

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: February 3, 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**

7:33 PM **4.0 Public Forum**

7:43 PM **5.0 Presentation – Economic Value of Open Space**

Page 1-8

8:00 PM **6.0 Consent Agenda**

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

Page 11-15 A. Approve Bills

Page 16-27 B. Meeting Minutes, January 20, 2010, Regular CC Meeting

C. SafeAssure Contract for March 1, 2010 to February 28, 2011

Page 28-29 D. Contract Addendum No. 4 to City Engineer Agreement for Booster East/Cedar Creek Trail

New Business

7.0 Commission, Association and Task Force Reports

8:05 PM A. Planning Commission (**No Report**)

Page 30-35 B. Park Commission

1. Booster East/Cedar Creek Trail

8:15 PM C. Road Commission

Page 36-42 1. Resolution No. 2010-07 Setting Rural Residential Speed Limits

8.0 Department Reports

8:20 PM A. Engineer (**No Report**)

Page 43 B. Attorney

1. Castle Towers/Whispering Aspen Boundary/Fence Line Update

C. Finance (**No Report**)

D. Public Works (**No Report**)

8:25 PM E. Planning and Inspection/Code Enforcement

Page 44-49 1. Resolution 2010-08 and Order for the Correction of Hazardous Conditions and Further for the Abatement of Public Nuisances at 221 Birch Road, East Bethel

Page 50-51 2. Conservation Design/Development - Set Joint Meeting

F. Fire Department (**No Report**)

8:35 PM G. City Administrator

Page 52-55 1. Agreement with HRA for Administrative Support Services

Page 56-62 2. Metro Transit Taxing District

9.0 Other

8:50 PM

A. Council Reports

8:55 PM

B. Other

9:00 PM

10.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 5.0

Agenda Item:

Embrace Open Space (EOS) Presentation by Mr. Mark Schiffman – Economic Value of Open Space

Requested Action:

Informational Only

Background Information:

Embrace Open Space (EOS), a collaborative including McKnight Foundation, Met Council and the Trust for Public Land serves as a catalyst for conserving and stewarding natural areas including parks, lakes and rivers in the expanded 11-county Twin Cities area.

In 2009-2010, EOS sought to share compelling data directly with community leaders regarding the tangible financial impact open space has on community property values because of their proximity to parks, wetlands and other open space. Rather than a mass communication approach, EOS is focusing on direct engagement of local government to share this information.

Mr. Schiffman has created and managed a local government outreach effort to share the open space information. Since August 2009, he has conducted more than 20 presentations to Metro area city councils, planning commissions, park boards and other local government organizations to introduce the open space value/benefits.

Mr. Schiffman spent 12 years in local government in Waconia as Mayor, City Councilmember and Planning Commissioner. Mr. Schiffman currently teaches State and Local Government Process and PR/marketing courses at the University of Phoenix, Minneapolis/St. Paul campus and has been invited to teach Public Relations in the Public Sector at Hamline University this fall.

Mr. Schiffman has a presentation he will share with Council on Wednesday evening on the value of Open Space and its relationship to over all City goals and objectives regarding preservation.

Attachment(s):

1. Information Resources on Natural Areas and Conservation
2. Copy of Presentation

Fiscal Impact:

None at this time

Recommendation(s):

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

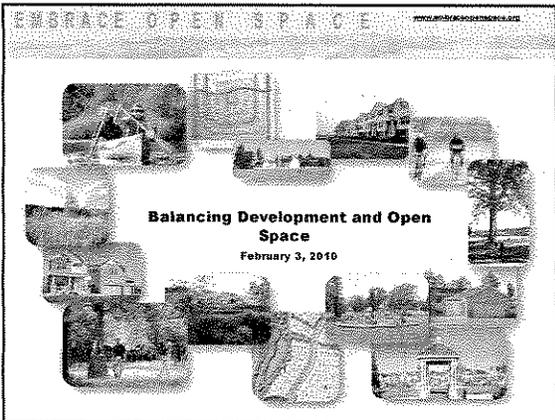
Vote No:_____

No Action Required:_____

IMPLEMENTATION TOOLS		Description	Resource/Organization/Website
Conservation Easements	Acquisitions of easements or other interests in the property that restrict or control future development		Landowner Protection Options Handbook, Minnesota Land Trust, www.mnland.org
Planned Unit/Conservation Development	Reducing lot sizes in certain areas in order to preserve environmentally sensitive areas or open spaces		Conservation Design Portfolio, Minnesota Land Trust, www.mnland.org/prog-consplanning.html
Environmentally Sensitive lands Ordinances	Regulations that require new development to protect sensitive areas such as provide upland buffers around wetlands or woodland preservation.		* Model Ordinances for Sustainable Development: www.egb.state.mn.us/resource.html?id=1927 * Guide to Using Natural Resource Information in Local Decision Making, MN DNR, www.dnr.state.mn.us/nriq/index.html * Land Protection Toolbox for Local Governments, 1000 Friends of Minnesota, www.1000fom.org
Critical Areas Regulations	Like above, but typically preserves regionally significant resource and covers more than one jurisdiction.		Mississippi River Critical Area, MNDNR www.dnr.state.mn.us/waters/watermgt_section
Impact Fees	Charges imposed on new development to provide for public facilities such as parks.		Development Impact Fees for Minnesota? Center for Transportation Studies, Uof MN, www.cts.umn.edu/ctrq/publications/pdfreport/TRGrpt3.pdf
Incentive Zoning	Granting the privilege to develop more than typically allowed in exchange for providing open space amenities		Conservation Zoning Tools, 1000 Friends of Minnesota, www.1000fom.org
Transfer of Development Rights	Permitting landowners to transfer development rights from an area that is to be protected as open space to another area more suitable for development.		Fact Sheet #5 Transfer of Development Rights, 1000 Friends of Minnesota, www.1000fom.org
Design Assistance	Direct assistance to selected communities in the forms of design assistance, community meeting facilitation, referrals, and technical resources.		University of Minnesota Metropolitan Design Center -
Land Restoration	Private and public landowners manage or restore property to native plant community or habitat		Great River Greening, www.greatrivergreening.org Friends of the Mississippi, www.fmr.org
Water Quality & Land Protection			Minnehaha Creek Watershed District,
FISCAL/ECONOMIC		Description	Resource/Organization/Website
Economic Value of Open Space	Methods for evaluating the economic impact of open space on a community by examining property tax values and other factors.		Economic Value of Open Space: Implications for Land Use Decisions, and 2 studies re: increase in home values in Washington and Hennepin Counties; Embrace Open Space, www.embraceopenspace.org

INFORMATION RESOURCES ON NATURAL AREAS AND CONSERVATION

RESOURCE SITE		Description	Resource/Organization/Website
Embrace Open Space	Embrace Open Space is collaborative of organizations working to catalyze greater citizen and elected leadership to conserve and steward water, wildlife and natural areas in the eleven-county Twin Cities area.		Links to information and organizations working on natural areas and open space topics in the Twin Cities: www.embraceopenspace.org
PLANNING INFORMATION			
PLANNING INFORMATION	Description	Resource/Organization/Website	
Natural Resources in Comprehensive Planning	Creating a comprehensive plan that incorporates both natural resource visions and development visions.	Using Natural Resources Information in Comprehensive Planning, A Companion to the Metropolitan Council Local Planning Handbook, MN DNR www.dnr.state.mn.us/nrplanning/community/nrphandbook/index.html	
Growth Impacts on Natural Resources	A GIS based assessment to place the region's in the context of projected future regional growth and development, to make better informed development and conservation decisions.	Growth Pressures on Sensitive Natural Areas in DNR's Central Region, Amerigis and MN DNR: www.dnr.state.mn.us/nrplanning/community/amerigis_report/index.html	
Regional Planning for Natural Resources	Looking beyond jurisdictional borders to plan for natural resources.	Metro Conservation Corridors - a map of locally generated conservation priorities across the seven county metro area. http://files.dnr.state.mn.us/assistance/nrplanning/community/metroconservationcorridors/map.pdf	
Planning Assistance for Local Governments	Compendium of multiple resources that will aid in planning efforts, including comprehensive planning, zoning, subdivision regulations, hazard mitigation and GIS applications.	MN DNR: http://files.dnr.state.mn.us/assistance/nrplanning/community/nrpg/addplanassist_loc_elgov.pdf	
FUNDING			
FUNDING	Description	Resource/Organization/Website	
Natural Areas Conservation Programs	A long-term plan and funding program for protecting priority areas	Developing and Managing Effective Programs, Trust for Public Land - www.tpl.org/content_documents/Effective_Programs_lr.pdf	
Local Ballot Measures	Public funding tools, such as referenda, to finance open space acquisition.	Conservation Finance Handbook, Trust for Public Land, www.tpl.org	
Fee Simple Acquisition	Permanent acquisition of land through purchase/donation	Financial Assistance Directory, MN DNR, http://www.dnr.state.mn.us/grants/index.html	



EMBRACE OPEN SPACE www.embraceopenpace.org

Embrace Open Space

- Collaborative of Twin Cities organizations to protect open space in our region
- Primary goals:
 - Catalyst to conservationward natural areas, parks, lakes and rivers in the 11-county metro
 - Resources to community leaders and the public
- Collaborative Partners:

1000 Friends of Minnesota	Friends of the Mississippi River
Conservation Minnesota	Minnesota Creek Watershed District
Department of Natural Resources	Parks and Trails Council of Minnesota
Great River Greening GRG	Minnesota Land Trust
The Stocklight Foundation	Sierra Club, North Star Chapter
Metropolitan Council	Trust for Public Land
Metropolitan Design Center, U of Minn.	Friends of the Minnesota Valley
Minnesota Center for Environmental Advocacy	Friends of Washington County
Mississippi National River and Recreation Area	



Mark Schiffman

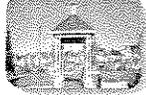
- 12-years local government experience
- MAPA from Hamline; Faculty, University of Phoenix
- 20-year public relations/public affairs veteran

EMBRACE OPEN SPACE www.embraceopenpace.org

Defining Open Space

- Parks
- Golf courses (public and private)
- Woodlands/wetlands/prairies
- Public hunting grounds
- Conservation easements
- Water (not including storm water retention ponds)
- Privately-owned open space (business, non-profit, educational)
- Park land in public ownership (local, state and federal property)







EMBRACE OPEN SPACE www.embraceopenspace.org

Thank You

Questions
Jenna Fletcher, Embrace Open Space (651) 999-5306 Jenna.Fletcher@tpl.org
Mark Schiffman (612) 716-1812 mark@drawbridgeconsulting.biz

Resources
Embrace Open Space www.embraceopenspace.org
Trust for Public Land www.tpl.org
U of M Metropolitan Design Center www.designcenter.umn.edu



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 6.0 A-D

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, January 20, 2009 Regular City Council

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

Item C

SafeAssure Contract for March 1, 2010 to February 28, 2011

In 2009, the City of East Bethel was invited to participate in a Safety Committee consisting of the Cities of Ham Lake, NowThen, and Oak Grove. SafeAssure Consultants, Inc. is the safety consultant for the four cities. SafeAssure provides unlimited consulting services, conducts classroom-training sessions, writes and/or maintains mandatory Occupational Safety and Health Administration (OSHA) programs and provides a complete material safety data sheets (MSDS) management service in conjunction with DAMARCO, LLC.

In 2010, SafeAssure Consultants, Inc. will continue to provide required annual safety training as well as provide OSHA updates to City staff. All written programs and services that are produced by SafeAssure Consultants, inc. are guaranteed to meet the requirements set forth by MNOSHA/OSHA. Our cost to participate is \$2,975 for the period of March 1, 2010 to February 28, 2011.

City staff is recommending approval of the annual agreement with SafeAssure Consultants for the City's Safety program and training in the amount of \$2,995.00 Funds have been budgeted and are provided for in the 2010 Human Resources budget. A copy is available for review.

Item D

Contract Addendum No. 4 to City Engineer Agreement for Booster East/Cedar Creek Trail

The City engineer has submitted a “not to exceed” addendum for engineer services for the design, bid and construction management of the Booster Park East to Cedar Creek Environmental Science Reserve trail project. A copy of that addendum is attached.

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:_____



2009 Bills to be Approved for Payment February 3, 2010	\$11,055.36
2010 Bills to be Approved for Payment February 3, 2010	\$32,215.70
Electronic Payments	\$27,581.02
Payroll City Council - January 21, 2010	\$1,577.12
Payroll City Staff - January 21, 2010	\$36,085.23
2008A GO Sewer Revenue Bond Payment	\$81,130.00
2005B GO Improvement Bond Payment	\$51,505.00
2005A GO Public Safety Bond Payment	\$103,788.75

Total to be Approved for Payment February 3, 2010	\$344,938.18
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Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer
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City of East Bethel
February 3, 2010
2009 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Repairs/Maint Machinery/Equip	511946	Jorson & Carlson Co., Inc	615	49851	80.50
Fire Department	Other Insurance	16143	Hitesman & Associates, P.A.	231	42210	750.00
Fire Department	Personnel/Labor Relations	445522	ChoicePoint Services Inc.	101	42210	227.80
Legal	Legal Fees	123109	Kennedy & Graven, Chartered	101	41610	4,300.00
Park Maintenance	Clothing & Personal Equipment	470397790	Cintas Corporation #470	101	43201	45.81
Street Maintenance	Bldgs/Facilities Repair/Maint	470397790	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Clothing & Personal Equipment	470397790	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Motor Vehicles Parts	H79280	H&L Mesabi	101	43220	405.61
Street Maintenance	Motor Vehicles Parts	H79220	H&L Mesabi	101	43220	147.42
Street Maintenance	Motor Vehicles Parts	H79036	H&L Mesabi	101	43220	42.96
Street Maintenance	Motor Vehicles Parts	H79281	H&L Mesabi	101	43220	244.74
Street Maintenance	Motor Vehicles Parts	H79221	H&L Mesabi	101	43220	729.96
Street Maintenance	Safety Supplies	80359347	Bound Tree Medical, LLC	101	43220	107.70
Street Maintenance	Sign/Striping Repair Materials	128704	Gopher Sign Company	101	43220	1,827.14
Street Maintenance	Street Maint Materials	11047	Bjorklund Trucking	101	43220	2,073.38
						\$11,055.36

City of East Bethel
February 3, 2010
2010 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	8393	Vogel Sheet Metal, Inc.	615	49851	485.72
Arena Operations	Telephone	10110	Qwest	615	49851	100.56
Building Inspection	Auto/Misc Licensing Fees/Taxes	929055	DVS RENEWAL	101	42410	14.50
Building Inspection	Auto/Misc Licensing Fees/Taxes	903638	DVS RENEWAL	101	42410	14.50
Building Inspection	Conferences/Meetings	12610	University of Minnesota	101	42410	300.00
Building Inspection	Dues and Subscriptions	12610	10,000 Lakes Chapter	101	42410	75.00
Building Inspection	Motor Fuels	176282	Egan Oil Company	101	42410	278.30
Building Inspection	Telephone	332373310-098	Nextel Communications	101	42410	21.87
Central Services/Supplies	Legal Notices	IQ 01763650	ECM Publishers, Inc.	101	48150	184.50
Central Services/Supplies	Office Supplies	503477009001	Office Depot	101	48150	145.69
Central Services/Supplies	Office Supplies	505165373001	Office Depot	101	48150	36.48
Central Services/Supplies	Office Supplies	503789144001	Office Depot	101	48150	22.47
Central Services/Supplies	Office Supplies	503789143001	Office Depot	101	48150	6.75
Central Services/Supplies	Office Supplies	503789131001	Office Depot	101	48150	53.69
Central Services/Supplies	Repairs/Maint Machinery/Equip	10627	Wavs, Inc.	101	48150	975.00
City Administration	Travel Expenses	12810	Douglas Sell	101	41320	200.00
City Administration	Telephone	2339671450	Verizon Wireless	101	41320	47.61
Fire Department	Auto/Misc Licensing Fees/Taxes	144267	DVS RENEWAL	101	42210	14.50
Fire Department	Auto/Misc Licensing Fees/Taxes	903633	DVS RENEWAL	101	42210	14.50
Fire Department	Information Systems	10110	Qwest	101	42210	-14.52
Fire Department	Motor Fuels	176281	Egan Oil Company	101	42210	347.10
Fire Department	Motor Fuels	176282	Egan Oil Company	101	42210	442.75
Fire Department	Office Supplies	503476929001	Office Depot	101	42210	144.72
Fire Department	Office Supplies	504079141001	Office Depot	101	42210	19.05
Fire Department	Telephone	6386866	Integra Telecom	101	42210	143.19
Fire Department	Telephone	332373310-098	Nextel Communications	101	42210	122.66
Fire Department	Telephone	10110	Qwest	101	42210	60.90
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	SVCINV10985	Alpha Video and Audio, Inc.	101	41940	140.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	SVCINV10961	Alpha Video and Audio, Inc.	101	41940	525.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470408215	Cintas Corporation #470	101	41940	19.63
General Govt Buildings/Plant	Telephone	6386866	Integra Telecom	101	41940	229.09
Human Resources	Conferences/Meetings	12010	Tammy Schutta	101	41810	95.00
Legal	Legal Fees	12610	Randall and Goodrich, P.L.C.	101	41610	1,367.75
Park Maintenance	Auto/Misc Licensing Fees/Taxes	903637	DVS RENEWAL	101	43201	14.50
Park Maintenance	Clothing & Personal Equipment	470408216	Cintas Corporation #470	101	43201	45.81
Park Maintenance	General Operating Supplies	210435	S & S Industrial Supply	101	43201	252.40
Park Maintenance	Motor Fuels	176282	Egan Oil Company	101	43201	379.50
Park Maintenance	Motor Fuels	176281	Egan Oil Company	101	43201	667.50
Park Maintenance	Other Equipment Rentals	35811	Jimmy's Johnnys, Inc.	101	43201	81.44
Park Maintenance	Professional Services Fees	12610	Jill Teetzel	101	43201	90.00
Park Maintenance	Shop Supplies	9153917498	Grainger	101	43201	25.99
Park Maintenance	Telephone	6386866	Integra Telecom	101	43201	52.50
Park Maintenance	Telephone	332373310-098	Nextel Communications	101	43201	87.62
Park Maintenance	Telephone	10110	Qwest	101	43201	90.12
Payroll	Insurance Premiums	4368958	Delta Dental	101		1,040.30
Payroll	Insurance Premiums	19445542	Medica Health Plans	101		7,911.67
Planning and Zoning	Legal Fees	12610	Randall and Goodrich, P.L.C.	903		121.00
Planning and Zoning	Legal Notices	IQ 01763649	ECM Publishers, Inc.	101	41910	56.38
Planning and Zoning	Software Licensing	92112823	ESRI	101	41910	405.50
Planning and Zoning	Telephone	332373310-098	Nextel Communications	101	41910	21.87

City of East Bethel
February 3, 2010
2010 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Sewer Operations	Legal Fees	12610	Randall and Goodrich, P.L.C.	602	49451	321.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	903630	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	921031	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	903639	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	4719CGT	DVS RENEWAL	101	43220	20.25
Street Maintenance	Auto/Misc Licensing Fees/Taxes	160516	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	160534	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	199791	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	179027	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	923067	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	916530	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	199793	DVS RENEWAL	101	43220	14.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	184448	DVS RENEWAL	101	43220	14.50
Street Maintenance	Bldgs/Facilities Repair/Maint	470408216	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Chemicals and Chem Products	53352228	John Deere Landscapes	101	43220	1,494.54
Street Maintenance	Clothing & Personal Equipment	470408216	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Motor Fuels	176281	Egan Oil Company	101	43220	1,655.40
Street Maintenance	Motor Fuels	176282	Egan Oil Company	101	43220	164.45
Street Maintenance	Office Supplies	505165373001	Office Depot	101	43220	46.83
Street Maintenance	Professional Services Fees	12610	Jill Teetzel	101	43220	50.00
Street Maintenance	Shop Supplies	2171396	Dalco	101	43220	103.09
Street Maintenance	Sign/Striping Repair Materials	90330-IN	Earl F. Anderson, Inc.	101	43220	456.52
Street Maintenance	Street Maint Materials	70462203	North American Salt Co.	101	43220	1,942.23
Street Maintenance	Street Maint Materials	70460930	North American Salt Co.	101	43220	7,502.45
Street Maintenance	Telephone	6386866	Integra Telecom	101	43220	52.50
Street Maintenance	Telephone	332373310-098	Nextel Communications	101	43220	87.90
Water Utility Operations	Telephone	10110	Qwest	601	49401	108.14
						\$32,215.70

City of East Bethel
February 3, 2010
2010 Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
		PERA				\$6,375.41
		Federal Withholding				\$5,422.24
		Medicare Withholding				\$1,668.50
		FICA Tax Withholding				\$7,069.26
		State Withholding				\$2,329.01
		MSRS				\$4,716.60
						\$27,581.02

EAST BETHEL CITY COUNCIL MEETING

January 20, 2010

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

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

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

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

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

Sheriff's Report Lt. Orlando reported on the custodial arrests/significant arrests for the month of December 2009 as follows:

12-08-09 - Disorderly Conduct - Deputies were called to a bar on a female refusing to leave. The deputy arrived and advised the female she needed to leave. The female was uncooperative and would not respond. The deputy advised the female that she was under arrest for disorderly conduct and she was taken to jail.

12-23-09 - Burglary/Stolen Vehicle - During the late evening hours, a deputy stopped a vehicle for a speeding violation. The deputy found the vehicle to have a broken window. The deputy believed the vehicle may be an unreported stolen as one of the windows was broken out. The deputy attempted to contact the owner but was unable to. The vehicle was towed and held for proof of ownership. During follow up with the registered owner, it was determined that his unattached garage had been broken into and the vehicle stolen. There was a second stolen vehicle located near the residence of the registered owner. The suspect was arrested the next day.

12-29-09 - DAC-IPS/Display Wrong Plates - A deputy stopped a vehicle upon running the registration of a truck where the owner was cancelled as inimical to public safety. The driver, who was not the owner of the plates, was also cancelled as inimical to public safety. The driver was the owner of the vehicle, who had taken the plates off his friend's vehicle, and put them on his. The male was taken to jail. (Moral to the story – know what your friends license status is before trying to use their plates to make you legal)

Lt. Orlando said domestic calls (non-crime) for the month were nine (9) and DWI arrests for this month were three (3). Hunter asked that wasn't an East Bethel resident that had switched plates was it. Lt. Orlando said the suspect was not a resident.

Boyer said he is looking at the numbers provided for year end, and it seems to him that the most serious categories such as criminal sexual conduct, assault, and harassing and felony arrests seem to be rising. He said that is rather disturbing. Boyer asked why have we seen those increases. He said the numbers are small, but it is a significant increase. Lt. Orlando said there are a number of different factors on that type of reported crime. She said 10 to 15

years ago criminal sexual conduct was very underreported and now we encourage reports, we let people know it is okay to report.

Lt. Orlando said she thinks a lot of the crimes you see, such as burglaries and damage to property have gone down. Boyer said yes and that is one of the reasons this stands out. Lt. Orlando said she reads all the criminal reports that we get through our office and there is not a serial thing going on. She said this past year you had a deputy that worked a lot more traffic than others do. Lt. Orlando said traffic arrests can lead to felony level arrests. Boyer asked have you noticed anything about felony assaults because they went up significantly, almost 50%. Lt. Orlando said she doesn't know why this is. Hunter asked when you have the DWI task force in the area, are those numbers included in our report. Lt. Orlando said yes, but we haven't had a task force up here for a while. Hunter said we had one on Co. Road 22 in December.

Boyer said he is not trying to second guess what the deputies are doing; he is trying to understand why these numbers have increased. Lt. Orlando said she can run a report to find out how many are 1st, 2nd, 3rd, 4th or 5th degree assaults. She said most of these could be just misdemeanor assaults. Lt. Orlando said they can be the fighting type of stuff.

Hunter asked do you renew officers on a yearly basis. Lt. Orlando said she has some new officers this year, and some of the same. She said the deputies bid their shifts on a yearly basis. Voss asked will the deputies be coming in next month to meet us. Lt. Orlando asked if Council wants them to come in. Voss said yes, we do this every year. Boyer said and it is a good way for us to recognize them for their service. Hunter and it is good to get them on camera. Voss said so consider this a request to have them come to a Council meeting next month to be introduced.

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

Joshua Sturman of 226 Elm St. NE said he has a brief statement to make. He said this is in regards to trying to abate some conditions with his property at 204 Dahlia St. NE. Sturman said in conjunction with housing redevelopment; he is having difficulty coming up with the funds to do anything with the property. He said he is not sure council is aware of the statement on May 11th of 2009, from Paul Merwin a land use attorney at the LMC, to the extent the plaintiff seeks relief, basically they were saying come back here and see what the Council wants to do with this. Sturman said he has never addressed the Council at large about this issue.

Hunter said he believes the prosecuting attorney for the City is dealing with this. Randall said yes, and he doesn't know if he took action. Sturman said he received another statement within the last week or two. Randall said Sturman mentioned Merwin, how is he involved. Sturman said he is from the LMC. He said he told me to take it down. Sturman said he was required to submit an answer in 20 days. Randall asked how did he get involved. Sturman said he contacted me. Randall said it is unusual that someone from the LMC contacted Sturman. Boyer said this is at the very least a staff matter, not a Council matter.

Sturman said he is willing to work with the Council. He said he is not sure how the transfer is going with the county and the City, but the county told him that since Dahlia is not his personal address the HRA couldn't help him. Sturman said then he contacted the HRA again and they told him the City is administering the HRA now themselves. Hunter directed

Sturman to talk to Schutta and she can discuss this with the building official and go from there. He said if there is something the Council needs to do, we need the whole background, so we can have a discussion and make a decision.

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

Anoka County
Highway
Department –
Grants for
Signalization
Project at TH
65 and 221st
Ave. NE and
Bussing
Service in
East Bethel

Schutta explained that Ms. Kate Garwood from the Anoka County Highway Department is with us this evening to bring Council up to date on two grants that will affect the City. The first is the signalization project at Trunk Highway 65 and County Road 74 (221st Avenue NE). The second grant has implications for Park and Ride opportunities in the community.

Kate Garwood introduced herself. She said she spoke to the East Bethel Road Commission late last year about these projects the county got grants for. Garwood said one is to install a signal at TH 65 and Co. Road 74; we received that grant from the Met Council. She said this scored 4th highest. Garwood said safety issues are being corrected here. She said the grant is for \$1,080,000 and the county will put in \$120,000 for a total of \$1,200,000. Garwood said the funding is for 2013 and 2014 and we have environmental work to do before then. She said we have had discussions with the Road Commission and the City Administrator about moving this up, but 2013 is starting on July 1, 2012 and it will take that long to get the environmental and design work done.

Hunter said there were comments made at the Road Commission that we were really pushing for an overpass there but we will gladly take the lights. He said we have had two major accidents there since we met the last time. Hunter said every time the call goes to that area it shows that we need to make it safer. Boyer said he got calls from people involved in the accident as well, and one of the complaining factors is when they have done snow removal in the past, they piled snow up in the sides of the crossing there and have amplified the bad situation. He said if they could shove the snow off to the east or west, as opposed to piling it up in the median that would help. Garwood said so they are piling snow in the median, that is causing some issues. Boyer said yes, he knows it is state right of way, but it is hard enough to see. He said he would like to add on to the Mayor's comments, this is the worst intersection in East Bethel, and so we are glad to have any improvement there. Garwood said she understands, she was hit on TH 65 on the way to the Road Commission. She said this was in Ham Lake, but TH 65 is a nasty road.

Garwood said during the same grant process the county got a grant for congestion mitigation for transit service on TH 65. She said the grant program is for 2013 and 2014, and again the second half of 2012 is the soonest we can get access to the funds. Garwood said we will have \$8,500,000 once we put the federal funds with the local funds. She said this grant was supported by East Bethel, Blaine, Ham Lake, etc. Garwood said there are 45,000 trips a day by the time you get to Bunker Blvd, the bulk of the traffic is up here. She said the route we are proposing passes through nine of the most congested corridors, four of them are on TH 65. Garwood said the project costs include acquisition of 6 1/2 acres of land, six coach buses and three years of operation. She said there is growth up this way and traffic is growing.

Garwood said the grant was submitted for nine trips a day, from 9am to 9pm. She said the map shows the route. Garwood said there is a park and ride noted on the map in Blaine, we need more park and ride slots, so we included the park and ride in Cambridge at the Holiday on the west side of TH 65, East Bethel has a park and ride at the Ice Arena, and there are park and rides in consideration in Isanti and also by Athens Town Hall. She said when she

talked to the Isanti Council Commissions the information she was working with was from Met Council that 45% of their adult population works in the Twin Cites. Garwood said but one of the commissioners told her no, it is 75%. She said in Chisago County 65% of their residents work in the Twin Cities. .

Garwood said so what are the issues. She said some of the things we are challenged by as we go to make this happen is we need to figure out how to cross some boundaries. Garwood said once we are out of Blaine we are out of Metro Transit Taxing District. She said Columbus and Forest Lake just joined this year. Garwood said she pays \$25 a year and lives in Blaine. She said that is the average. Garwood said if we go to Cambridge we are crossing MnDOT Metro Distribution and District 3. She said what we need to figure out is how we can work on this together. Garwood said they seem amiable to that.

Garwood said the other boundary is the Anoka County/Isanti County boundary. She said they have the Heartland Express in Cambridge and Chisago. Garwood said maybe the Heartland Express would be amiable to come down to the park and ride in East Bethel at the Ice Arena. She said she had discussions with City staff about having a park and ride on the west side of Co. Road 22 and TH 65. Garwood said the majority of traffic is just outside of Blaine at Bunker Blvd. She said we need to figure out how many need to go to Cambridge. Garwood said her next step is to do a market study. She said she can figure this out with the data that is available. Garwood said she also needs to figure out where the park and rides need to be placed. She said that is how we are working on this right now.

Garwood said if the Metro Transit Taxing District operates the service, they will need East Bethel to join the transit taxing district for them to stop in East Bethel. Voss said looking at the map that shows the route, we are looking at buses coming up this far. Garwood said the way we set this up was to win, so we had to stay within the taxing district however, she knew there was interest in this going further. She said with the grant a scope change is allowed. Garwood said we could shuffle the money, we need to see what makes sense. She said once this study is done she will come back and tell you what the study says you need. Hunter said as you are progressing with grant money (it sounds like it has been approved) so the county handles this thing from this point forward. Garwood said yes, but she is nothing if she is not collaborative. She said if you are interested in having this happen, you need to decide where it should happen.

Voss asked when it comes to the point of whether we join the Metro Transit Taxing District, does the complete City need to go in. Garwood said yes. Voss said half of the City goes travels on TH 65 and half doesn't. Garwood said she did this with Columbus, told them to decide what they want, do you want to get the Met Council to the table to talk about other service for other areas. She said Columbus did that and now they are working on service to St. Paul and they already have service to Minneapolis. Garwood said this is how it is done. She said another question is there a possibility that the Anoka Traveler could take over this business. Garwood said and when asked about Ham Lake, if the transit taxing participants need to be contiguous cities, and they do not. She said you are a little contiguous with Columbus. Garwood said but Ham lake was favorable when she talked to their committee.

Boyer asked can you send us the info on the taxing district. Garwood said yes, she did already send information to the City Administrator. Boyer asked can we get this in our update. Garwood said if you are going to consider it, you have to join before the levy is set for the next year by the September of the year previous to when you will join. Boyer said he thinks it would make sense to have some members of Council meet with the Metro Transit

members to discuss other service needs. Voss said his question is dealing with fact that there is no real impact for the east side of the City, they never drive TH 65. He said he is anticipating what our resident response would be with the issue of the transit tax. Boyer said he knows from looking at the data, you can plot the City and say here is where everyone works and here is where they live. He said from that there was like 8 or 9% in Minneapolis, 7% in St. Paul and a large number worked along 10. Boyer said if you could add that corridor for the two cities, it would be nice. Garwood said the worst thing they can tell you is no. Hunter said next time bring Commissioner Lang and tell him we miss him. Paavola asked when will you have the next update for us. Garwood said you can get information from us at any time. She said as far as the market service study, she has to get a RFP out and she would like to have this out by the middle of February so we can get it started by April.

Planning
Commission
Interviews

Schutta explained that as a result of the additional advertising, there are four applicants for the three Planning Commission positions. Two of the openings are for terms that will expire on February 1st while the third position is a result of Mr. Channer resigning to accept the City Council position. The applicants include Ms. Lorraine Bonin, Mr. Tim Landborg, Ms. Sherry Allenspach and Ms. Heidi Moegerle. Mr. Landborg and Ms. Bonin are current members of the Planning Commission.

Staff is suggesting that each applicant be given the opportunity to present their qualifications and interest in the position. Later on the agenda, Council will have the opportunity to appoint three members to fill the positions.

Voss asked candidates to come forward and introduce themselves and say why they want to serve on the commission.

Lorraine Bonin of 1950 209th Ave. NE said she would like to serve another term because she feels like we are just getting to a point that we are going to do the things we have been wanting to do. She said with the water and sewer coming, we are coming to a time when we are going to make changes and she would like to be a part of that.

Tim Landborg of 1507 205th Ave. NE said he has served on the Planning Commission for four years, and he was a Council Member for four years. He said he has been involved in the sewer work and the comprehensive plan and hopefully we are going to get some more stuff going. Landborg said he thinks he should stay on the commission, he has knowledge of planning and zoning, development and Council issues.

Sherry Allenspach of 3427 217th Ave. NE said as she put in her intro letter, she wants to be on the East Bethel Planning Commission, she is aware of the functions of the Planning Commission and its role as an advisory committee to the City Council. She said she served on the East Bethel Park Commission for four years and served as the chair of the commission for one year. Allenspach said she is on the East Bethel EDA and this is just another way to be connected, growth is exciting and she wants to be a part of it.

Heidi Moegerle of 179 Forest Road at Coon Lake Beach said until 6 1/2 years ago she didn't know where East Bethel was. She said by training she is a biologist and brings an ability to be involved to do research, learn and she is fresh blood ready to be spilt. Moegerle said she has met with Mr. Martin, the city planner, the mayor and Council Member Paavola, she wants to get involved. She said she is interested in the planning commission specifically, because we have two construction businesses. Moegerle said she has had two issues that have come before the building official, she brings no baggage, and she is completely open to

hear all sides,. She said she likes the rural atmosphere and wants to preserve it and still have transportation.

Hunter asked do we want to ask all three questions, or how do we want to proceed. Paavola said she thinks the questions we have listed here, she thinks they have answered unless we have something specific. It was the consensus of the City Council to ask question three (3) of all the applicants.

Hunter asked the following question of all of the applicants: What are the most significant issues facing our community over the next year and the next five years?

Moegerle said she believes it is the same for both, economic. She said this affects council and what they can do with the money. Moegerle said and the idea of transportation are we going to develop this to a center of employment or are we going to develop transportation to send it all south. She said our comp plan was done in the anticipation of a booming economy and that has changed. Moegerle said we need to assess is this still where we are headed, what if the economy doesn't bounce back, what are we going to do.

Allenspach said she is certainly right about the economic piece. She said what is really important is transportation and development of the TH 65 corridor. Allenspach said she was at all the public hearings on the corridor and can that happen now, does that need to change, what type of people can we bring in, we need housing, but we need to keep the rural feeling, so how do we do that.

Landborg said the most important issue for next year is sewer and water. He said without sewer and water, we won't get businesses and we won't get development. Landborg said the primary thing in the next five years is can we commit to businesses that are going to have sewer and water. He said then look at development to spur the ability to put in park and ride and transit things.

Bonin said she agrees that sewer and water are one of the main things we need to work on. She said also, developing a sense of the City which is what we were looking at doing with the City Center, so we are not just a pass through. Bonin said she hopes we can do something along that line, she knows it won't be as much as soon as we hoped it would be, but she hopes to be able to do something.

Voss said he suggests we continue on with the agenda and after the consent agenda, we have it on our regular agenda to appoint the Planning Commission members.

Consent
Agenda

Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, January 6, 2010, Regular CC Meeting; C) Res. 2010-03 Supporting Continued Funding of the ACCAP Senior Outreach Program through the Anoka County CDBG Program; D) Res. 2010-04 Setting Date of Local Board of Appeals and Equalization; E) Res. 2010-05 Resolution Relating to Financing of the Construction of the Whispering Aspen Well Project by Acceptance of a Grant from Disadvantaged Community Funds and a Financing Agreement for a Public Facilities Authority Loan. Paavola seconded; all in favor, motion carries.

Appoint
Planning
Commission

Schutta explained that earlier, Council interviewed several applicants for three positions on the City Council. Council now has the opportunity to appoint three individuals to fill these positions.

Voss asked are we doing this the same as when we appointed a Council member. He said he sees that staff made a selection form and all the candidates are on it. Voss said we have three positions to fill, so we can check three and pass it down it will be tallied and then a motion can be entertained.

Hunter said it has been nice that the last vacancies we have had a choice and good people to choose from. He said it is fun to be in this position, to know that we make a choice and can't go wrong. Hunter said we are really blessed in that fashion, good quality people to fill these vacancies.

Voss made a motion to appoint Lorraine Bonin to the Planning Commission for a term of February 1, 2010 to December 31, 2012, Tim Landborg to the Planning Commission for a term of February 1, 2010 to December 31, 2012 and Heidi Moegerle to the Planning Commission for a term of February 1, 2010 to December 31, 2011. Channer seconded; all in favor, motion carries.

Park Comm
Minutes

Schutta explained that the unapproved meeting minutes from the December 9, 2009 Parks Commission meeting are provided for your review and information.

Appoint Park
Commission
Members

Schutta explained that at the December 2, 2009 meeting, City Council adopted a Commission Appointments Policy that was effective immediately. The purpose of the policy is to identify the process for the consideration and appointment of Commission Members serving on the Parks, Roads and Planning Commission. This policy requires that all Commission vacancies are advertised.

Commission vacancies were advertised in the Anoka Union, on the City's web site and bulletin board. Applications were accepted through noon on December 31, 2009. No additional applications were received for the Parks Commission openings.

The City has received letters from Ms. Bonnie Harvey and Mr. Ken Langmade requesting reappointment to the Parks Commission. Ms. Harvey has served on the Parks Commission since 1995. Mr. Langmade has served on the Commission since 2007 and as chairperson for the 2009 term. If reappointed, they would serve from January, 2010 to December, 2013.

Staff recommends the re-appointment of Bonnie Harvey and Ken Langmade to the East Bethel Parks Commission.

Voss made a motion to reappoint Bonnie Harvey and Ken Langmade to the Park Commission for terms of January 2010 to December 2012. Boyer seconded. Boyer said there is an error on the term for Bonnie Harvey, he thinks she has been here for 22 years or more. **All in favor, motion carries.**

Road Comm.
Minutes

Schutta explained that the unapproved meeting minutes from the December 8, 2009 Roads Commission meeting are included for your review and information.

Appoint Road
Commission
Members

Schutta explained that at the December 2, 2009 meeting, City Council adopted a Commission Appointments Policy that was effective immediately. The purpose of the policy is to identify the process for the consideration and appointment of Commission Members serving on the Parks, Roads and Planning Commission. This policy requires that all Commission vacancies are advertised.

The Commission vacancies were advertised in the Anoka Union, on the City's web site and City billboard. Applications were accepted through noon on December 31, 2009. No additional applications were received.

The City has received letters from Mr. Roger Virta and Mr. Jeff Jensen requesting reappointment to the Roads Commission. Mr. Virta has served on the Roads Commission since 2004. Mr. Jensen has served on the Commission since 2007 and as chairperson for the 2009 term. If reappointed, they would serve from January, 2010 to December, 2013.

There is an additional vacancy on the Roads Commission created by the resignation of Joe Pelawa. This position will continue to be advertised on the City's website and the City billboard. This position will also be advertised in the City newsletter. This position would be a 2 year appointment as Mr. Pelawa's term ends December 31, 2012.

Staff recommends the reappointment of Roger Virta and Jeff Jensen to the East Bethel Roads Commission for the 2010-2013 term.

Paavola made a motion to reappoint Roger Virta and Jeff Jensen to the Road Commission for terms of January 2010 to December 2012. Boyer seconded; all in favor, motion carries

Res. 2010-06
Award Bid for
Whispering
Aspen Well
#2

Schutta explained based on approved plans and specifications, the City Council directed that advertisements be placed for bids for the construction of well No. 2 at Whispering Aspen. Notices and advertisements were placed in the City's official newspaper, the Construction Bulletin and on the City's web site. Bids were received and opened on November 12, 2009. Two 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. A project location map is included as Attachment 3.

Municipal Builders, Inc. was the low bidder at \$300,660. Staff has verified submitted references for example projects, proposed project superintendents, project subcontractors, bank references, and bonding company references. Staff has received positive feedback from the reference sources regarding Municipal Builders, Inc. personnel, work, and financial status.

Project costs were detailed in you agenda materials. The total estimated project cost is estimated to be \$373,004. The City has received notice that it will be awarded a Disadvantaged Community Funds Grant in the amount \$298,403 or 80% of the project cost. The remaining \$74,601 is proposed to be financed through the Public Facilities Authority's Drinking Water Loan program. The loan will be paid back over 20 years at a 1% interest rate. The loan payment will be repaid through user fees.

Staff recommends approval of Resolution 2010-06 awarding the bid to Municipal Builders, Inc. in the amount of \$300,660 with direction to execute an agreement with Municipal Builders, Inc.

Boyer made a motion to adopt Resolution 2010-06 Awarding the Bid to Municipal Builders, Inc., in the amount of \$300,660 with direction to execute an agreement with Municipal Builders, Inc. Voss seconded. Voss asked related our status with MDH, they are aware we are proceeding. Jochum said yes. Voss asked and we submitted a schedule.

Jochum said yes, and our date is September 2010. He said the due date is July 30th to have it completed. **All in favor, motion carries.**

Code
Enforcement
Report

Schutta explained that the Code Enforcement Report for December is submitted for your review and information. Boyer said during the public forum, we had someone from the public talking to us about a property on the code enforcement report. He said we are currently in the court process on this, and probably should not even be talking to him since it is in court.

Fire
Department
Reports

Schutta explained that Fire Department reports for the month of December are provided for your review and information.

Town Hall
Meetings

Schutta explained that over the past several years, City Council has directed that a Town Hall meeting be convened in the spring and fall of the year. These meetings allow for citizens to see and hear about activities in the City as well as provide a forum for questions and answers regarding these activities.

In the past, the spring event has been held in April. Regular Council Meeting dates in April include April 7th and April 21st. April 28th, a Wednesday, would be available for the spring event.

It had been suggested that perhaps a single annual event be considered until such time as there are more frequent updates regarding municipal utilities and related development. If Council should consider this course, it is suggested that the spring event would be more informative as it would provide an opportunity to broadcast information regarding the upcoming construction projects that are part of the roads and parks capital improvement programs

Staff is requesting Council direction on the date for the spring Town Hall meeting.

Voss said he has to agree with staff, if we went to one meeting a year spring is the better time. He said people are more busy in the fall. Boyer said this particular year, we have the sewer meeting tomorrow night. He said so for this coming year, while he generally agrees with this, he thinks fall might be better. Paavola said that along with transportation issues, she doesn't know how fast Garwood can get information to us on those projects, so it might be better to hold this in the fall instead of the spring. Hunter said the public meetings on sewer are not our meetings, we try to get information to the public. He said he feels this is an opportunity for people to talk to staff members. Hunter said he thinks this is the best part, the meeting one on one. Paavola said she think it is a good idea to have two meetings, it doesn't matter if we have 6 or 60 people. She said and if we don't want to do open mike thing, he would be more open to that.

Voss said personally, he thinks whether we have one or two, we need to have it in the spring. Schutta said correct her if she is wrong, but this year is an election year, and in the past if it was an election year, we had it after the election. Boyer said otherwise there is an unfair advantage to the incumbents. Voss said let's do one in April. He said his suggestion is April 14th. Boyer said no way, no one will come. He said that is the day before taxes are due. Hunter asked what about April 28th. Voss he doesn't think he can make it on the 28th. He said it doesn't have to be a Wednesday. Boyer said traditionally we have done this on a Tuesday or Thursday. Boyer said April 20th would work. Voss said he prefers doing it here. Boyer and Paavola said they also would like to do it here. Voss said he didn't like the

atmosphere at the school. Paavola said it is more personable here. Council consensus was to have staff to check April 20th and April 22nd as an alternative if the 20th isn't available at the Senior/Community Center.

Tinklenberg
Group

Schutta explained that based on a conversation and correspondence from Mr. Tinklenberg, the transportation re-authorization legislation before Congress and some related trail infrastructure funding will be considered in the next few months. In the past, the City has worked with the Tinklenberg Group to identify financial resources from various local, state, and federal sources to fund various capital projects to include, but not limited to, upgrades of State Trunk Highway #65, utility infrastructure and the trail system in the City.

In 2009, the City contracted with the Tinklenberg Group to provide services to include identification of potential funding sources for the projects noted above. The contract period was through August 31, 2009 in an amount not to exceed \$20,000. Total cost and expenditures for these services were actually \$7,175 at the time the contract ended. The Tinklenberg Group did not identify any funding sources. However, they did provide our legislative delegation copies of the highway, trails and utility infrastructure needs for the community. Mr. Tinklenberg made it clear that without the aid and support of our Representative, Ms. Bachman, funding for any of these projects would be nearly impossible.

We have placed this item before Council seeking direction. Is the City Council interested in entering into an agreement with the Tinklenberg Group to assist the City of East Bethel in its efforts to identify and pursue a variety of funding sources that would allow for implementation of planned projects and services in East Bethel?

Staff seeks direction. Should Council wish to move forward with any service agreement with the Tinklenberg Group, staff will attempt to identify potential funding sources.

Hunter said we can explore it and find out what their proposal is. He said it sounds like we have one roadblock and in his mind that wouldn't be that hard to overcome. Hunter said for what we are looking for, the best needs of East Bethel, infrastructure needs we need to keep pursuing this. He said we have the chair of transportation committee just to the north of us we can work with. Hunter said staff can move forward and see what the Tinklenberg Group is proposing to do for us in the next year and what the costs will be. Voss said we are still seeking funding for sewer and water.

Metro Transit
Taxing
District

Boyer said he thinks we need to move forward with exploring the transit question quickly according to Garwood's information. Schutta said she thinks there is a process to joining the metro transit district. Voss said a lot of that was internal. Boyer said if we do this, it would have to be done by September. He said in the meantime what needs to happen is you need to negotiate with Met Transit to see what you can get from them. Boyer said if you can get them moving, then fine. Hunter asked is what you are suggesting is put this on the next agenda and have staff find out what Columbus and Forest Lake did. Boyer said and use the newsletter to survey residents. Voss said we have got to make sure we have an education piece to explain what this can do for us, and second get the public's opinion on this. He said and we can discuss this at the Town Hall meeting. Boyer said if you can go to a business and say we have so many cars and they will be parking at your business for a park and ride, and they will be stopping here everyday. He said he doesn't think starting now is too early.

Anoka County

Channer said Paavola and he went to the ribbon cutting at new Anoka County Sheriff's

facility. He said we got a tour of CSI area. Paavola said it was a two hour tour. Channer said Sheriff Andersohn has a nice office. He said it was a nice tour and it was very informative and well deserved. Channer said they are bringing all those areas together in one stop to help make services more streamlined.

Met Council
Waste Water
Plant – Public
Meetings

Voss said the Met Council Waste Water Plant Public Meetings are tomorrow night. He asked how many Council members are going to be there. Both Paavola and Channer said they might be able to attend. Hunter asked if both the meetings are the same. Voss said no, they are different. He said the first one will focus on plans for a rapid infiltration basin site to be located on the west side of Highway 65, south of 229th Ave. NE. and the second one will focus on plans for a rapid infiltration basin site to be located on the south side of 207th Ave. NE, between Davenport and Goodhue Streets.

Cable
Broadcast of
Council Mtgs.

Voss asked has the sound issues been figured out and fixed on the cable broadcast of the City Council meetings. Warren said yes, it should be fixed. She said we have a resident that watches the broadcast every Thursday after the City Council meetings, so we should know if there is an issue right away tomorrow when it is broadcast, but it should be fixed.

Castle Tower/
Whispering
Aspen Fence/
Boundary
Line Update

Hunter asked Randall about the issue with the Peterson's who own Castle Tower Mobile Home Park. He said this is an issue with the fence line and money that is still owed.

Randall said in January of 2004 the City and Bethel Properties, Inc. the owner of Castle Towers Mobile Home Park, made an agreement to adjust the boundary/fence line along the common boundary of the Castle Towers Mobile Home Park and Whispering Aspen (formerly the Minard Lake Estates plat) plat. The agreement was made in the course of completing the sale of Minard Lake Estates property to Firebird Land, LLC and involved the adjustment of the boundary line to eliminate its close proximity in several places to mobile homes in the Castle Towers park as well as eliminate several encroachments of storage buildings owned by Castle Towers tenants onto the Minard Lake Estates property. The agreement also involved an exchange for deeds between Bethel Properties and Firebird Land and required Bethel Properties to reimburse the City's survey expenses in connection with the reconfigured line. The fence was relocated to the new line some time ago, and the survey work has been completed. The total of the survey expenses and the costs of relocating the fence is \$13,175.02, however, only \$500.00 has been reimbursed to date, leaving \$12,675.22 to be paid to the City. Bethel Properties hasn't been forthcoming in payment of the balance or delivering its deed, despite several requests over the years, that they do so. Firebird Land has kept its part of the agreement and delivered its deed, but because Bethel Properties hasn't done so, the exchange of deeds hasn't taken place.

Randall said Bethel Properties had raised an issue that the survey needed more detail. He said he told the engineer not to do this until they paid for it. Randall said finally about Christmas time they paid and we sent them the new survey. He said Bethel Properties is reviewing it. Randall said this should be wrapped up soon. He has talked to their attorney about this. Randall said the City Administrator asked him what legal recourse we have. There are three possible remedies, they are as follows:

1. A suite for rescission on the agreement between Bethel Properties and the City. Randall said this would mean moving the fence back where it was, and hopefully the court would order the City get their costs back.
2. A suit for the City's damages. Randall said there needs to be an exchange of deeds.
3. A suit for specific performance or to enforce performance of the agreement. Randall said hopefully if this happened we would get paid and the court would order the exchange of

deeds and contempt of court would be declared if they didn't get it done.

Randall said he likes the 3rd option. He said a lot of work and effort has been expended by the City engineer and himself. Randall said if we took legal action, he would choose to do the 3rd option. He said he thinks the attorney for Bethel Properties, Inc., is very sincere and wants to get this done. Randall said the problem is the attorney doesn't write the check. He said the owner of Bethel Properties doesn't seem to take a lot of things seriously. Randall said the attorney is real sincere, and wants to get this done, we have been after them for five or six years. Randall said he is holding Mundle's deed that needs to be given to Bethel Properties. He said he thinks in fairness we should allow the attorney a week or so to complete his work.

Voss asked we can have this as an agenda item on the next agenda. Randall said he would hope it is done by then. Hunter said and you can tell them we will be discussing further action on this at our next meeting if it isn't done.

Adjourn

Boyer made a motion to adjourn at 9:08 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

**City Engineering Services Agreement
Dated January 28, 2010
Consulting Services Contract Addendum #4**

PROJECT: City Project #2010 - 01

Booster East to 229th Avenue Trail Construction

SCOPE OF SERVICES

The scope of this project will include engineering, construction supervision, construction surveying and staking, bidding and contract development and as-built plans for the Booster East to 229th Avenue trail construction and all documents necessary to obtain Municipal State Aid Construction Funding for the trail construction on Bataan Street. These services and deliverables are further described in Section II of the City of East Bethel Agreement for City Professional Engineering Services between the City of East Bethel and Hakanson Anderson Associates, Inc.

FEES:

TOTAL NOT-TO-EXCEED COST ASSOCIATED WITH THIS PROPOSAL: <i>(Cost for Services and Deliverables + Reimbursable Expenses)</i>	\$62,592.00
---	--------------------

Attachment A identifies the projected hours, rates and total "not-to-exceed" costs for this project.

This Proposal is based on the following assumptions:

1. This project will not be specially assessed.
2. This project will be funded through a combination of Municipal State Aid Construction Funds and Park/Trail Funds.
3. The City Engineer will be responsible for preparing the application and all related construction documents (plans, specifications, contracts, etc.) for this project including but not limited to all MnDOT required materials and request for approvals.
4. The City Engineer will be responsible for preparation of all draw requests from MnDOT for MSA Funds to be applied to this project.

Other important information is:

None

Designated Representative is:

Craig J. Jochum, P.E.
3601 Thurston Avenue
Anoka, MN 55303
763-427-5860 phone
763-427-0520 fax
Craigj@haa-inc.com

SUB-CONTRACTORS/CONSULTANTS

The sub-contractors/consultants retained at Hakanson Anderson Associates expense are:

None

The sub-contractors/consultants required for this project that will be retained at the City's expense, in addition to engineering service costs identified above are:

1. Geotechnical Investigation, estimated cost \$2,500
2. Construction Materials Testing, estimated cost \$3,500
3. Land Appraiser, estimated cost, \$5,600

Hakanson Anderson will solicit quotes for this work and forward all quotes to the City with a recommendation and proposed agreement for services. Hakanson Anderson will coordinate all sub-contractor/consultant work on behalf of the City.

No modifications, changes, exceptions to or exclusions from this Addendum shall be permitted except those mutually agreed upon, in writing, by both parties to the agreement and this addendum.

For the City:

For Hakanson Anderson Associates, Inc.:

Greg Hunter, Mayor

Craig Jochum

ATTEST:

Date:_____

Douglas Sell
City Administrator

Date:_____



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

224th Avenue Trail Segment

Requested Action:

Consider directing staff to negotiate acquisition of necessary right of way, temporary construction easements and permanent easements for the Booster Park/Cedar Creek Trail Plan, Phase I

Background Information:

Parks Commission recommended approval of the first phase of the Booster East to Cedar Creek Trail on August 12, 2009. Phase I begins in Booster Park East, connects to 224th Avenue and then to Xylite Street. This segment is reflected on Attach #1.

The trail follows Xylite Street to 222nd Lane to Bataan Street as reflected on Attach #2. The trail then follows Bataan Street to 229th Avenue to the University of Minnesota property as reflected on Attach #3.

The trail alignment was presented and reviewed by City Council on September 2, 2009, September 16, 2009 and again on October 7, 2009. City Council directed that the 2010 Trail CIP projects move forward as presented including the Booster Park East to Cedar Creek trail, Phase 1 portion at the October 7, 2009 meeting.

Since the October meeting, staff has developed the specific trail alignment maps such that all necessary easements and/or ROW is identified. The easements/ROW requirements are reflected on Attach #1 - #3. Staff is requesting direction to proceed with negotiation for necessary easements/ROW.

Following the negotiation of easement/ROW agreements, the agreements will be returned to Council for approval.

If Phase 1 is scheduled over a two year period, 2010 would include the trail across the Oney easement and 224th Avenue to Xylite and, 2011 would include Xylite to 222nd Lane to Bataan Street, the costs can be managed within budget. It is recommended that engineering for this entire segment, Booster East to Bataan Street, be included in the 2010 budget for this project as it

more cost effective to perform the survey and related design work at the same time. The project costs for phasing this project over a two year period would be as follows:

Trail Capital Fund

Project Year 2010, Booster East and 224th Avenue Trail

Estimated Construction Costs	\$62,000
Engineering (2010 and 2011)	\$22,000
Easements	<u>\$15,000</u>
Total Estimated Cost Trail Capital Fund 2010	\$99,000

Project Year 2011, Xylite across 222nd Lane to Bataan Street

Estimated Construction Costs	\$87,000
Engineering (Included in 2010)	
Easements (None required)	
Total Estimated Costs Trail Capital Fund 2011	<u>\$87,000</u>

MSA Fund

Bataan Street to 229th Avenue

Estimated Constructed Costs	\$205,000
Engineering	\$ 41,000
Easements and Wetland Credit Purchase	<u>\$ 25,000</u>
Total Estimated Costs MSA Fund 2010	\$271,000

Final Plans and Specifications for the 2010 and 2011 projects will be returned to Council for review and direction to solicit bids. It is anticipated that the Plans and Specifications for the Trail Capital Fund portion of Phase 1 in 2010 will be completed and returned no later than April, 2010. The MSA Fund Plans and Specifications for the Bataan Street portion of these improvements in 2010 will be completed and returned no later than May, 2010.

Attachment(s):

1. Project Map Oney Easement and 224th Avenue segment
2. Project Map Xylite Street and 222nd Lane segment
3. Project Map Bataan Street segment

Fiscal Impact:

To be determined.

Recommendation(s):

Consider directing staff to negotiate easement agreements for Phase 1 of the Booster Park East to Cedar Creek Trail project and the MSA Funded project along Bataan Street.

City Council Action

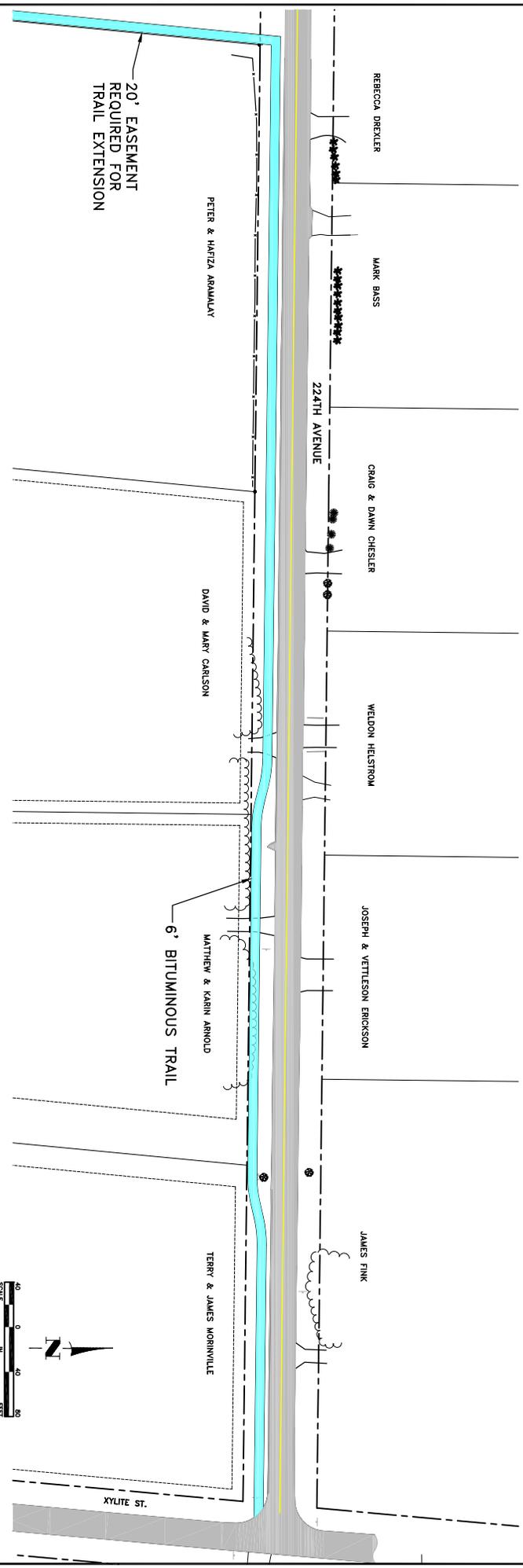
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



20' EASEMENT
REQUIRED FOR
TRAIL EXTENSION

PETER & HATIZA ARAMALLY

REBECCA DREIKLER

MARK BASS

CRAIG & DAWN CHESLER

WELDON HELSTROM

JOSEPH & VETTESON ERICKSON

JAMES FINK

224TH AVENUE

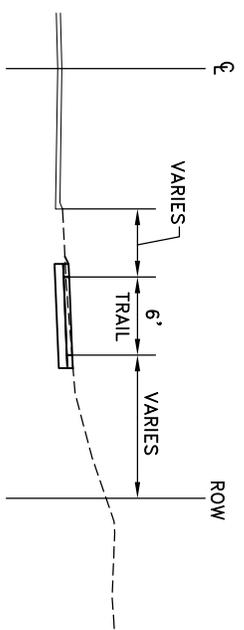
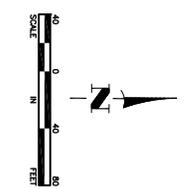
DAVID & MARY CARLSON

6' BITUMINOUS TRAIL

MATTHEW & KARIN ARNOLD

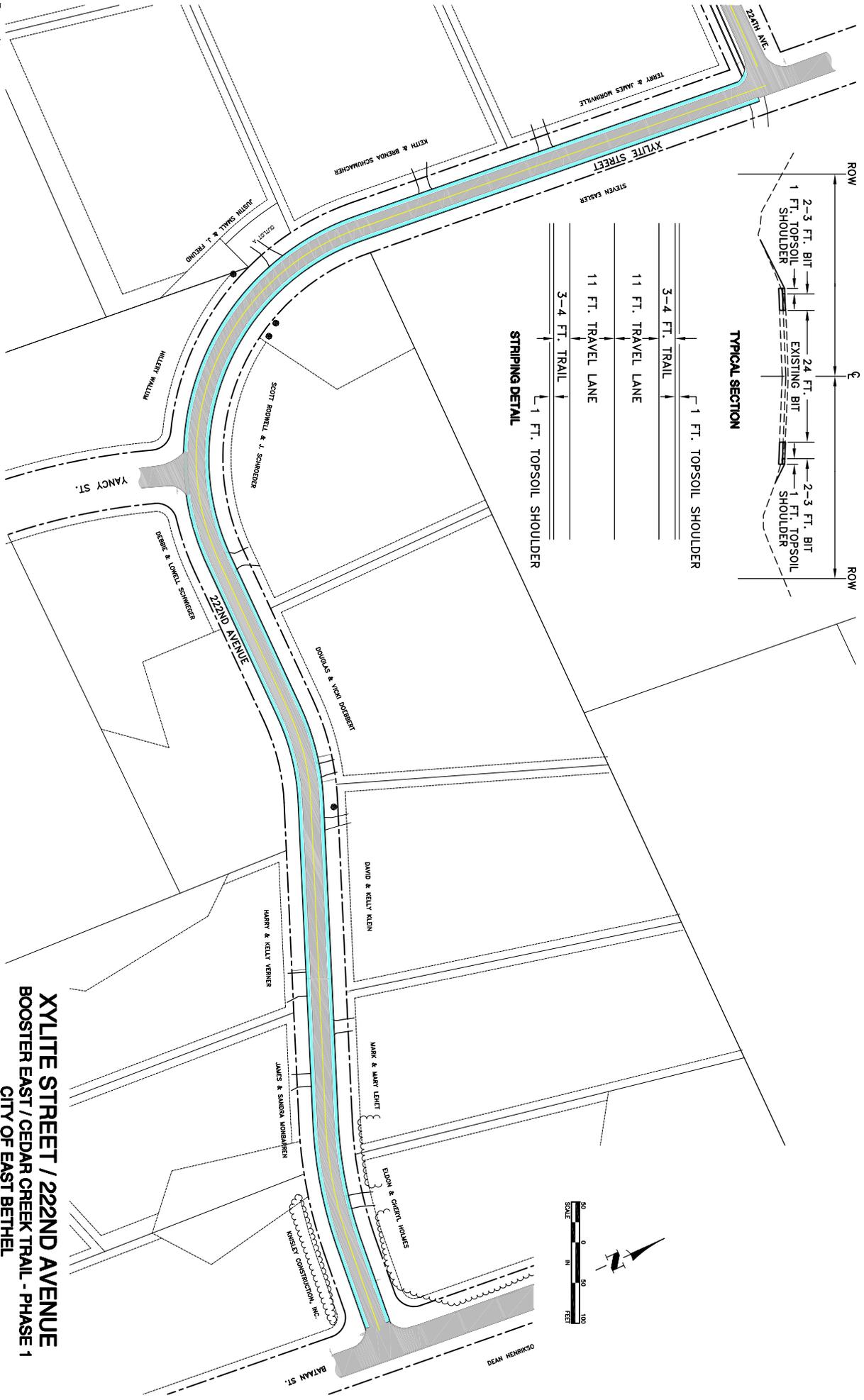
TERRY & JAMES MORINVILLE

XYLITE ST.

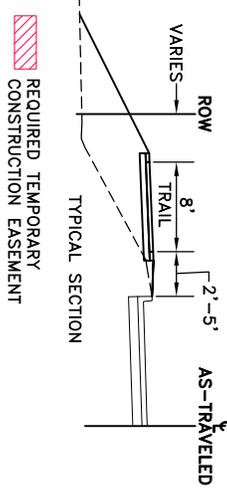
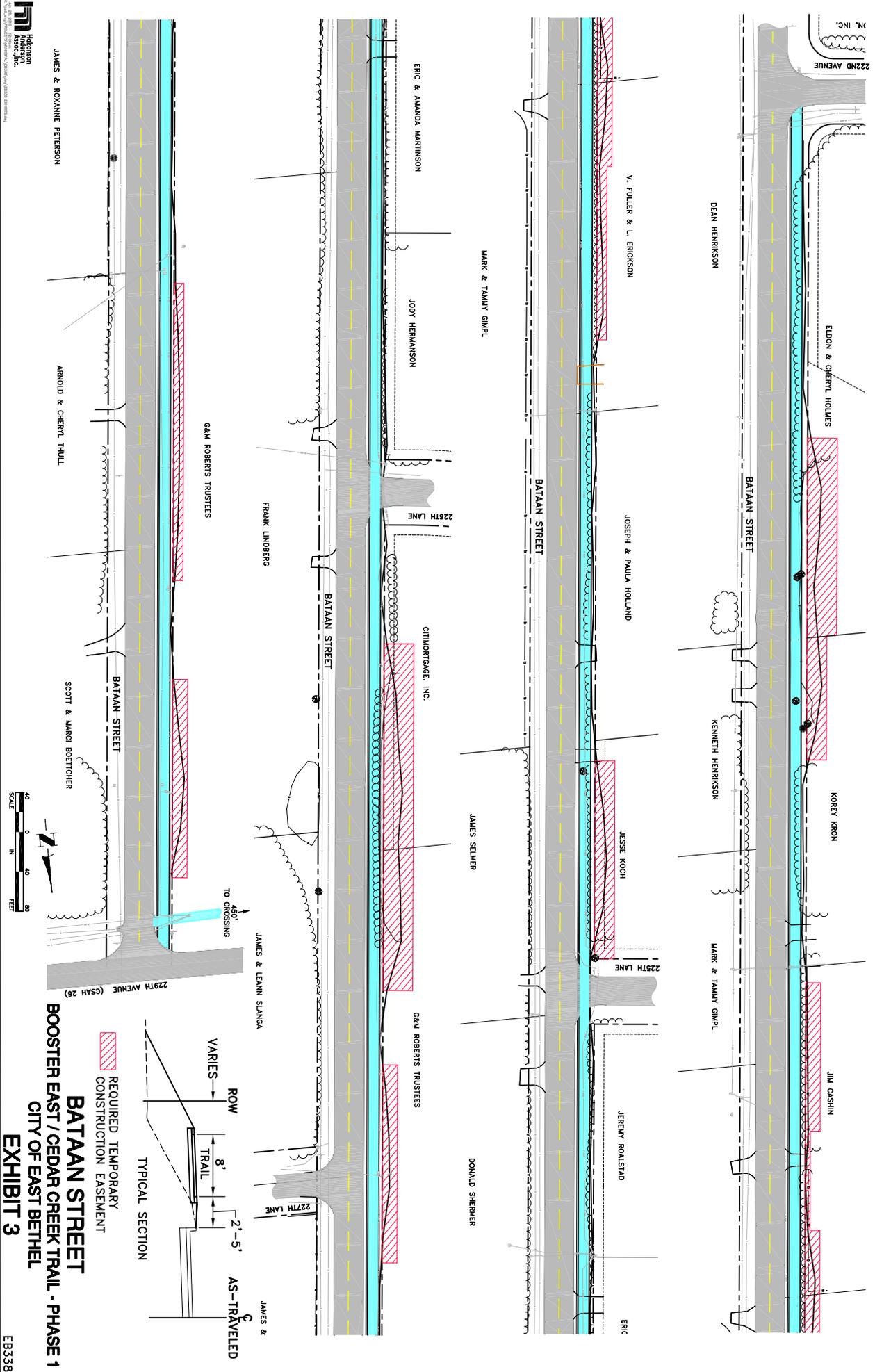


TYPICAL SECTION

**224TH AVENUE
BOOSTER EAST / CEDAR CREEK TRAIL - PHASE 1
CITY OF EAST BETHEL
EXHIBIT 1**



**XYLITE STREET / 222ND AVENUE
 BOOSTER EAST / CEDAR CREEK TRAIL - PHASE 1
 CITY OF EAST BETHEL
 EXHIBIT 2**



BATAAN STREET BOOSTER EAST / CEDAR CREEK TRAIL - PHASE 1
CITY OF EAST BETHEL
EXHIBIT 3



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 7.0 C.1

Agenda Item:

Resolution 2010-07 Setting Rural Residential Speed Limits

Requested Action:

Consider setting speed limits in rural residential districts

Background Information:

Minnesota Statutes regulate the posting of speed limits on City streets. This statute was modified in the 2009 legislative session and became effective August 1, 2009. The amendment now allows City Councils more latitude in setting speed limits on City streets. This new legislation allows Cities to designate Rural Residential Districts where speed limits may be posted at 35 mph if the streets meet the density requirements as outlined for this street category.

City staff has reviewed all streets in the City to determine which meet the new definitions and has determined which roads in the City now meet the new criteria for “Rural Residential Streets and Residential Roadways.”

Urban District

Statute 169.011, Subd. 90. Urban district. "Urban district" means the territory contiguous to and including any street or highway which is built up with structures devoted to business, industry, or dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more. This statute is unchanged. There are 22 miles of streets in the City that meet the Urban District classification. Streets in the City that meet this criteria and have been approved and posted at 30 mph.

Rural Residential District

The definition for a Rural Residential District was deleted. Definitions were refined and incorporated into the new legislation as follows:

Chapter 169.011, Subd. 63. **Rural Residential District.** (a) "Rural Residential District" means the territory contiguous to and including any street or highway that is built up with visible dwelling houses on one or both sides of the road with their primary access points at intervals averaging 300 feet or less for a distance of one-quarter mile or more. (b) For purposes of this subdivision, “interval” means the measured distance between the primary access point for each dwelling house whether houses are on one or both sides of the road.

There are 76 miles of City Streets that qualify for "Rural Residential District" classification. Staff is suggesting that these 76 miles be posted at 35 MPH based on the new statute. Attachment #2 is a map that reflects the 76 miles that are being suggested for the 35 MPH speed limits

There are 40 miles of City streets that don't meet any of the posting criteria, either Rural Residential or Urban Districts, or, are already posted with reduced speed limits as a result of MnDOT speed studies related to MSA projects or petition by the City.

The City has a total of 138 miles of streets.

Signage costs for the 105 streets that qualify for these speed limit postings will be approximately \$6,000. There is signage in City inventory to post 35 streets. The remainder of the signage which would cost approximately \$4,200 would be paid from the Sign/Striping Repair Materials category in the Roads budget.

Attachment(s):

1. Resolution 2010-07 Setting Rural Residential Speed Limits
2. Map of proposed Rural Residential Streets

Fiscal Impact:

As noted above.

Recommendation(s):

The Road Commission recommends the approval of the designation of the streets listed on Attachment A to Resolution 2010-07 that qualify for the "Rural Residential Districts" classification and posting of the appropriate speed limit signs on these roadways in accordance with MnDOT standards.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

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

RESOLUTION NO. 2010-07

**RESOLUTION DECLARING “RURAL RESIDENTIAL DISTRICTS” AND SETTING THE
SPEED LIMIT AT 35 MPH IN THE “RURAL RESIDENTIAL DISTRICTS”**

WHEREAS, Minnesota Statutes, Chapter 169, provides for statutory speed limits of 55 MPH on City streets unless certain criteria is met that permits a reduction; and

WHEREAS, pursuant to Minnesota Statutes Chapter 169.011, Subd 63, a City may determine that a street meets specific criteria may be identified as a “Rural Residential District”; and

WHEREAS, the City has applied the standards as contained in Minnesota Statutes Chapter 169.011, Subd 63, to certain streets in the City of East Bethel as identified in Attachment A made part of this resolution; and

WHEREAS, City Staff has determined that structures, as defined in this statute, along the streets identified on Attachment A are at intervals of less than three hundred feet for a distance of a quarter mile or more; and

WHEREAS, based on this criteria, the City Council has the authority to declare the streets sections identified on Attachment A as “Rural Residential Districts”, and

WHEREAS, based on this designation, the City Council has the authority to set the speed limit in these “Rural Residential Districts” to be 35 MPH.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: pursuant to Minnesota statutes Chapter 169.011, Subd 63, the streets described in Attachment A are declared a “Rural Residential Districts”.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the speed limit in these “Rural Residential Districts” is set at 35 MPH pursuant to Minnesota Statutes Chapter 169.011, Subd 63.

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

CITY OF EAST BETHEL

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

ATTACHMENT #1

ATTACHMENT "A"
CITY STREETS THAT MEET RURAL RESIDENTIAL DISTRICT REQUIREMENTS

Johnson St NE between County Road 24 and Shady Acres
Monroe St and 238th Lane NE/Minard Lakes Addition
7th St NE and Washington Street NE/Pine Oak Crossing
Monroe St NE between Jackson St and 237th Ave
Ulysses St/West Side Estates
233rd Ave NE, Taylor St NE, Buchanan St NE, and 231st Lane NE/Cooper Lake Estates
Baltimore St NE/Birch Meadows 2nd Addition
Davenport St NE/Birch Meadows
234th Ave NE and 231st Lane NE/Shilo
Goodhue St NE/Birch Meadows
Isanti St NE, 236th Ave NE, 233rd Ave NE, and London St NE/Shadetree Crossing
Nassau Ct/Rosewood Hills
Palisade St NE/Rosewood Hills
235th Lane, Isetta St NE, Fish Lake Blvd, Lever St NE, Marmon St NE, Opal St NE, 236th Lane NE, and
Rockney St/Meadows of Fish Lake

Durant St NE/North of County Road 26
231st Lane NE, Kissel St NE, 234th Lane NE, and Isetta St NE/E of Durant and N of County Road 26
Packard St NE/Cheryl Oaks
Sunset Road/North of County Road 26
Erskin St NE/Austin Estates
Jewell St NE/Deer Haven
224th Ave NE/Oak Meadow Estates
225th Lane NE/Webster Addition
221st Ave NE between Durant & East Bethel Blvd.
Wake St NE and 219th Lane NE/Lone Pine Estates
223rd Ave NE and Tippecanoe St NE/Shenandoah Ridge
227th Lane NE/County Haven Estates
Waconia Circle/Cheyenne
226th Lane NE and Staples St NE/Palisade Pines
229th Ave NE between Staples St and London St
Sandy Drive between London St and 225th Ave NE
Palisade St NE between 221st Ave NE and 229th Ave NE
225th Ave NE between Sandy Dr and London St NE
Jenkins St NE and 223rd Lane NE/Pinecrest Estates
224th Ave NE and 225th Ave NE between Palisade St and Xylite St NE
Vermillion St NE/Serenity Ponds Second
Xylite St NE between 225th Ave NE and 222nd Lane NE
Yancy St NE/Serenity Ponds
215th Ave NE/West of Xylite St NE
Xylite St NE/South of 221st Ave NE to 215th Ave NE
Zumbrota St NE and 219th Ave NE/Oak Crest Addition
Buchanan St NE/Wisen's 8th, 9th, and 10th Addition
Taylor St NE/Rolling Pond
229th Ave NE and 3rd St NE/Eagle Ridge
7th St NE between 221st Ave NE and Pineview Addition
224th Lane NE, 222nd Ave NE , and Washington Street/Northern Boundaries

226th Ave NE/Pineview Addition
Monroe St NE and 225th Ave NE/Quincy Estates
University between 221st Ave NE and Sims St
218th Ave NE/Brywood Acres
Terrace Rd, 220th Ave NE, 7th St NE, 219th Lane NE, and Washington Street/Erickson Addition
Quincy St NE/Cedar Trails
Polk St NE between Sims and 217th Lane NE
216th Ave NE, 217th Lane NE, and Fillmore St NE/Cedar Trails East Addition
Johnson St NE, 213th Lane NE, and Ulysses St NE/Oakwood Trails
Taylor St NE, 212th Ave NE, Pierce St NE, and Buchanan St NE/Hidden Haven Club Estates
Davenport St NE between Sims and 209th Ave NE
Eveleth St NE between 209th Ave NE and 214th Ave NE
205th Ave NE between Hwy 65 and Davenport St NE
University Ave NE, 206th Ave NE, 7th St NE, and Washington St/Raintree Estates
Jefferson St NE/Wagamon Woods
Madison Way, 200th Ave NE, 199th Ave NE, 198th Ave NE, and Jackson St NE/Cedarbrook 1st and 2nd Addition

Buchanan St NE between 199th Ave NE and Klondike Dr NE
199th Ave NE/West of Buchanan St to Kable Country Estates
Taylor St NE/South of 197th Ave NE
Madison St and 192nd Ave NE/Brookside Place
189th Ave NE and 5th St NE/Lisa Addition
3rd St NE, 186th Lane NE, 184th Lane NE, 5th St NE, Jefferson St, 183rd Ave NE, and Valhalla Dr/Bear Hollow

Fillmore St NE and 181st Ave NE/Oakridge Acres
187th Lane NE, Buchanan St, 185th Ave NE, Ulysses St/Sauter's Commercial Park
Waconia St NE/Blueberry Hill
Vermillion St Ne & 185th Lane NE/Greenbrook Ridge Addition
Yancy St NE, 184th Ave NE, and Bataan St/Deer Path Farm
185th Lane NE between Vermillion St NE and Jamestown St NE
Edison St NE/Schmacher's Estates
Flanders St NE and 182nd Ave NE/Wisen's 2nd Addition
Ayte St NE/Wisen's 1st and 3rd Addition
Naples St NE, 190th Ave NE, 190th Lane NE, and Rendova St/W of Ken and Barb's Addition
Yancy St NE & 196th Ave NE/Pine Ridge Estates
196th Ave NE & Jamestown St NE/Northern Lights Estates
Jamestown St NE/Independent Estates
Thielen Blvd/Oak Ridge Addition
Naples St NE & 197th Ave NE/Wildwood
Naples St NE, Naples Ct, and Rendova St NE/Oakwood Meadows
Okinawa St NE, Naples St NE, 207th Lane NE, Tippecanoe St, and 209th Ave NE/Whispering Oaks 1st, 2nd, and 3rd Addition

Austin St NE/The Park
209th Ave NE, Ghia St NE, Kissel St NE, 210th Lane NE, and National St/Oak Brook Acres
195th Ave NE between Hwy 22 and East Front Blvd
Stutz St NE/Tri Oak Estates
201st Ave NE and Stutz St NE/Dellwood Acres

200th Lane NE/Larson's Oak Hills

Marmon St NE/Larson's Oak Hills

Frazer St NE, 200th Lane NE, and Erskine St NE/Anderson Lake Addition



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Whispering Aspen/Castle Towers Boundary Fence Line

Requested Action:

Informational Only

Background Information:

The City Attorney will have updated information for Council regarding this issue on Wednesday. He has been working with the Castle Towers (Bethel Properties) Attorney, Mr. Speeter, to bring this matter to closure.

Fiscal Impact:

None at this time

Recommendation(s):

Informational Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 8.0 E.1

Agenda Item:

Resolution 2010-08 Ordering the Correction of Hazardous Conditions and Further for the Abatement of Public Nuisances at 221 Birch Road, East Bethel

Requested Action:

Consider Resolution 2010-08 Ordering the Correction of Hazardous Conditions and Further for the Abatement of Public Nuisances at 221 Birch Road East Bethel.

Background Information:

Chronology of events is provided for in the resolution document.

Attachment(s):

1. Resolution 2010-08 Ordering the Correction of Hazardous Conditions and Further for the Abatement of Public Nuisances at 221 Birch Road East Bethel, Minnesota.
2. Order for Abatement of 221 Birch Road, East Bethel, Minnesota

Fiscal Impact:

None

Recommendation(s):

Staff recommends approval of Resolution 2010-08 and Order directing the correction of hazardous conditions at 221 Birch Road, East Bethel, Minnesota.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

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

RESOLUTION NO. 2010-08

RESOLUTION ORDERING THE CORRECTION OF HAZARDOUS
CONDITIONS AND ABATEMENT OF PUBLIC NUISANCES AND SAFETY
HAZARDS AT 221 BIRCH ROAD, EAST BETHEL, MINNESOTA

WHEREAS, Minnesota Statutes, Section 463.15, defines a hazardous building or hazardous property as any building or property which because of inadequate maintenance, dilapidation, physical damage, open excavation, unsanitary condition or abandonment constitutes a fire hazard or hazard to the public safety or health; and

WHEREAS, Minnesota Statutes, Section 463.25, specifically provides that if any excavation is open longer than six months without a building erected thereon or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, demolished or removed, said excavation is a hazardous excavation; and

WHEREAS, the correction of hazardous conditions and the abatement of public nuisances is necessary to protect the health, safety and welfare of the public by elimination of dangerous conditions, attractive nuisances and for the elimination of harborage for vermin, rats and other animals who may pose a danger to the public safety and health thereby providing for more sanitary and safe conditions and to further protect the integrity and desirability of neighborhoods; and

WHEREAS, Chapter 26 of the City Code of the City of East Bethel Minnesota prohibits the presence of public nuisances and provides that any building or portion thereof which is damaged, dilapidated or unsafe or abandoned or which contains an open excavation, may be declared to be a hazardous building and upon such declaration, the owner thereof shall make the property safe and secure immediately so that it is not hazardous to the health, welfare and/or safety of the public and does not constitute a public hazard; and

WHEREAS, Arnold L St. Hilaire and Sharon St. Hilaire, husband and wife, are the fee owners of said real property at 221 Birch Road further described as lots 70 to 77, inclusive, Block 2, Coon lake Beach, Anoka County, Minnesota; and

WHEREAS, Wells Fargo Bank, N.A., has a mortgage interest in said real property pursuant to a mortgage dated November 22, 2005, filed for record on December 12, 2005 as document number 1980433.005, amended by document number 1990503.021; and

WHEREAS, said single family dwelling at 221 Birch Road, suffered a fire in 2008 severely damaging the structure and leaving the foundation as an open excavation for longer than six months without a building erected thereon and both the demolition and building permits issued to the owners have expired and no construction has taken place; and

WHEREAS, one outbuilding on said property suffers from a dilapidated roof, siding, doors and windows and the premises are filled with junk, barrels, disused and dilapidated furniture, scrap wood and timbers, discarded plastic fencing, acetylene tanks, ladders and debris, all constituting a public nuisance and violation under Chapter 26 of the City Ordinances; and

ATTACHMENT #1

WHEREAS, the owners have been previously served with a compliance orders, dated June 9, 2008, February 23, 2009 and November 6, 2009 requiring demolition of the burned structure, removal of the foundation and filling the excavation with clean fill, sealing the existing well, bringing the non complying sewage system into compliance with law and abatement of all code violations; and

WHEREAS, the owners obtained a demolition permit and building permit and hired a contractor for the abatement of the hazards and rebuilding, however, they did not proceed with any abatement, demolition and rebuilding; and

WHEREAS, all permits have now expired and the owners have not complied with said orders nor have they abated the hazards and nuisances; and

WHEREAS, attached hereto and incorporated herein are photographs and reports showing the condition of the dwelling and its outbuilding and the compliance orders; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: the findings of the Building Official are hereby adopted as to the hazardous and unsafe condition of the dwelling, outbuilding(s) and the public nuisances existing thereon as follows:

Findings:

The City Council finds that the single family dwelling, outbuildings and premises at 221 Birch Road, East Bethel, Minnesota 55092 are hazardous buildings because of dilapidation and deterioration and damage from a fire and an open excavation; a well not in use; and, a non-compliant sewage treatment system.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the abatement of the public nuisances and hazardous conditions at 221 Birch Road, East Bethel, Minnesota are hereby ordered by the City Council of the City of East Bethel as follows:

1. Within 15 days of service of the Council's order served upon you, Arnold L. St. Hilaire and Sharon St. Hilaire, and Wells Fargo Bank, shall fully comply with the City's compliance orders, including but not limited to razing and removing the building foundation, filling the excavation to grade with clean fill, sealing the well and bringing the sewage treatment system into compliance with law;
2. Within 15 days of service of the Council's order upon you, Arnold L. St. Hilaire and Sharon St. Hilaire and Well Fargo Bank, shall completely abate all public nuisances from the premises, by action including but not limited to removal of all junk, scrap wood, discarded and dilapidated furniture, plastic fencing, tanks, barrels and the like so that the property complies with Chapter 26 of the City ordinances.

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL THAT: the City Administrator is hereby authorized to cause and carry out the abatement described herein and to perform all other tasks and functions reasonably incident thereto and to keep an accurate record of the cost of all actions and proceedings herein, including

administrative time, attorney's fees, costs and disbursements, and all other costs of the enforcement of this Order, and to send a statement of such costs to the landowners and occupants who are directed herewith to pay the same within 30 days. Failure to pay the invoiced sums within 30 days will give rise to the enforcement of Minnesota statutes, Chapter 429, by specially assessing these costs against the benefitted property.

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

CITY OF EAST BETHEL

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

**ORDER FOR THE ABATEMENT OF
HAZARDOUS CONDITIONS AND PUBLIC NUISANCES EXISTING AT
221 BIRCH ROAD
EAST BETHEL, MINNESOTA 55092.**

The City Council of the City of East Bethel, Minnesota, pursuant to Resolution No. 2010-008, herewith orders Arnold L. St. Hilaire and Sharon St. Hilaire and Wells Fargo Bank N.A., within 15 days after service of this Order upon you, to raze and remove the foundation of the fire damaged dwelling and fill the excavation to grade with clean fill, seal the existing well and bring the sewage system into compliance with law, as more particularly described in and required by the above-entitled resolution.

Further, within 15 days of service of the Council's order upon you, Arnold L. St.Hilaire and Sharon St. Hilaire and Wells Fargo Bank N.A., shall completely abate all public nuisances from the premises, as more particularly described in and required by the above-entitled resolution.

If no compliance with this Order shall have taken place or no Answer contesting this action filed herein or if such Answer is filed and the Court orders the enforcement of this Order, then the City of East Bethel shall cause the buildings and excavation to be razed and removed and will cause all wells to be capped, individual sewage treatment system to be removed and still further will cause the lumber, wood, concrete blocks and the like to be removed and all public nuisances abated pursuant to Minnesota Statute §463.21 and City ordinances, with all costs thereof, including attorney's fees and administrative costs, to be a lien against the real estate on which said building was located, said lien to be levied and collected only as a special

ATTACHMENT #2

assessment in the manner provided by Minnesota Statutes Chapter 429 and the provision of
Minnesota Statute §463.161.

CITY OF EAST BETHEL

Douglas Sell
City Administrator

Dated: _____



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 8.0 E.2

Agenda Item:

Conservation Design Development

Requested Action:

Staff is requesting a joint meeting with Planning Commission and Parks Commission for the development of a conservation design ordinance and supporting policies/ordinances

Background Information:

The City of East Bethel has taken great strides to achieving the goal in the Comprehensive Plan of utilizing natural resources and environmental quality as part of the foundation for planning for future growth and development of the City. The objectives outlined in the Comprehensive Plan can be successfully addressed by requiring conservation design elements to be implemented on not only environmentally sensitive parcels, but also on conventional residential and commercial developments. Conservation design is a relatively new concept that is being implemented in a handful of communities throughout Minnesota.

Successful conservation development results from flexible ordinances. Flexibility is essential in order to protect the natural resources unique to each individual site. Typically this flexibility is accomplished by addressing conservation design within the Planned Unit Development (PUD) Ordinance and by establishing policies. Common elements include preservation of natural areas, storm water management and density bonuses.

As part of the conservation design ordinance development, there are other supporting components that will need to be developed and/or amended at the same time. These include but are not limited to the following: updating parts of the zoning ordinance such as PUD's and the Significant Natural Environmental Areas (SNEA); creation of a Storm water Management Ordinance and Storm Water Utility Fund; update the Water Management Plan; and, creation of educational documents/brochures for staff, land owners, stakeholders, etc. explaining the goals and objectives as well as the processes to implement the program.

Staff is suggesting an initial joint work session on March 3, 2010 beginning at 6:00 PM, prior to the regular Council meeting, with an educational presentation along with a request for direction by City Council for project development. Again, the joint meeting would be with Planning Commission and Parks Commission as each will be involved in certain aspects of the project.

Staff is suggesting that the project work be completed by year's end. This will likely require several joint meetings with the Commissions during this time frame.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff requests City Council set a joint meeting date on March 3, 2010 at 6:00 P.M. to begin the process for conservation design development with the Planning Commission and Parks Commission.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Agreement with HRA for Administrative Support Services

Requested Action:

Consider approving the Administrative Support Agreement with the East Bethel Housing and Redevelopment Authority

Background Information:

The East Bethel Housing and Redevelopment Authority (HRA) is a separate unit of government as defined by state statute section 469.001 to 469.047. Since the HRA uses many City services, including personnel, as part of its operational structure, it's important to manage the relationship between the two entities. Staff drafted an agreement between the Housing and Redevelopment Authority and the City of East Bethel to provide administrative support services to support the administrative undertakings of the HRA.

At their January 20, 2010 meeting, the HRA reviewed and approved the Administrative Support Agreement. The proposed agreement is presented for City Council for review and approval.

The City will provide administrative support services to include the following:

- Administer the housing programs offered by the HRA;
- Assist in implementing the strategies, programs and objectives of the HRA housing plan;
- Facilitate the production of the HRA agenda packet as prepared by the HRA Executive Director;
- Provide financial support, such as processing invoices;
- Provide financial reports including summaries of past and current revenues and expenditures;
- Provide assistance and guidance in the preparation of the HRA's annual budget;
- Coordinate the selection of a CPA firm and the preparation of all audit work papers for the purposes of conducting an annual financial audit. (Audit costs shall be paid by the HRA);
- Establish and maintain all banking and investment relationships and procedures;
- Maintain coverage for the HRA and its activities, on the City's insurance policies;
- Provide for the proportionate share of office space, office supplies, etc.;
- Other administrative support actions requested by the HRA Board.

The fees for City services shall be paid as a transfer of funds from the HRA to the City. The fee for 2010 is \$15,000.

Attachments:

1. Administrative Support Agreement

Fiscal Impact:

As noted above

Recommendation(s):

Staff recommends approval of the Administrative Support Agreement with the City of East Bethel HRA.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

HOUSING AND REDEVELOPEMNT AUTHORITY
IN AND FOR THE CITY OF EAST BETHEL
SERVICE AGREEMENT FOR ADMINISTRATIVE SUPPORT SERVICES

THIS IS AN AGREEMENT entered into the ____ day of January, 2010 by and between the Housing and Redevelopment Authority in and for the City of East Bethel, Minnesota, hereinafter referred to as the “HRA,” and the City of East Bethel, hereinafter referred to as the “City.”

The HRA desires to contract with the City for administrative support staff services to support the administrative undertakings, including fiscal support services of the HRA and such other responsibilities such as recording and maintaining accurate records of the meetings of the HRA and of all official actions taken by or on behalf of the HRA.

1. **Scope of Services.** The City will provide administrative support services to include the following:

Administer the housing programs offered by the HRA.

Assist in implementing the strategies, programs and objectives of the HRA housing plan.

Facilitate the production of the HRA agenda packet as prepared by the HRA Executive Director.

Provide financial support, such as processing invoices.

Provide financial reports including summaries of past and current revenues and expenditures.

Provide assistance and guidance in the preparation of the HRA’s annual budget.

Coordinate the selection of a CPA firm and the preparation of all audit work papers for the purposes of conducting an annual financial audit. (Audit costs shall be paid by the HRA).

Establish and maintain all banking and investment relationships and procedures.

Maintain coverage for the HRA and its activities, on the City’s insurance policies.

Provide for the proportionate share of office space, office supplies, etc.

Other administrative support actions requested by the HRA Board.

2. **Term.** This agreement shall be effective upon the approval of the HRA and the City and shall continue for an indefinite period of time. Either party may terminate this agreement with 30 days written notice to the other.

3. **Compensation.** The fees for City services shall be paid as a transfer of funds from the HRA to the City. The fee shall be set by resolution of the HRA from time to time.

4. **Indemnification.** The parties shall indemnify and hold harmless each other and their officials, agents, and employees from any loss, claim, liability, and expense (including reasonable attorney's fees and expenses of litigation) arising out of any action of the respective parties in the performance of the service of this contract.

5. **Assignment.** This agreement shall not be assigned, sublet, or transferred by the City or the HRA without written consent of the other party and a minimum of 30 days notice in writing by the City.

6. **Conflict of Interest.** The City agrees to immediately inform, by written notice, to the HRA Chair, potential contractual conflicts of interest in representing the HRA for staff services.

This AGREEMENT was adopted by the Housing and Redevelopment Authority Board of Commissioners in and for the City of East Bethel, Minnesota, on the 20th day of January, 2010.

EAST BETHEL HOUSING AND REDEVELOPMENT AUTHORITY

Bill Boyer, Chair

Date

Douglas Sell, Executive Director

Date

This AGREEMENT was accepted by East Bethel City Council on the 3rd day of February, 2010.

CITY OF EAST BETHEL

Greg Hunter, Mayor

Date

Douglas Sell, City Administrator

Date



City of East Bethel City Council Agenda Information

Date:

February 3, 2010

Agenda Item Number:

8.0 G.2

Agenda Item:

Metro Transit Taxing District

Requested Action:

Informational only

Background Information:

Ms. Kate Garwood of the Anoka County Highway Department made a presentation to the City Council relating to the Congestion Mitigation Air Quality (CMAQ) grant that may have an impact in the City. Under the terms of this grant, the County would receive grant dollars to assist with commuter/express bus service from the City's Park and Ride lot at the Ice Arena to downtown locations. Ms. Garwood suggested the City consider joining the Metro Transit Taxing District. By doing so, this would allow Metro Transit to serve East Bethel.

Over the past several weeks, staff has obtained additional information regarding the Metro Transit Taxing District. Minnesota Statute 473.4461 provides that City and Metropolitan Council must agree on a service expansion plan if the City is not currently serviced by the Metro Transit District. The East Bethel Finance Committee met on Tuesday, January 26, 2010, to review this information and discuss steps necessary to join the Metro Transit Taxing District.

The CMAQ grant is set to begin July 1, 2012. Staff has learned that a transit service agreement between Met Council and the City of East Bethel for transit services would not need to be in place until June 30, 2011 for Metro Transit to begin levying taxes in East Bethel for collection in 2012. However, Met Council has expressed their concern to both City staff and Anoka County regarding membership in the Transit Taxing District. Under the current economy, there may not be sufficient resources available to Metro Transit to provide such services.

Staff talked with Ms. Garwood about the CMAQ Grant. As part of this grant, Anoka County High Department is currently preparing an RFP soliciting consulting services to assist the County with the Transportation Service Study. The draft RFP will be completed within the next three to four weeks. Ms. Garwood has stated that she will meet with City officials to review the draft RFP for City input before soliciting proposals. Once a qualified consultant is selected, it will take approximately 4 to 5 months to complete the Transportation Service Study. If Met Council cannot provide transit service, this Transportation Service Study will look at the possibility of Anoka Traveler servicing East Bethel. If the Anoka Traveler were to provide the service in East Bethel, there wouldn't be a need to join the Metro Transit Taxing District.

Once the Transportation Service Study is complete and potential Park and Ride locations have been identified, Ms. Garwood will provide an update to the City Council.

Metro Transit District Tax Rate

The Metro Transit District Tax Rate for 2010 is approximately 1.22% of tax capacity value. For the average valued home in East Bethel, this would mean a tax of approximately \$27.06 annually based on the average home value of \$221,753 with a tax capacity value of \$2,217.53.

This calculation is predicated on information from Mr. Paul Connery of the Finance Department of the Metro Transit District. The process is somewhat convoluted in that the Metropolitan Council certifies one levy for all activities to the Department of Revenue that includes transit and general operations. According to Mr. Connery, the total levy for 2010 is \$75.1 million with \$41.7 million for transit operations and \$34.4 million for general operations.

Based on a tax capacity value in the entire City of \$12,599,922 and the tax capacity rate applied by the Department of Revenue on properties in that taxing district, approximately \$153,754 could be collected in the City of East Bethel. It is our understanding that this amount maybe negotiable based on the level of service provided in the community.

City staff will continue to provide updates to the City Council as new information is obtained.

Attachment(s):

- 1. MN Statute 473.446
- 2. MN Statute 473.4461

Fiscal Impact:

None

Recommendation(s):

No action required

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

473.446 TRANSIT TAX LEVIES.

Subdivision 1. **Metropolitan area transit tax.** (a) For the purposes of sections 473.405 to 473.449 and the metropolitan transit system, except as otherwise provided in this subdivision, the council shall levy each year upon all taxable property within the metropolitan area, defined in section 473.121, subdivision 2, a transit tax consisting of:

(1) an amount necessary to provide full and timely payment of certificates of indebtedness, bonds, including refunding bonds or other obligations issued or to be issued under section 473.39 by the council for purposes of acquisition and betterment of property and other improvements of a capital nature and to which the council has specifically pledged tax levies under this clause; and

(2) an additional amount necessary to provide full and timely payment of certificates of indebtedness issued by the council, after consultation with the commissioner of management and budget, if revenues to the metropolitan area transit fund in the fiscal year in which the indebtedness is issued increase over those revenues in the previous fiscal year by a percentage less than the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

(b) Indebtedness to which property taxes have been pledged under paragraph (a), clause (2), that is incurred in any fiscal year may not exceed the amount necessary to make up the difference between (1) the amount that the council received or expects to receive in that fiscal year from the metropolitan area transit fund and (2) the amount the council received from that fund in the previous fiscal year multiplied by the percentage increase for the same period in the revised Consumer Price Index for all urban consumers for the St. Paul-Minneapolis metropolitan area prepared by the United States Department of Labor.

Subd. 1a. [Repealed, 1Sp2001 c 5 art 3 s 96]

Subd. 1b. [Repealed, 1Sp2001 c 5 art 3 s 96]

Subd. 2. **Transit taxing district.** The metropolitan transit taxing district is hereby designated as that portion of the metropolitan transit area lying within the following named cities, towns, or unorganized territory within the counties indicated:

(a) Anoka County. Anoka, Blaine, Centerville, Columbia Heights, Coon Rapids, Fridley, Circle Pines, Hilltop, Lexington, Lino Lakes, Spring Lake Park;

(b) Carver County. Chanhassen, the city of Chaska;

(c) Dakota County. Apple Valley, Burnsville, Eagan, Inver Grove Heights, Lilydale, Mendota, Mendota Heights, Rosemount, South St. Paul, Sunfish Lake, West St. Paul;

(d) Ramsey County. All of the territory within Ramsey County;

(e) Hennepin County. Bloomington, Brooklyn Center, Brooklyn Park, Champlin, Chanhassen, Crystal, Deephaven, Eden Prairie, Edina, Excelsior, Golden Valley, Greenwood, Hopkins, Long Lake, Maple Grove, Medicine Lake, Minneapolis, Minnetonka, Minnetonka Beach, Mound, New Hope, Orono, Osseo, Plymouth, Richfield, Robbinsdale, St. Anthony, St. Louis Park, Shorewood, Spring Park, Tonka Bay, Wayzata, Woodland, the unorganized territory of Hennepin County;

(f) Scott County. Prior Lake, Savage, Shakopee;

(g) Washington County. Baytown, the city of Stillwater, White Bear Lake, Bayport, Birchwood, Cottage Grove, Dellwood, Lake Elmo, Landfall, Mahtomedi, Newport, Oakdale, Oak Park Heights, Pine Springs, St. Paul Park, Willernie, Woodbury.

The Metropolitan Council in its sole discretion may provide transit service by contract beyond the boundaries of the metropolitan transit taxing district or to cities and towns within the taxing district which are receiving financial assistance under section 473.388, upon petition therefor by an interested city, township or political subdivision within the metropolitan transit area. The Metropolitan Council may establish such terms and conditions as it deems necessary and advisable for providing the transit service, including such combination of fares and direct payments by the petitioner as will compensate the council for the full capital and operating cost of the service and the related administrative activities of the council. The amount of the levy made by any municipality to pay for the service shall be disregarded when calculation of levies subject to limitations is made, provided that cities and towns receiving financial assistance under section 473.388 shall not make a special levy under this subdivision without having first exhausted the available local transit funds as defined in section 473.388. The council shall not be obligated to extend service beyond the boundaries of the taxing district, or to cities and towns within the taxing district which are receiving financial assistance under section 473.388, under any law or contract unless or until payment therefor is received.

Subd. 2a. **Rights of debt holders.** The provisions of subdivisions 1 and 2 or any other law changing the boundaries of the metropolitan transit taxing district or reducing the levy otherwise required to be levied within the district shall not be deemed to impair the rights of holders of outstanding indebtedness to require the levy of property taxes, if necessary to provide for any deficiency in accordance with the conditions of such indebtedness, on all property within the limits of the metropolitan transit taxing district as such limits were in effect at the date of issuance of such indebtedness.

Subd. 3. **Certification and collection.** Each county treasurer shall collect and make settlement of the taxes levied under subdivisions 1 and 1a with the treasurer of the council. The levy of transit taxes pursuant to this section shall not affect the amount or rate of taxes which may be levied by any county or municipality or by the council for other purposes authorized by law and shall be in addition to any other property tax authorized by law.

Subd. 4. [Repealed, 1977 c 454 s 49]

Subd. 5. [Repealed, 1977 c 454 s 49]

Subd. 6. [Repealed, 1Sp1985 c 10 s 123 subd 1]

Subd. 7. **Rights of holders of debt; after 1983 levy.** Beginning for taxes levied in 1984, payable in 1985, and for each succeeding year, as part of its levy made pursuant to subdivisions 1 and 6, the council shall levy the amounts necessary to provide full and timely payment of certificates of indebtedness, bonds, and other obligations of the former Metropolitan Transit Commission, until all debt of the commission is fully discharged and transfer the proceeds to the appropriate council account for payment of its obligations. The taxes must be levied, certified, and collected in accordance with the terms and conditions of the indebtedness. Nothing in Laws 1984, chapter 654 may impair the rights of holders of valid obligations of the former Metropolitan Transit Commission to require a levy of property taxes. The council shall take the actions necessary to comply with the terms and conditions of the obligations, including if necessary the levy of property taxes to provide for a deficiency.

Subd. 8. **State review.** The commissioner of revenue shall certify the council's levy limitation under this section to the council by August 1 of the levy year. The council must certify its proposed property tax levy under this section to the commissioner of revenue by September 1 of the levy year. The commissioner of revenue shall annually determine whether the property tax for transit purposes certified by the council for levy following the adoption of its proposed budget is within the levy limitation imposed by subdivisions 1 and 1b. The commissioner shall also annually determine whether the transit tax imposed on all taxable property within the metropolitan transit area but outside of the metropolitan transit taxing district is within the levy limitation imposed by subdivision 1a. The determination must be completed prior to September 10 of each year. If current information regarding market valuation in any county is not transmitted to the commissioner in a timely manner, the commissioner may estimate the current market valuation within that county for purposes of making the calculations.

History: 1975 c 13 s 71; 1975 c 203 s 4-8; 1976 c 166 s 7; 1977 c 454 s 44; 1979 c 46 s 2; 1980 c 607 art 13 s 1; 1980 c 614 s 190; 1981 c 363 s 54; 3Sp1981 c 2 art 1 s 71; 1983 c 17 s 13; 1983 c 293 s 106; 1984 c 502 art 3 s 25; 1984 c 654 art 3 s 135-137; 1984 c 655 art 2 s 11 subd

1; 1985 c 248 s 61; 1Sp1985 c 10 s 112-115; 1986 c 444; 1987 c 268 art 6 s 49; 1987 c 278 s 19; 1987 c 384 art 2 s 1; 1988 c 675 s 18-20; 1988 c 719 art 5 s 47; 1989 c 277 art 4 s 73; 1Sp1989 c 1 art 9 s 68; 1992 c 511 art 4 s 25; 1993 c 375 art 7 s 19; 1994 c 416 art 1 s 54; 1994 c 628 art 3 s 135-140; 1995 c 186 s 119; 1995 c 236 s 15; 1995 c 264 art 16 s 19; 1996 c 305 art 1 s 103; 1996 c 455 art 5 s 5-7; 1997 c 159 art 2 s 50; 1Sp2001 c 5 art 3 s 72; 2009 c 101 art 2 s 109

473.4461 ADDITIONS TO TRANSIT TAXING DISTRICT.

Notwithstanding any provision of section 473.446 or any other law, the Metropolitan Council may not levy a tax under section 473.446, subdivision 1, in any city or town not included in the transit taxing district as it existed on January 1, 2001, unless the council and the governing body of that city or town have agreed on a service expansion plan.

History: *1Sp2001 c 8 art 2 s 72*