ditch along East Front Boulevard prior to discharge to Coon Lake. This project was initiated by Mr. Doug Tierney, 4616 Viking Blvd., as a request of ACD to design infrastructure improvements that would improve the water quality of storm water runoff to Coon Lake.

ACD developed a proposal and presented this project to Coon Lake Improvement Association (CLIA). The Association endorsed the project and recommended it be presented to the City of East Bethel for consideration and funding.

If implemented, the facility would be located in the City right of way which would require maintenance by the City that includes monthly cleaning of the inlet structure; annual cleaning of the weirs; and, annual maintenance of up to 200' of ditch section to ensure proper operation of this facility. The cost for this maintenance is estimated to be in the range of \$600-800 per year.

Funding for this project, as initially proposed, was from the City. The Coon Lake Improvement Association may be willing to cost share a portion of the project. No contacts have been made with CLIA or ACD for this project to identify cost sharing. The estimated cost of this project is \$4,260.00

The Roads Commission discussed this project at their September, 2010 meeting. While the Roads Commission recognizes that this may be a worthwhile project it, appears to be a water quality issue rather than a roads responsibility. The Roads Commission is of the opinion that this project would be better addressed through some type of storm water utility district throughout the community.

**Attachment(s)**

1. Tierney Concept---Project location and description

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Staff is seeking direction from Council on this matter.

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**Road Commission Action**

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

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

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

# Tierney Project



# Pollutant Estimates

*(MN Stormwater Manual:  
Simple Method for Estimating  
Phosphorus Export)*

$$L = 0.226 * R * C * A$$

Where: L = Annual load (lbs)

R = Annual runoff (inches)

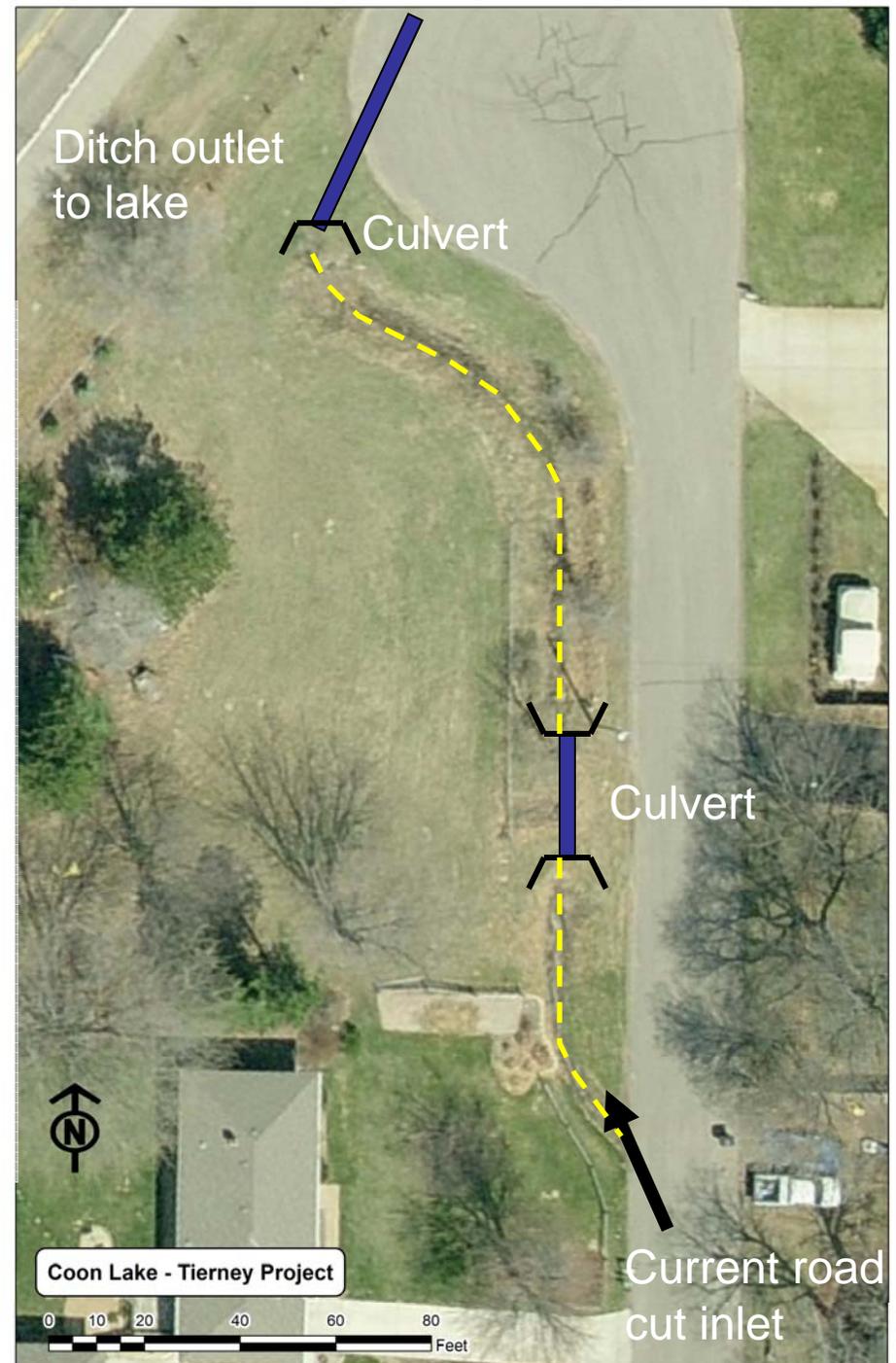
C = Pollutant concentration (mg/l)

A = Area (acres)

0.226 = Unit conversion factor

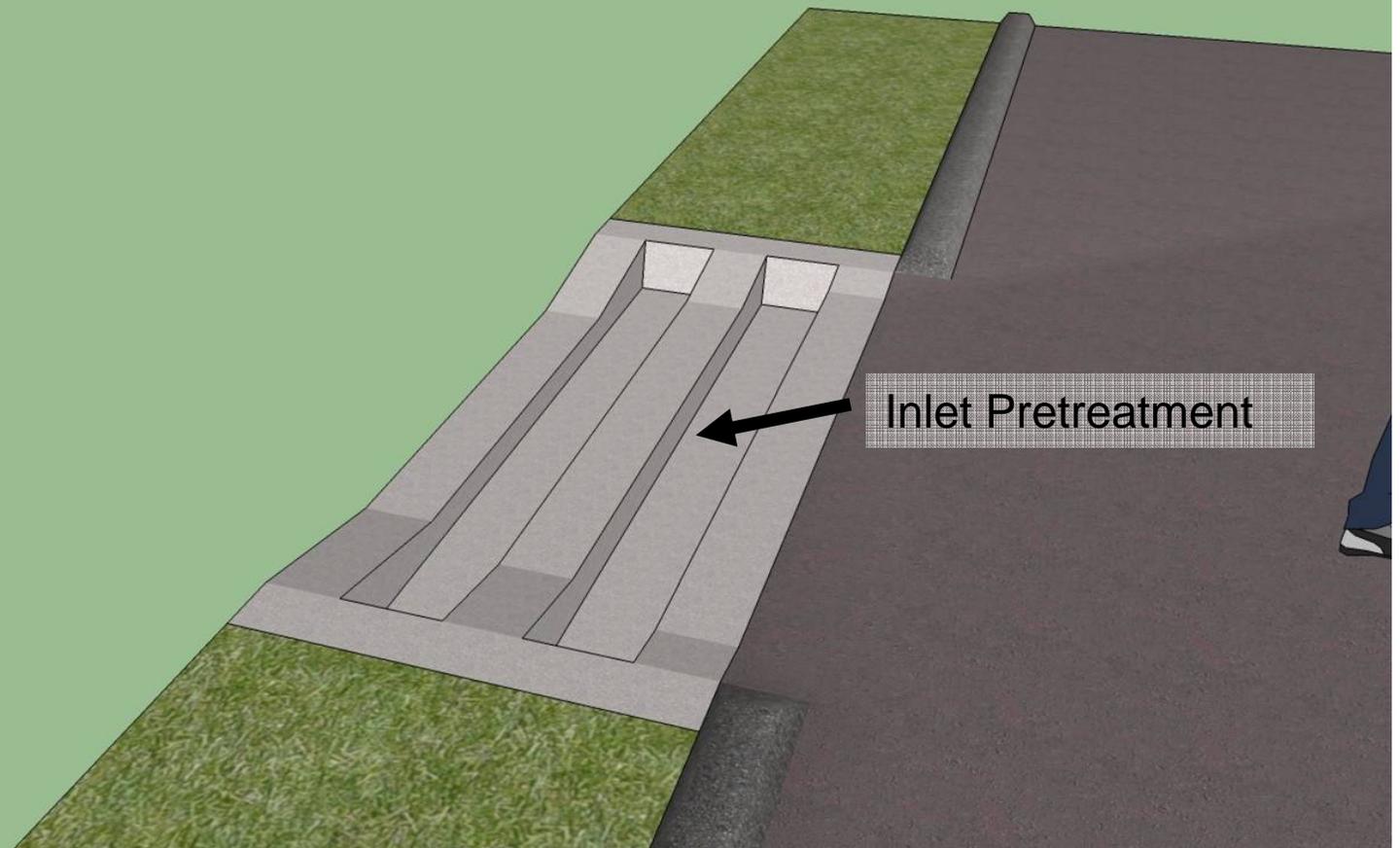
$$L = 0.226 * 23 \text{ in} * 0.4 \text{ mg/l TP} * 1 \text{ acre}$$

**L = 2 lbs Total  
Phosphorous / yr**



# Inlet Pretreatment Structure

- Capture bulk of suspended solids
- Extends life / reduces maintenance on shallow ponding area
- Requires monthly shoveling to remove debris



# Cost Estimates:

## Inlet pretreatment\*

- \$1,000 Concrete installed

## Concrete Weirs

- \$1,000/ea installed

OR

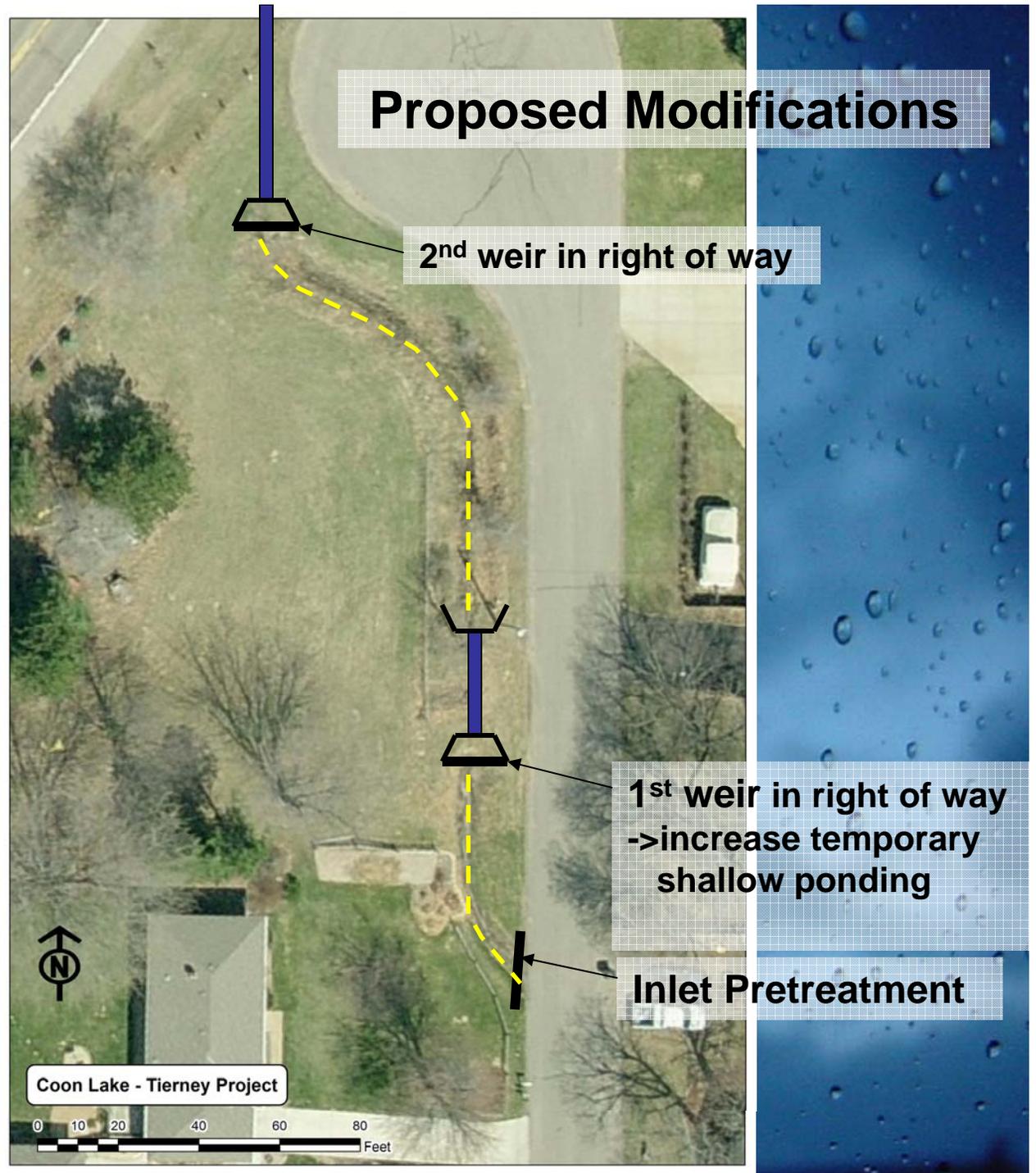
## Treated Lumber Weirs

- \$400/ea installed

## Estimated Total

- Concrete = \$3000
- Concrete/Lumber = \$1800

**\*Requires monthly inspection and debris removal**



# Pollutant Load Reduction

**All concrete = \$3,000**

(Assumes 66% reduction of total catchment water exiting the ditch)

Total Load Reduction = 1.34 lb TP / yr

Effective Life = 20 years

= \$112/lb/yr TP removal

**Treated Lumber wiers = \$1,400**

(Assumes 66% reduction of total catchment water entering the ditch)

Total Load Reduction = 1.34 lb TP / yr

Effective Life = 10 years

= \$105/lb/yr TP removal

**Very sandy soils on-site will allow for rapid infiltration. Estimated ponding time <48 hours.**



# What's Next?

- Coordinate with City. Project is within road right-of-way.
- Create construction-ready designs/cost estimates.
  - ACD fees for finalization = \$1,260.
  - City may be able to design/construct.
- Secure funding for installation.
- Who will maintain?



04/09/2010



# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 A.1

\*\*\*\*\*

**Agenda Item:**

Pay Estimate No. 1 for the 2010 Improvement Projects

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**Requested Action:**

Consider approval of Pay Estimate No. 1

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**Background Information:**

Attached is a copy of Pay Estimate No. 1 to Rum River Contracting for the 2010 Improvement Projects. The major pay items for this pay request include constructing the Booster Park West Parking Lot and paving 5<sup>th</sup> Street. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$189,333.79. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$199,298.73
Less 5% Retainage	<u>\$ 9,964.94</u>
Total payment	\$189,333.79

The total estimated construction cost for the Booster West Parking Lot Expansion, the 5<sup>th</sup> Street Surface and Drainage Improvements, and the Bataan Street Sealcoat is estimated to be \$257,550.60. The total project cost with contingency and overhead is estimated to be \$314,892.13. These projects are proposed to be financed with \$94,466.98 from the Park Capital Fund, \$184,171.92 from the Street Capital Fund, and \$36,253.23 from Municipal State Aid Construction Fund. Funds, as noted above, are available and appropriate for these projects.

**Attachment(s):**

1. Pay Estimate No. 1
- 2-3. Project Location Maps

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Staff recommends Council consider approval of Pay Estimate No. 1 in the amount of \$189,333.79 for the 2010 Improvement Projects.

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**City Council Action**

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

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

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

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

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

**PAY ESTIMATE #1  
CITY OF EAST BETHEL  
2010 Improvement Projects**

November 3, 2010

Honorable Mayor & City Council  
City of East Bethel  
2241 - 221st Avenue N.E.  
East Bethel, MN 55011-9631

RE: 2010 Improvement Projects  
Contractor: Rum River Contracting Co.  
Contract Amount: \$257,550.60  
Award Date: August 18, 2010

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Rum River Contracting Co.

**Schedule "A" - Alternate Bid No. 1 - Bataan Street Seal Coat (S.A.P. 203-110-002)**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	BITUMINOUS MATERIAL FOR SEAL COAT	4,536	GALLON	\$3.63	\$ 16,465.68		\$ -
2	SEAL COAT AGGREGATE (FA-2) - TRAP ROCK	185	TON	\$38.11	\$ 7,050.35		\$ -
<b>Total Schedule "A" - Alternate Bid No. 1 - Bataan Street Seal Coat (S.A.P. 203-110-002)</b>							<b>\$ -</b>

**Schedule "B" - Alternate Bid No. 1 - 5th Street Overlay and Booster West Parking Lot**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	REMOVE CONCRETE CURB	149	LIN FT	\$3.00	\$ 447.00	149	\$ 447.00
2	REMOVE SEWER PIPE (STORM)	134	LIN FT	\$5.00	\$ 670.00	190	\$ 950.00
3	REMOVE BITUMINOUS PAVEMENT	783	SQ YD	\$2.00	\$ 1,566.00	552	\$ 1,104.00
4	REMOVE MANHOLE OR CATCH BASIN	9	EACH	\$200.00	\$ 1,800.00	9	\$ 1,800.00
5	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	455	LIN FT	\$2.00	\$ 910.00	459	\$ 918.00
6	COMMON EXCAVATION	1,280	CU YD	\$3.95	\$ 5,056.00	1,280	\$ 5,056.00
7	TOPSOIL BORROW (LV)	1,012	CU YD	\$10.00	\$ 10,120.00	350	\$ 3,500.00
8	HAUL & STOCKPILE EXCESS MATERIAL (EV)	405	CU YD	\$6.75	\$ 2,733.75	391	\$ 2,639.25
9	AGGREGATE BASE CLASS 5	828	TON	\$7.50	\$ 6,210.00	919	\$ 6,892.50
10	MILL BITUMINOUS SURFACE (1.5")	68.0	SQ YD	\$5.80	\$ 394.40	68.0	\$ 394.40
11	MILL BITUMINOUS SURFACE (2")	500.3	SQ YD	\$4.00	\$ 2,001.20	500.3	\$ 2,001.20
12	MILL BITUMINOUS SURFACE (3")	131.5	SQ YD	\$10.25	\$ 1,347.88	131.5	\$ 1,347.88
13	TYPE MV 3 WEARING COURSE MIXTURE (B)	2,102	TON	\$51.75	\$ 108,778.50	1,896	\$ 98,118.00
14	TYPE MV 3 NON WEARING COURSE MIXTURE (B)	358	TON	\$53.60	\$ 19,188.80	334	\$ 17,902.40
15	TYPE MV 3 BITUMINOUS MIXTURE FOR PATCHING	135	TON	\$60.00	\$ 8,100.00	67	\$ 4,020.00
16	BITUMINOUS MATERIAL FOR TACK COAT	142	GALLON	\$3.00	\$ 426.00	450	\$ 1,350.00
17	27" RC PIPE APRON	1	EACH	\$570.00	\$ 570.00	1	\$ 570.00
18	TRASH GUARD FOR 27" PIPE APRON	1	EACH	\$446.00	\$ 446.00	1	\$ 446.00
19	4" PVC PIPE SEWER, SCHEDULE 80	150	LIN FT	\$3.00	\$ 450.00	150	\$ 450.00
20	15" RC PIPE SEWER DESIGN 3006, CL V	27	LIN FT	\$23.00	\$ 621.00	38	\$ 874.00
21	18" RC PIPE SEWER DESIGN 3006, CL III	110	LIN FT	\$25.00	\$ 2,750.00	159	\$ 3,975.00
22	24" RC PIPE SEWER DESIGN 3006, CL III	153	LIN FT	\$31.00	\$ 4,743.00	153	\$ 4,743.00
23	27" RC PIPE SEWER DESIGN 3006, CL III	39	LIN FT	\$39.00	\$ 1,521.00	39	\$ 1,521.00
24	CONNECT TO EXISTING STORM SEWER	3	EACH	\$200.00	\$ 600.00	1	\$ 200.00
25	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	10	EACH	\$1,049.00	\$ 10,490.00	10	\$ 10,490.00
26	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	3	EACH	\$919.00	\$ 2,757.00	3	\$ 2,757.00
27	CASTING ASSEMBLY	4	EACH	\$435.00	\$ 1,740.00	4	\$ 1,740.00
28	ADJUST FRAME & RING CASTING	9	EACH	\$353.00	\$ 3,177.00	9	\$ 3,177.00
29	RANDOM RIPRAP CLASS III	8.7	CU YD	\$60.00	\$ 522.00	19.9	\$ 1,194.00
30	GEOTEXTILE FILTER TYPE IV	20	SQ YD	\$1.00	\$ 20.00	80	\$ 80.00
31	CONCRETE CURB & GUTTER DESIGN B612	685	LIN FT	\$10.80	\$ 7,398.00	697	\$ 7,527.60
32	4" CONCRETE DRIVEWAY PAVEMENT	8.0	SQ YD	\$54.00	\$ 432.00	13.0	\$ 702.00

**PAY ESTIMATE #1  
CITY OF EAST BETHEL  
2010 Improvement Projects**

**Schedule "B" - Alternate Bid No. 1 - 5th Street Overlay and Booster West Parking Lot (Continued)**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
33	BITUMINOUS CURB (MODIFIED)	400	LIN FT	\$2.25	\$ 900.00	344	\$ 774.00
34	SILT FENCE, TYPE MACHINE SLICED	375	LIN FT	\$1.80	\$ 675.00		\$ -
35	STORM DRAIN INLET PROTECTION	4	EACH	\$75.00	\$ 300.00	4	\$ 300.00
36	TEMPORARY ROCK CONSTRUCTION ENTRANCE	1	EACH	\$150.00	\$ 150.00		\$ -
37	EROSION CONTROL BLANKETS CATEGORY 3	625	SQ YD	\$1.20	\$ 750.00	500	\$ 600.00
38	TURF ESTABLISHMENT	0.75	ACRE	\$1,650.00	\$ 1,237.50	0.75	\$ 1,237.50
39	4" SOLID LINE WHITE - EPOXY	1,933	LIN FT	\$1.38	\$ 2,667.54		\$ -

Total Schedule "B" - Alternate Bid No. 1 - 5th Street Overlay and Booster West Parking Lot \$ 191,798.73

**Schedule "C" - Alternate Bid No. 1 - Mobilization and Traffic Control**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	MOBILIZATION	1	LUMP SUM	\$9,000.00	\$ 9,000.00	0.5	\$ 4,500.00
2	TRAFFIC CONTROL	1	LUMP SUM	\$6,000.00	\$ 6,000.00	0.5	\$ 3,000.00

Total Schedule "C" - Alternate Bid No. 1 - Mobilization and Traffic Control \$ 7,500.00

**Alternate Bid No. 2**

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	BITUMINOUS MATERIAL FOR FOG SEAL	2,184	GALLON	\$2.00	\$ 4,368.00		\$ -

Total Alternate Bid No. 2 \$ -

Total Schedule "A" - Alternate Bid No. 1 - Bataan Street Seal Coat (S.A.P. 203-110-002) \$ -

Total Schedule "B" - Alternate Bid No. 1 - 5th Street Overlay and Booster West Parking Lot \$ 191,798.73

Total Schedule "C" - Alternate Bid No. 1 - Mobilization and Traffic Control \$ 7,500.00

Total Alternate Bid No. 2 \$ -

TOTAL WORK COMPLETED TO DATE \$ 199,298.73

LESS 5% RETAINAGE: \$ 9,964.94

WE RECOMMEND PAYMENT OF: \$ 189,333.79

**APPROVALS:**

**CONTRACTOR: RUM RIVER CONTRACTING CO.**

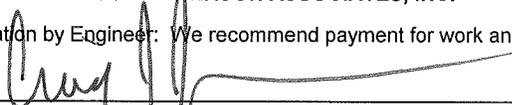
Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: 

Title: 308 SUP. Date 10-22-10

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

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

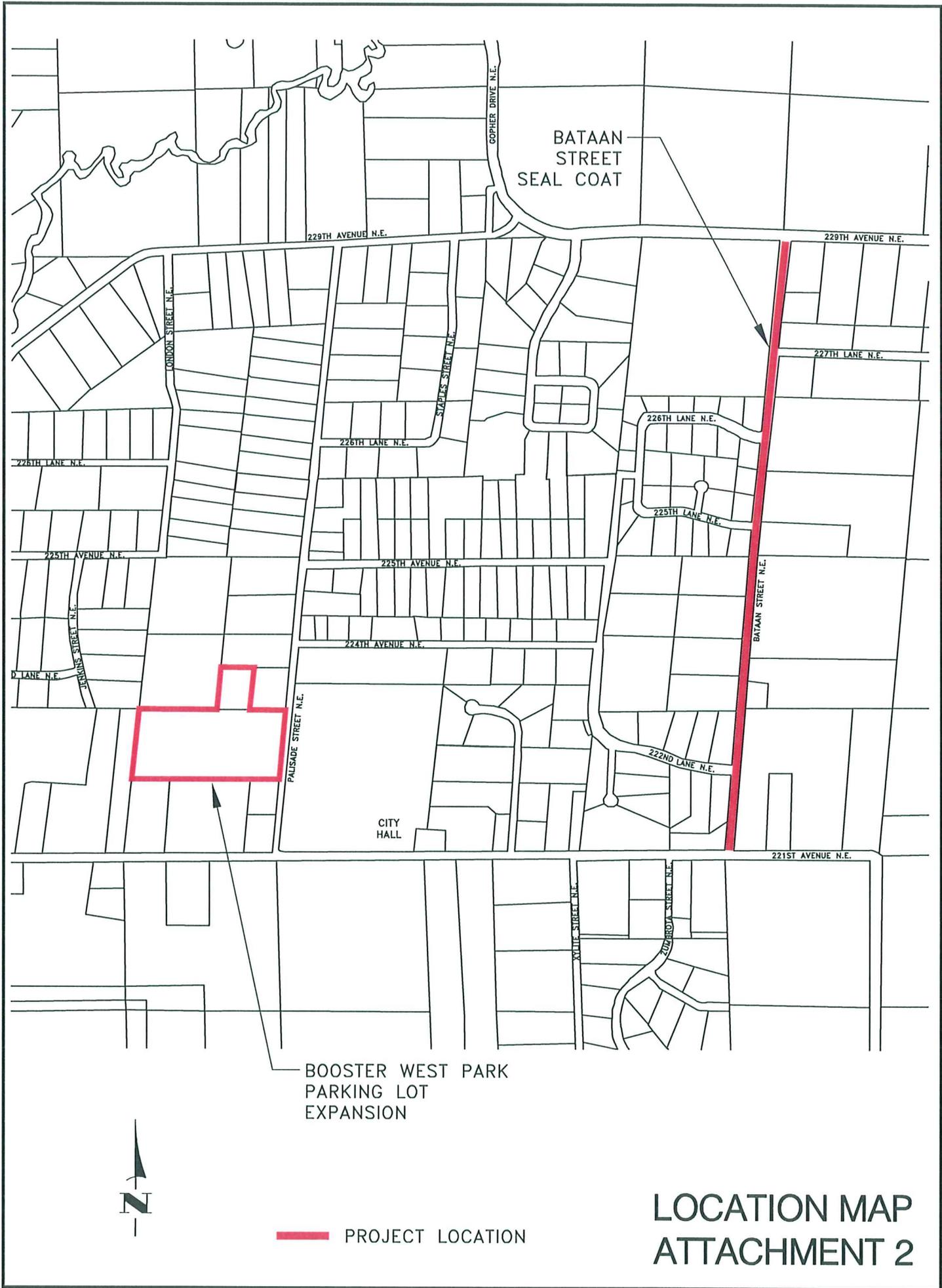
Signed: 

Title: City Engineer Date 10/21/10

**OWNER: CITY OF EAST BETHEL**

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

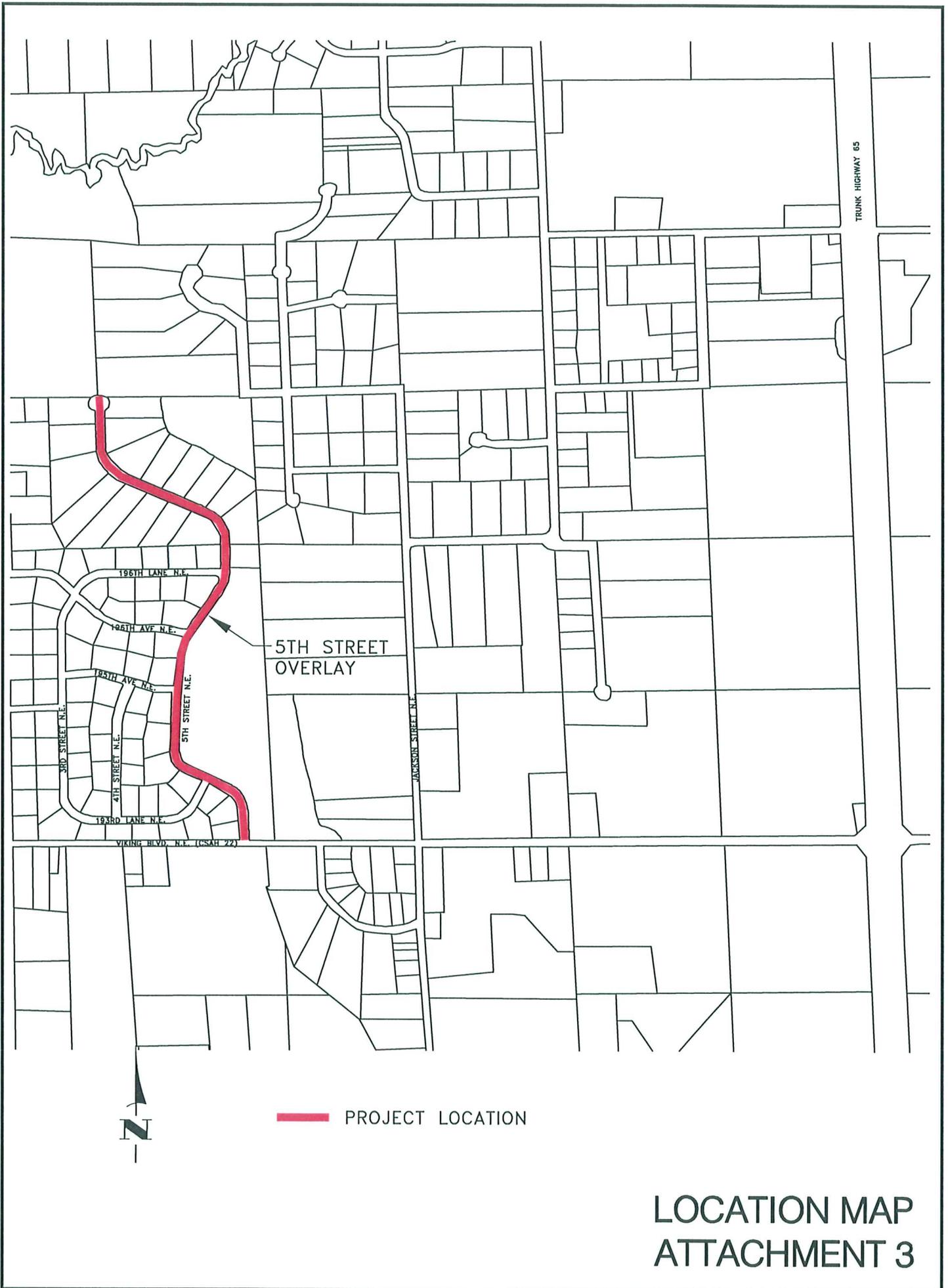
Title: \_\_\_\_\_ Date \_\_\_\_\_



BOOSTER WEST PARK  
PARKING LOT  
EXPANSION

PROJECT LOCATION

# LOCATION MAP ATTACHMENT 2



# LOCATION MAP ATTACHMENT 3



# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 C.1

\*\*\*\*\*

**Agenda Item**

2011 Proposed Fee Schedule

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**Requested Action:**

Review and provide direction to staff regarding the 2011 Fee Schedule

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**Background Information:**

Staff has reviewed the 2010 fee schedule and proposes the following changes for 2011:

The following Utility Operations 2011 Fee Schedule Charge is proposed:

No change in fees. Change in Penalty Charges language as follows: Bills not paid in full ~~within 30 days after~~ by the due date will pay a service charge of 10% of the ~~balance due~~ current charges. This language now reflects how penalties have been charged.

The following General Charges 2011 Fee Schedule Charges are proposed:

Current: No charge                      Proposed:     2.5 times hourly rate  
A data/information retrieval charge for staff time is being proposed. There would be no charge if the request took less than 30 minutes of staff time to complete. Various types of information have been requested within several departments and can be very time consuming. The request for data must be in writing and the City will then provide an estimate of staff time and the charges involved. Other cities' charge for staff time ranging from 2 – 3 times hourly rates.

Current: No charge                      Proposed:     \$100  
The City incurs overtime pay for cemetery burials in the late afternoon and on weekends. The fee would cover this additional staff cost for these services.

Current: No charge                      Proposed:     \$50  
Appointments are arranged with monument companies, for staff to locate and stake graves for setting cemetery markers. The fee is for staff time involved.

Massage Establishment License

Current: No charge	Proposed:	Initial Fee	\$200
Current: No charge	Proposed:	Annual Renewal Fee	\$100
Current: No charge	Proposed:	Licensee Investigation Fee	\$300

Massage Therapist License

Current: No charge	Proposed:	Initial Fee	\$100
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Current: No charge	Proposed:	Annual Renewal Fee	\$100
Current: No charge	Proposed:	Licensee Investigation Fee	\$300

Ord. 24, Second Series, Establishing Regulations and Licensing for Massage Businesses was adopted by City Council on June 16, 2010. The fees for massage establishment and therapist licensing were not established at the time the ordinance was adopted. These fees, by ordinance, are to be set by resolution of the City Council.

The proposed fees are comparable with cities in the area that have similar fees.

No fee increase in Automobile Dealer licenses, but change from Automobile to Vehicle to ensure licensing covers the sales of autos, boats, trailers, ATV's, etc.

The following Building Fee Schedule change is proposed:

No fee increase in Re-inspection Fee. Add to the definition Administrative Fee to the description. This would allow the City to be reimbursed for staff time and materials used when a non-compliance issue is indicated. Building inspection staff validates the issue by visiting the site involved, contacting the property owner, taking appropriate steps to get the matter resolved, and if not taken care of by the property owner billing the owner if outside services are used.

The following Fire Department 2011 Fee Schedule Changes are proposed:

Commercial Inspections:

Current: \$50/Re-inspection Proposed: \$65/Second and subsequent Re-inspections  
 Increase Re-inspection fee to cover the costs of fire department staff and materials for this activity. There is no charge for the initial and first re-inspection. Second and successive re-inspections are charged at \$65.00 per inspection.

For recreational fees, the Arena ice rental fees are for the current season; they will be updated after the current season based upon market-based analysis at that time. Fees for other City facilities are based on previously adopted fees by the City Council direction.

**Attachment(s):**

- Proposed 2011 Fee Schedule

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**Fiscal Impact:**

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

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**Recommendation(s):**

Staff requests direction regarding the proposed 2011 Fee Schedule. The final Fee Schedule will be provided for consideration on December 1, 2010.

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**City Council Action**

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

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

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

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

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

**2011 PROPOSED FEE SCHEDULE  
CITY OF EAST BETHEL**

**2011 Proposed Rates**

**2010 Rates**

**UTILITY OPERATIONS:**

WASTEWATER TREATMENT-WHISPERING ASPEN BASE CHARGE	\$18.38 PER QUARTER	\$18.38 PER QUARTER
USAGE CHARGES: (BASED ON WATER USE DURING JANUARY, FEBRUARY AND MARCH)		
0-6,000 GALLONS PER QUARTER	\$6.30 PER 1, 000 GALLONS	\$6.30 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$7.56 PER 1, 000 GALLONS	\$7.56 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$9.07 PER 1,000 GALLONS	\$9.07 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$10.89 PER 1,000 GALLONS	\$10.89 PER 1,000 GALLONS
WATER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$2,000	\$2,000
SEWER SYSTEM ACCESS CHARGE-WHISPERING ASPEN	\$10,205	\$10,205
WASTEWATER TREATMENT-CASTLE TOWERS BASE CHARGE	\$912.44 PER MONTH	\$912.44 PER MONTH
USAGE CHARGE	\$8.08 PER 1,000 GALLONS	\$8.08 PER 1,000 GALLONS
WATER USE CHARGES BASE CHARGE	\$56.30 PER QUARTER	\$56.30 PER QUARTER
USAGE CHARGES:		
0-6,000 GALLONS PER QUARTER	\$10.60 PER 1, 000 GALLONS	\$10.60 PER 1, 000 GALLONS
6,001 - 15,000 GALLONS PER QUARTER	\$12.72 PER 1, 000 GALLONS	\$12.72 PER 1, 000 GALLONS
15,001 - 30,000 GALLONS PER QUARTER	\$15.26 PER 1,000 GALLONS	\$15.26 PER 1,000 GALLONS
OVER 30,000 GALLONS PER QUARTER	\$18.32 PER 1,000 GALLONS	\$18.32 PER 1,000 GALLONS
RADIUM REMEDIATION FEE-WHISPERING ASPEN	\$30 PER QUARTER	\$30 PER QUARTER
WATER TURN ON/OFF FEE	\$75	\$75
CONNECTION INSPECTION - SEWER	\$75	\$75
CONNECTION INSPECTION - WATER	\$75	\$75
STREET LIGHTING CHARGE - WHISPERING ASPEN	\$1.50 PER MONTH	\$1.50 PER MONTH
<b>PENALTY CHARGES</b>		
	<p><b>Bills are due within 14 days from the date of billing. Bills <u>not</u> paid in full <u>within 30 days after</u> <u>by</u> the due date will pay a service charge of 10% of the <del>balance due</del> <u>current charges</u>. Beginning 30 days after the due date, all unpaid balances will accrue interest at the rate of 1.5% per month. All amounts that are more than 30 days past due on the last day of November each year may be certified to the County Auditor as unpaid and delinquent. The certified amount, plus a service charge to pay for the assessment process, shall be extended as a tax lien on the respective property. This amount will be added to the following year's property tax assessment.</b></p>	<p>Bills are due within 14 days from the date of billing. Bills paid in full within 30 days after the due date will pay a service charge of 10% of the balance due. Beginning 30 days after the due date, all unpaid balances will accrue interest at the rate of 1.5% per month. All amounts that are more than 30 days past due on the last day of November each year may be certified to the County Auditor as unpaid and delinquent. The certified amount, plus a service charge to pay for the assessment process, shall be extended as a tax lien on the respective property. This amount will be added to the following year's property tax assessment.</p>
TAX CERTIFICATION OF DELINQUENT ACCOUNTS	\$70.00	\$70.00

**2011 PROPOSED FEE SCHEDULE  
CITY OF EAST BETHEL**

**2011 Proposed Rates**

**2010 Rates**

**GENERAL CHARGES:**

<b>DATA/INFORMATION RETRIEVAL FEE - STAFF TIME</b>	<b>2.5 TIMES HOURLY RATE</b>	<b>NEW ITEM</b>
<b>(REQUESTS MUST BE IN WRITING, NO CHARGE IF LESS THAN 30 MINUTES STAFF TIME)</b>		
NOTARY FEE	\$1	\$1
ASSESSMENT SEARCH	\$20	\$20
<b>(ALL REQUESTS MUST BE IN WRITING, NO CHARGE TO HOMEOWNERS)</b>		
COPY CHARGE	\$.25 PER PAGE	\$.25 PER PAGE
FAX CHARGE (SEND OR RECEIVE)	\$1.00 PER PAGE	\$1.00 PER PAGE
RESEARCH FEE	\$50.00 MINIMUM FEE PLUS ANY ADDITIONAL COSTS BILLED TO CITY OVER MINIMUM	\$50.00 MINIMUM FEE PLUS ANY ADDITIONAL COSTS BILLED TO CITY OVER MINIMUM
CITY MAPS-COUNTY PROVIDED (IF CURRENT)	\$2	\$2
CITY MAPS - 11 X 17	\$5	\$5
CITY MAPS - 36 X 36	\$10	\$10
VIDEOTAPE COPY OF MEETING	\$10	\$10
RETURNED CHECK CHARGE	\$30	\$30
ELECTION FILING FEE	\$5	\$5
GARBAGE HAULER'S LICENSE	\$300	\$300
CIGARETTE VENDOR LICENSE	\$300	\$300
STRAY ANIMAL PICKUP FEE: 8:00 A.M. - 7:00 P.M.	contracted	contracted
STRAY ANIMAL PICKUP FEE: 7:00 P.M. - 8:00 A.M.	contracted	contracted
ANIMAL BOARDING FEE	contracted	contracted
POTENTIALLY DANGEROUS DOG REGISTRATION	\$250	\$250
DANGEROUS DOG REGISTRATION	\$500	\$500
KENNEL LICENSE APPLICATION FEE	\$150	\$150
KENNEL LICENSE ANNUAL FEE	\$50	\$50
CEMETERY PLOTS	\$800	\$800
SUMMER PLOT DIGGING	\$600	\$600
WINTER PLOT DIGGING (NOVEMBER 1 THRU MAY 1)	\$800	\$800
SUMMER CREMATION PLOT DIGGING	\$300	\$300
WINTER CREMATION PLOT DIGGING (NOVEMBER 1 THRU MAY)	\$400	\$400
<b>ADDITIONAL DIGGING FEE, IF AFTER HOURS</b>	<b>\$100</b>	<b>NEW ITEM</b>
<b>(AFTER 3:00 MONDAY - FRIDAY, ALL SATURDAYS, SUNDAYS &amp; HOLIDAYS)</b>		
<b>MARKER SETTING FEE</b>	<b>\$50</b>	<b>NEW ITEM</b>
<b>LIQUOR LICENSES:</b>		
3.2 LIQUOR ON SALE	\$250	\$250
3.2 LIQUOR OFF SALE	\$150	\$150
LIQUOR ON SALE	\$3,500	\$3,500
LIQUOR OFF SALE***	\$380	\$380
SUNDAY LIQUOR SALE	\$200	\$200
CATERER'S LICENSE	\$20	\$20
LICENSEE INVESTIGATION FEE	\$300	\$300
<b>MESSAGE ESTABLISHMENT LICENSE</b>		
<b>INITIAL FEE</b>	<b>\$200</b>	<b>NEW ITEM</b>
<b>ANNUAL RENEWAL FEE</b>	<b>\$100</b>	<b>NEW ITEM</b>
<b>LICENSEE INVESTIGATION FEE</b>	<b>\$300</b>	<b>NEW ITEM</b>
<b>MESSAGE THERAPIST LICENSE</b>		
<b>INITIAL FEE</b>	<b>\$100</b>	<b>NEW ITEM</b>
<b>ANNUAL RENEWAL FEE</b>	<b>\$100</b>	<b>NEW ITEM</b>
<b>LICENSEE INVESTIGATION FEE</b>	<b>\$300</b>	<b>NEW ITEM</b>
PAWNBROKER/SECONDHAND GOODS DEALER	\$5,000 ANNUAL FEE	\$5,000 ANNUAL FEE
DEALER INVESTIGATION FEE	\$3,000	\$3,000
TRANSACTION FEE	\$5 PER TRANSACTION	\$5 PER TRANSACTION
TRANSIENT MERCHANT LICENSE	\$500 ANNUAL/\$250 60 DAYS	\$500 ANNUAL/\$250 60 DAYS
PEDDLER LICENSE	\$1,000 ANNUAL/IF CITED FOR OPERATING WITHOUT A LICENSE \$1,000 ADDITIONAL	\$1,000 ANNUAL/IF CITED FOR OPERATING WITHOUT A LICENSE \$1,000 ADDITIONAL
APPLICATION INVESTIGATION FEE	\$50 PER PERSON/ MINIMUM \$150	\$50 PER PERSON/ MINIMUM \$150
SEXUALLY ORIENTED BUSINESS LICENSE	\$10,000	\$10,000
LICENSEE INVESTIGATION FEE	\$3,000	\$3,000
<b>AUTOMOBILE VEHICLE DEALER LICENSE</b>	<b>\$350 ANNUAL FEE</b>	<b>\$350 ANNUAL FEE</b>
RIGHT OF WAY ACCESS FEE	\$300	\$300
NUISANCE ABATEMENT	\$150 OR 25% OF ACTUAL COSTS, WHICHEVER IS GREATER + ACTUAL COSTS	\$150 OR 25% OF ACTUAL COSTS, WHICHEVER IS GREATER + ACTUAL COSTS
TAX CERTIFICATION OF NUISANCE ABATEMENT	\$70	\$70

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- (c) The fee set by the jurisdiction issuing the license shall be reduced by \$100 if the following conditions are met:
- (1) the licensee agrees to have a private vendor train all employees within 60 days of hire and annually thereafter in laws pertaining to the sale of alcohol, the rules for identification checks, and the responsibilities of establishments serving intoxicating liquors;
  - (2) the licensee agrees to post a policy requiring identification checks for all persons appearing to be 30 years old or less; and
  - (3) a cash award and incentive program is established by the licensee, to award employees who catch underage drinkers, and a penalty program is established to punish employees in the event of a failed compliance check.

**2011 PROPOSED FEE SCHEDULE  
CITY OF EAST BETHEL**

**2011 Proposed Rates**

**2010 Rates**

**PLANNING AND ZONING:**

CONSULTING FEES	ACTUAL COSTS BILLED TO THE CITY; ENGINEERING, LEGAL, ETC.	ACTUAL COSTS BILLED TO THE CITY; ENGINEERING, LEGAL, ETC.
VARIANCE	\$500 + CONSULTING FEES	\$500 + CONSULTING FEES
CONDITIONAL USE PERMIT	\$1,000 + CONSULTING FEES	\$1,000 + CONSULTING FEES
CONDITIONAL USE PERMIT AMENDMENT	\$1,000 + CONSULTING FEES	\$1,000 + CONSULTING FEES
COUNTY FILING FEE REIMBURSEMENT	\$55	\$55
VACATION	\$1,000 + CONSULTING FEES	\$1,000 + CONSULTING FEES
INTERIM USE PERMIT	\$300 + CONSULTING FEES	\$300 + CONSULTING FEES
INTERIM USE PERMIT AMENDMENT	\$300 + CONSULTING FEES	\$300 + CONSULTING FEES
METES AND BOUNDS SPLIT	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED	\$300 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
LOT SEPARATION	\$200 + CONSULTING FEES; \$500 ESCROW REQUIRED	\$200 + CONSULTING FEES; \$500 ESCROW REQUIRED
SITE PLAN REVIEW	\$1,000 ESCROW REQUIRED	\$1,000 ESCROW REQUIRED
CONCEPT PLAN REVIEW	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PRELIMINARY PLAT	\$500 + \$25.00/lot + CONSULTING FEES	\$500 + \$25.00/lot + CONSULTING FEES
ESCROW	\$3,000	\$3,000
FINAL PLAT	\$300 + CONSULTING FEES	\$300 + CONSULTING FEES
ESCROW	\$3,000 + \$50/LOT IF NEW ROAD	\$3,000 + \$50/LOT IF NEW ROAD
PLANNED UNIT DEVELOPMENT	\$1,000 ESCROW REQUIRED	\$1,000 ESCROW REQUIRED
PLANNED UNIT DEVELOPMENT AMENDMENT	\$500 ESCROW REQUIRED	\$500 ESCROW REQUIRED
ADMINISTRATIVE SUBDIVISION	\$1,000 ESCROW REQUIRED	\$1,000 ESCROW REQUIRED
REZONING	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
COMPREHENSIVE PLAN AMENDMENT	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED	\$1,000 + CONSULTING FEES; \$1,000 ESCROW REQUIRED
ZONING TEXT AMENDMENT	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED	\$500 + CONSULTING FEES; \$500 ESCROW REQUIRED
PERMANENT SIGN PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION	CALCULATED BASED ON IMPROVEMENT VALUATION
TEMPORARY SIGN PERMIT - BEFORE SIGN PLACEMENT	\$40	\$40
TEMPORARY SIGN PERMIT - AFTER SIGN PLACEMENT	\$80	\$80
ADVISORY SIGNAGE RENTAL	USAGE FEE - \$125; DEPOSIT OF \$650 REQUIRED	USAGE FEE - \$125; DEPOSIT OF \$650 REQUIRED
OUTDOOR ENTERTAINMENT PERMIT	\$150	\$150
PARK DEDICATION		
RESIDENTIAL	UP TO 6 UNITS/ACRE: 10% OF LAND OR CASH = TO MARKET VALUE OF LAND; 6 OR MORE UNITS/ACRE: 10% OF LAND + 1% FOR EACH UNIT OVER 6 UNITS/ACRE OR CASH = TO MARKET VALUE OF LAND	UP TO 6 UNITS/ACRE: 10% OF LAND OR CASH = TO MARKET VALUE OF LAND; 6 OR MORE UNITS/ACRE: 10% OF LAND + 1% FOR EACH UNIT OVER 6 UNITS/ACRE OR CASH = TO MARKET VALUE OF LAND
COMMERCIAL	5% OF LAND OR CASH = TO MARKET VALUE OF LAND	5% OF LAND OR CASH = TO MARKET VALUE OF LAND
GRADING PERMIT	\$50 + CONSULTING FEES	\$50 + CONSULTING FEES
ESCROW	\$500	\$500
LANDSCAPE PLAN ESCROW	125% OF THE APPROVED ESTIMATED LANDSCAPING COSTS	125% OF THE APPROVED ESTIMATED LANDSCAPING COSTS
STREET SIGN	\$150	\$150
CERTIFICATE OF COMPLIANCE - TEMP/SEASONAL SALES	\$150	\$150
COMPREHENSIVE PLAN DOCUMENT	\$40	\$40
ZONING ORDINANCE DOCUMENT	\$40	\$40

**2011 PROPOSED FEE SCHEDULE  
CITY OF EAST BETHEL**

**2011 Proposed Rates**

**2010 Rates**

**BUILDING FEES:**

BUILDING PERMIT	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FINE FOR FAILING TO OBTAIN REQUIRED PERMIT	EQUAL TO THE CALCULATED PERMIT FEE AMOUNT	EQUAL TO THE CALCULATED PERMIT FEE AMOUNT
PLAN CHECK	65% OF BUILDING PERMIT FEE	65% OF BUILDING PERMIT FEE
SPRINKLER INSTALLATIONS		
RESIDENTIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
COMMERCIAL	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
FIRE ALARM	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE	CALCULATED BASED ON IMPROVEMENT VALUATION PER STATE
MECHANICAL PERMIT	\$50 OR 1% OF VALUATION, WHICHEVER IS GREATER	\$50 OR 1% OF VALUATION, WHICHEVER IS GREATER
PLUMBING PERMIT	\$50 OR \$5 PER OPENING, WHICHEVER IS GREATER	\$50 OR \$5 PER OPENING, WHICHEVER IS GREATER
SIDING PERMIT	\$80	\$80
WINDOW PERMIT	\$50	\$50
ROOFING PERMIT	\$100	\$100
CERTIFICATE OF COMPLIANCE - FENCE	\$50	\$50
SPECIAL INSPECTIONS - HOURLY RATE	\$50	\$50
SEPTIC INSTALLATION PERMIT	\$200	\$200
SEPTIC PUMPING PERMIT	\$5	\$5
DRIVEWAY PERMIT	\$50	\$50
ALL OTHER REQUIRED PERMITS NOT REQUIRING A PLAN REVIEW	\$50	\$50
VERIFICATION OF STATE CONTRACTOR LICENSE	\$5	\$5
MANUFACTURED HOME INSTALLATION PERMIT	\$100	\$100
BUILDING MOVING FEE	\$100	\$100
BUILDING DEMOLITION FEE	\$50	\$50
<b>RE-INSPECTION/ADMINISTRATIVE FEE</b>	<b>\$65 PER INSPECTION</b>	<b>\$65 PER INSPECTION</b>
DECK	\$150	\$150

**FIRE DEPARTMENT:**

FIRE RESPONSE REIMBURSEMENTS:		
MOTOR VEHICLE ACCIDENTS	\$300	\$300
PUBLIC UTILITY EMERGENCY SERVICE AND HAZARDOUS MATERIAL SPILL OR LEAK:		
LABOR CHARGE	\$15/HOUR	\$15/HOUR
TRUCK CHARGE	\$150/HOUR	\$150/HOUR
COMMERCIAL INSPECTIONS:		
INITIAL & 1ST RE-INSPECTION	NO CHARGE	NO CHARGE
<b>EACH ADDITIONAL RE-INSPECTION</b>	<b>\$65</b>	<b>\$50</b>
FALSE ALARMS - EACH OCCURRENCE		
AFTER 2 FALSE ALARMS WITHIN A CALENDAR YEAR	\$200	\$200
TAX CERTIFICATION OF UNPAID FALSE ALARM CHARGES	\$70	\$70

**2011 PROPOSED FEE SCHEDULE  
CITY OF EAST BETHEL**

**2011 Proposed Rates**

**2010 Rates**

**RECREATIONAL FEES:**

ICE ARENA:

ICE ARENA ICE RENTAL - PRIME TIME	\$180/HR - \$185/HR (THROUGH MARCH 2011)	\$180/HR - \$185/HR (THROUGH MARCH 2010)
ICE ARENA ICE RENTAL - NON PRIME TIME	\$155/HR (THROUGH MARCH 2011)	\$155/HR (THROUGH MARCH 2010)
OPEN HOCKEY, PER PERSON	\$7/HR. (THROUGH MARCH 2011)	\$7/HR. (THROUGH MARCH 2010)
LOCKER ROOM RENTAL	\$7,500	\$7,500
ADVERTISING	NEGOTIABLE	NEGOTIABLE
DRY FLOOR EVENTS	NEGOTIABLE	NEGOTIABLE

PARKS:

PAVILIONS/SHELTERS - NON RESIDENT	\$50; \$100 DEPOSIT	\$50; \$100 DEPOSIT
PAVILIONS/SHELTERS - RESIDENT	\$100 DEPOSIT	\$100 DEPOSIT
IRRIGATED BALLFIELDS - NON RESIDENT	\$20; \$100 DEPOSIT	\$20; \$100 DEPOSIT
IRRIGATED BALLFIELDS - RESIDENT	\$20; \$100 DEPOSIT	\$20; \$100 DEPOSIT
IRRIGATED BALLFIELDS; TOURNAMENT	\$350; \$200 DEPOSIT	\$350; \$200 DEPOSIT
NON IRRIGATED BALLFIELDS - NON RESIDENT	\$10; \$100 DEPOSIT	\$10; \$100 DEPOSIT
NON IRRIGATED BALLFIELDS - RESIDENT	\$100 DEPOSIT	\$100 DEPOSIT
IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT	\$100/WEEK; \$100 DEPOSIT
IRRIGATED SOCCER FIELD - TOURNAMENT	\$200; \$200 DEPOSIT	\$200; \$200 DEPOSIT
NON IRRIGATED SOCCER FIELD	\$100/WEEK; \$100 DEPOSIT	\$100/WEEK; \$100 DEPOSIT
NON IRRIGATED SOCCER FIELD - TOURNAMENT	\$25; \$100 DEPOSIT	\$25; \$100 DEPOSIT
HORSESHOE PITS - LEAGUE SEASON	\$100; \$100 DEPOSIT	\$100; \$100 DEPOSIT
HORSESHOE PITS - TOURNAMENT	\$50; \$100 DEPOSIT	\$50; \$100 DEPOSIT
CONCESSION STAND; SAA SEASON, MONDAY-FRIDAY	\$1,000	\$1,000
CONCESSION STAND; WEEKEND TOURNAMENTS	\$300; \$300 DEPOSIT	\$300; \$300 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - NON RESIDENT	\$50; \$100 DEPOSIT	\$50; \$100 DEPOSIT
WHISPERING ASPEN COMMUNITY CTR - RESIDENT	\$100 DEPOSIT	\$100 DEPOSIT



# City of East Bethel City Council Agenda Information

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**Date:**

November 3, 2010

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 G.1

\*\*\*\*\*

**Agenda Item:**

MCES Construction Cooperation and Cost Sharing Agreement

\*\*\*\*\*

**Requested Action:**

Consider approving the MCES Construction Cooperation and Cost Sharing Agreement

\*\*\*\*\*

**Background Information:**

There are two parts to this agreement. The first deals with the construction activity. Under the terms of this portion of the agreement, the City will work cooperatively with MCES in the construction of utility infrastructure. This will include the construction of MCES infrastructure such as interceptors, lift stations, recycle water piping, etc. The City has included the design and specifications for interceptors that will belong to and maintained by MCES. The economies of doing all the pipe work, City and MCES, under one construction contract is the most practical and economical for both parties.

Under the agreement, MCES must approve the final plans and specs for their share of the work. These plans and specs have been provided to MCES and approval is eminent. MCES will advance the City \$50,000 to reimburse the City for design work performed on their behalf and will continue to reimburse the City for costs incurred for final design, construction, easement/land acquisition and certain legal costs. Payment to the City for costs incurred will be within 30 days from the date of the invoice to MCES from the City. The total investment by MCES in this shared construction agreement is estimated at \$8.1 million. This does not include the Waste Water Treatment Facility.

The second section of the agreement relates to cost sharing of the capital costs for the facilities MCES constructing or paying to have constructed through the cooperative construction agreement. Under this portion of the agreement, the City will be required to pay to MCES \$2.2 million in lateral benefit for interceptors that provide lateral benefit to customers. The repayment is over time as provided for in Exhibit D to the Agreement. The amounts to be paid are at \$3,400 per ERU. This level of fee is predicated on the total amount to be repaid, \$2.2 million, over 30 years at an interest rate of 3%. Schedule D reflects the number of ERU's necessary to meet the debt service MCES has incurred for this project to repay for this lateral equivalent benefit.

The entire agreement has been reviewed by the City Attorney and Engineer. Comments were provided to MCES and incorporated into the final document. With the approval of this agreement, the City and MCES will jointly move forward with construction activity as the City

will be in a position to award contracts for construction of the facilities identified in the Plans and Specifications.

**Attachment(s):**

1. Construction Cooperation and Cost Sharing Agreement

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**Fiscal Impact:**

As noted above

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**Recommendation(s):**

Staff is recommending approval of the Construction Cooperation and Cost Sharing Agreement with Metropolitan Council Environmental Services.

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**City Council Action**

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

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

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

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

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

**WASTEWATER SERVICE AGREEMENT**  
**Between**  
**City of East Bethel**  
**and**  
**Metropolitan Council**

**THIS AGREEMENT** (“Agreement”), effective on the date of execution by both parties, is made and entered into by and between Metropolitan Council, a public corporation and political subdivision of the State of Minnesota (“Council”) and the City of East Bethel, a Minnesota municipal corporation (“City”).

**RECITALS**

1. Pursuant to Minnesota Statutes § 473.517, subd. 1, the Council shall allocate current costs of operation, maintenance, and debt service (“Current Costs”) among and paid by all local government units which discharge wastewater directly or indirectly into the metropolitan disposal system. For purposes of this Agreement, the above described payments are referred to herein as municipal wastewater charges (“MWC”). The Council’s wastewater treatment plant, interceptor and effluent pipes to serve the City will be a part of the metropolitan disposal system.
2. Pursuant to Minnesota Statutes § 473.517, subd. 3, the Council shall allocate the reserved capacity portion of the costs of acquisition, betterment, and debt service of the interceptors and treatment works (“Reserved Capacity Costs”) among and paid by all local government units through a sewer availability charge (“SAC”) for each new connection or increase in capacity demand to the metropolitan disposal system.
3. Pursuant to Minnesota Statutes § 473.517, subd. 6, the Council may provide for the deferment of payment of all or part of the allocated costs pursuant to Minnesota Statutes § 473.517, subd. 3, repayable with interest at the Council’s average rate of borrowing.
4. The Council’s 2030 Water Resources Management Policy Plan (“Policy Plan”) provides for Council ownership and operation of wastewater facilities to serve rural area communities that want to accommodate growth, for which the planning designation Rural Growth Center has been provided in the Policy Plan. The City has requested, and the Council has approved, the City’s designation as a Rural Growth Center (“Rural Growth Center”).
5. The Council’s Policy Plan provides wastewater service to the City through wastewater treatment facilities to be constructed specifically to serve the City initially, and that are also planned so that these facilities may serve a portion of the city of Oak Grove or other communities in the future. The City has submitted, and the Council has approved, the City’s 2030 Comprehensive Sewer Plan.

6. The Council's Policy Plan policy on rates and charges provides that: (a) municipal wastewater charges will be allocated to communities uniformly, based on flow; and (b) sewer availability charges for a Rural Growth Center shall be based on the reserve capacity of the wastewater treatment facility and the Council's debt service specific to the Rural Growth Center.
7. The Council is currently designing the East Bethel wastewater treatment facility, MCES Project 801620 to serve the City. Construction is scheduled for 2011-2012.
8. Council and City have determined that it is in their best interests to enter into this Agreement in order to specify SAC matters for the City and to specify the terms for contingent loans for part of the reserve capacity charges and other related matters.
9. The Council has authorized its Regional Administrator to enter into this Agreement pursuant to Business Item No. 2010-355 passed by the Council on October 27, 2010. The City has authorized its Administrator to enter into this Agreement pursuant to a motion passed by the City Council on November 3, 2010.

**NOW, THEREFORE**, for valuable consideration, the receipt of which is acknowledged by both parties, the parties agree as follows:

**ARTICLE I**  
**Financial Terms and Conditions**

**1.01 Municipal Wastewater Charges (MWC).**

a. Allocation. Council shall measure the City's wastewater flow and allocate current costs consistent with the methodology used throughout the metropolitan disposal system to allocate Current Costs among and charge local government units in the form of MWC, as may be amended from time to time. The Council's regular MWC billings to the City shall begin for the calendar year 2014 based on the wastewater flow for the period July 1, 2012 – June 30, 2013. Prior to that regular cycle, the Council's MWC billings to the City for the calendar year 2013 shall be based on the estimated number of SAC units served prior to June 30, 2012, flow estimates/SAC and the duration of such usable connections within the subject period. Council shall invoice the City monthly. City shall pay Council within thirty (30) calendar days of each billing.

b. City Obligation - Charges. The City acknowledges its obligation under Minnesota Statutes, including, but not limited to, § 473.519, to adopt and maintain a system of charges for the use and availability of the metropolitan disposal system located within the City which will assure that each recipient of wastewater treatment services within or served by the City will pay its proportionate share of the Current Cost charges allocated to the City by the Council under Minnesota Statutes, § 473.517, as required by federal law and regulations.

c. On or before December 31, 2011, the City shall submit to the Council, for review and approval, a proposed ordinance implementing a system of volumetric charges for the use and availability of the metropolitan disposal system, and shall make modifications in such system if notified by the Council, as needed to comply with the provisions of Minnesota Statutes § 473.519, the Council's Waste Discharge Rules and federal law and regulations. Upon approval, the Municipality shall maintain such system of volumetric charges in accordance with section 473.519.

d. City Obligation – Connections. The City agrees that within twelve (12) months of service being available, the City shall mandate connections to the metropolitan disposal system and will pay the Council SAC for connections in the business district described as Project 1 Phase One.

e. Reservation of Rights. Nothing in this article shall be deemed to limit the Council's rights to add-to, amend or change its method of allocating and/or collecting costs under Minnesota Statutes, section 473.517, subdivision 1.

#### **1.02 Sewer Availability Charges (SAC).**

a. City Obligation. The City acknowledges its obligation under Minnesota Statutes, including, but not limited to, § 473.517 subd. 3, to pay Reserved Capacity Costs allocated to the City by the Council under § 473.517, subd. 3. These costs are currently allocated to cities by the Council through the Sewer Availability Charge (SAC) system, based on the number of residential equivalent SAC units which become connected within the City either directly or indirectly to the metropolitan disposal system. City acknowledges and agrees that SAC and reporting for it will be due beginning twelve (12) months prior to startup of the wastewater treatment facility. The City acknowledges and agrees that it is liable for SAC whether or not it collects, or is able to collect, such amounts from any property owners or other third parties.

b. Implementation of SAC System. Under the current SAC system, the City shall be responsible for monitoring, reporting of connections, and other duties in accordance with Council's policies and procedures for collecting SAC charges. If under the current SAC system, the City chooses to collect charges from the owners of the property connected to City sewers which are connected to the metropolitan disposal system, it shall be solely responsible for billing and collecting such charges from the property owners.

c. Reservation of Rights. Nothing in this article shall be deemed to limit the Council's rights to add-to, amend or change its method of allocating and/or collecting costs under Minnesota Statutes, section 473.517, subdivision 3 as it pertains to the SAC rate and general SAC collection requirements and procedures.

d. East Bethel's City-Specific SAC (hereafter "East Bethel SAC"). Council shall establish the East Bethel SAC pursuant to the Council's policies and SAC procedures. The East Bethel SAC shall initially be based on the wastewater treatment facility debt service specific to the City, as estimated in Exhibit A. The estimated capital costs described in Exhibit A, and the East Bethel SAC based on the associated debt service, may be adjusted after final project costs have been determined and if needed for additional project costs should they occur prior to the end of the designation of the city of East Bethel as a Rural Growth Center. Adjustments, if any, to the SAC rates will not be retroactive.

Council and City agree that the East Bethel SAC has been determined, based on the following factors: (1) debt service and/or capital costs on City-specific capital costs based on financing over a term extending to 2030 at an interest rate based on the actual rate(s) of financings used by the Council to fund the project costs, currently estimated at 3.0% for the initial facility and 4.5% for the future expansion; (2) 2030 Comprehensive Plan forecast of 5,500 SAC units; (3) a constant SAC unit growth rate of approximately 10.6% annually from 2012 through 2030; (4) reserve capacity determination using cumulative SAC units as forecasted for the currently used portion of total capacity; (5) fixed East Bethel SAC rate increases of 3% annually; and (6) East Bethel SAC computed to recover the present value of reserve capacity of debt service as determined in (1) hereinbefore.

Council and City agree that the East Bethel SAC based on the capital costs in Exhibit A and the above factors, shall be \$3,300 in 2012, increasing 3% annually to \$5,600 in 2030. East Bethel SAC may be adjusted if the final capital costs and interest rates are materially different than expected.

e. Nothing in this Agreement prohibits or restricts the sewer, SAC or other related charges that the City may or may not charge to property owners within the City.

### **1.03 Reserve Capacity Loans.**

a. Amount. If at the end of each calendar year, starting with the year 2012, the SAC units attributed (either i), actually paid, or ii) loaned as described in this paragraph) to the Council by the City on an annual basis, are below the estimate of growth for the year based on the 2030 Comprehensive Plan forecast for the City used to set the rates as described herein, the deficiency shall be considered a Reserve Capacity Loan ("Reserve Capacity Loan") from the Council to the City, pursuant to M.S. 473.517 subd. 6. Interest shall accrue on the prior year-end balance at 3.6% APR annually. In years where the actual SAC paid by the City to the Council exceeds the estimate, the surplus SAC shall be considered a payment against any then outstanding loans. If such a surplus occurs and no loan balance is then outstanding, no rebate shall occur, however, the amount of units paid over the cumulative forecast shall be available to offset a future year shortage (that is, to reduce the required loan in a future year when the annual SAC units paid are less than forecast).

b. Payment. If a Reserve Capacity Loan balance is outstanding at any year-end, the City shall pay, at a minimum, an annual amount set by the Council which shall be an amount not greater than the ordinary municipal wastewater charge to be charged to the City in that same calendar year based on the community's annual flow volume in the metropolitan disposal system. The payment shall be applied first to interest accrued and the remainder against the cumulative outstanding principal on the loan. During the first five years of the Loan, the Council may require a lesser payment to allow the City to gradually adjust its retail sewer charges or other revenues to cover the Loan payments.

**Comment [W1]:** It's my understanding that Dan has shown that this won't work in EB where there is no existing customer base and thus the MWC will be very little in the early years. What do you think about this which they would be allowed to raise in any manner they chose (perhaps from a developer???)

Minimum payments on the loan shall be determined by the Council in January of each year and included on monthly bills, provided however, that the Council may estimate the loan payment requirements for the first two months of each year and reconcile the difference in the March bill of each year.

c. Prepayment. The City may prepay all or part of the loan at any time to avoid additional interest accrual.

d. Developing Community. The Council agrees that if: a) the City meets the conditions of the Council to become a Developing Community as determined by the Council; or b) another city is provided sewer service through the East Bethel wastewater treatment facilities; or c) the City reaches its current 2030 Comprehensive Sewer Plan population forecast, or d) at the conclusion of the 2030 Water Resources Policy Plan (*i.e.* at the end of the year 2030), the East Bethel SAC rate may be frozen by the Council at the then current rate and retained at that rate, even though that rate is a higher rate than the urban SAC until such time as the outstanding loan is entirely repaid. This term shall survive the Agreement until the entire Loan is repaid, or the condition in Section 1.03(e) occurs:

e. The parties agree that the terms of the Agreement are intended to handle the short or medium term problem that planned growth is deferred from the expectations of the Comprehensive Plans. However, if 30 years after the first Loan is recorded, substantial planned growth has not occurred and expectations at that time are that it may continue to be below 2030 forecasts, the parties agree to renegotiate in good faith to provide for an end to the Loan that does not require an unreasonable burden on the sewer rates of the still small City.

## ARTICLE II

### Conveyance of Interceptor Ownership to City

#### 2.01 Transfer.

If the Council determines that the interceptor constructed along Viking Blvd. and STH 65 no longer serves a regional benefit, the Council will transfer to the City and the City

agrees, without payment from the Council, to accept title and ownership of that portion of the aforementioned interceptor within the City. Such transfer may occur at any time after determination in the sole discretion of the Council that the aforementioned interceptor no longer serves a regional benefit and certification by the Council that the interceptor to be transferred is in good operating condition.

**ARTICLE III**  
**Compliance with Council Rules and Policies**

**3.01 Infiltration and Inflow.**

The City shall comply with the Council's policy and procedures on Infiltration/Inflow and its standards for allowable peak hour to average daily wastewater flow. On or before June 30, 2012, the City shall submit its proposed Infiltration/Inflow program to the Council for review and approval and shall adopt and follow any recommendations of the Council regarding inflow and infiltration into the City's sewage collection system.

**3.02 Waste Discharge Rules.**

The City acknowledges that all discharges to the City's sewage collection system are subject to the Council's Waste Discharge Rules and any other rules or requirements adopted by the Council relating to the metropolitan disposal system. The City shall adopt a sanitary sewer use ordinance which ensures City compliance with Council's policies and Waste Discharge Rules, however amended. The City agrees to cooperate with the Council in enforcement of Council's rules and enforcement requirements. Nothing in this Agreement prohibits or limits the Council's right to make general changes to the Waste Discharge Rules.

**3.03 Comprehensive Plan.**

The City has prepared and adopted its 2030 Comprehensive Plan Update and Tier II Comprehensive Sewer Plan, in accordance with Minnesota Statutes §§ 462.355, subd. 1a and 473.864, subd. 2. The Council has approved the City's Tier II Comprehensive Sewer Plan and authorized the City to put its 2030 Comprehensive Plan Update into effect.

In accordance with Minnesota Statutes, section 473.858, subd. 1, and section 473.865, subd. 3, upon approval and adoption by the City of the comprehensive plan, the City shall adopt or amend official controls to ensure planned, orderly, and staged development consistent with the comprehensive plan and so as not to conflict with the comprehensive plan. The City shall submit copies of such official controls to the Council in accordance with Minnesota Statutes, section 473.865, subd. 1.

Nothing in this agreement shall modify the City's obligations under the referenced statutes or in the Comprehensive Plan.

**ARTICLE IV**  
**Notices**

Any notice or demand which may or must be given or made by either party to this Agreement, under the terms of this Agreement and any statute or ordinance, shall be in writing and shall be sent by certified mail, return receipt requested, or delivered in person, to the other party addressed or delivered as follows:

General Manager  
Environmental Services  
Metropolitan Council  
390 North Robert Street  
St. Paul, MN 55101

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

**ARTICLE V**  
**General Provisions**

**5.01 Successors and Assignment.**

The Covenants of this Agreement shall be binding upon and inure to the benefit of the parties, their successors, and assigns. The City may neither assign nor transfer any rights or obligations under this Agreement without the prior consent of the Council and a fully executed Assignment Agreement, executed by authorized representatives of the parties to this Agreement.

**5.02 Amendments.**

The terms of this Agreement may be changed only by the mutual agreement of the parties. Such changes shall be effective only upon execution of written amendments executed by authorized representatives of the parties to this Agreement.

**5.03 Non-Waiver.**

If the Council fails to enforce any provision of this Agreement, that failure does not waive the provision or any other provision or the Council's right to enforce it at a later date.

**5.04 Contract Complete.**

This Agreement contains all negotiations and agreements between the Council and the City related to the matters included herein. No other understanding regarding this Agreement, whether written or oral, may be used to bind either Party.

**5.05 Construction of Agreement.**

This Agreement is intended to assist in implementing the Council's policy plans and system plans and shall be interpreted consistently with the provisions and intent of such plans.

**5.06 Severability.**

The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire agreement with respect to either Party.

**5.07 Liability.**

Except as provided elsewhere in this Agreement, each Party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of the other Party and results thereof. The liability of the Council and the City shall be governed by the provisions of Minnesota Statutes, chapter 466, and other applicable law. Nothing in this Agreement shall constitute or be construed as a waiver by the Council or the City of any statutory limits on or exceptions to liability.

**5.08 Council Audits.**

In accordance with Minnesota Statutes, section 16C.05, subd. 5, the City's books, records, documents, and accounting procedures and practices relevant to this Agreement are subject to examination by the Council and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this Agreement.

**5.09 Government Data Practices.**

The City and Council must comply with the Minnesota Government Data Practices Act, Minnesota Statutes, chapter 13, as it applies to all data provided by the Council under this Agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the City under this Agreement. The civil remedies of Minnesota Statutes, section 13.08, apply to the release of the data referred to in this clause by either the City or the Council.

**5.10 Conformance to Law.**

The parties to this Agreement acknowledge and agree to the following:

a) This Agreement addresses certain of the rights and obligations to the parties under Minnesota Statutes, chapter 473, but this Agreement is not intended to be a complete description of all rights and obligations of the parties with respect to each other that may exist under such chapter or other provisions of law.

b) Future changes in Minnesota Statutes, chapter 473, and other applicable law may modify the rights and obligations of the parties with respect to each other and such changes in law shall take precedence over any provisions of this Agreement that may be inconsistent and irreconcilable with such changes.

**5.11 Venue.**

This Agreement shall be governed by the laws of the State of Minnesota. Venue for all legal proceedings arising out of this Agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

**5.12 Recitals.**

The Recitals are hereby incorporated into and made a part of this Agreement.

**IN WITNESS WHEREOF**, the parties have executed this Agreement on the dates indicated below.

**METROPOLITAN COUNCIL**

Approved as to Form:

\_\_\_\_\_

Office of General Counsel

By: \_\_\_\_\_

Its: Regional Administrator

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

**FOR THE CITY OF EAST BETHEL**

By: \_\_\_\_\_

Title: Mayor

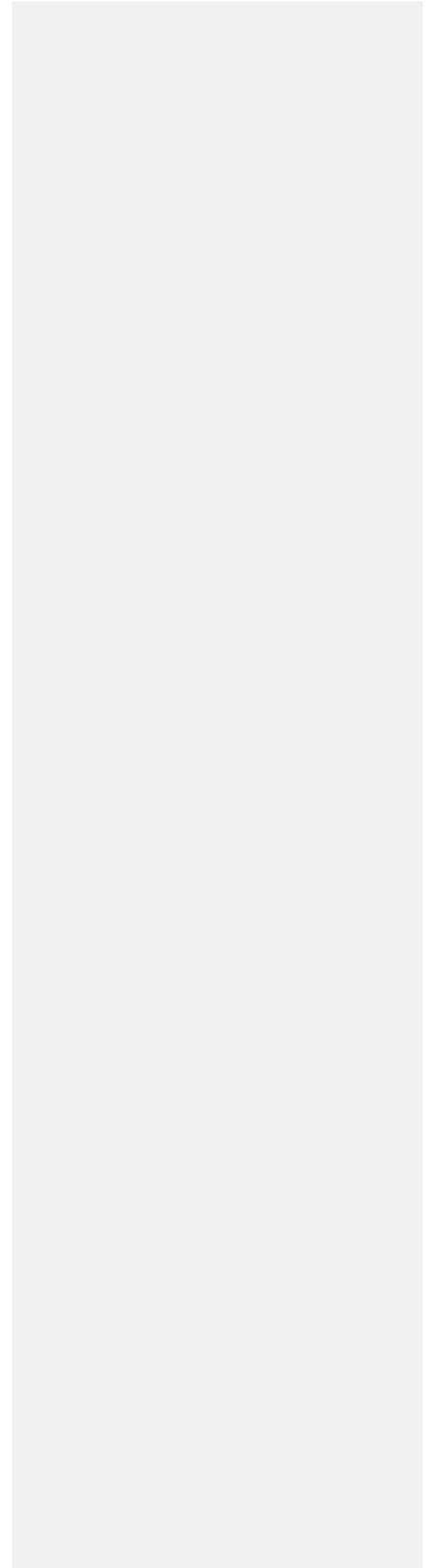
Date: November 3, 2010

ATTEST:

By: \_\_\_\_\_

Title: City Administrator

Date: November 3, 2010



**EXHIBIT A**  
**ESTIMATED CAPITAL COSTS FOR**  
**EAST BETHEL WASTEWATER TREATMENT FACILITIES**

Component	Est. Cost (1)
<b>Initial Project</b>	
Influent Storage (2)	\$ 600,000
Wastewater Treatment Plant (3)	9,500,000
Treated Water Distribution System (4)	5,700,000
Land Application Facilities (5)	1,600,000
Land Acquisition (6)	600,000
<b>Total - Initial Project</b>	<b>\$18,000,000</b>
<b>Future Facility Expansion (3)</b>	
Plant Expansion	\$10,000,000
Treated Water Distribution	2,000,000
Land Application Facilities (incl. land)	<u>2,000,000</u>
<b>Total-Expansion</b>	<b>\$14,000,000</b>

**Notes:**

1. Estimated cost includes construction, engineering, inspection, and administration.
2. Incremental cost of increasing size of influent interceptor sewer from STH 65 to treatment facility from 24-inch diameter to 60-inch diameter. This option is being used in lieu of providing storage within the wastewater treatment facility.
3. Plant will be constructed in phases. Initial phase has 0.41 mgd capacity. Future facility expansion (approx. year 2020) will increase capacity to 1.22 mgd.
4. Pipeline to convey treated water from wastewater treatment plant to the two initial land application facilities.
5. Facilities designed to distribute treated water such that it infiltrates through the soil and recharges the groundwater.
6. Cost of acquiring two land application sites (\$60,000 for one; free long-term use of second site) and two-thirds of the wastewater treatment plant site, which is planned to serve portions of Oak Grove, and potentially Ham Lake, in the future.