City of East Bethel
City Council Agenda

Regular Council Meeting – 7:30 p.m.
Date: September 1, 2010

	Item		
7:30 PM	**1.0**	**Call to Order**	
7:31 PM	**2.0**	**Pledge of Allegiance**	
7:32 PM	**3.0**	**Adopt Agenda**	
7:34 PM	**4.0**	**Public Forum**	
7:44 PM	**5.0**	**Consent Agenda**	

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration

Page 3-7	A.	Approve Bills
Page 8-21	B.	Meeting Minutes, August 18, 2010 Regular Meeting
Page 22	C.	Resolution 2010-48 Declaring October Domestic Violence Awareness Month
Page 23-24	D.	Labor Agreement-Appendix A-Pay Table for 2011
Page 25-26	E.	Resolution 2010-49 Recovery Zone Economic Development Bonds

New Business

6.0 Commission, Association and Task Force Reports

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

7.0 Department Reports

7:49 PM	A.	Engineer	
Page 27-30		1.	Pay Estimate No. 1 for the Erskine Street and 200th Lane Overlay Project
	B.	Attorney **(No Report)**	
7:54 PM	C.	Finance	
Page 31-33		1.	Resolution 2010-50 Set Final Levy & Budget Date
Page 34-36		2.	Resolution 2010-51 Set Preliminary Levy & Budget 2011
Page 37-39		3.	EBHRA Resolution 2010-05 Adopting Tax Levy Collectable in 2011
8:15 PM	D.	Public Works	
Page 40-52		1.	Cedar Creek Trail Easements
8:25 PM	E.	Planning and Inspection/Code Enforcement	
Page 53-56		1.	Great River Energy Work Group Member Appointment
Page 57-75		2.	Resolution 2010-52 Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act
	F.	Fire Department **(No Report)**	
8:45 PM	G.	City Administrator	
Page 76		1.	Town Hall Meeting
Page 77-78		2.	Schoolhouse Relocation

	8.0	**Other**	
9:00 PM		A.	Council Reports
9:10 PM		B.	Other
9:15 PM	**9.0**	**Adjourn**	

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 5.0 A-E
* *

Agenda Item:
Consent Agenda
* *

Requested Action:
Consider approving Consent Agenda as presented
* *

Background Information:
Item A
Bills/Claims

Item B
Meeting Minutes, August 18, 2010 Regular City Council
Meeting minutes from the August 18, 2010 Regular City Council Meeting are attached for your review and approval.

Item C
Resolution 2010-48 Declaring October Domestic Violence Awareness Month
At the request of Alexandra House, Resolution 2010-48 proclaims October 2010 as Domestic Violence Awareness Month.

Item D
Union Agreement Ratification – Wage/Pay Table and Cafeteria Contribution
Council directed that staff negotiate a wage and benefit agreement in accordance with the provisions of current union agreement – Appendix A. The 2010 Pay Table did not provide for a CPI adjustment. The current agreement provides for a wage adjustment in 2011 based on the CPI for the period June 30, 2009 through July 1, 2010. During this period, the CPI grew by 1.5%. A Pay Table was prepared to reflect this adjustment and is attached. This pay table has been accepted by the Union pursuant to a letter dated August 27, 2010.

The current agreement provides for an adjustment to the cafeteria plan contributions based on the formula whereby the City and employees share in any cost increases. For 2010, Council authorized an increase whereby the total cost increase was provided for in an increase to the cafeteria contribution. The 2011 cafeteria contribution reflects a reduction to the base amount equal to one-half of the 2010 increase and then an adjustment for 2011 increases. The overall effect is a reduction from $906.25 to $894.36 per employee per month. The decrease is a direct result of plan changes that increase some co-pays and deductibles. These changes were

accepted by all employees. This cafeteria contribution has been accepted by the Union pursuant to a letter dated August 27, 2010.

Staff is recommending approval of the Pay Table for 2011 that provides for a 1.5% wage increase and a cafeteria contribution of $894.36 per month per employee.

Item E

Resolution 2010-49 Recovery Zone Economic Development Bonds

Bond Counsel has drafted a Resolution further defining the Recovery Zone applicable to the Economic Development Bonds proposed for financing the water utility facilities in the Project 1 area of Phase One. This resolution identifies the basis for the Recovery Zone and directs that information related to this bond issue be developed and provided to Bond Counsel and Fiscal Agent as necessary.

*** ***

Fiscal Impact:

As noted above.

*** ***

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

Bills to be Approved for Payment September 15, 2010	$510,432.97
Electronic Payments	$25,030.32
Payroll City Staff - September 2, 2010	$35,186.56

Total to be Approved for Payment September 15, 2010	$570,649.85

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer

City of East Bethel

September 15, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
221 Birch Road	Professional Services Fees	60910	Miller Enterprises of Buffalo	229	22905	3,180.50
Arena Operations	Bldg/Facility Repair Supplies	45694-IN	R & R Specialities, Inc.	615	49851	896.00
Arena Operations	Bldg/Facility Repair Supplies	45693-IN	R & R Specialities, Inc.	615	49851	315.55
Arena Operations	Bldgs/Facilities Repair/Maint	82010	Connexus Energy	615	49851	21.32
Arena Operations	Bldgs/Facilities Repair/Maint	1116822	Green Lights Recycling, Inc.	615	49851	1,001.95
Arena Operations	Bldgs/Facilities Repair/Maint	150898	Premier Lighting, Inc.	615	49851	12,023.44
Arena Operations	Bldgs/Facilities Repair/Maint	C-3617	Shortstop Electric Inc.	615	49851	3,900.00
Arena Operations	Change Fund	90110	Gibson's Management Company	615		600.00
Arena Operations	Electric Utilities	82010	Connexus Energy	615	49851	1,442.95
Arena Operations	Professional Services Fees	25	Gibson's Management Company	615	49851	6,447.70
Arena Operations	Telephone	82810	Qwest	615	49851	99.80
Building Inspection	Motor Fuels	175583	Lubricant Technologies, Inc.	101	42410	203.83
Building Inspection	Office Supplies	530187766001	Office Depot	101	42410	68.49
Cedar Creek Trail Project	Architect/Engineering Fees	27204	Hakanson Anderson Assoc. Inc.	402	43124	4,846.54
Central Services/Supplies	Information Systems	26892	Avenet, LLC	101	48150	816.00
Central Services/Supplies	Information Systems	210084	City of Roseville	101	48150	1,251.83
Central Services/Supplies	Information Systems	40422	US Cable	101	48150	1,331.44
Central Services/Supplies	Office Equipment Rental	158665273	Loffler Companies, Inc.	101	48150	464.27
Central Services/Supplies	Office Supplies	48157056	Hewlett-Packard Company	101	48150	655.39
Central Services/Supplies	Office Supplies	530794084001	Office Depot	101	48150	13.81
Central Services/Supplies	Office Supplies	530460226001	Office Depot	101	48150	24.88
Central Services/Supplies	Office Supplies	530187766001	Office Depot	101	48150	67.41
Central Services/Supplies	Office Supplies	531717247001	Office Depot	101	48150	1.64
Central Services/Supplies	Office Supplies	531484060001	Office Depot	101	48150	16.36
Central Services/Supplies	Telephone	82810	Qwest	101	48150	209.07
Elections	Repairs/Maint Machinery/Equip	48181265	Hewlett-Packard Company	101	41410	470.29
Engineering	Architect/Engineering Fees	27207	Hakanson Anderson Assoc. Inc.	101	43110	1,601.31
Fire Department	Bldgs/Facilities Repair/Maint	82010	Connexus Energy	101	42210	5.32
Fire Department	Conferences/Meetings	8336	F.I.R.E.	101	42210	250.00
Fire Department	Electric Utilities	82010	Connexus Energy	101	42210	869.84
Fire Department	Equipment Parts	13791	Ancom Communications	101	42210	13.36
Fire Department	Equipment Parts	38750	Metro Fire, Inc.	101	42210	288.68
Fire Department	Motor Fuels	175582	Lubricant Technologies, Inc.	101	42210	357.26
Fire Department	Motor Fuels	175583	Lubricant Technologies, Inc.	101	42210	324.27
Fire Department	Motor Vehicles	64735	General Safety Equipment	701	42210	113,606.00
Fire Department	Office Supplies	605098	ANX Lab Services	101	42210	205.16
Fire Department	Telephone	82810	Qwest	101	42210	344.93
Fire Department	Travel Expenses	83110	Janet Haapoja	101	42210	30.00
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	40431	Orkin Commercial Services	101	41940	74.81
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470518405	Cintas Corporation #470	101	41940	19.63
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14643	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-08-10	Premium Waters, Inc.	101	41940	87.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	115101	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Electric Utilities	82010	Connexus Energy	101	41940	1,307.55
General Govt Buildings/Plant	Small Tools and Minor Equip	48181265	Hewlett-Packard Company	101	41940	470.29
Housing & Redevelopment Author	Legal Fees	90310	Randall and Goodrich, P.L.C.	230	23000	1,092.50
Legal	Legal Fees	90310	Randall and Goodrich, P.L.C.	101	41610	2,086.95
MSA Street Construction	Architect/Engineering Fees	27211	Hakanson Anderson Assoc. Inc.	402	40200	492.69
MSA Street Construction	Architect/Engineering Fees	27213	Hakanson Anderson Assoc. Inc.	402	40200	6,643.48
Park Acquisition/Development	Architect/Engineering Fees	27211	Hakanson Anderson Assoc. Inc.	404	40400	1,642.29
Park Capital Projects	Bldg/Facility Repair Supplies	71774	Menards Cambridge	407	40700	72.49
Park Capital Projects	Park/Landscaping Materials	2800	Menards - Forest Lake	407	40700	15.90

City of East Bethel

September 15, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Capital Projects	Park/Landscaping Materials	69910	Menards Cambridge	407	40700	300.11
Park Capital Projects	Park/Landscaping Materials	70597	Menards Cambridge	407	40700	193.27
Park Maintenance	Clothing & Personal Equipment	470518406	Cintas Corporation #470	101	43201	23.23
Park Maintenance	Clothing & Personal Equipment	470515090	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Electric Utilities	82010	Connexus Energy	101	43201	358.47
Park Maintenance	General Operating Supplies	2243344	Dalco	101	43201	132.23
Park Maintenance	General Operating Supplies	2800	Menards - Forest Lake	101	43201	35.84
Park Maintenance	Motor Fuels	175583	Lubricant Technologies, Inc.	101	43201	277.94
Park Maintenance	Motor Fuels	175582	Lubricant Technologies, Inc.	101	43201	687.03
Park Maintenance	Office Supplies	531717247001	Office Depot	101	43201	42.11
Park Maintenance	Other Equipment Rentals	40505	Jimmy's Johnnys, Inc.	101	43201	935.00
Park Maintenance	Park/Landscaping Materials	70797	Menards Cambridge	101	43201	106.85
Park Maintenance	Professional Services Fees	90710	Connexus Energy	101	43201	4,286.28
Park Maintenance	Telephone	82810	Qwest	101	43201	92.60
Payroll	Insurance Premium	40422	MN NCPERS Life Ins	101		144.00
Payroll	Union Dues	40422	MN Teamsters No. 320	101		548.35
Planning and Zoning	Architect/Engineering Fees	27214	Hakanson Anderson Assoc. Inc.	862		390.00
Planning and Zoning	Office Supplies	530187766001	Office Depot	101	41910	70.99
Police	Professional Services Fees	3rd Qtr 2010	Anoka County Sheriff	101	42110	267,668.75
Recycling Day	Change Fund	83110	CASH	101		200.00
Recycling Operations	Electric Utilities	82010	Connexus Energy	226	43235	109.73
Recycling Operations	Other Equipment Rentals	40505	Jimmy's Johnnys, Inc.	226	43235	88.15
Recycling Operations	Professional Services Fees	40422	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Travel Expenses	83110	Janet Haapoja	226	43235	17.00
Sewer Operations	Bldgs/Facilities Repair/Maint	82010	Connexus Energy	602	49451	24.53
Sewer Operations	Electric Utilities	82010	Connexus Energy	602	49451	667.35
Street Capital Projects	Architect/Engineering Fees	27211	Hakanson Anderson Assoc. Inc.	406	40600	2,841.65
Street Maintenance	Bldgs/Facilities Repair/Maint	470518406	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470515090	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	82010	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-08-10	Premium Waters, Inc.	101	43220	87.00
Street Maintenance	Clothing & Personal Equipment	470518406	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470515090	Cintas Corporation #470	101	43220	71.36
Street Maintenance	Electric Utilities	82010	Connexus Energy	101	43220	1,502.87
Street Maintenance	General Operating Supplies	2243344	Dalco	101	43220	132.22
Street Maintenance	Motor Fuels	175583	Lubricant Technologies, Inc.	101	43220	120.44
Street Maintenance	Motor Fuels	175582	Lubricant Technologies, Inc.	101	43220	1,703.84
Street Maintenance	Safety Supplies	2800	Menards - Forest Lake	101	43220	63.52
Street Maintenance	Telephone	82810	Qwest	101	43220	67.72
Street Maintenance	Travel Expenses	83110	Janet Haapoja	101	43220	5.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	82010	Connexus Energy	601	49401	26.67
Water Utility Operations	Electric Utilities	82010	Connexus Energy	601	49401	415.08
Water Utility Operations	Telephone	82810	Qwest	601	49401	108.24
Whispering Aspen Well Project	Improvements Other Than Bldgs	2166498	Connexus Energy	432	43200	414.58
Whispering Aspen Well Project	Improvements Other Than Bldgs	Pay Est #5	Municipal Builders, Inc.	432	43200	51,646.92
						$510,432.97

City of East Bethel

September 15, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
		PERA				$5,763.96
		Federal Withholding				$5,256.38
		Medicare Withholding				$1,533.02
		FICA Tax Withholding				$6,346.18
		State Withholding				$2,189.60
		MSRS				$3,941.18
						$25,030.32

EAST BETHEL CITY COUNCIL MEETING

August 18, 2010

The East Bethel City Council met on August 18, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT:	Bill Boyer	Steve Channer	Greg Hunter
	Kathy Paavola	Steve Voss	

ALSO PRESENT: Douglas Sell, City Administrator
Tammy Schutta, Asst. City Administrator/HR Director
Jerry Randall, City Attorney
Craig Jochum, City Engineer

Call to Order **The August 18, 2010 City Council meeting was called to order by at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the August 18, 2010 City Council Agenda with the addition of Item 9.0 D, Closed Session to discuss ACHRA Litigation and Real Estate Purchase. Voss seconded; all in favor, motion carries.**

Sheriff's Report Sergeant Schrempp reported on the custodial arrests/significant arrests for the month of July 2010 as follows:

07-03-10 - 4th Degree DWI/ Property Damage Accident / Warrant Arrest - While on routine patrol, a deputy came upon a two vehicle property damage accident. On driver appeared to be under the influence of alcohol. He failed field sobriety tests and was taken into custody. He also had a Hennepin Co warrant for his arrest.

07-04-10 - 2nd Degree BWI - ACSO Recreational Deputy saw a pontoon boat on Coon Lake approaching the channel, but not displaying the white light to the rear. Deputy stopped the boat and the driver advised he needed to put the top up for the light to show. Male had difficulties in doing so and appeared to be under the influence of alcohol. The driver failed field sobriety tests. Driver had two prior DWI's so a blood test was taken. Driver was booked into jail.

07-04-10 - Under 21 Drink & Drive / Possess Drug Paraphernalia - Deputies were called on a domestic report. Upon arriving they found one party in his vehicle in the area. The male admitted to drinking earlier in the day. He took a pbt test which showed a BAC of .03. The male was also in possession of a glass pipe. He was taken to jail.

07-15-10 - 5th Degree Domestic Assault - Deputies were called to a boyfriend/girlfriend domestic. The girlfriend and boyfriend had been arguing about his drug use, when he threatened to kill her. She then was hit in the ear, causing a cut on her ear and redness around the cut. The boyfriend had left prior to deputies arriving. An attempt to locate was broadcast. The boyfriend was later arrested in Isanti County.

07-24-10 - Felony Flee / Warrant Arrest - A deputy attempted to stop a vehicle after observing a vehicle displaying a dealership license plate with expired tabs. The vehicle slowed down at first but then increased its speed. The deputy pursued the vehicle into Isanti County. The driver fled the vehicle on foot. A perimeter was set up and K9 was deployed. The driver was apprehended by K9 hiding in a swamp under some cattails. The driver had

DRAFT

three felony warrants for his arrest. (One for felony fleeing). The driver stated he should have surrendered but he thought they would never locate him in the swamp.

Sergeant Schrempp said domestic calls (non-crime) for the month were sixteen (16) and DWI arrests for this month were five (5).

Hunter asked are our new cars in service. Sergeant Schrempp said yes, they are all in service.

Introduction of New Fire Fighters

Sell explained that the Fire Chief is with us this evening to introduce our latest fire fighter recruits. These individuals have completed 20 hours of training and are eligible for appointment as probationary fire fighters.

Chief DuCharme said we have started our class for our new recruits and we have eight (8) in this class. He said he is going to have them introduce themselves. Chief DuCharme said unfortunately Chad Fish and Ryan Henry were not available tonight. He said we are really getting into the hands on stuff now and looking forward to the September 25th State certification class. Wade Hoffman introduced himself. Kalli Haapoja said she has lived here for thirteen (13) years and was in the explorer program. Stephanie Bragstad said she is a new resident. Nikole Novak said she has lived here for fourteen (14) years. Bill (William) Folwarski said he has lived in East Bethel for three and one-half years (3 ½) years. Matthew Knealing said he has lived in East Bethel for twenty-four (24) years.

Voss made a motion to appoint Stephanie Bragstad, Chad Fish, William Folwarski, Kalli Haapoja, Ryan Henry, Wade Hoffman, Matthew Knealing and Nikole Novak as probationary fire fighters effective September 1, 2010. Channer seconded; all in favor, motion carries.

Springsted, Inc Presentation

Sell explained that Mr. Paul Steinman is with us this evening to present background information and recommendations regarding the RZED Bonds. We will be asking for Council direction to move forward with the preparation of the Official offering statement following the presentation.

Steinman as you are all aware we are discussing the issuance of recovery bonds, these are not your plain vanilla bond issuance. He said it is a bit more technical than a standard issuance. Steinman said you get to have a rebate on these bonds. He said the process of issuing these bonds has to be concluded prior to January 1, 2011. Steinman said we have a fairly aggressive timetable to get that completed prior to the end of the year. He said he believes there is a calendar in Council's packet. Steinman said Springsted would finalize the bond structure and prepare terms of the proposal by September 3, 2010. He said Springsted and Dorsey & Whitney would make sale recommendations and a bond resolution would be delivered to the City. Steinman said as part of bond process we have to collect information. He said we would be back before you on September 15th at which time you will consider establishing a sale date for these bonds, and that date as proposed is November 3rd.

Steinman said the other major component that we have to start right away is the feasibility study. He said we haven't structured the bonds, we have to see the revenue stream and we are waiting for some more information from your engineers before we can do that. Steinman said as far as the cost of issuance for the $11,600,000 bonds is approximately $59,125. He said it would depend on how the bonds are structured, it may go up slightly or down slightly. Steinman said the breakdown is: Financial Advisor - $34,375; Bond Counsel - $$11,000;

DRAFT

Rating Agency Fee - $10,000; POS/Official Statement - $2,000, Registrar - $750 and Miscellaneous Costs about $1,000.

Sell asked Steinman to describe the different bonds. Steinman said there are a couple different options when it comes to selling bonds, competitive sale or negotiated sale. He said with competitive sale we offer your issuance to as many underwriters that wish to bid as possible and on the night of thee bid you offer it to the lowest bidder. Steinman said our firm woudl specifically recommend a competitive sale because this is a large amount and it is a taxable bond, so it makes the market larger for this bond. He said as we have discussed, we don't see any reason why this would not be a wonderful bond to bid on. Steinman said we would like to stick to the November date because it offers some flexibility. Sell asked if we moved forward with the competitive sale, would that add to the calendar. Boyer asked what is the projected interest rates. Steinman said haven't done anything on the structure. He said we are still waiting on information.

Voss said you mentioned about getting direction this evening from Council, or is this next meeting. Sell said we are looking for Council direction to begin process to pull all the information together so we can bring everything to you. Boyer asked will you have a better handle on the cost then. Steinman said once we have the information from the City Administrator then we will know more. Sell said the last item on tonight's agenda will be the last piece of this, then he will be able to provide them with all the information they need. Voss said in terms of the manner of which way the bonds are offered are you looking for direction on that also, because his gut feeling is the competitive sale.

Public Forum

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

Susan Sodren of 24347 Polk St. NE said she is here to discuss water prices in East Bethel at Whispering Aspen. She said being a new person out there, she is disappointed in living here. Sodren said we are two people and our water bill is $700. Beverly Wicklund of 24335 Polk St. NE said we went and talked to everyone there at Whispering Aspen Development. She said we did a petition, we have signatures. Wicklund said everyone there has the same feeling. Sodren said we have a nice development, new homes and we can't afford to water our lawns.

Voss asked what the purpose of the petition was. Sodren said to address the price of the water. Wicklund said the price and the quality. Sodren said when you gag when you brush your teeth that is pretty bad. Hunter said he thought the rates were restructured. Sell said the rates are determined basically by what it costs us to run the facility. He said labor, machine repair, etc., water or sewer, they have to produce enough to pay their own way. Sell said traditionally the sewer had come close to pay its own way, but the water has never come close to paying its own way. He said in December new rates were adopted. Sell said if you use more water, it gets more expensive. He said so if you water your lawn it gets very expensive.

Voss said for the water fund the general fund is picking up the tab. He said the users are not paying all the costs. Voss asked what is the major cost driver, chemical treatment, labor. Pierce said chemical and utilities to run the plant. She said we charge a very insignificant amount of labor to the fund. Voss asked the recent changes to the water system with the new well, it is not on line. Jochum said correct. Voss asked what we expect with the water quality. Jochum said it will probably stay very similar, less radium. Sodren said for two

DRAFT

people who are gone all day, $700 is ridiculous.

Richard Miller asked do we have a cost per gallon Sodren said she lived in Andover and watered her lawn daily and never had a bill like this. Voss said they have a much higher population. Miller asked are we paying for the development of the water system for that area or are we paying for usage. Sell said you are paying for maintenance. Miller asked so why the second well. Sell said that was a quality issue. Miller said we were under the assumption that we would have some cost savings with the new well. He said there is very little being charged back for the new well, because it was being paid for with a grant. Miller asked there was a plan in the City for sewer and water in 2005, what happened to that. He asked why it has taken so long. Voss said that was the previous presentation, we have been working on it. Boyer said it is a very complicated process. Voss and we have been very careful on this. Sell said and the Met Council is being very careful, this is a pilot program for them. He said we are the first place where they are building a stand alone treatment facility. Sell said if everything moves on schedule it will be by mid 2012. Miller said and the cost is 11.5 million. Sell said yes.

Channer asked Sell to address our new billing format. Sell said we received a request for more information on the bill, so we have revised your statement and you will now get more information on your bill that will show past information such as past use, etc. Miller asked is there anywhere we can see cost analysis on the water and sewer on this. Sell said we have this in our budget. Voss asked if the rate schedule is in their new invoicing. Sell said yes. Miller asked with the new water system in 2012 are we one of the last ones to get hooked up. Voss said yes, in the plan it will be about 2030. He said it is all development driven. Voss said geographically you are eight (8) miles away from the water treatment plant. Boyer said sewer costs about one million per million. Miller asked is there any way to bring the cost down. Sell said basically we need more customers. Voss said also there is a commercial piece that is supposed to be tied into this system. Miller asked who is on there now. Voss said Castle Tower and Whispering Aspen.

Sodren asked what causes the bad smell. Jochum said the iron in the water. Hunter said probably lack of moment also. Sodren said she is really disappointed that she moved out here. Wicklund said City water was a selling factor for her. She said she didn't expect to have this quality or rates. Voss said before you moved here, it was something you could have looked into. He said most cities serve more than forty (40) homes. Sodren said she understands but when you spend thousands of dollars on a home she doesn't understand how you shouldn't be able to afford to water your lawn. Voss said we have been adamant that the new system is going to be paid by the ones that use it. He said it would be tough to set a precedent for a small development to have the other residents pay for your water. Voss said when you say you are penalized, it sounds like we are trying to make you pay more than you should. He said we did not develop that land and did not develop those houses. Voss said we just provide the water.

Wicklund said when more people come in will it cost more to run the system. Voss said there is a fixed cost to things, but there is an operational cost for things. Wicklund asked can we see those costs. She said there is a number of ways we have tried to cut back ourselves. Wicklund said it is kind of shocking to open your bill and see $400, maybe we should go to a monthly basis. Sell said right now we do this manually, we aren't big enough to purchase an expensive system for this. Wicklund said so we have stinky, expensive water and that is it. Sell said Council went through four different analyses on how to charge for this and thought they found the fairest one. Voss said as far as water quality you can get together as a

DRAFT

community and bring an idea to us and we can look at doing it, but the cost will be for the residents to share.

Lisa Demarais of 1153 Pierce Path NE asked is there something that can be done about the quality of the water. She said her son takes an orange bath. Demarais said you can drive down our road and the houses are all orange. Sell asked her to leave her name and address with the city engineer and he will get some information to her on different ways she can address this.

Heidi Moegerle of 179 Forest Road said Sell was invited to the Coon Lake Community Center last Tuesday and he did a good job of giving the residents information on sewer and water. She said but before he came a petition was sent around about whether the residents wanted City sewer and water. Moegerle said we are still circulating the petitions. She said there may be a maximum of 258 addresses out there around Coon Lake, we think that is way high because we think there are empty houses, foreclosures, etc. Moegerle said with 158 responding, 131 or 80.78% said no they don't want it, 16 or 6.20% said maybe, 9 or 3.49% said yes and 59 said please enforce ordinances. She said we thought this was informative.

Moegerle said two questions came up as a result of this. She said on the web site of the City it says that East Bethel is "The Gateway to the Twin Cities" is that the official motto of the City. Voss said no. Moegerle said certainly in 2002 and even into late 2007 the economy was going great, but since we are no longer in Kansas. Boyer said right now the public forum which is slated for 15 minutes, has gone way over. Voss said he has a quick question. He asked what the purpose of this is? Voss asked why did you present this. Moegerle said the community has come together, this is good. She said there was a rumor around the Coon Lake Beach community that if 75% of us wanted City sewer and water and then we were told if 50% wanted it, we would get it. Moegerle said then we were told the Council would do what they wanted.

Voss said there is nothing on tonight's agenda about this. He said we have stated numerous times that we are going to examine putting sewer around the lake, but not for a long time. Voss said we had discussions eight to nine or four to five years ago and we decided we are not going to do this for a long time. He said at some point and time there will be the discussion. Voss said for water and sewer around the lake, the success of the system that we are currently building does not depend on water and sewer going in around the lake. Hunter said actually water and sewer around lake would increase the total system cost.

Moegerle said what happened at the beach, everyone getting involved, wanting to know what is going on, and that is great. She said if that is what is taken away from here it is great. Boyer said the 75-80% have to want it, that is the statement he has made. He said for any kind of special assessment he wants to see that amount before imposing additional taxes on residents. Boyer said other Council Members might not share his feelings on this. He said he can only speak for himself that he wants to see that number, he doesn't want to force people out of there homes by forcing additional taxes on them. Moegerle asked about her question that she asked last time, about what if the development doesn't come. Voss said the report on this is on our web site. Moegerle asked where she can find this. Voss said call the City Administrator, he will help you with this.

Gale Murphy of 814 Lakeshore Drive said her question is we are in the process of getting a feasibility study for Coon Lake Beach. Hunter said no, this was done for Hwy 65. Murphy asked is there any talk of getting this done, since the strong majority doesn't want this done,

DRAFT

will it be done. Hunter said we don't have the information on this, but because of the density of the lake as a whole, it has been included as a possibility. He said you don't put an 8" pipe in and not plan for the future. Hunter said we have looked towards the future, we are designing for the possibility or the future. Murphy said there is a strong feeling that because we have a large density that we would be the tax base for this system. She said the sad part is sometimes the unknown is more fearful. Murphy said we worry that we aren't going to have anything to say about it, there is a lack of information.

Murphy said so the feasibility study thing, that is more for Highway 65. Boyer said we did do something in 2004. Voss said we have worked on getting more information out. He said when he came on Council we started mailing the newsletter to everyone, etc, but human nature is people don't read it, it is great there is interest in this issue. Voss said it is great you are all here. He said we do Town Hall meetings twice a year, we try to communicate. Boyer said it is hard because we don't have a central place, we don't have a radio station, etc. Channer said we are very compartmentalized. He said we have to have an identity. Channer said commercial development is going to help this along. Paavola said that is what the vision was, a City Center, which was one of the biggest tings this Council has worked on since we worked on the new comp plan. She said the beach should rest easy, there is nothing out there for City water and sewer. Paavola said this is concentrated on Highway 65, so rest easy. Voss said we have been looking for ways to reduce funding to do water and sewer on the beach.

Bob DeRoche of 158 Collen said most of his questions have been answered but one of the things you need to be on City Council is if a question is asked you need a certain amount of decorum, it should be there. He said he watches the meetings on TV when he can't be here and there is a lot of speculation on the beach. DeRoche said there are a lot of rumors because there isn't enough communication brought back to the beach. Voss said this is the first time he has heard about the rumors. DeRoche said there is a lot of people here tonight, but it is the intimidation factor. He said he would ask that you as a Council member just think about that you are on that side, representing the City and most people don't know that they can come here and ask a question. Boyer said they can call me, you call me. DeRoche said he hopes people can feel comfortable enough to do that. Boyer said you can call me anytime.

Mike Stokes of 218 Hawthorne Road asked is the system for Highway 65, is that a modular system. Sell said no. Stokes asked why not. Sell said it is not our system, it is Met Council's system. He said the total design capacity is 10 million gallons per day. Stokes said and the hook up for commercial property projection is. Sell said that is one part that is still being done.

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

Consent Agenda

Voss made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, August 4, 2010, Regular Meeting; D) Whispering Aspen Well #2 Change Order #1; E) Resolution 2010-46 Proclaiming September 17-23, 2010 Constitution Week. Boyer seconded. Hunter said the meeting minutes from August 4, 2010 say he was present, he was excused. All in favor, motion carries.

Park Comm Minutes

Sell explained that the unapproved meeting minutes from the July 14, 2010 Parks Commission meeting are provided for your review and information.

DRAFT

Road Comm Minutes

Sell explained that the unapproved meeting minutes from the July 13, 2010 Road Commission meeting are provided for your review and information.

Award Bids – 2010 Improvement Project

Sell explained that 2010 Improvement Projects include the Bataan Street Sealcoat, 5th Street Overlay and Drainage Improvements and the Booster West Parking Lot Expansion. Based on Council approved plans and specifications, staff solicited, received and opened bids for these projects on August 10th. A total of four bids were received. The bids are summarized on the resolution which is included as Attachment 1. A detailed summary of the bids is shown on the Bid Tabulation which is included as Attachment 2. Project location maps are included as Attachments 3 through 5.

Rum River Contracting, Inc. was the low bidder with a base bid of $240,194.10. This contractor has worked in the City of East Bethel recently.

A Base Bid and four Alternate Bids were requested. The Base Bid includes the sealcoat on Bataan Street, the Booster West Parking Lot Expansion and the 5th Street Overlay with replacement of three of the existing storm sewer manholes along with the associated pipe between them. Alternate Bid No. 1 provides for the replacement of all nine storm sewer manholes and associated pipe between on the 5th Street overlay project. Since Alternate Bid No. 1 includes more storm sewer than the Base Bid, the unit prices on the storm sewer items decreased. With this, the parking lot project which includes some storm sewer decreased as the unit price decreased with no increase in quantity. The cost saving is reflected in the recommendation.

Alternate Bid No. 2 includes adding a fog seal to the bituminous sealcoat. Fog seal is a thin layer of asphalt that is sprayed over the seal coat rocks. The fog seal improves water proofing of the surface, prevents stone loss by holding aggregate in place, and improves the surface appearance. Alternate Bid No. 3 includes substituting the dresser trap rock with granite rock for the sealcoat project. Alternate Bid No. 4 includes leveling the small stock pile that is currently northwest of the proposed parking lot in Booster West Park.

Staff obtained cost estimates from Connexus Energy for lights at Booster West Park. Four lights would illuminate the parking lot at a cost of $7,400 to $12,628. The less expensive lights include a wood pole mounted light while the $12,628 includes a bronze fiberglass pole mounted light with a 2.5 foot raised concrete base. The concrete base and bronze pole would match the lights in the current parking lot section at Booster Park West.

Staff recommends accepting Alternate Bid No. 1 and Alternate Bid No. 2 in addition to the Base Bid. Breakdown for each project using including the Alternatives was provided in your agenda materials.

The total estimated construction cost for these projects 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.

Staff is recommending approval of Resolution 2010-47 Awarding the Bid to Rum River Contracting in the amount of $257,550.60 for the 2010 Improvement Projects.

Boyer made a motion to adopt Resolution 2010-47 Awarding Bid for 2010

DRAFT

Improvement Projects which includes the Base Bid of $240,194.10, Alternate Bid No. 1 - $12,988.50 and Alternate Bid No. 2 - $4,368.00 for a total of $257,550.60. Paavola seconded. Voss said to be clear this does not include the lights, just the conduits. Jochum said yes that is correct. Channer said just conduits, no wires. Jochum said yes that is correct. **All in favor, motion carries.**

Special Assessment Policy

Sell explained that the purpose of a Special Assessment Policy is to establish a fair and equitable manner of recovering and distributing the cost of public improvements. The procedures used by the City of East Bethel for levying special assessments are those specified by Minnesota Statues, Chapter 429 which provides that all or part of the cost of improvements may be assessed against benefiting properties. In addition, Minnesota Statutes, Chapter 444 provides for collection of Service Availability Charges (SAC/WAC) which can be specially assessed under the process and provisions of Chapter 429.

Three basic criteria must be satisfied before a particular parcel can be assessed. They include that the land must have received special benefit from the improvements; the amount of the assessment must not exceed the special benefit (except in cases where the project is 100% petitioned by the property owner(s)); and, the assessment must be uniform in relation to the same class of property within the assessment area.

It is important to recognize that the actual cost of extending public improvements to or past a particular parcel is not the only factor to be considered in determining the amount to be assessed. However, in most cases, the method for determining the value of the benefit to the parcel and therefore the amount to be assessed shall be the cost of the improvement, as long as the cost does not exceed the increase in the market value of the property being assessed. The entire project shall be considered as a whole for the purpose of calculating and computing an assessment rate.

The City must recover the expense of installing public improvements, while ensuring that each parcel pays its fair share of the project cost in accordance with these special assessment guidelines. There is no perfect assessment policy. However, it is important that assessments be implemented in a reasonable, consistent and fair manner. There may be exceptions to the policy or unique circumstances or situations which may require special consideration by the City Council. Such special situations will require the City Staff and City Council to use their best judgment in determining an appropriate amount to specially assess for a public improvement.

This assessment policy is intended to serve as a guide for a systematic special assessment process in the City of East Bethel. Issues to be addressed in the special assessment policy include the assessment of Water and Sewer Availability Charges. This includes existing residential parcels are assessed 100% of the improvements when they connect to water and sewer system; existing or future developed commercial/non-residential parcels located adjacent to a trunk or interceptor facility are assessed 100% of the improvements when the service or services are extended and water and sewer are available to the parcels as no future lateral facility installation is required to provide service to the parcel; and existing or future developed commercial/non residential parcels not located adjacent to a trunk or interceptor facility for which future lateral facility installation will be required are assessed 100% of the improvements when the service is provided to the parcel. A copy of the policy has been provided to the City Attorney for review and comment.

Staff requests Council review the attached Special Assessment Policy and provide direction

DRAFT

as it relates to changes, corrections, assumptions, etc. contained in this policy. A complete review may require a work session unless Council is comfortable with the document.

Boyer said he is not happy with this policy, it lacks flexibility. He said he is not ready to move on this. **Boyer made a motion to move this Agenda Item 8.0 C.1 Special Assessment Policy to the 9.0 C.1 on the agenda, after the 2011 Budget Discussion. Voss seconded; all in favor, motion carries.**

Code Enforcement Report

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

Transmission Line Workgroup

Sell explained that GRE has submitted a request to initiate the CUP work group process for the construction of a 69 Kilovolt (KV) electric transmission system in the East Bethel area. As required by Ordinance 15, Second Series, a work group must be formed to review the proposal and make recommendations.

Staff completed a review of the submitted request and analysis of the proposed project and recommends the establishment of a work group to begin the process as outlined in city code. Phase I of the preliminary process is the establishment of a work group. The work groups' responsibility is to meet with the applicant to review the proposed project and alternatives for the proposed locations of the electric transmission system. The work group will consist of the applicant, city planner, one Council member, one member of each of the city's commissions, and up to two city residents appointed by the City Council. Following the Phase I process, the applicant may submit an application for a CUP.

Phase I of the process should be completed no later than sixty (60) days of the first scheduled work group session. A tentative timeline was included in your agenda materials

Staff seeks direction to begin the process of work group selection to be placed before City Council at the regularly scheduled meeting on September 1, 2010 and the approval of the Phase I timeline.

Boyer made a motion to direct staff to begin the process of a Transmission Line CUP work group. Voss seconded; all in favor, motion carries. Boyer said he would be happy to serve as the liaison to this work group is Council would agree with him serving.

Fire Dept Reports

Sell explained that the monthly Fire Department reports are provided for your review and information. Hunter said with this new system, Image Trend, there are two items, motor vehicle accidents that have no addresses but they are at major intersections. He said he wants to know where they are. Hunter said maybe not specific addresses, but a generality would be good. Channer said it may have been updated. Hunter said they need to be more definitive of where it takes place.

Roof Repairs City Hall

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, has 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.

Because of the damage to the conference room, staff solicited quotes from several roofing

DRAFT

contractors for the repair of this roof. Both contractors, after an on-site review, indicated that repairs would not be an efficient corrective method. A City staff member with expertise in this area of construction agreed with the assessment. All suggested that replacement of the roof with modern roofing materials would be the least expensive alternative and would provide for a membrane with a full warranty of 15 years to include repair and replacement of the roof and coverage for any damages as a result of improper installation or material defects.

The proposed membrane is a poly vinyl chloride (pvc) based material that is recognized as a superior product to the rubber roofing materials used over the past decades. It is flame retardant, Ultra Violet (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 (UL) as Class A material, the highest rating for flame retardant roofing materials.

The installation is prefabricated one piece to the exact specifications of the structure. No on site seaming or welding is required. Work will be completed within four weeks of contract execution. Information regarding the proposals was provided with your agenda materials.

The City's Building Capital Fund has $56,000 available 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.

Channer made a motion to award the roofing replacement for City Hall contract to All Elements, Inc in an amount not to exceed $22,284.58. Hunter seconded.

Voss asked don't we have to go out to public bid on this. Sell said not if it is under $50,000. Boyer asked how we came up with PVC materials for this. Sell said it was recommended by the building official. Boyer asked why did we not go with rubber roofing. Sell said because it did not come in one piece installation. He said one piece installation provides us with assurance we are not going to have problems like we had before. Hunter asked would rubber be less expensive. Sell said if you want we can get quote for rubber roofing and bring this back before you. Boyer said he doesn't know that we need to get quotes for rubber, but it would be nice to have a couple people say that this is the way to go. He said he was in construction for 30 years and he used rubber for all those years.

Channer rescinded his motion.

Channer made a motion to get additional information comparing the PVD roof with a rubber roof replacement for City Hall and bring all information back to the City Council meeting for consideration. Voss seconded; all in favor, motion carries.

Schoolhouse Relocation

Sell explained that several months ago, East Bethel resident Mr. Bruce Plochocki contacted the City regarding an old schoolhouse currently located on his property. Mr. Plochocki indicated that he would donate the schoolhouse to the City if the City removed it from his property. This facility meets the historic preservation requirements as provided for in the City's Comprehensive Plan.

City staff has viewed the building and found it to be in reasonable shape. There would be updating and renovation required. A location for the schoolhouse has been identified in Booster East Park on the north side of the parking lot near the horseshoe pits. There is

DRAFT

thought that the schoolhouse could be used as a trail head and interpretive center. Based on staff research, the schoolhouse would not qualify for a historical preservation grant because it's not in its original location. To our knowledge, it has been moved twice and this would be the third move.

Staff has gathered several estimates for the move from moving contactors, foundation contractors and Connexus. The cost to move the structure, excluding the removal of the addition noted above, reframing to close the structure is estimated at approximately $26,600 to $30,000. Details were provided in your agenda materials. Funding would be from the 2010 Budget General Fund, under Parks Maintenance. These costs do not address any restoration work required to bring the facility up to current code. Staff is seeking direction from Council on this project.

Sell asked do you want us to move forward and firm these quotes up. He said this would involve moving transmission lines, concrete work, etc. Voss said it talks about original location, where was the original location. He asked is there no other funding we can tap into, no other grants. Schutta said she called the State Historical Society and because it has been moved two times, it does not qualify for any funding. Boyer said this has obvious historic value. He said he doesn't think there are many one room school houses left, and it is roughly the same size as the warming house at Booster. Boyer said it was originally ¼ east of Lone Pine Lake, close to his property.

Paavola said she would hate to see it destroyed She said it says it was on a parcel owned by JK Dawson. Voss said it is on a resident's property now, how much of a hurry is he to get it off his property. Sell said the sooner the better. Voss said the hard part here is to justify in these times spending $25,000 to $30,000 to move a structure, he was hoping there was some funding out there. He said it doesn't seem feasible to do fund raising. Paavola said the good party is once it is moved it is not going anywhere.

Sell said we will bring this back on September 1st with firm numbers and a specific plan.

Our Saviour's Zoning Request

Sell explained that following the last Council meeting where direction was provided to meet with Our Saviour's to discuss the purchase of the old church site and the additional seven acres on the west side of TH 65, staff met with Pastor Fragodt and Mr. Tom Olson, the congregation president. They stated that the issue surrounding the old church site on Viking Boulevard had to be resolved before any discussion about the additional seven acres would take place.

With that, City staff met with members of the Our Saviour's congregation, their realtor and the pastor and realtor for the prospective purchaser of the old church site on Viking Boulevard. It appears that the prospective buyer is a bona-fide church with the intent of holding regular worship services following a rehabilitation of the facility.

Our Saviour's, with a prospective buyer, have requested that the City consider a zoning change that would permit the use of this property, 1562 Viking Boulevard, as a church. We advised church council members that a formal request to resolve the zoning issue would be required such that staff would ask for direction from the City Council to move forward with an action to resolve the zoning for this parcel. A copy of that request was included with your agenda materials.

Staff is asking for direction from Council to develop, for Council consideration, a proposal

DRAFT

that would resolve the zoning issue thereby permitting a church to actively use the parcel located at 1562 Viking Boulevard. With the recent Supreme Court decision regarding variances, this request does not meet the new variance standards, ie: no other reasonable use of the property. Any proposed solution would likely require an application by the church for a land use action. Further, a public hearing would likely be required before any zoning change could be considered by Council.

Staff is seeking direction from Council to proceed with a proposal to resolve the zoning issue on the parcel located at 1562 Viking Boulevard.

Voss said he would suggest that we do whatever we need to do to allow the use of this facility as a church. He said even thought this building is in disrepair, he hates to have the building sit empty. Sell said he already asked the city attorney to draft something to move forward with this. Hunter said it is great that we can accommodate another church in the city. Paavola said she thinks we need to do this. Channer said we are going to have a hard time doing this with the new laws that have taken effect with variances, etc. Voss said it is unfortunate this building sat empty this long. Boyer said we are not talking about intensification of use. Voss said if they want to expand the building that will have to come before us, it goes without saying.

Sell said he will rely on the city attorney to draft something for Council. Randall asked do you want a Conditional Use Permit (CUP) and how do you want this done. Council asked how we have done this in the past. Randall said this was done as a non-conforming use under the prior ordinance. Direction was to look into how this could be done and work with staff.

Meet the Candidate

Paavola said she will be scheduling a Meet the Candidate Night at Coon Lake Community Center. Hunter said you might want to include the candidate for the Anoka County Sheriff and County Commissioner.

CLB Park

Paavola said the park at Coon Lake Beach Community Center looks really nice. She said the maintenance workers were there trimming trees and bushes. Paavola said the grass is in and the equipment is coming. She said we have some very happy people.

East Bethel Blvd.

Boyer said he always love to beat up on the county, but on East Bethel Blvd. they put new stone on the shoulders and put new gravel on corners which makes the cars throw gravel at the cars behind them and any walkers. He said this gets gravel all over. Sell said he will call the county and asked them to send a sweeper out.

Explorers

Channer said once again he just wants to say, we all saw the new fire fighters tonight and a couple were from our explorer program. He said we are getting kids from all over. Channer said they are willing to travel to come to our program. He said one (1) kid was almost completely trained and two (2) are legacy recruits.

Variance New Language

Voss said Sell mentioned something about the new variance language and new standards that reminded him to bring this up. He asked if the City Planner can do a memo on this and explain the new requirements to us. Voss said it has something to do with undue hardship and reasonable use.

Town Hall Meeting

Hunter said he would like to get some dates out there to schedule a Town Hall Meeting. Boyer said we don't do this until after the election and we are usually pretty limited. Sell

DRAFT

said he will look at when we did it two years ago and bring that information back to you at the next City Council meeting for discussion.

Discuss 2011 Budget

Sell explained that at the Wednesday, July 21, 2010, City Council meeting, the proposed 2011 Budget was reviewed. City Council provided staff direction regarding wage and benefit proposals and directed those changes be incorporated into the budget. Staff has incorporated these changes and these changes are reflected in the summaries of revenues and expenditures for the General Fund provided in your agenda materials.

Proposed 2011 General Fund expenditures decrease $112,772 or 2.17% from the adopted 2010 Budget. The General Fund tax levy will decrease $64,546. However, with the tax levy required for the 2008A Sewer Revenue bond payments, the total tax levy will increase $31,136 or .62% over the 2010 total tax levy.

The table provided in your agenda materials provides the impact of the proposed budget on sample valued residences. Levy limits are applicable for 2011. However, the Minnesota Department of Revenue does not provide levy limit information until the end of August. Levy limits have been estimated using information from the League of Minnesota Cites. The 2011 proposed levy is $470,000 less than the estimated levy limit.

At the September 1, 2010 City Council meeting, a resolution adopting a preliminary tax levy and budget will be presented for consideration. A sample of the resolution was provided with your agenda materials. A preliminary budget and tax levy must be adopted and provided to the County Auditor by September 15, 2010. In addition, Council will be asked to set the date for a budget hearing in December, 2010 to review the final budget and tax levy. This date is printed on the proposed tax statement provided to residents.

Staff is seeks direction on the 2011 Proposed Budget.

Boyer said the General Fund went down by $64,500 so everyone's taxes would have gone down about $7 per home. He said the Sewer Revenue bond was supposed to be paid by connection charges, but we do not have enough hook ups, so instead we have to levy for this. Sell said we will be back with the other portions of the budget in October to include Capital Projects, Enterprise and Special Revenue Funds.

Special Assessment Policy

Voss said way we do assessment is based on lots rather than basing it on footage. He said he is thinking residential development. Boyer said yes, he looked at this and it refers to unit/lot. Sell asked what do you want us to look at. Voss said the way he looks at this is it is all based on footage. Rita said it is all based on units in water/sewer area. Voss said as far for roads, if he lives on cul-de-sac and others drive more on it, well units does make more sense. Boyer said and the other way is how about he person that owns the forty (40) and only pays for a forty(40). Voss said no, the one that owns the forty (40) will pay for it when they develop it.

Boyer said the point we are raising is we have historically looked at this on a case by case basis, and the city engineer has always presented this to us on a case by case basis. Voss said yes, and why is footage over units presented. Jochum said he doesn't think footage makes sense in your rural residential areas. He said he agrees that units or lots makes more sense in rural residential. Jochum said but for a typical city street footage is fine when it is a typical forty (40) foot lot. He said it gets tricky in rural residential. Sell said perhaps we need to split out rural residential and city streets. Boyer said that is why we need more zoning

DRAFT

districts. Channer said this is a policy. Sell said we will take what you suggested here and Pierce and I will meet with the engineer and make some changes.

Hunter said he has an issue with page 79 visioning a sixty (60) foot pipe in someone's backyard. He said there seems to be broader to service area. Sell said he thinks storm sewers would be more akin to sewer and water. Hunter said to him sewer and water is more direct. He said there might not be a pipe to your property, but you are getting a benefit. Voss said a lot of communities are going towards a percentage of pervious area on your lot. Sell said the City of Brooklyn center uses that. Boyer said he would like to see credits for rain gardens. Hunter said that is the flexibility you talked about earlier. Jochum said how he would interpret that is for storm sewer each property owner gets assessed per unit. Sell said we will add some things based on the comments we have heard tonight. He said we will bring this back to you on September 15th.

Closed Session

Staff recommends Council close the regular City Council meeting pursuant to Minnesota Statutes, Section 13D.05, subd. 3 to discuss and provide direction regarding the legal strategy regarding the ACHRA litigation and to discuss real estate acquisition strategy for property relating to the City's utility project.

Boyer made a motion to move to close session pursuant to Minnesota Statutes, Section 13D.05, subd. 3. Voss seconded; all in favor, motion carries.

Boyer made a motion to return to open session. Hunter seconded; all in favor, motion carries.

ACHRA Litigation

Boyer made a motion to retain Hoff, Barry & Kozar, P.A. to defend the City of East Bethel in the ACHRA litigation appeal. Paavola seconded; all in favor, motion carries.

Boyer asked Randall to point out why we are spending taxpayer money on this. Randall said on July 16th Judge Cunningham made a decision that the Anoka County HRA could no longer collect taxes from the residents of East Bethel. He said the Anoka County HRA is appealing that decision. Randall said the city has made a motion to retain the law firm to represent them in this appeal.

Appraisal Services

Boyer made a motion retain Nagel Appraisal Services for the Thompson property in the Northwest Quadrant of Highway 65 and County Road 22 not to exceed $500. Voss seconded; all in favor, motion carries.

Oberstar Meeting

Sell said Oberstar will be at City Hall tomorrow at 3:30 p.m. He said it was his understanding that Oberstar was going to give Council Members an update on the TH 65 Corridor and Trail study. Sell said he found out he was looking for update from Council. He said Tinklenberg who is traveling with Oberstar will be asking Council members questions to facilitate this.

Adjourn

Boyer made a motion to adjourn at 10:29 PM. Voss seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-48

RESOLUTION PROCLAIMING OCTOBER 2010 AS DOMESTIC VIOLENCE AWARENESS MONTH

WHEREAS, the community problem of domestic violence has become a critical public health and welfare concern in Anoka County; and

WHEREAS, domestic violence is a crime, the commission of which will not be tolerated in Anoka County and perpetrators of said crime are subject to prosecution and conviction in accordance with the law; and

WHEREAS, over thousands of women and children have and will continue to access assistance from Alexandra House, Inc., a domestic violence service provider; and

WHEREAS, domestic violence will be eliminated through community partnerships of concerned individuals and organizations working together to prevent abuse while at the same time effecting social and legal change; and

WHEREAS, October is National Domestic Violence Awareness Month; and

WHEREAS, during National Domestic Violence Awareness Month, Anoka County organizations will inform area residents about domestic violence, its prevalence, consequences and what we, as a concerned community can do to eliminate its existence.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: October 2010 is proclaimed Domestic Violence Awareness Month.

Adopted this 1st day of September, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

MINNESOTA TEAMSTERS PUBLIC & LAW ENFORCEMENT EMPLOYEES' UNION, LOCAL NO. 320

AFFILIATED WITH

International Brotherhood of Teamsters

Susan E. Mauren, *Secretary-Treasurer*
Joanne Derby, *President*
Brian Aldes, *Vice President*
Sami Gabriel, *Recording Secretary*
Marty Lamb, *Trustee*
Richard Wheeler, *Trustee*
Alston Dutchin, *Trustee*

August 27, 2010

Faxed and Mailed this date #753-434-9578

Mr. Douglas Sell, City Administrator
City of East Bethel
2241 221st Avenue NE
East Bethel MN 55011-9790

RE: CONTRACT RATIFIED

Dear Mr. Sell:

This is official notification from Teamsters Local No. 320 that the members for the City of East Bethel have voted to accept the proposed 2011 Pay Plan and Cafeteria Plan Contribution as presented by the City.

Please confirm with my secretary, Marcia, that you have received this correspondence. Thank you.

Sincerely,

TEAMSTERS LOCAL #320

TOM PERKINS
Business Agent

TP/mt
OPEIU-#12
EastBethel\GenCorr\DSell

3001 University Avenue S.E.
Suite 500
Minneapolis, Minnesota 55414

United To Protect
www.teamsterslocal320.org

Phone (612) 378-8700
Fax (612) 331-8948
Toll Free (800) 637-5430

2011 Compensation Plan

Teamster's Local 320

2011 Pay Plan **1.50%** **Effective January 1, 2011**

The following Pay Grade are not considered supervisory and/or management.

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G
1	13.44	13.93	14.42	14.91	15.41	15.90	16.39
2	14.48	15.01	15.54	16.07	16.60	17.13	17.66
3	15.92	16.51	17.09	17.67	18.25	18.84	19.42
4	17.52	18.16	18.80	19.44	20.08	20.72	21.36
5	19.27	19.98	20.68	21.39	22.09	22.80	23.50
6	21.21	21.98	22.76	23.53	24.31	25.08	25.86
7	23.32	24.17	25.03	25.88	26.73	27.59	28.44
8	25.64	26.58	27.52	28.46	29.39	30.33	31.27

2011 Pay Plan **1.50%** **Effective January 1, 2011**

The following Pay Grade are considered supervisory and/or management.

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G
9	27.89	28.91	29.93	30.95	31.97	32.99	34.01
10	31.83	33.00	34.16	35.33	36.49	37.66	38.82
11	33.80	35.04	36.27	37.51	38.75	39.98	41.22
12	35.83	37.14	38.45	39.76	41.07	42.38	43.69
13	38.86	40.28	41.70	43.12	44.55	45.97	47.39
14	41.20	42.70	44.21	45.72	47.23	48.73	50.24
15	43.67	45.27	46.87	48.47	50.06	51.66	53.26

Seasonal/Part Time

Seasonal and Part Time $8.85 per hour

2011 Fire Fighter and Officer Pay Plan **Effective January 1, 2011**

Position	# of Posiitons	Monthly Salary Rate
Deputy Fire Chief	1	473.00
Assistant Fire Chief	2	254.00
Captain	2	127.00
Lieutenant	3	102.00
Training Officer	1	102.00

Training/Drill/Fire Call/Duty Officer/Fire Inspector

Probationary Firefighter	8.12
Firefighter I	9.14
Firefighter II	10.15
Firefighter III	11.17
Fire Inspector	17.26
Duty Officer	126.88

Unclassified Pay Plan

2011 Pay Plan **1.50%** **Effective January 1, 2011**

The following Pay Grade are not considered supervisory and/or management.

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G
1	13.44	13.93	14.42	14.91	15.41	15.90	16.39
2	14.48	15.01	15.54	16.07	16.60	17.13	17.66
3	15.92	16.51	17.09	17.67	18.25	18.84	19.42
4	17.52	18.16	18.80	19.44	20.08	20.72	21.36
5	19.27	19.98	20.68	21.39	22.09	22.80	23.50
6	21.21	21.98	22.76	23.53	24.31	25.08	25.86
7	23.32	24.17	25.03	25.88	26.73	27.59	28.44
8	25.64	26.58	27.52	28.46	29.39	30.33	31.27

2011 Pay Plan **1.50%** **Effective January 1, 2011**

The following Pay Grade are considered supervisory and/or management.

Grade	Step A	Step B	Step C	Step D	Step E	Step F	Step G
9	27.89	28.91	29.93	30.95	31.97	32.99	34.01
10	31.83	33.00	34.16	35.33	36.49	37.66	38.82
11	33.80	35.04	36.27	37.51	38.75	39.98	41.22
12	35.83	37.14	38.45	39.76	41.07	42.38	43.69
13	38.86	40.28	41.70	43.12	44.55	45.97	47.39
14	41.20	42.70	44.21	45.72	47.23	48.73	50.24
15	43.67	45.27	46.87	48.47	50.06	51.66	53.26

2011 Pay Plan **Effective January 1, 2011**

City Administrator 68.29

Cafeteria Contribution for 2011 **Effective January 1, 2011**

Monthly	837.58
STD/LTD and Life Monthly	56.78
Total	894.36

Pay Grade Step G	Rate	Differential			
1	16.47				
2	17.75	$	1.28	16.9641	7.77%
3	19.51	$	1.76		9.92%
4	21.46	$	1.95		9.99%
5	23.61	$	2.15		10.02%
6	25.99	$	2.38		10.08%
7	28.58	$	2.59		9.97%
8	31.43	$	2.85		9.97%
9	34.79		34.18		
10	40.14		39.02		
11	42.82		41.42		
12	45.49		43.90		
13	48.17		47.62		
14	50.58		50.49		
15	53.52		53.52		

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-49

RESOLUTION DESIGNATING A RECOVERY ZONE PURSUANT TO SECTION 1400U-1 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED

WHEREAS, the American Recovery and Reinvestment Act of 2009 ("ARRA") provided, among other purposes, for the creation of certain new financing tools designed to promote economic recovery and to invest in infrastructure that will provide long-term economic benefits; and

WHEREAS, Sections 1400U-1 and 1400U-2 of the Internal Revenue Code of 1986, as amended (the "Code"), have codified the provisions of ARRA relating to the issuance of recovery zone economic development bonds ("RZEDBs") for qualified economic development purposes, including capital expenditures paid or incurred with respect to property, or expenditures for public infrastructure and construction of public facilities, located in a recovery zone. Under these provisions, Anoka County, Minnesota, received a volume cap allocation of $11,466,000 to be used for the issuance of RZEDBs, which it may re-allocate to an ultimate beneficiary in any reasonable manner for qualified economic development purposes; and

WHEREAS, pursuant to a resolution adopted on April 27, 2010, Anoka County, Minnesota, re-allocated its entire RZEDB volume cap to the City for the purpose of financing qualified economic development purposes, including all or a portion of certain water infrastructure improvements in the City (the "Project"); and

WHEREAS, the Code provides that a recovery zone includes any area designated by the issuer as having significant poverty, unemployment, rate of home foreclosures, or general distress; and

WHEREAS, the Council seeks to designate a recovery zone so that the City may issue its Recovery Zone Economic Development Bonds to finance the costs of the Project.

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

SECTION 1. FINDINGS OF RECOVERY ZONE ELIGIBILITY. The Council hereby finds the City has significant rates of unemployment and home foreclosures and general distress. Significant portions of the City are identified as "areas of greatest need" under the Neighborhood Stabilization Program due to the number of foreclosed and vacant properties, and as such qualify for federal funding that will bring housing units into compliance with health and safety requirements and address rehabilitation needs. The City's unemployment rate is higher on average than the unemployment rate in the State of Minnesota and in the seven-county Twin Cities metropolitan region, of which it is a part.

SECTION 2. DESIGNATION; AUTHORIZATION.

2.01. Designation of Recovery Zone. The Council hereby establishes a recovery zone pursuant to Section 1400U-1 of the Code encompassing the City's corporate limits for the purpose of financing the Project.

2.02. Authorization. The Council authorizes the Mayor and City Clerk-Treasurer to sign, deliver, or file any documents, agreements, or certificates in connection with the designation of the recovery zone as may be required by ARRA, the Code, the Regulations, and any other applicable statute or regulation, as they deem necessary and appropriate. The Mayor and City Clerk-Treasurer are authorized and directed to engage the City's bond counsel and financial advisor to pursue the issuance of RZEDBs, which bonds may be authorized and issued pursuant to future Council action.

Adopted this 1st day of September, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:

September 1, 2010

* *

Agenda Item Number:

Item 7.0 A.1

* *

Agenda Item:

Pay Estimate No. 1 for the Erskine Street and 200th Lane Overlay Project

* *

Requested Action:

Consider approval of Pay Estimate No. 1

* *

Background Information:

Attached is a copy of Pay Estimate No. 1 to Rum River Contracting for the Erskine Street and 200th Lane Overlay Project. The major pay item for this pay request is the bituminous wear course. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of $113,257.10. A summary of the recommended payment is as follows:

Total Work Completed to Date	$ 119,218.00
Less 5% Retainage	$ 5,960.90
Total payment	$ 113,257.10

Attachments:

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

* *

Fiscal Impact:

The total estimated construction cost for this project is $136,335. Construction costs for this project are financed through the City's Street Capital Fund.

* *

Recommendation(s):

Staff recommends approval of Pay Estimate No. 1 in the amount of $113,257.10 for the Erskine Street and 200th Lane Overlay Projects.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

PAY ESTIMATE #1
CITY OF EAST BETHEL
Erskine Street and 200th Lane Overlay Project

Date: September 1, 2010

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

RE: Erskine Street and 200th Lane Overlay Projects

Contractor: Rum River Contracting
Award Date: October 1, 2009
Completion Date: July 14, 2010

Dear Honorable Mayor and Council Members:

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

ITEM NO.		ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	2021.501	MOBILIZATION	1	LUMP SUM	$3,500.00	$ 3,500.00	1	$ 3,500.00
2	2105.525	TOPSOIL BORROW (LV)	140	CU YD	$15.00	$ 2,100.00	30	$ 450.00
3	2211.501	AGGREGATE BASE CLASS 5	11	TON	$50.00	$ 550.00	16.5	$ 825.00
4	2231.501	MILL BITUMINOUS SURFACE (1.5")	52.4	SQ YD	$30.00	$ 1,572.00	70.9	$ 2,127.00
5	2231.501	MILL BITUMINOUS SURFACE (2")	58	SQ YD	$30.00	$ 1,740.00	95.6	$ 2,868.00
6	2331.604	2" THICK BITUMINOUS WEARING COURSE	92	SQ YD	$18.00	$ 1,656.00	17	$ 306.00
7	2350.501	TYPE MV 3 WEARING COURSE MIXTURE (B)	2,239	TON	$50.00	$ 111,950.00	2,057	$ 102,850.00
8	2506.602	ADJUST FRAME & RING CASTING (SPECIAL)	6	EACH	$350.00	$ 2,100.00	6	$ 2,100.00
9	2531.507	6" CONCRETE DRIVEWAY PAVEMENT	33.5	SQ YD	$47.00	$ 1,574.50	36	$ 1,692.00
10	2563.601	TRAFFIC CONTROL	1	LUMP SUM	$2,500.00	$ 2,500.00	1	$ 2,500.00
11	2575.605	TURF ESTABLISHMENT	0.3	ACRE	$2,000.00	$ 600.00		$ -

TOTAL WORK COMPLETED TO DATE	**$ 119,218.00**
LESS 5% RETAINAGE:	**$ 5,960.90**
WE RECOMMEND PAYMENT OF:	**$ 113,257.10**

APPROVALS:

CONTRACTOR: RUM RIVER CONTRACTING

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

Signed: Scott L. Johnson

Title: PRES Date 8-23-10

ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.

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

Signed: Craig J. [illegible]

Title: City Engineer Date 8/23/10

OWNER: CITY OF EAST BETHEL

Signed:_____

Title:_____ Date_____

PROJECT LOCATION

N

LOCATION MAP
ATTACHMENT 2

Aug 20, 2010 – 9:07am
K:\cad_eng\CLIENT_FOLDERS\East Bethel\AnokaCountyMap.dwg

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 7.0 C.1
* *

Agenda Item:
Resolution 2010-50 Setting Date for Final Budget and Tax Levy Hearing
* *

Requested Action:
Consider Resolution 2010-50 setting the date for the Final Budget and Tax levy for 2011
* *

Background Information:
The legislature requires that on or before September 15, 2010, at the regularly scheduled meeting at which the City Council adopts a preliminary levy, the City Council must also announce the time and place of the City Council meeting at which the budget and final property tax levy will be discussed and adopted.

Resolution 2010-50 sets the date for Wednesday, December 1, 2010 at 7:30 p.m. at City Hall for the adoption of the final budget and tax levy for 2011.

Attachments:

1. Resolution 2010-50 Setting Date for Final Budget and Tax Levy Hearing

* *

Fiscal Impact:
None
* *

Recommendation(s):
Staff recommends adoption of Resolution 2010-50 approving the date of Wednesday, December 1, 2010 at 7:30 p.m. at City Hall for discussion and adoption of the Final Budget and Tax Levy for 2011. Further, that a copy of the adopted resolution be transmitted to the County Auditor.
* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-50

RESOLUTION SETTING DATE FOR FINAL BUDGET AND TAX LEVY HEARING

WHEREAS, Minnesota Statutes 275.065 requires that on or before September 15th of every year, at a regularly scheduled meeting of the City Council at which the City Council adopts a preliminary property tax levy, the City Council must announce the time and place of a regularly scheduled meeting at which the final property tax levy and budget will be discussed and the final property tax levy and budget will be determined.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: the regularly scheduled meeting on Wednesday, December 1, 2010 at 7:30 PM at City Hall is hereby designated as the meeting at which City Council will discuss and adopt of the final 2011 Property Tax Levy and 2011 Budget.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: a certified copy of this Resolution be provided to the Anoka County Auditor.

Adopted this 1st day of September, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010

* *

Agenda Item Number:
Item 7.0 C.2

* *

Agenda Item:
Resolution 2010-51 Set Preliminary Tax Levy and Budget

* *

Requested Action:
Consider Resolution 2010-51 setting the preliminary tax levy and budget for 2011.

* *

Background Information:
Council, through its discussions at City Council meetings in July and August, has directed that the preliminary property tax levy for 2011 be set such that funds are available to accomplish the goals and objectives Council has identified. These goals and objectives include maintaining police services for 2011 and maximizing the transfers for capital projects. To make provisions for these proposed and potential changes, a General Fund levy of $4,798,253 is necessary.

To service existing debt, a market based debt levy of $144,756 is required to meet the debt service requirements for the 2005A Public Safety Bonds issued for the fire station and the weather warning sirens and a tax capacity based debt levy of $109,500 is required to meet the debt service requirements for the 2008A Sewer Revenue Bonds.

The total property tax levy amount proposed is $5,052,509. Resolution 2010-51 provides for this property tax levy. The Minnesota Department of Revenue has provided the City information on levy limits for taxes payable in 2011. Special levies allowed total $1,958,339, which added to the City's overall levy limitation of $3,567,484 equals a total maximum allowable levy of $5,525,823. The preliminary levy of $5,052,509 provided for in the Resolution is $473,314 under the allowable levy limit.

Preliminary 2011 General Fund expenditures decrease $112,772 or 2.17% from the adopted 2010 Budget. No additional staffing is being proposed for 2011 and overtime payments have been reduced from 2010 levels. Budget decreases are realized in a number of areas that include less travel for conferences and training along with reductions in utility charges and transfers.

The 2011 Preliminary Budget includes the changes directed by City Council from the 2011 Proposed Budget provided to Council in early July. Please bring your 2011 Proposed Budget to the City Council meeting; staff will collect them and insert the revised 2011 Preliminary Budget.

Attachment(s):

1. Resolution 2010-51 Establishing the Preliminary Property Tax Levy at $5,052,509 and the Preliminary 2011 Budget at $5,083,473 for General Fund and $379,620 for the Debt Service Funds.

* *

Fiscal Impact:
As outlined above

* *

Recommendation(s):
Staff recommends adoption of Resolution 2010-51 approving the preliminary property tax levy for 2011 at $5,052,509 and setting the preliminary General Fund and Debt Service Budgets at $5,083,473 and $379,620 respectively. Further, that a copy of the approved resolution be transmitted to the County on or before September 15, 2010.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-51

RESOLUTION SETTING THE PRELIMINARY PROPERTY TAX LEVY AND BUDGET FOR 2011

WHEREAS, Minnesota Statutes Chapter 275.065 requires that the City Council adopt a preliminary property tax levy and budget on or before September 15; and

WHEREAS, the City Council has considered the operating needs and debt service needs for fiscal year 2011.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the preliminary property tax levies and budgets for the General Fund and the Debt Service Funds for 2011 are as follows:

Levies:	General Fund	$4,798,253
	Debt Service	
	Tax Capacity Levy	$ 109,500
	Market Value Levy	$ 144,756
	Total Levy	$5,052,509
Budgets:	General Fund	$5,083,473
	Debt Service	$ 379,620

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: a certified copy if this Resolution be provided to the Anoka County Auditor.

Adopted this 1st day of September, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010

* *

Agenda Item Number:
Item 7.0 C.3

* *

Agenda Item:
EBHRA Resolution 2010-05 Adopting a Tax Levy Collectible in 2011

* *

Requested Action:
Acknowledge EBHRA Resolution 2010-05 adopting a tax levy collectible in 2011

* *

Background Information:
The East Bethel City Council passed enabling Resolution No. 2009-36 establishing the East Bethel Housing and Redevelopment Authority (EBHRA) on May 20, 2009. The EBHRA is a taxing authority independent from the City of East Bethel and is authorized by Minnesota Statute 469.033 to adopt a levy on all taxable property within its area of operation, which is the City of East Bethel, Minnesota.

At the Wednesday, September 1, 2010, EBHRA meeting a resolution adopting a tax levy of $126,058 collectible in 2011 was approved after review of the 2011 EBHRA Budget.

Attachments:

1. EBHRA Resolution 2010-05 Adopting a Tax Levy Collectible in 2011

* *

Fiscal Impact:
As noted above.

* *

Recommendation(s):
Informational only.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

HOUSING AND REDEVELOPMENT AUTHORITY
IN AND FOR THE CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA
RESOLUTION NO. 2010-05

RESOLUTION ADOPTING A TAX LEVY IN 2010 COLLECTIBLE IN 2011

WHEREAS, Minnesota Statues Chapter 275.065 requires each taxing authority to adopt a property tax levy on or before September 15; and

WHEREAS, the Housing and Redevelopment Authority in or for the City of East Bethel finds it necessary and in the best interest of the City and the Authority to adopt the General Levy to provide funds necessary to accomplish the goals of the authority for fiscal year 2011.

NOW THEREFORE, BE IT RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF EAST BETHEL, MINNESOTA THAT: the following sums of money be levied for the current year, collectible in 2011, upon taxable property in the City of East Bethel.

Housing & Redevelopment Authority General Levy $126,058

BE IT FURTHER RESOLVED BY THE HOUSING AND REDEVELOPMENT AUTHORITY IN AND FOR THE ACITY OF EAST BETHEL, MINNESOTA THAT:

1. The executive director of the Authority is hereby instructed to transmit a certified copy of this Resolution to the Anoka County Auditor.
2. The executive director of the Authority is hereby instructed to transmit a copy of this Resolution to the City of East Bethel City Council.

Adopted this 1st day of September, 2010 by the Housing and Redevelopment Authority of the City of East Bethel.

EAST BETHEL HOUSING AND REDEVELOPMENT AUTHORITY

_____
Bill Boyer, Chair

ATTEST:

_____
Douglas Sell,
HRA Executive Director/City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 7.0 D.1
* *

Agenda Item:
Trail Easements for the Booster East/Cedar Creek Trail Project
* *

Requested Action:
Consider approving and direction to execute the trails easements for the Booster East/Cedar Creek Trail project.
* *

Background Information:
The route selected by City Council for the Booster East/Cedar Creek Trail begins in Booster East Park at the northeast corner. At this point the trail proceeds north for approximately 300 feet crossing two private properties, south to north, to access 224th Avenue. The Trail continues on the south side of 224th Avenue in an easterly direction to the intersection of Xylite Street. From this point the trail follows Xylite Street to 222nd Lane and 222nd Lane to Bataan Street. At the intersection of 222nd Lane and Bataan Street, the trail proceeds north along the west side of Bataan Street to 229th Avenue. This is the first phase of a trail project that is projected to connect Booster East Park to the University's Cedar Creek preserve and Fish Lake.

To construct the trail, there are five properties on which slope easements are required to construct the project and, two properties which require the dedication of an easement for trail location and construction. With the exception of the two properties that require an easement for trail construction to link Booster East Park to 224th Avenue, the remainder of the trail will be constructed within the public right-of-way. The slope easements are necessary for constructing the cut and fill slopes that exceed the boundaries of the right of way and are necessary for trail shoulder stabilization and to meet MnDOT requirements. The trail will be a 6' wide asphalt paved trail from Booster East Park to Bataan Street and an 8' wide asphalt paved trail along Bataan Street from 222nd Lane to 229th Avenue.

The proposed easements and conditions of these easements on the parcels that are required for the construction of the segment from Booster East Park to 224th Avenue are as follows:

1. <u>Parcel 1-Peter Aramalay parcel at 2410 224th Avenue</u>. An easement is required from the Aramaly's as the trail leaving Booster East Park will travel south to north along the property boundary. A ten foot permanent easement on the west side of this parcel is necessary in conjunction with a similar easement on the adjacent parcel to the west. The Aramalay easement is for a 300 foot segment. See Attachment 2 for easement details.

This property is owned by Peter Aramalay of Burnsville, Minnesota. Mr. Aramalay has signed the easement. In return, he has asked the City for the following concessions:

a. The City will construct and maintain a fence along the eastern edge of the easement line. The fence will be of sufficient construction to form a barrier for to restrict pedestrian entry to the property.

b. White pines planted along the easement line on the Aramalay side of the easement as a vegetative screen. The City will maintain the trees for one year from date of planting and replace any trees that fail during that one year period.

c. The City will prepare an easement document to be signed and filed with Anoka County Property Records Division that will allow the current property owner or a future property owner the right to construct a detached accessory structure up 1,200 square feet, as is currently permitted under City Ordinance, irrespective of future ordinance changes. Current set back requires must be met at the time of construction.

d. The City will remove and dispose the debris from the structure that was burned on this property.

e. The City will offer compensation for the easement in the amount of $3,750.00.

2. Parcel 2-Tim Oney parcel at 2208 224th Avenue. An easement is required from the Oney's as the trail leaving Booster East Park will travel south to north along the property boundary. A ten foot permanent easement on the east side of this parcel is necessary in conjunction with a similar easement on the adjacent parcel to the east. The Oney easement is for a 300 foot segment.

Mr.Oney has not signed the easement but has indicated that he will sign sometime during the week of August 30th. In return, he has asked the City for the following concessions:

a. The City will construct a six foot chain link fence along the west easement line as indicated on the attached map, Attachment 2.A. The 6 foot tall chain link fence will be equipped with a pvc safety cap attached to the top rail and will be located 1 foot from the easement on the Oney property. The fence will be constructed to safely contain livestock and will be properly braced per MnDOT specifications at the south and north ends of the fence. The fence length will coincide with the length of the easement granted, 300 feet. After the warranty period for the fence expires, one year from the date of installation and acceptance by the City, Mr. Oney will be responsible for the maintenance of this fence.

b. Any excess material that is not required for trail construction will be placed and graded on Mr. Oney's property as shown on the easement map, Attachment 3

c. The City will seed all areas disturbed during construction of this project. Seeding and maintenance of the disturbed areas will be in accordance with project specifications. A copy of the specifications will be provided to Mr. Oney as soon as they are received by the City.

d. Park Dedication Fee Credits will be issued to Mr. Oney by resolution of the City Council in consideration for the dedicated permanent trail easement described in the easement agreement in lieu of any payment for this easement. The amount of the credit will be based on the square footage of the easement multiplied by $1.25 per square foot, the value of the easement. The value is estimated at $3,750.00 based on the easement length, 300 feet, and width, 10 feet. This amount will be applied toward Mr. Oney's Park Dedication Fees at the time he further subdivides the parcel. If the credit exceeds the fee amount Mr. Oney will be refunded the balance at the time of subdivision. However, if the credit is less than the park dedication fee determined at the time of

subdivision, Mr. Oney or his heirs or assigns will be responsible for the remainder of the fee when the property is subdivided. If Mr. Oney elects monetary compensation for this easement it shall be paid in the amount of $3,750.00. No consideration will be provided for Park Dedication Fees should Mr. Oney opt to receive the cash.
e. Upon mutual agreement between the City and Mr. Oney, a benchmark elevation will be established to determine the maximum water level of the pond that is located on Mr. Oney's property between 224th Avenue on the north, Booster East Park on the south, the house and pole barn to the west and his horse barn to the east. When the water level in the pond reaches this mark, the City will pump storm water from the pond to prevent any flooding on the Oney property. Should pumping be required, storm water from the pond would be pumped to Booster Pond.

This agreement to pump would be perpetual. However, should the parcel be further subdivided or should any material other than storm water or the normal sedimentation associated with storm water flows be introduced into the pond such as fill, sedimentation and/or siltation, the City will not be obligated to pump storm water from the pond.
f. Mr. Oney will be permitted access to the south side of the existing fence that is on the boundary between his property and Booster East Park. This access is for existing fence maintenance purposes only and Mr. Oney would be responsible for any damages to park property as a result of this access. See Attachment 3 for easement details.

The five parcels listed below require slope easements for the construction of the trail. These easements and the conditions under which these easements will be granted are provided below:

3. Parcel 3-Korey Kron parcel at 22320 Bataan Street A permanent slope easement that varies in width from 5' to 20' along west side of the property owned by Mr. Korey Kron is required. Mr. Kron has signed the easement agreement.

In return, he has asked the City for the following concessions:
a. Install a paved driveway entrance 180' south of his existing driveway upon construction of the trail. This driveway entrance would be 180' south of the existing driveway to 22320 Bataan Street as shown on the easement map, Attachment 4.

4. Parcel 4-Jim Cashin parcel at 22350 Bataan Street A temporary easement for construction purposes that varies in width from 5' to 10' along the west side of the property owned by Mr. Jim Cahsin is required. Mr. Cashin has signed the easement agreement.

In return, he has asked the City for the following concessions:
a. The City removes both rows of pine trees adjacent to the City right of way. The pine trees must be removed to complete the grading on the project under any circumstances.
b. Replace the fence between the rows of trees. The fence must be removed to complete the grading on the project under any circumstances.
c. Add up to 5 feet of width to the a portion of the existing driveway, beginning 30' west of the west right of way line of Bataan Street and proceeding east to Bataan Street. The driveway extension will transition from 0.0' in width at this point and widen to 5' at Bataan Street to transition the existing drive to the new slope grades as indicated on Attachment 5.
d. Attempt to save any trees within the easement that are not required for removal.

5. Parcel 3-Larry and Virginia Erickson parcel at 22420 Bataan Street A permanent slope easement that varies in width from 5' to 10' along the west side of the property owned by Larry and Virginia Erickson is required. The Erickson's have signed the easement agreement. See Attachment 6 for easement details.

In return, they have asked the City for the following concessions:
a. The City remove both rows of pine trees along the west side of their property within the proposed easement limits. The first row of pine trees must be removed under any circumstances to complete the grade work on the trail.
b. Construct a 6 foot privacy fence along the edge of this easement.

6. Parcel 4-Nick Johnson and Lisa Tschida parcel at 2755 226th Lane A permanent slope easement that varies in width from 10-20' along the west side of the property owned by Nick Johnson and Lisa Tschida is required. They have signed the easement with no conditions. See Attachment 7 for easement details.

7. Parcel 5-Jeff Roberts parcel at the intersection of Bataan Street and 229th Avenue A permanent slope easement that varies in width from 5-20" along the west side of the property that fronts Bataan Street. The property is currently under the guardianship of the trust for G.A. and M.H. Roberts. Mr. Jeff Roberts, who resides in El Dorado Hills, California is the executor of this Trust and is in the process of changing this Trust into his name. As was explained to City Staff, this is a relative simple procedure and Mr. Roberts anticipates having this completed by mid-September. Mr. Roberts has agreed in principle to grant the easement and has indicated that he would expect some compensation for the dedication. An alternative of granting Park Development Fee Credits has been proposed to Mr. Roberts in lieu of any monetary compensation. The credits that were discussed were at the same rate as the offer to Peter Armalay and Tim Oney, $1.25/SF multiplied by the square footage of the easement. Mr. Roberts will contact staff by September 2, 2010 to advise staff as to the status of the Trustee change and express his preference for compensation. See Attachment 8 for easement details.

The current design of the trail will require no other easements other than those described above. All other trail construction will be located entirely within City right of way. The City will be responsible for recording all easements and any fees associated with these recordings.

Attachment(s):

1. Map of Project Area Reflecting Easements
2. Peter Aramaly Easement and Map
3. Tim Oney Easement and Map
4. Korey Kron Easement and Map
5. Jim Cahsin Easement and Map
6. Larry and Virginia Erickson
7. Nick Johnson Easement and Map
8. Roberts Trust Easement and Map

*** ***

Fiscal Impact:
Funds for the Booster East Park to Bataan Street segment of this Trail will be financed from the Trail Capital Fund. It is estimated cost of this project segment is $185,000. This part of the project is currently scheduled to be constructed in two phases with the Booster East to 222nd Lane being completed in 2010 and the 222nd Lane segment being completed in 2011.

Currently, the Trail Capital Fund has a balance of $93,120.15. An additional $31,069.50 is scheduled to be transferred to this fund in December bringing the balance to $124,189.65. The estimated cost of the Booster East to 222nd Lane section is $112,000. The estimated cost of the 222nd Lane section is $73,000.

With the fund balance of $12,189.65 at the end of fiscal year 2010 plus the projected $62,139.00 transfer to the Trail Capital Fund in 2011, the remaining project costs would be provided for.

Funds for the Bataan Street segment of this trail will be financed from MSA-Construction funds. It is estimated that the Bataan Street segment will cost $270,000. This project was approved for this amount in the 2010 Roads Capital Improvement Plan and application has been made to MnDOT for this funding.

*** ***

Recommendation(s):

Staff recommends approval of the easements as and their conditions as presented with direction to execute easement agreements incorporating the conditions noted.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

ATTACHMENT #1

Copyright © 2008 - River's Edge GIS, LLC

CITY OF EAST BETHEL
CivicSight Map

PARCEL LOCATION MAP

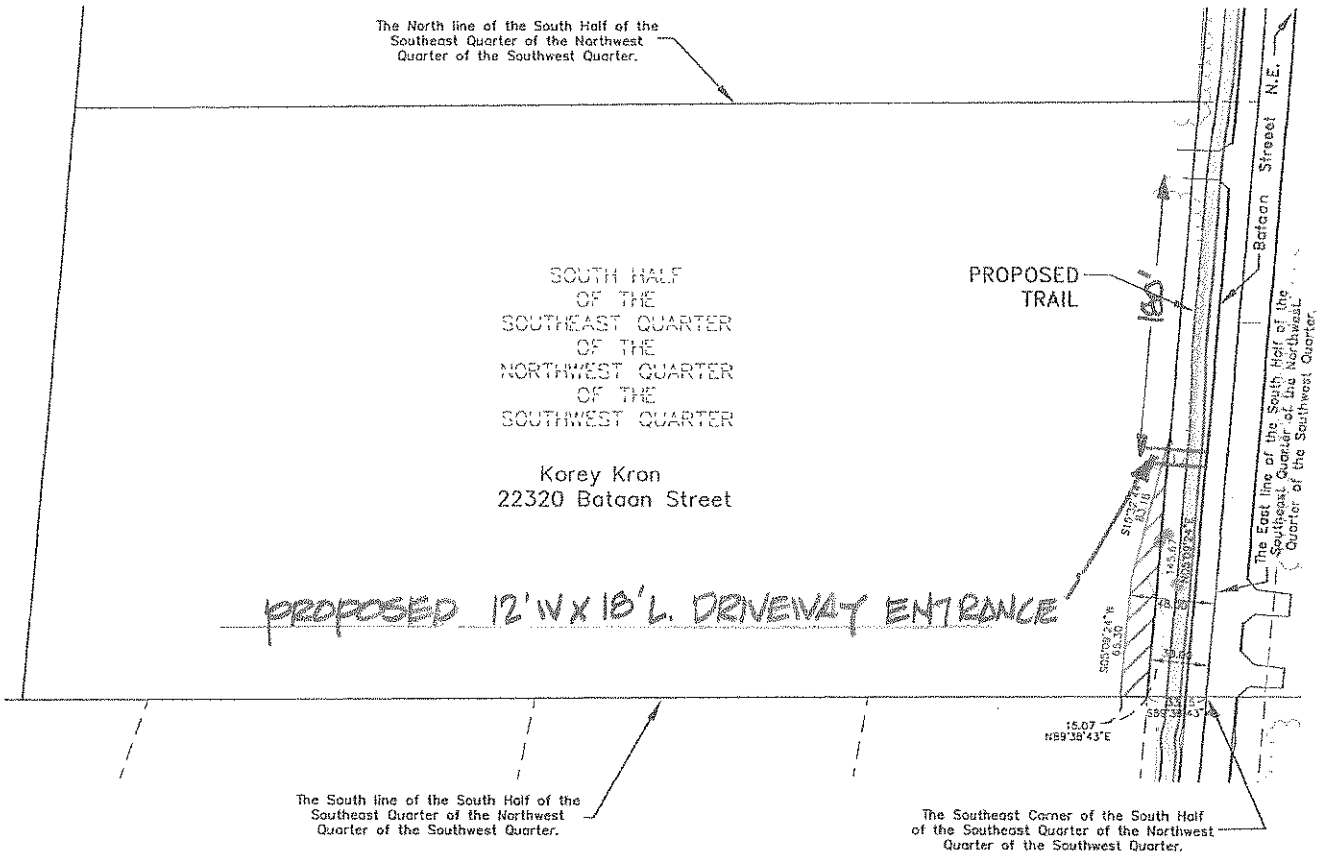
MAP LEGEND:
- WATER
- PARKS
- PARCELS2

Map Scale: 1 inch = 703 feet
Map Date: 8/26/2010
Data Date: August 12, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
Enter Map Disclaimer Here

ATTACHENT # 4 PARCEL 3



A permanent easement for slope purposes over, under and across that part of the South Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Commencing at the southeast corner of said South Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, thence South 89 degrees 38 minutes 43 seconds West, assumed bearing along the south line of said South Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter, a distance of 33.15 feet, to the point of beginning; thence North 05 degrees 09 minutes 24 seconds East parallel with and distant 33.00 feet west of the east line of said South Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter a distance of 145.67 feet; thence South 15 degrees 32 minutes 44 seconds West a distance of 83.18 feet; thence South 05 degrees 09 minutes 24 seconds West parallel with and distant 48.00 feet west of said east line a distance of 65.30 feet to the south line of said South Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter; thence North 89 degrees 38 minutes 43 seconds East along said south line a distance of 15.07 feet to the point of beginning.

Permanent Easement contains 1582 sq. ft. = 0.036 acres

Property Owner: Korey Kron
22320 Bataan Street
PID No.: 03-33-23-32-0007

N

50 0 50 100
SCALE IN FEET

LEGEND
Tree Line
Property Line
Permanent Slope Easement

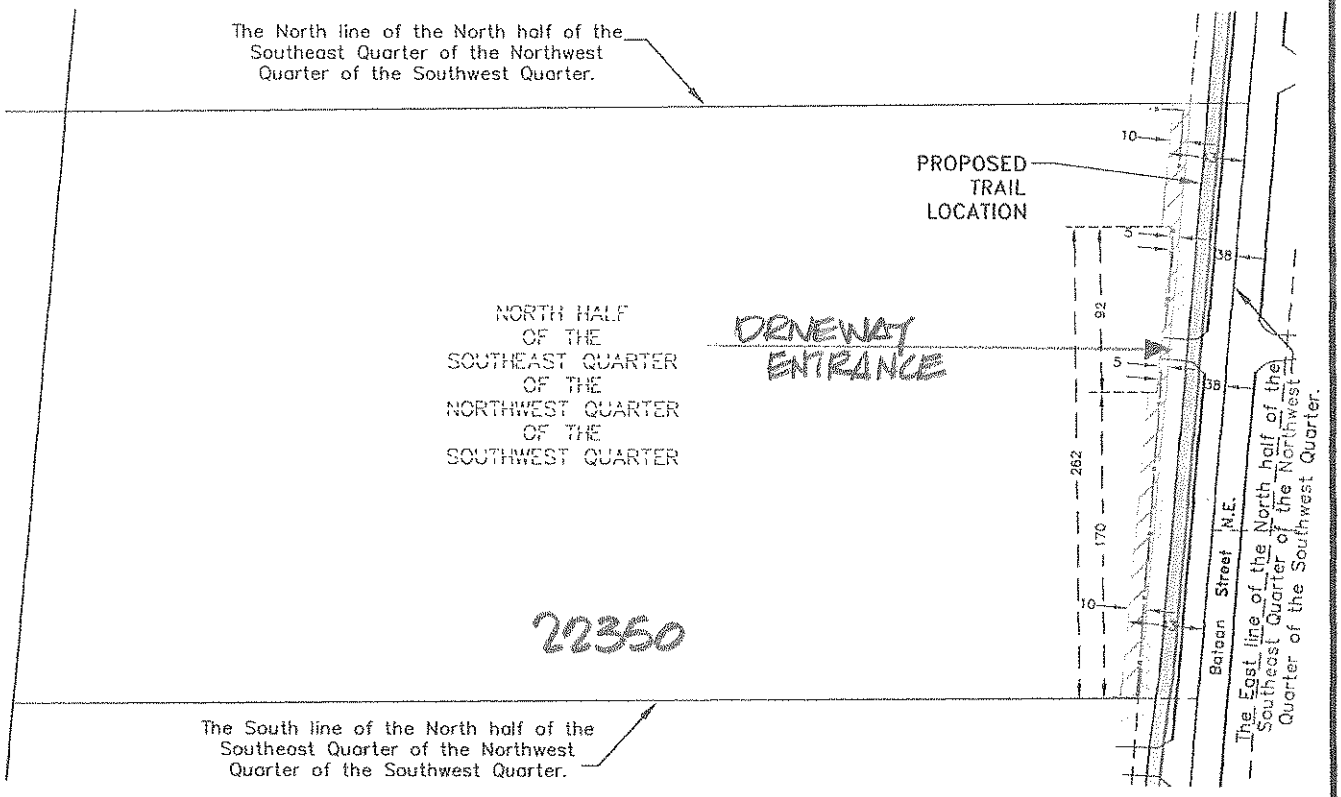
DATE	REVISION	DESIGNED BY: TAE	Hakanson Anderson Assoc., Inc.	Easement Exhibit for the CITY OF EAST BETHEL	SHEET 1 OF 1 SHEETS
		DRAWN BY: DMS	Civil Engineers and Land Surveyors 3601 Thurston Ave., Anoka, Minnesota 55303 763-427-5660 FAX 763-427-0520	DATE 2/26/10 FILE NO. EB338	
		CHECKED BY: CRC			

Jun 18, 2010 - 2:02pm
K:\cad_surv\Land Desktop 2008\EB338\dwg\EB338-EASE.dwg

ATTACHMENT 5

Temporary Construction Easement

PARCEL 4



A temporary easement for construction purposes over, under and across the west 10.00 feet of the east 43.00 feet of the south 170.00 feet; the west 5.00 feet of the east 38.00 feet of the north 92.00 feet of the south 262.00 feet; and the west 10.00 feet of the east 43.00 feet lying north of the south 262.00 feet as measured perpendicular from the south and east lines of the North Half of the Southeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 4, Township 33, Range 23, Anoka County, Minnesota.

Permanent Easement contains 2,857 sq. ft. = 0.066 acres

Property Owner: Jim Cashin
22350 Bataan Street
PID No.: 03-33-23-32-0002

LEGEND

Tree Line

Property Line

Temporary Construction Easement

N

50 0 50 100
SCALE IN FEET

DATE	REVISION
08/10/10	added description

DESIGNED BY: TAE
DRAWN BY: DMS
CHECKED BY: CRC

Hakanson Anderson Assoc., Inc.
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5960 FAX 763-427-0520

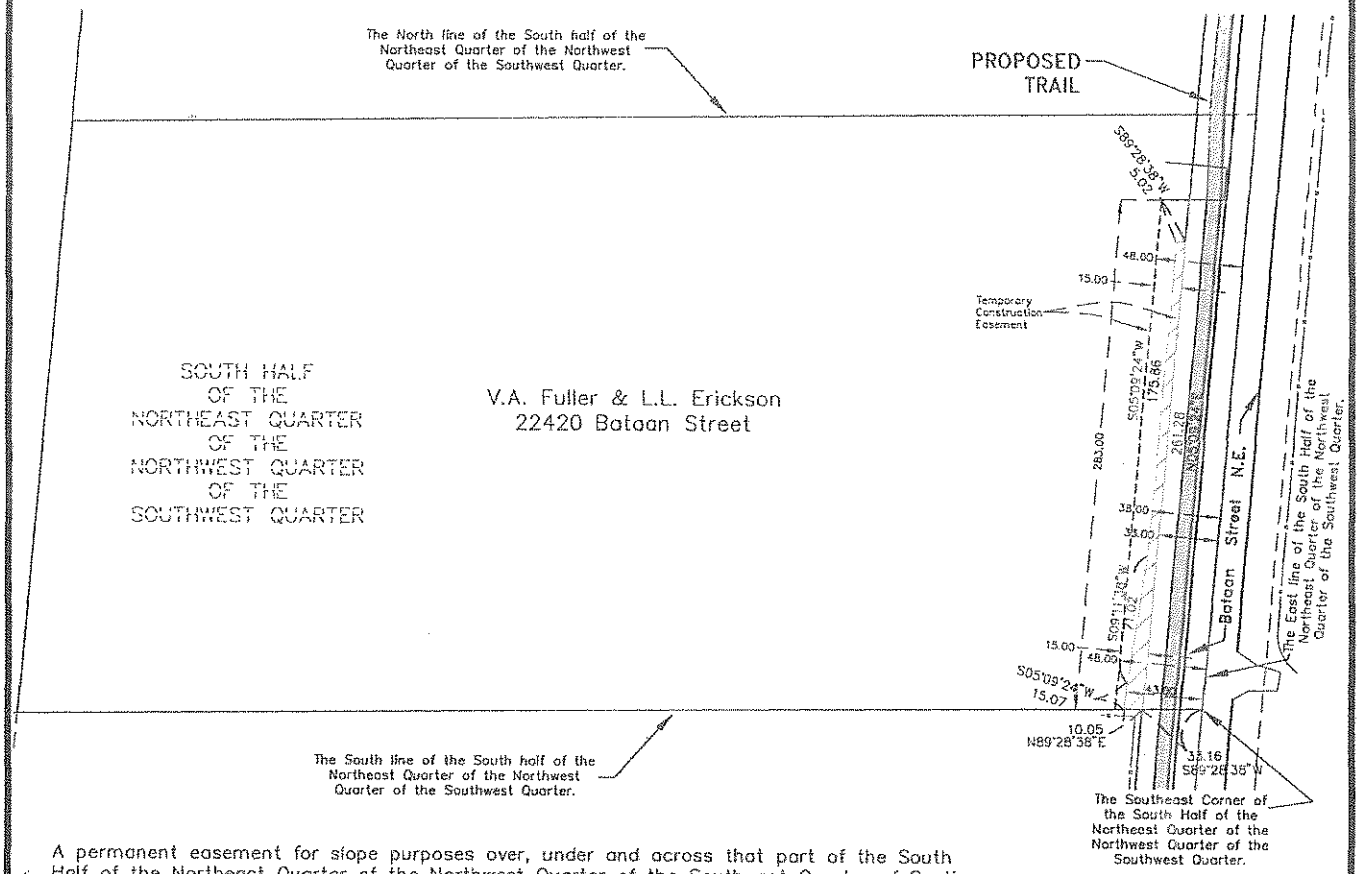
Easement Exhibit for the CITY OF EAST BETHEL

DATE 2/26/10 | FILE NO. EB338

SHEET 1 OF 1 SHEETS

Aug 10, 2010 - 3:12pm
K:\cad_surv\Land Desktop 2008\EB338\dwg\EB338-EASE.dwg

ATTACHMENT 6
PARCEL 5



A permanent easement for slope purposes over, under and across that part of the South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Commencing at the southeast corner of said South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter; thence South 89 degrees 28 minutes 38 seconds West, assumed bearing along the south line of said South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter, a distance of 33.16 feet to the point of beginning; thence North 05 degrees 09 minutes 24 seconds East parallel with and distant 33.00 feet west of the east line of said South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter a distance of 261.28 feet; thence South 89 degrees 28 minutes 38 seconds West a distance of 5.02 feet; thence South 05 degrees 09 minutes 24 seconds West parallel with and distant 38.00 feet west of said east line a distance of 175.86 feet; thence South 09 degrees 11 minutes 38 seconds West a distance of 71.02 feet; thence South 05 degrees 09 minutes 24 seconds West parallel with and distant 43.00 feet west of said east line a distance of 15.07 feet to the south line of said South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter; thence North 89 degrees 28 minutes 38 seconds East along said south line a distance of 10.05 feet to the point of beginning.

Permanent Easement contains 1558 sq. ft. = 0.036 acres

A temporary easement for construction purposes over, under and across the West 15.00 feet of the East 48.00 feet of the South 283.00 feet of the South Half of the Northeast Quarter of the Northwest Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota.

Temporary Easement contains 4,266 sq. ft. = 0.098 acres

N

50 0 50 100
SCALE IN FEET

LEGEND

Tree Line

Property Line

Permanent Slope Easement

Property Owner: V.A. Fuller & L.L. Erickson
22420 Bataan Street
PID No.: 03-33-23-32-0004

DATE	REVISION

DESIGNED BY: TAE
DRAWN BY: DMS
CHECKED BY: CRC

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

Easement Exhibit
for the
CITY OF EAST BETHEL

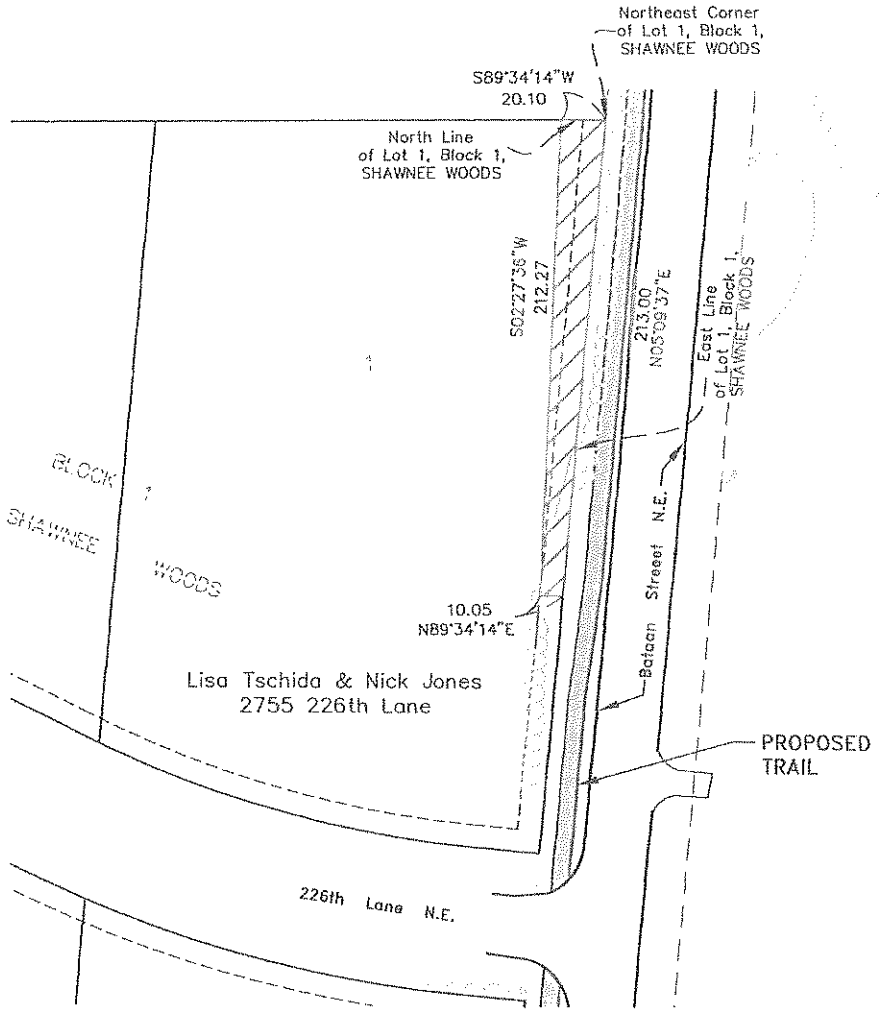
DATE 2/26/10 | FILE NO. EB338

SHEET 1 OF 1 SHEETS

Jul 14, 2010 - 9:51am
K:\cad_surv\Land Desktop 2008\EB338\dwg\EB338-EASE.dwg

ATTACHMENT 7

PARCEL 6



A permanent easement for slope purposes over, under and across that part of Lot 1, Block 1, SHAWNEE WOODS, Anoka County, Minnesota, described as follows:

Beginning at the northeast corner of said Lot 1, thence South 89 degrees 34 minutes 14 seconds West, assumed bearing along the north line of said Lot 1, a distance of 20.10 feet; thence South 02 degrees 27 minutes 36 seconds West a distance of 212.27 feet; thence North 89 degrees 34 minutes 14 seconds East a 10.05 feet to a point on the east line of said Lot 1, distant 213.00 feet south of said northeast corner as measured along said east line; thence North 05 degrees 09 minutes 37 seconds East along said east line a distance of 213.00 feet to the point of beginning.

N

Permanent Easement contains 3,195 sq. ft. = 0.073 acres

LEGEND

- Tree Line
- Drainage and Utility Easement
- Property Line
- Permanent Slope Easement

Property Owner: Lisa Tschida & Nick Jones
2755 226th Lane
PID No.: 03-33-23-23-0001

DATE	REVISION
06/10/10	easement description created

DESIGNED BY: TAE
DRAWN BY: DMS
REVIEWED BY: CRC

Hakanson Anderson Assoc., Inc.
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5960 FAX 763-427-0520

Easement Exhibit
for the
CITY OF EAST BETHEL

DATE 2/26/10 | FILE NO. EB338

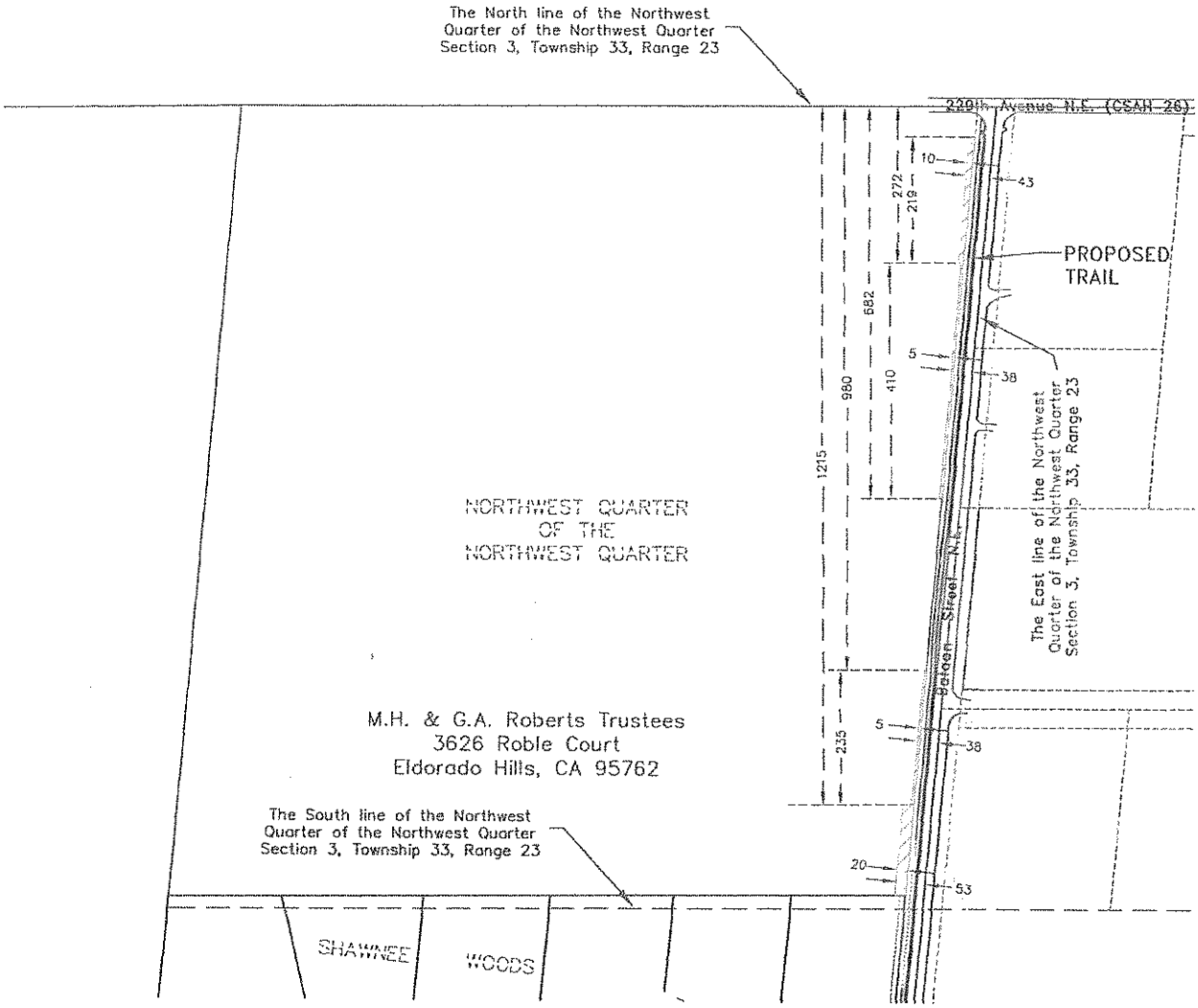
SHEET 1 OF 1 SHEETS

Jun 11, 2010 - 9:30am
K:\cad_surv\Land Desktop 2008\EB338\dwg\EB338-EASE.dwg

ATTACHMENT 8

Slope Easement

PARCEL 7



A permanent easement for slope purposes over, under and across the south 219.00 feet of the north 272.00 feet of the west 10.00 feet of the east 43.00 feet; the south 410.00 feet of the north 682.00 feet of the west 5.00 feet of the east 38.00 feet; the south 235.00 feet of the north 1215.00 feet of the west 5.00 feet of the east 38.00 feet; and the west 20.00 feet of the east 53.00 feet lying south of the north 1215.00 feet as measured perpendicular from the north and east lines of the Northwest Quarter of the Northwest Quarter Section 3, Township 33, Range 23, Anoka County, Minnesota, EXCEPT that part platted as SHAWNEE WOODS said Anoka County, Minnesota.

Permanent slope easement contains 8,606 sq. ft. = 0.198 acres

N

150 0 150 300
SCALE IN FEET

Property Owner: M.H. & G.A. Roberts Trustees
3626 Roble Court
Eldorado Hills, CA 95762
PID No.: 03-33-23-22-0001

LEGEND
Tree Line
Property Line
Permanent Slope Easement

DATE	REVISION
07/20/10	added description

DESIGN BY: TAE
DRAWN BY: DMS
DESIGN BY: CRC

Hakanson Anderson Assoc., Inc.
Civil Engineers and Land Surveyors
3601 Thurston Ave., Anoka, Minnesota 55303
763-427-5960 FAX 763-427-0520

Easement Exhibit for the CITY OF EAST BETHEL

DATE 2/26/10 FILE NO. EB338

SHEET 1 OF 1 SHEETS

Jul 20, 2010 - 2:50pm
K:\cad_surv\Land Desktop 2008\EB338\dwg\EB338-EASE.dwg

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 7.0 E.1
* *

Agenda Item:
Great River Energy (GRE) Work Group Member Appointment
* *

Background:
On August 18, 2010, City Council directed staff to establish a work group as requested by GRE following their submittal of a request to initiate the CUP work group process for the construction of a 69 Kilovolt (KV) electric transmission system in the East Bethel area as required by Ordinance 15, Second Series.

According to City Code, Phase I of the preliminary process is the establishment of a work group. The work groups' responsibility is to meet with the applicant to review the proposed project and alternatives for the proposed locations of the electric transmission system. The work group will consist of the applicant, city planner, one council member, one member of each of the city's commissions, and up to two (2) city residents appointed by the City Council.

Staff distributed letters to each of the commission's soliciting volunteers. Members for each of the commissions have volunteered for the task. Commission work group members include:

Councilmember Bill Boyer
Planning Commission Chair Eldon Holmes
Parks Commission Member Tim Hoffman
Roads Commission Member Tanner Balfany

Residents interested in serving on the work group include Mr. Lou Cornicelli and Mr. Scott Skalicky.

Mr. Jeff Corney, Managing Director of Cedar Creek, has expressed interest to serve on the work group as well. Since Cedar Creek is a major player in the routing of the proposed line, Mr. Corney wants to ensure Cedar Creek has proper representation during discussions.

Phase I of the process should be completed no later than sixty (60) days of the first scheduled work group session. A tentative timeline for the completion of Phase I is as follows:

Wednesday, August 18, 2010:	Begin process of establishing work group
Wednesday, September 1, 2010:	City Council appoints work group members
Thursday, September 16, 2010:	First scheduled work group session
Monday, November 15, 2010:	Phase I to be completed by this date

* *

Attachment(s):

1. Mr. Lou Cornicelli Letter of Interest
2. Mr. Scott Skalicky Letter of Interest

*** ***

Fiscal Impact:

None at this time

*** ***

Recommendations:

Staff recommends City Council appoint Commission members to serve on the work group. These members include: Councilmember Bill Boyer, Planning Commission Chair Eldon Holmes, Parks Commission Member Tim Hoffman, and Roads Commission Member Tanner Balfany.

Staff recommends City Council appoint residents Mr. Lou Cornicelli and Mr. Scott Skalicky to the work group and the appointment of Mr. Jeff Corney to represent Cedar Creek.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

Ms. Stephanie Hanson
City of East Bethel
2375 221st Avenue NE
East Bethel, MN 55011

Ms. Hanson:

Per our conversation last Friday, I would appreciate being considered for appointment to the transmission line work group. I have been active in the issue since it was brought forward by GRE. Along with Mr. Pete Criswell, we also assisted the city in reviewing other transmission line ordinances and drafting East Bethel's current ordinance.

I would greatly appreciate the opportunity to assist the City with the application put forth by GRE. Please don't hesitate to contact me if you have questions or need additional information. Unless I hear otherwise, I will plan on attending the September 1st City Council meeting.

Sincerely,

Lou Cornicelli
4620 229th Ave. NE
East Bethel, MN 55005
651-408-0019 (H)
651-329-2965 (C)
lcornice@aol.com

Attachment #1

Stephanie Hanson

From: lskalicky@mywdo.com

Sent: Monday, August 23, 2010 9:01 PM

To: Stephanie Hanson

I understand the GRE has again applied for a permit for a transmission line and that residents of East Bethel may be appointed to review that permit. I am interested in sitting in on the group that reviews the permit. You may contact me via e-mail or my home phone 763-434-8841. Thank you.
Scott A. Skalicky

Attachment #2

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 7.0 E.2
* *

Agenda Item:
Resolution 2010-52 Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act
* *

Requested Action:
Consider Adoption of Resolution 2010-52 Electing to Participate in the Local Housing Incentives Account Program under the Metropolitan Livable Communities Act
* *

Background Information:
At the June 16, 2010 Housing Redevelopment Authority meeting, staff from the Metropolitan Council presented information pertaining the Metropolitan Livable Communities Act (LCA).

The Livable Communities Program is a voluntary, incentive-based program for communities to address the region's affordable and lifecycle housing needs, clean-up polluted lands for jobs and tax base, achieve connected development patterns that link housing, jobs, and services, and, maximize the development potential of existing infrastructure and regional facilities.

Should the City volunteer to participate in the program, the city would be eligible to apply for funding from any or all of the three LCA grant programs. These grant programs will provide assistance to the City for investment in affordable and life-cycle housing. The grant programs are the Tax Base Revitalization (TBR), Livable Communities Demonstration (LCD), and Local Housing Incentives (LHI). Each of these programs is explained in greater detail in Attach #2.

To participate in the program, the City would be required to contribute at least 85 percent of a specified amount of local resources to affordable housing for each year the city participates in the program. This contribution, or expenditure, is called the Affordable and Life-Cycle Housing Opportunities Amount (ALHOA). This contribution can take the form of direct cash contributions or in-kind expenses. For example, if the City was a participant in the program in 2010, the city would have been responsible to contribute at least 85 percent of $27,052. The yearly ALHOA is equal to East Bethel's share of Met Council's annual LCA assessment which is determined based on a formula in the Livable Communities Act. Examples of ALHOA-eligible expenditures include code enforcement, housing assistance, development or rehabilitation efforts and local taxes to support a local HRA.

As part of the Resolution being proposed, Attach #3, the city agrees to provide affordable housing units between the years 2011 - 2020. These units are represented as a range that have been negotiated with Metropolitan Council and agreed upon by the City as part of the approved

Comprehensive Plan. Metropolitan Council and Minnesota Housing Finance Agency determine the number of units that can be built annually with the various funding sources. It has been determined that about 65 percent of the affordable housing units necessary to meet the requirement can be generated annually and built with the current funding levels. The City would be responsible for 181 units in total of the region's total affordable housing needs. However, the City would be responsible for as few as 65 percent of this total or 118 housing units over the next ten years.

In addition to the Affordable Housing units, the Resolution provides for certain life-cycle housing. Life-cycle housing refers to varied housing options that meet people's circumstances at all of life's stages by providing a balance of single-family homes, condominiums, townhomes, senior housing and assisted living options.

Life-cycle housing units start at the low end with the rounded fair share affordable unit need, 180 in East Bethel's case. The upper end of the range is the forecasted number of households to be added to East Bethel as approved in the city's comprehensive plan. This means that the City would be responsible for providing between 180 – 2,300 life-cycle housing units within the next 10 years.

Should the Council adopt Resolution 2010-52, the next step is to develop a Housing Action Plan. This plan should be developed by the City's HRA for consideration. As part of LCA participation, the Housing Action Plan must be submitted to the Metropolitan Council by June 30, 2011.

Attachments:

1. Metropolitan Council Livable Communities Program
2. Metropolitan Council Livable Communities Act (LCA) Frequently Asked Questions
3. Resolution 2010-52 Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act

*** ***

Fiscal Impact:

As noted above

*** ***

Recommendation(s):

Staff recommends City Council consider adoption of Resolution 2010-52 Electing to Participate in the Local Housing Incentives Account Program Under the Metropolitan Livable Communities Act.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

Livable Communities Program

FACTS FACTS FACTS FACTS FACTS

Investments in community vitality

Thriving job centers stand on once-polluted land. Workers like teachers, police officers and health care aides can find affordable housing in the communities where they work. Residents can shop, get on a bus to go to work, and enjoy a local park all within walking distance of their front door.

These opportunities are supported by the Livable Communities Act (LCA), adopted by the Minnesota Legislature in 1995 and administered by the Metropolitan Council.

The LCA provides funding for communities to invest in local economic revitalization, affordable housing initiatives, and development or redevelopment that connects different land uses and has good access to transportation.

Voluntary program, based on incentives

The LCA reflects the Legislature's preference for a voluntary, incentive-based approach to help communities grow and to address the region's affordable and lifecycle housing needs.

Grants from three funding accounts

The Council establishes criteria for evaluating proposals and makes grant awards from three separate accounts:

- **Tax Base Revitalization (TBRA)** - Clean up brownfields for redevelopment, job creation and affordable housing in areas already served by transit.
- **Livable Communities Demonstration (LCDA)** - Support development and redevelopment that demonstrates efficient and cost-effective use of land and infrastructure, and achieves connected development patterns linking housing, jobs and services.
- **Local Housing Incentives (LHIA)** - Produce and preserve affordable housing choices for households with low to moderate incomes.

To compete for LCA funding, communities must negotiate long-term affordable and lifecycle housing goals with the Council, and develop an action plan to accomplish these goals. Participating communities (105 communities in 2009) are then eligible to compete for funding from all three LCA accounts.

The LCA's emphasis is on cooperation and incentives to achieve regional and local goals. Local communities are well positioned to make decisions about how their cities and towns will grow and develop, but the LCA recognizes it will take partnerships and shared resources to move from community plans to "on-the-ground" results.

Investments reap impressive results

From 1996 through 2008, the Council awarded 557 grants totaling more than $189 million in Livable Communities funds. The grants are expected to leverage billions of dollars in private and other public investments. Following is a summary of grants made and expected results:

- 263 TBRA grants totaling over $77.5 million were made to 36 communities. The projects will produce an almost $80 million increase in net tax capacity, and more than 34,000 new and retained jobs.
- 162 LCDA grants totaling over $87.4 million were made to development and redevelopment projects that link housing, jobs, and

Attachment #1

services, and maximize efficient infrastructure in 50 older and developing cities.

- 119 grants to 57 cities were to provide affordable housing opportunities, including more than 2,100 affordable new rental units; more than 720 rehabilitated affordable rental units; and more than 950 affordable new and rehabilitated ownership units.

Other benefits are restored natural resources, improved transportation options, new community amenities and thriving new neighborhoods.

Advisory Committee helps select projects

The Livable Communities Advisory Committee reviews and recommends funding awards to the Council for the Livable Communities Demonstration Account. The committee reviews complex development and redevelopment proposals against the program's criteria for connected development patterns that link housing, jobs and services.

The committee's 13 members represent and have expertise in development as it relates to local government planning, economic or community development; public and private finance; new development and redevelopment; transportation; environment; and site design.

Cooperative efforts reduce 'red tape'

Communities applying for LHIA funding to produce affordable multi-family rental housing, as well as other public affordable housing funds in the region, need only fill out one application through Minnesota Housing. A group of representtatives from the Council, the Family Housing Fund and Minnesota Housing reviews the applications and make grants from a variety of public funding sources.

TBRA funding is coordinated with complementary programs at the Minnesota Pollution Control Agency, the Minnesota Department of Employment and Economic Development, Hennepin County and Ramsey County.

For more information

- Visit the Council's website page on the Livable Communities program.
- Frequently asked questions about LCA.
- Related Fact Sheet: - Affordable Housing

Pub. 14-09-035 March 2009

Metropolitan Council

Livable Communities Act (LCA) Frequently Asked Questions

May 2007

Participation in the Livable Communities Act

1. What steps need to be taken to participate in LCA?

- The municipality elects to participate in the program by passing a resolution to participate in the Local Housing Incentives program.
- The Metropolitan Council and the municipality negotiate affordable and life-cycle housing goals for the municipality.
- The municipality invests annually its Affordable and Life-Cycle Housing Opportunities Amount (ALHOA) representing the minimum amount of local discretionary expenditures or contributions to assist the development or preservation of affordable and life-cycle housing for the community as determined by a formula in the law.
- The municipality prepares a Housing Action Plan identifying how it will address its housing goals.
- The municipality is then eligible to apply for funding from any or all of the three LCA grant programs.

2. What is the Affordable and Life-Cycle Housing Opportunities Amount (ALHOA)?

To participate in the Local Housing Incentives Account Program, communities are required to contribute a specified amount of local resources to affordable housing each year they participate in the program. This contribution, or expenditure, is called the Affordable and Life-Cycle Housing Opportunities Amount (ALHOA). The ALHOA is equal to the community's share of the Council's annual LCA assessment which is determined based on a formula in the Livable Communities Act. It is not a grant from the Livable Communities Account. In order to continue to participate in the program, communities must expend or contribute at least 85% of their annual ALHOA obligation. Communities have some flexibility in determining which local expenditures fulfill the ALHOA contribution. Examples of ALHOA-eligible expenditures include housing assistance, development or rehabilitation efforts, the costs of local housing inspection and code enforcement, and local taxes to support a local or county Housing and Redevelopment Authority.

3. After a municipality elects to participate in LCA, when is it eligible to compete for LCA funds?

Once the municipality and Metropolitan Council negotiate housing goals, the municipality is eligible to apply for LCA grant programs.

Attachment #2

4. What if a municipality chooses not to participate in the LCA?
Municipalities that elect not to participate in the LCA are not eligible to participate in LCA grant programs, nor are they eligible to apply for funds under the Department of Employment and Economic Development's polluted sites clean-up program. The Metropolitan Council is required by the LCA to consider a municipality's participation in the LCA when making other discretionary funding decisions.

5. If an application is funded, what are the obligations that accompany the grant?
Each grant fund has specific reporting requirements that are stated in the grant agreement. In general, every grant recipient must report periodically to the Metropolitan Council on the progress of the funded project including submission of a final report when grant-funded activities are completed or all grant funds are expended. Grant funds are generally paid to reimburse grant recipients for expenses incurred. Requests for reimbursement must include appropriate documentation.

Affordable and Lifecycle Housing

1. What is considered "affordable" housing?
The Council considers housing "affordable" if it costs 30 percent or less of the total income of a family of low or moderate income. The Council's definition of low or moderate income is consistent with the income limits used by other housing development and ownership assistance programs. Most Minnesota Housing (formerly known as Minnesota Housing Finance Agency [MHFA]) programs provide homeownership assistance to households with incomes at or below 80 percent of the median income. The federal low-income housing tax credit program for rental production targets incomes at or below 50 percent of the median income. When negotiating affordable and lifecycle housing goals with communities choosing to participate in Livable Communities programs the Council uses the following definitions:

- **Ownership housing:** housing that is affordable to buyers earning 80% of area median income — in 2007, a household earning this income could afford a home costing approximately $206,800.
- **Rental housing:** housing that is affordable to renters earning 50% of area median income — in 2007, a household earning this income could afford to pay $883 per month for rent and utilities for a two-bedroom unit.

2. What is "lifecycle" housing?
Lifecycle housing refers to varied housing options that meet people's preferences and circumstances at all of life's stages, providing a balance of single-family homes, apartments, condominiums, townhomes and senior housing for independent living or with a range of assisted-living services.

3. Are the affordable and life-cycle housing goals, negotiated between the municipality and the Metropolitan Council, achievable?
Yes, in time. The goals agreed to by the Metropolitan Council and the municipality are intended to be long-term objectives for advancing or retaining affordable and diverse housing options within the community. A municipality prepares a Housing Action Plan that identifies the steps it intends to take to move towards its long-range goals. Progress toward the goals depends on the efforts of the community, the private market, the availability of affordable and lifecycle housing resources and the use of local controls to create opportunities for meeting goals.

Tax Base Revitalization Account (TBRA)

1. How and when are TBRA funds available?
The TBRA provides funds to clean up polluted land to make it available for economic redevelopment, job retention and job growth or the production of affordable housing to enhance the tax base of the recipient municipality. TBRA funds are raised by a legislatively authorized levy capped at $5 million annually. The funds are available annually with applications accepted twice each year (the first regular business day on or after May 1 and November 1). The TBRA is coordinated with complementary programs at the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Employment and Economic Development (DEED), Hennepin County and Ramsey County.

2. Who is eligible to apply for TBRA grants?
Statutory or home rule charter cities or towns that are *participating in the Metropolitan Livable Communities Housing Incentives Program* are eligible to apply. Metropolitan counties and local development authorities (e.g., Housing and Redevelopment Authority, Economic Development Authority or Port Authority) are also eligible to apply for projects that are located in LCA participating communities. Applications may be determined ineligible for funding if:

- adequate clean-up funding is available from other public sources;
- an analysis of the proposal determines the funding is not needed in order for the project to proceed;
- the project requires extensive new (regional) infrastructure beyond that which is already planned;
- the proposal is not consistent with the redevelopment component of the municipality's comprehensive plan (in re: Minn. Stat. section 473.859, Subd. 5); or
- the proposed redevelopment activities include a residential element, but do not include an affordable component within the project.

3. What criteria are used to determine which applications are eligible for TBRA funding?
Applications will be ranked according to the extent to which they address the following criteria and compared with other competing proposals in the grant cycle:

A. Promote the policies of the Metropolitan Development Guide (2030 Regional Development Framework)
Up to 25 points are assigned to projects that are designed and implemented in a way that directly supports the Council's development goals and regional systems plans.

Framework Goals (16 points)

- Accommodate growth - 0 to 10 points
- Promote multi-modal transportation options - 0 to 2 points
- Provide housing choices - 0 to 2 points
- Conserve vital natural resources - 0 to 2 points

Regional Systems (9 points)

- Transportation/transit/aviation - 0 to 3 points
- Environmental Services - 0 to 3 points
- Regional Parks - 0 to 3 points

B. Clean up polluted land in the metropolitan area

Up to 25 points are awarded to projects that use funds to clean up the most polluted sites. The Minnesota Pollution Control Agency helps evaluate the projects and ranks the projects based on the environmental threat and health risk of each project. The evaluation includes assessing the contamination's threat to ground and surface water.

C. Preservation or growth of living wage jobs or the production of affordable housing

Up to 25 points are given to projects that preserve or increase the number of jobs and/or affordable housing within the seven-county region. Points for jobs are assigned for the number of new jobs and retained jobs, the number of living wage jobs and the number of jobs in areas of concentrated poverty. Points for "affordable housing" are based on the number of ownership units affordable at 80% of area median income (AMI) plus the number of rental units at 50% or less AMI to be built.

D. Enhance the tax base of communities

Up to 25 points are assigned to projects based on the projected amount of tax base increase relative to the amount of TBRA funding requested.

E. Additional Factors

Up to 25 points are assigned for the following categories as noted.

- **Readiness for Clean up and Reuse** - 10 points. Points are assigned based on how ready the project is to begin implementing the clean up and redevelopment so that the community benefits from the completed project as soon as possible.
- **Efficiency - Life cycle cost/benefits** - 5 points. Points are given to projects that use energy, water and other natural resources efficiently.
- **Innovative partnerships** - 5 points. Points are assigned to projects that represent innovative partnerships.
- **Supplemental funding requests** - 5 points. Projects that have received a prior TBRA award and encounter significant unanticipated contamination or contamination found in significantly higher amounts than originally estimated are eligible for additional points.

4. What investigation costs are eligible for TBRA grant funds?
TBRA grants funds are eligible to be used for environmental site investigation costs related to contaminated sites provided the costs are incurred within the 180-days prior to the TBRA application deadline. Eligible costs include conducting Phase I and Phase II investigations and preparation of Response Action Plans (RAP) developed in conjunction with the MPCA for hazardous waste; or abatement programs that meet the requirements for the VPIC/LUST (Voluntary Petroleum Investigation and Cleanup/Leaking Underground Storage Tank) program at MPCA; or for conducting asbestos abatement plans that meet AHERA (Asbestos Hazard Emergency Response Act) standards; or lead-based paint abatement plans that meet Minnesota Department of Health standards. The investigation work should be done with in the 180-days prior to the TBRA application deadline. The costs for the investigation work will only be reimbursed if the TBRA applicant's overall project is recommended for funding.

5. What specific cleanup costs related to soil and ground water contamination are eligible for TBRA funds?
TBRA funding can help pay the cost difference between building on a contaminated site and building on a clean site. Only soil remediation costs directly related to contaminated soil and ground water are eligible for TBRA grant funds

- For soil that is being removed solely to remove contamination, all of the soil remediation costs including excavation, transportation, disposal fees and back fill are eligible for grant funding.
- When removal of soil is required in order to develop the site, only the cost difference between removing and properly managing clean soil and contaminated soil is eligible for reimbursement from this fund. (The standard costs for excavating, transporting and disposing of clean soil generally are not eligible.)
- The costs for replacing contaminated fill with clean fill are eligible to the extent that the soil replacement is related to removing contamination. The costs related to improving the geotechnical qualities of the soil for building foundation purposes are not eligible.

In order to minimize the amount of funds needed to replace contaminated fill, applicants are encouraged to design and implement projects in a way that minimizes the amount of backfill needed to replace the contaminated soils. (e.g. underground parking, basements). Any underground use must be consistent with the approved RAP.

6. Can TBRA grant funds be used to clean up petroleum based contamination?
Costs for remediation of contamination related to above and below ground petroleum storage tanks and other petroleum based contamination are eligible for consideration only after all available Petrofund sources have been utilized. The Petrofund is administered by the Minnesota Department of Commerce.

7. Are the disposal costs of other hazardous wastes, non-hazardous wastes and debris eligible for TBRA funding?
Remediation funds for building renovation or pre-demolition abatement are primarily for asbestos and lead-based paint abatement. Costs for abating small quantities of other types of hazardous contamination found in buildings, such as mercury in thermostats, oils in door closers, and other contamination related to HVAC systems, are generally not eligible for reimbursement.
Non-hazardous wastes such as household waste, construction debris, and old tires are not eligible for TBRA grant funding.

8. If the project includes a housing component, is a portion required to be affordable?
Yes, if the proposed redevelopment includes a housing component, a portion of the housing is required to be affordable. Ownership units are considered affordable if they can be purchased by buyers earning 80% of the area median income (AMI). Currently this includes any units for sale at $206,800 or less. Affordable rental units are those renting at the Low-Income Housing Tax Credit rent limits based on 50% of the AMI. The maximum rental amount to be affordable at this level is based on the number of bedrooms as follows: efficiency $687, 1-bedroom $736, 2-bedrooms $883, 3-bedrooms $1,020, 4-bedrooms $1,138.

9. Is funding for site acquisition or building demolition eligible?
Site acquisition costs are generally not eligible unless they are a part of the 13% match to a DEED funded project. Building demolition costs are eligible when such removal is identified in an MPCA approved Response Action Plan (RAP) in order to gain access to remediate soil and ground water contamination. Pre-demolition costs related to the abatement of asbestos or lead-based paint are eligible.

10. Can a project be funded if eminent domain was used for acquisition?
Beginning in 2006, no applicant for a Metropolitan Council LCA/TBRA grant is eligible for grant funds if the project for which funding is requested used eminent domain power to acquire property unless eminent domain was used for a "public use or public purpose." For purposes of the policy, the term "public use or public purpose" includes mitigation of a "blighted area," remediation of an "environmentally contaminated area," reduction of "abandoned property," or removal of a "public nuisance" as those terms are defined in statute. To read the Council's policy restricting Metropolitan LCA Grants for projects using eminent domain see
http://www.metrocouncil.org/services/livcomm/EminentDomainPolicy.htm

11. Can funds be requested for cleanup costs incurred between grant rounds?

If an applicant chooses to proceed with cleanup work between TBRA funding rounds they may be eligible for reimbursement of the clean up costs in the next funding round but there is no guarantee. In order to be considered, the applicant must meet the following conditions:

A. The cleanup work for which funding is being requested must have been done no earlier than 180 days before the TBRA application deadline (November 1st or May 1st).

B. For soil and ground water remediation work the MPCA must have approved a RAP for the project prior to commencing the work; for asbestos abatement a Minnesota Department of Health (MDH) licensed inspector/contractor must have completed an asbestos evaluation and plan according to Asbestos Hazard Emergency Responses Act (AHERA) standards; for lead-based paint abatement an MDH licensed inspector/contractor must have completed a lead-based paint evaluation according to MDH standards.

C. The applicant must have contacted the Metropolitan Council TBRA staff prior to commencing any clean up work. A site visit with the applicant and TBRA staff is recommended so that there is clear understanding of the project and proposed remediation.

D. The applicant must explain why the applicant needs to commence the clean up work prior to the TBRA application deadline.

E. Before starting the cleanup work the applicant must provide a letter to the Council TBRA staff that states:

- The applicant is going to start project clean up work before the next TBRA application deadline; and the applicant has the appropriate approvals (see B above).
- The applicant understands that while this notification process makes the work done after the Council receives the letter eligible for consideration in the next TBRA grant round, it DOES NOT commit the Council to funding the project

12. Can previously funded projects get additional TBRA funding if they encounter additional cleanup costs?

Applicants that have already been awarded TBRA grant funds are eligible to apply for additional funds for a project if during the clean up, significantly larger quantities of contamination are encountered than the preliminary investigation estimated; or significant amounts of contamination not identified in the investigation are encountered.

Applicants requesting supplemental funding for soil remediation must provide an amended RAP or provide documentation that the MPCA has approved the changes for which additional funding is being requested. Applicants requesting supplemental funding for additional asbestos and/or lead-based paint abatement must provide documentation that a licensed inspector/contractor has been involved in the additional abatement and that

the additional work was done according to Asbestos Hazard Emergency Responses Act (AHERA) and/or MDH standards.

13. Is the funding targeted for Minneapolis and St. Paul?
No. The TBRA program reserves at least one-quarter of the funding available in each grant cycle for projects outside the two core cities and restricts any one municipality from receiving more than half the funding in any funding round. Since 1995, 214 TBRA grants have been awarded to 34 different communities in the seven-county metropolitan area.

14. How can I learn more about brownfield clean up funding opportunities?
Workshops are held prior to every Spring and Fall grant cycle to provide information on brownfield clean up funding programs and opportunities available in Minnesota. The workshops are co-hosted by the Metropolitan Council, the Minnesota Department of Employment and Economic Development, the Minnesota Pollution Control Agency, the Minnesota Department of Agriculture, the Minnesota Department of Health, and other brownfield partners. For details about future workshops, contact the TBRA grant coordinator or watch the "Upcoming Events" space on this website's Livable Communities main page.

15. Is a local funding match required?
No funding match is required for TBRA grants. However, in the application evaluation process points are awarded for projects that involve multiple financial partners, including the private sector, various units of government and the non-profit sector. TBRA funds can be used as a part of the match required for a grant from DEED's Contamination Cleanup Grant Program. DEED grants provide no more than 75% of the cleanup costs and require that 12% of the cost is local match. TBRA funds may be requested to cover the other 13% of the cost.

16. If a TBRA application is funded, what are the obligations that accompany the grant?
Similar to the other LCA grant programs, the recipient submits a reimbursement request form requesting reimbursement for work completed and includes copies of invoices or other appropriate documentation. In addition, annual progress reports for TBRA funded projects are required for up to five years after the end of the grant term.

Livable Communities Demonstration Accounts (LCDA)

1. How and when are LCDA funds available?
LCDA funds are available through one annual application cycle. Application materials are available in the Spring (usually April). For 2007, a pre-application is due on June 11 (a new step this year), applications are due July 16, and it is expected that the Council will award grants in December. See http://www.metrocouncil.org/grants/lcda/LCDAApplicationGuide.pdf. Funding criteria and application materials may change for future years.

2. Who is eligible to apply for LCDA funding?
Application is open to municipalities that participate in the Local Housing Incentives Program of the Livable Communities Act (LCA), to local housing and redevelopment authorities, economic development authorities or port authorities in LCA-participating cities, or to counties on behalf of projects located in LCA-participating cities. Participation in the Local Housing Incentives Program requires communities to negotiate housing goals with the Council and prepare a Housing Action Plan.

3. What types of projects does the LCDA program fund?
The LCDA program funds development and redevelopment projects that demonstrate efficient and cost-effective use of land and infrastructure, and achieve connected development patterns linking housing, jobs and services. As the name of the account suggests, LCDA funds are intended to be used for projects that demonstrate innovative and new ways to achieve and implement the statutory objectives, not merely to fill project funding needs.

4. What costs are eligible for LCDA grants?
LCDA grants may be used to fund basic public infrastructure and site assembly to help local jurisdictions support projects that achieve their development goals, working in partnership with developers and other private entities. Included in basic public infrastructure are new streets, street extensions or realignments; public parking structures, extensions of local public sewer, water and telecommunications lines; public connecting elements such as sidewalks and trails that connect to transit, site-integrated transit shelters, and stormwater management improvements. Eligible site-assembly costs include land acquisition, demolition, and site preparation costs such as site grading and soil correction. For the complete list of ineligible and ineligible uses, see pages 2-3 of the 2007 LCDA criteria at http://www.metrocouncil.org/grants/lcda/LCDAcriteria2007.pdf.

5. What criteria are used to determine which applications are eligible for LCDA funding?
The Metropolitan Council approves criteria in the spring of each year that apply to the program for that year. See http://www.metrocouncil.org/grants/lcda/LCDAcriteria2007.pdf for the 2007 program criteria. The criteria focus on using land efficiently; connecting development to available transit, jobs and services; providing a range of

housing; developing in ways to protect and enhance natural resources; and employing effective regulatory tools and partnerships. Financial and other readiness is also taken into account.

6. Is a local funding match required?
No funding match is required for LCDA grants. However, financial partnerships that include local participation are evaluated and viewed positively.

7. Can a project be funded if eminent domain was used for property acquisition?
Beginning in 2006, no applicant for a Metropolitan Council LCDA grant is eligible for grant funds if the project for which funding is requested used eminent domain authority to acquire property unless eminent domain was used for a "public use or public purpose." For purposes of the policy, the term "public use or public purpose" includes mitigation of a "blighted area," remediation of an "environmentally contaminated area," reduction of "abandoned property," or removal of a "public nuisance" as those terms are defined in statute. To read the Council policy restricting LCA grants for projects using eminent domain, see http://www.metrocouncil.org/services/livcomm/EminentDomainPolicy.htm.

8. Is the funding targeted to any cities or geographic area?
Funding is available to all cities within the urbanized metropolitan area. Up to 40 percent of the funds available in a grant cycle may be awarded to projects located in Minneapolis and St. Paul (the average amount that has been awarded to the two cities over the life of the program).

9. How can I learn more about LCDA funding opportunities?
Council staff holds a workshop each spring, designed to help potential applicants understand the application and evaluation process. Interested applicants are encouraged to attend one of two workshop dates and locations. For future workshop dates, contact the LCDA grant coordinator or watch the "Upcoming Events" space on this website's Livable Communities main page.

10. If an LCDA application is awarded a grant, what is the process for receiving the funds?
Shortly after the grant is awarded, Council staff will work with the grantee to prepare and execute a signed grant agreement, which specifies what the funds may be used for, consistent with the Council action in awarding the grant. Once the grant agreement is fully executed with all grantee and Council signatures, the grant recipient may submit payment requests for eligible activities that have been performed as of the date of the grant award. To request funds, the grant recipient submits a form requesting reimbursement for work completed and includes copies of invoices or other documentation.

Local Housing Incentives Account (LHIA)

1. How and when are LHIA funds available?
LHIA funds are available to assist affordable housing development or preservation through the Request for Proposal (RFP) process administered by the Minnesota Housing Finance Agency (MHFA). As members of the Metropolitan Housing Implementation Group (MHIG), MHFA, the Family Housing Fund and the Metropolitan Council collaborate on the RFP solicitation, selection and funding process. The RFPs are issued by MHFA in December/January for ownership programs and May/June for both ownership and rental programs, with funding decisions made in late spring and fall. Applications and information on the RFP are available on the MHFA website:
Single family - www.mhfa.state.mn.us/rfp_sf.htm
Multifamily - www.mhfa.state.mn.us/multifamily/multifamily_forms.htm

2. Who is eligible to apply for LHIA funding?
Only municipalities that participate in the Local Housing Incentives program of the Livable Communicates Act (LCA) are eligible for LHIA funding. Participation in the Local Housing Incentives programs requires communities to negotiate housing goals with the Council and prepare a Housing Action Plan. Applications through the RFP process by non-municipal applicants must include acknowledgment by the local government that it will accept the award of LHIA funds and distribute the funds to the applicant for the funded proposal.

3. What costs are eligible for LHIA grants?
LHIA funds may be used to fill value and/or affordability gaps to facilitate the development or preservation of affordable housing units (ownership or rental), or housing units that are integral to a local redevelopment or revitalization program.

4. What criteria are used to determine which applications are eligible for LHIA funding?
The MHFA website identifies the criteria MHIG uses to award LHIA grants:
MHFA website: http:www.mhfa.state.mn.us/rfp.htm

5. Can a project be funded if eminent domain was used to acquire the project site?
Beginning with grant funding cycles initiated in calendar year 2006, no applicant for a Metropolitan Council LCA grant shall be eligible for LCA grant funds from the Metropolitan Council if the project for which an LCA grant is requested requires the exercise of eminent domain authority over private property for purposes of *economic development.* For purposes of this policy, the term "economic development" means the taking of private property from one private person or entity, without the consent of the owner, and conveying or leasing such property to another private person or entity, for commercial enterprise, or to increase tax revenue, tax base, employment, or general economic health, provided that such term shall not include:

(a) acquiring private property for public ownership and public use, such as for a roadway, park, sanitary sewer, hospital, public school, or similar use;
(b) acquiring private property to remediate or clean up pollution or contamination that threatens or may threaten public health or safety or the environment, if the Applicant certifies: (i) the property owner is unable or unwilling to pay for appropriate remediation or clean up; (ii) remediation or clean up must occur expeditiously to eliminate or mitigate the threat to public health or safety or the environment; and (iii) no Responsible Party has been identified or is financially capable or carrying out the remediation or clean up;
(c) leasing property to a private person or entity that occupies an incidental part of public property or a public facility, such as a retail establishment on the ground floor of a public building;
(d) acquiring abandoned property or acquiring "blighted" property as the term "blighted" is defined and used in Minnesota Statutes chapter 469;
(e) removing a public nuisance; or
(f) clearing defective chains of title.

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-52

RESOLUTION ELECTING TO PARTICIPATE IN
THE LOCAL HOUSING INCENTIVES ACCOUNT PROGRAM
UNDER THE METROPOLITAN LIVABLE COMMUNITIES ACT

CALENDAR YEARS 2011 THROUGH 2020

WHEREAS, the Metropolitan Livable Communities Act (Minnesota Statutes sections 473.25 to 473.255) establishes a Metropolitan Livable Communities Fund which is intended to address housing and other development issues facing the metropolitan area defined by Minnesota Statutes section 473.121; and

WHEREAS, the Metropolitan Livable Communities Fund, comprising the Tax Base Revitalization Account, the Livable Communities Demonstration Account, the Local Housing Incentive Account and the Inclusionary Housing Account, is intended to provide certain funding and other assistance to metropolitan-area municipalities; and

WHEREAS, a metropolitan-area municipality is not eligible to receive grants or loans under the Metropolitan Livable Communities Fund or eligible to receive certain polluted sites cleanup funding from the Minnesota Department of Employment and Economic Development unless the municipality is participating in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254; and

WHEREAS, the Metropolitan Livable Communities Act requires the Metropolitan Council to negotiate with each municipality to establish affordable and life-cycle housing goals for that municipality that are consistent with and promote the policies of the Metropolitan Council as provided in the adopted Metropolitan Development Guide; and

WHEREAS, a metropolitan-area municipality can participate in the Local Housing Incentives Account Program under Minnesota Statutes section 473.254 if: (a) the municipality elects to participate in the Local Housing Incentives Program; (b) the Metropolitan Council and the municipality successfully negotiate new affordable and life-cycle housing goals for the municipality; (c) the Metropolitan Council adopts by resolution the new negotiated affordable and life-cycle housing goals for the municipality; and (d) the municipality establishes it has spent or will spend or distribute to the Local Housing Incentives Account the required Affordable and Life-Cycle Housing Opportunities Amount (ALHOA) for each year the municipality participates in the Local Housing Incentives Account Program.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE CITY OF EAST BETHEL:

1. Elects to participate in the Local Housing Incentives Program under the Metropolitan Livable Communities Act for calendar years 2011 through 2020.

Attachment #3

2. Agrees to the following affordable and life-cycle housing goals for calendar years 2011 through 2020:

Affordable Housing Goals Range	Life-Cycle Housing Goals Range
118 – 181 housing units	180 – 1,825 housing units

3. Will prepare and submit to the Metropolitan Council a plan identifying the actions it plans to take to meet its established housing goals.

Adopted this 1st day of September, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010

* *

Agenda Item Number:
Item 7.0 G.1

* *

Agenda Item:
Town Hall Meeting Date

* *

Requested Action:
Consider setting date for Town Hall Meeting

* *

Background Information:
A fall Town Hall meeting has been conducted in an election year following the elections. In 2008, the fall Town Hall meeting was held on Thursday November 20, 2008, a week before the Thanksgiving Holiday.

Thanksgiving is on November 25, 2010. The week prior would be November 18th, the day after a regular City Council meeting.

* *

Fiscal Impact:
None at this time

* *

Recommendation(s):
Staff is seeking direction on setting the Fall Town Hall meeting event for November, 2010.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
September 1, 2010
* *

Agenda Item Number:
Item 7.0 G.2
* *

Agenda Item:
Schoolhouse Relocation
* *

Requested Action:
Provide staff direction regarding the relocation of a schoolhouse
* *

Background Information:
At a recent meeting, City Council directed staff to provide quotes for the relocation of the schoolhouse. The schoolhouse is being donated by East Bethel resident Mr. Bruce Plochocki. The old schoolhouse is currently located on his property.

The old schoolhouse meets the historic preservation requirements as provided for in the City's Comprehensive Plan. The City does address historic preservation in the most recent Comprehensive Plan as required by statute. The Comprehensive Plan directs the City create an inventory of historically significant features, landmarks and buildings and make an effort to preserve these areas and structures. Staff has learned that this one room schoolhouse served as School District #37 beginning in 1873. The schoolhouse was moved to the Higgins property and used as a residence. The new owners moved the building to the backyard and used the building for farm storage.

The schoolhouse is in reasonable shape. The hardwood flooring is in good shape but will require refinishing. The windows are damaged or missing. Doors in the structure would require replacing. The electrical is antiquated and would require upgrading to meet current code. A 10' x 14' addition was added to the schoolhouse and used as the entry way. This was not part of the original school house based on historical pictures. Staff is recommending the addition be removed from the original building and the siding be used to replace siding on the original schoolhouse where the back would be framed and siding applied.

A location for the schoolhouse has been identified in Booster East Park on the north side of the parking lot near the horseshoe pits. There is thought that the schoolhouse could be used as a trail head and interpretive center. Based on staff research, the schoolhouse would not qualify for a historical preservation grant because it's not in its original location. To our knowledge, it has been moved twice and this would be the third move.

Staff has gathered several estimates for the move from moving contactors, foundation contractors and Connexus. The cost to move the structure, excluding the removal of the addition

noted above, reframing to close the structure are estimated at approximately $20,936.28. The breakdown is as follows:

Building Moving Company – Swift Housingmoving:	$10,600.00
Building Moving Company – Semple Building Movers, Inc.:	$11,800.00
Utility Moving Costs – Electric (Connexus):	$ 4,286.28
Utility Moving Costs – Cable (U.S. Cable): ($125.00/hour, estimate 2 hours)	$ 250.00
New foundation – Plochocki Construction & Contracting Co:	$ 2,800.00
Misc. supplies to secure the building:	$ 3,000.00

Based on the lowest responsible proposals, the total cost to move the facility and set it up on a new foundation would be $20,936.28.

Funding would be from the 2010 Budget General Fund, under Parks Maintenance. These costs do <u>not</u> address any restoration work.

*** ***

Fiscal Impact:

As noted above.

*** ***

Recommendation(s):

Staff is seeking direction from Council regarding the moving of the schoolhouse by awarding the work to the lowest responsible proposers.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____