

EAST BETHEL CITY COUNCIL MEETING

October 19, 2011

The East Bethel City Council met on October 19, 2011 at 7:30 PM for their regular meeting at City Hall.

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

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney
Craig Jochum, City Engineer

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

Adopt Agenda **Boyer made a motion to adopt the October 19, 2011 City Council agenda. Moegerle seconded.** Moegerle said she would like to remove item 10.C Closed Session from the agenda and reconvene a work session after the regular meeting to discuss an industrial business prospect. **Boyer accepted the amendment.** Boyer said he is just curious why we are doing it this way seems like it ought to go through the Planning Commission. Vierling said from the standpoint of a closed meeting session, it is not a closed meeting item. **All in favor, motion carries.**

Sheriff's Report Lieutenant Orlando gave the September, 2011 report as follows:

DWI Arrests:

There were five DUI arrests in August. One was the result of a call to a domestic assault situation, where one half had left in a vehicle. Two were the result of property damage crashes. One was the result of driving conduct. The last one was due to the vehicle being parked in a business parking lot after hours.

Burglaries:

There were four reports of burglaries. One involved a house that is vacant, where the door was found to be open and damage had been done to the residence. One report was a vacant business, where the glass front door and several windows had been shattered, along with fire extinguishers being sprayed all over the building.

Property Damage:

There were four reports of damage to property. One involved a mailbox being damaged. One involved a house being egged. One report of damage was to a residence where a window and door were broken, believed to have been caused as a result of a jealous ex-boyfriend.

Thefts:

There were twenty-two theft reports for the month. Two thefts involved property being stolen from vehicles. One theft involved a wallet being lost at a local business, when the wallet was turned in, the cash had been taken from it. Two theft reports also involved gas being siphoned from parked vehicles. One theft report involved a trolling motor being taken from a parked RV. Four reports were a result of gas drive-off's. Two reports involved vehicle thefts, where the suspects were known to the vehicle owners. One ATV was taken

out of a yard. A boat and trailer were stolen from a home. Finally one vehicle was reported stolen and recovered a day later, unoccupied.

Earlier this month, the Sheriff’s office received a report of a stolen firearm in the Coon Lake Beach community. There was much concern over the firearm being stolen, as it was reported to have been in the possession of children who reside in that area. The Sheriff’s office did conduct several searches, utilizing K9’s to try and locate the weapon, along with several interviews of children and their parents. One of the K9’s that was used in searching is an EOD dog, which is specifically trained to sniff out firearms. This K9 was taken through several wooded areas where the firearm was reported to have been hidden. The K9 deputy advised that the search conditions were very favorable for searching. The search did not turn up the firearm. At this time, we have not been able to locate the weapon, nor do we have any further leads about the possible location of the weapon. The firearm was not loaded when it was taken, however a box of ammunition was also missing. If anyone does have further knowledge or information regarding this firearm, please contact Inv. Wahl with the Sheriff’s Office or contact 911 and advise an East Bethel Deputy so we can get that information and act upon it.

Lawrence asked what caliber was that. Lt. Orlando said it was a 40 caliber. Moegerle said we appreciate you coming out there and responding. Everyone seems a lot more happy. Lt. Orlando said the initial response they thought it was not what it turned out to be, so there was a little delay in things getting moving. She said once we found out what was actually going on, we tried to get it moving faster. Moegerle said they feel like there is resolution she believes. Thank you very much.

Public Hearing
– Great River
Energy (GRE)
Conditional
Use Permit for
Route II

Lawrence said now is the time for the public hearing for Great River Energy (GRE) for a Conditional Use Permit for Route II.

Paul Zisla said he is representing GRE and he does appreciate the hospitality you have shown recently and allowing him to speak. He said we have again submitted a letter, for our own purposes and to be clear no the record of this meeting, if you will indulge him he would like to go through that letter and for the benefit of the audience as well.

Zisla said we understand you are here tonight considering a Conditional Use Permit (CUP) for Route II. GRE did not apply for Route II. GRE's conditional use permit was denied. That denial is on appeal to the district court, and because the application is on appeal, GRE has no pending application before the City. The proceedings regarding Route II are not at GRE's initiative or request, and constitute an action pursued solely by the City on its own initiative. GRE considers the granting a conditional use permit for Route II as procedurally defective. We have already informed the City in writing and in testimony that Route II is not a satisfactory route for the needed transmission line. Zisla said we listed some of those problems in the letter and he is going to highlight some of those for you.

GRE applied to the City for a conditional use permit for the transmission line needed to provide the essential service of electrical power and to enable GRE to construct a transmission line to connect the existing transmission line corridor that is located at the northwest corner of the City with an exit point somewhere on the east boundary line. The entry point into the City is the established transmission line. For many reasons, including state criteria it is essential that GRE use that existing transmission line. Route II does not connect to the entry point at your northwest corner. We consider a conditional use permit from the City for Route II would be a conditional use permit that essentially goes nowhere.

The City granting a conditional use permit for Route II does not work as a solution to the need for a transmission line that goes from the Athens substation to the Martin Lake Substation.

GRE already provided a detailed analysis of Route II showing why GRE does not consider Route II, or the variation known as Route I as satisfactory or why GRE did not select those. For your convenience, the salient facts regarding Route II are contained within the attachment, that is already in the record and part of the City's consideration of GRE's conditional use permit, it is there, you already have it.

The City's is analyzing facts and routing for areas that are not within East Bethel. The City is making a route selection for other communities. That requires you to analyze other communities. That is not within your jurisdiction. With respect to Mr. Schedin's Supplemental Report, we want to emphasize that Mr. Schedin works for East Bethel. He is not the consultant for Athens, Linwood or Oxford Townships. He does not speak for the other jurisdictions; he has no charge or authority to engage in route analysis and planning for those jurisdictions; nor to represent his work as responsive to their concerns and their local conditions.

The City did require GRE to provide information about other routes GRE considered in selecting a preferred route. During the over two year long City process, GRE consistently provided the information the City asked for. GRE provided information about Routes I and II, but GRE did not request a conditional use permit for either, nor did GRE inform the City that either route is appropriate or acceptable. The route that GRE first discussed with the community was not I or II.

The use of Route II involves foregoing the use of existing transmission line in East Bethel and in adjacent jurisdictions, Athens, and it effectively forces GRE to locate the transmission line somewhere other than in the City. In our view that has been the City's agenda from the start of this process. The City has already delayed the process for two years. The current consideration of granting a conditional use permit for a route that GRE did not apply for and has told the City repeatedly is unsatisfactory can only be understood as an effort to further delay and further complicate the process ultimately in an effort to preclude GRE from developing a transmission line within the City.

The public needs GRE to develop that transmission line. The public needs GRE to connect the substations. The grant of a conditional use permit for Route II does not promote the accomplishment of that objective. Thank you for your time. Peter Schaub from GRE is here.

Lucinda Johnson of 4796 Fawn Lake Drive NE said she will be directly affected by the II route and she is happy to hear that GRE doesn't even want to put their line where you are suggesting. That is her question to the City Council, why did you pick this particular route. Johnson said she hasn't been to a City Council meeting before so she doesn't know if you can answer questions or if she should just throw questions out, because she has other questions. Vierling said why don't you go on and list them out and we will respond when the public hearing section is closed. Johnson said she didn't know about this meeting until the letter came out last week. And when this was proposed last year a map came out with that letter so you could very clearly see where that route was going to be. She said this time when the letter came out there was no map, it doesn't have any information about streets or

where this is going to be located. Johnson said you have to come to City Hall to get this information. She said so she made two trips today, one to get the map and one to get the report that was mentioned. Johnson said so she hasn't had a whole lot of time to think about the ramifications of this. She said it sounds like there is a lot of information missing from the report, probably because GRE didn't want to put that transmission line on I1.

Johnson said so the report doesn't include information about new easements, public land easements or private land easements. She said it also doesn't include information about forested wetlands, non-forested wetlands and many other public water inventory that had no particular information about that route. Johnson said she has no idea how big the power poles are going to be. It sounds like you are recommending steel. To her that is an eyesore instead of wood with guidelines. But again, without a picture or some sort of representation of how they are going to look, are they going to be the type of poles that get rusty and will be a tremendous eyesore in the area, and will that help any of our property values. Johnson asked how close will this be to our property? She said it looks like it will be 38 feet from roadway and that is pretty close to her home. So she has a concern about that. Johnson said she is not sure what side of the road it will be on. She said she is concerned about the future, the changes to 115 kV, does that mean new power poles, bigger power poles?

Johnson said she is interested in why your original decision was amended. Were you denied the permit and now have this hearing? She said she is wondering about the consultant you hired. Was the consultant independent or many times a consultant can find documentation of what you wanted to find in the first place? Johnson said she doesn't understand why Route A isn't the preferred route for you as well. There were concerns listed in the report, but to her there was nothing that should have eliminated Route A from consideration. She said there was a statement in the resolution for tonight that there were negative impacts for economic, social, health and safety. Obviously that is a concern to her, all of those things. Johnson said Cedar Creek doesn't agree with new route. She said obviously there will be an impact on property values, tree removal. Johnson said she just has a lot of concerns in the end and she is not feeling comfortable with the information that was sent out ahead of time and where this has gone. She said unfortunately as she said, she hasn't had a lot of time to think about this. Johnson said depending on what happens she does have a family of attorneys she can at least ask what are the options should things not be favorable to the homeowners that are affected. She said again that is not any sort of threat, that is just a comment.

Bud Flagstad of 229th Avenue NE and County Road 26 said he is curious. He hasn't heard too much about what has been approved in the Linwood route as yet. He said last he heard are we trying to get East Bethel approval and then go back and hit Linwood and say okay East Bethel has been approved. Flagstad said and trying to get it through the park and through the school grounds and everything else. He asked are we working backwards from East Bethel? Flagstad asked are they starting in Linwood and working their way around. Boyer said near as he knows the process was GRE approached Athens, got Athens approval for a route, then approached East Bethel and he honestly doesn't know where they are with Linwood. Flagstad asked how are they going to get it out of the substation there without out crossing the school yard, without crossing everything in Linwood? He asked are they beating us up before they even get out of their back yard.

Pat Schwartzwald of 4516 Fawn Lake Drive NE said he is trying to understand how this all went about. He said he has been to a couple meetings. We were left in the dark to begin with when this all started a couple years ago. Schwartzwald said his understanding is a

consultant was hired by the city. Don't know how much this cost the city. He said he doesn't have the fact finding or the recommendation from the consultant. Schwartzwald said it is his understanding the consultant recommended Route A, it was the shortest and the cheapest. He asked is this true. Schwartzwald said it is going to affect my land. Nobody wants it. He doesn't want to argue with anybody. He doesn't want to argue with you. He said maybe it is best to leave the courts to make the decision. That way there isn't no friction between neighbors, or me and you, or nobody else. Schwartzwald said it affects his frontage. All my woods will be gone. You will be in my drainfield, my septic. He said he could have took up a petition and came to the city and said he didn't want it here, that is how it all started. Schwartzwald said so instead of people bickering back and forth, let the courts decide, think it is fair. He said we all live together, we all have to get along.

DeRoche made a motion to close the public hearing. Moegerle seconded; all in favor, motion carries.

Boyer said he would like to make a motion. Vierling said the discussion at this time is at the dais. He said there were a number of questions from the young lady that were gone through, and it is perhaps appropriate for the Council to respond to those and perhaps best to have Mr. Schedin, since most of those appear to be issues with regard to actual placement or to identify some of those issues so we can at least provide those responses. appropriate to respond to the questions from the young lady. Boyer said by making the motion it was his intention to open this for a discussion period, but if you think it is more appropriate to do this first we can do that. Vierling said whichever Council wishes to proceed with is fine.

Larry Schedin said he is the consultant that has been talked about at this meeting, and we have some experts here from GRE that can address the issues of pole height and others. He said the first thing he did when he was assigned this project was to huddle with the GRE engineers to see if this project was even needed. Schedin said and certainly we found that there is a need for the project to connect Athens to Martin Lake. He said and the reason is the system that goes along Hwy. 65, that corridor needs support, and the one way to give it support among other ways is to bring a new line from Martin Lake substation over to Athens substation. Athens substation is north and it is in Isanti County about a mile north of the Anoka County border. It is on Hwy. 56. Martins Lake is fed on a radial feed from Linwood on the I-35W corridor with no way of back support. So the project he thinks is needed both to provide two way supply to Martin Lake substation and also to bolster up along Hwy. 65.

Schedin said what the engineers do is they connect these points and then watch how the power flows on these connecting points. The performance of this line has nothing to do with point of entry into the City of East Bethel. Electrical performance is dependent on connecting Athens to Martin Lake and not dependent on the route whether it was on Route A or any other route. And the mileage of the two alternatives we are talking about tonight, there is only 9/10's of a mile difference and 9/10's of a mile will not make a difference of how the electrons will flow. He said the first point he wants to clarify is his working with the GRE engineers. He agreed that there was a need to connect Athens substation with Martin Lake substation, but it is not based on any one specific route to do the job it is supposed to do.

Schedin said his company was given fifteen alternatives to connect to these points, between Athens and Martin Lake. He said these alternatives were all developed by a workgroup here at the City Hall. There was a workgroup, there was a planning commission group and there were others that developed these alternatives. So, I was given fifteen alternatives plus no

build and was asked to pick one of these. He said it wasn't quite like picking one, it was picking two, because the routes fell into two families. One family was south of the Cedar Creek Preserve, in the middle of this whole thing is a big environmental obstacle called Cedar Creek Preserve. And we divided the lines, the fifteen alternatives into those that go south of the Cedar Creek Preserve and those that go north of the Cedar Creek Preserve. Two families of routes and from the results of my studies I found from the south route, that family, the best route was Route A. But from the family of northern routes, there was a route that had already been developed called Route I. And he looked at that route and he said that route can be even improved over what it was laid out initially. He picked an alternative called Route I1 that shortened the length of Route I by going down Durant Street.

Schedin said if you go north on Hwy. 65 to road 56 and go in about ½ mile you will see the Athens substation. What he discovered as part of our investigation is that part of the north route is already constructed. The line goes straight north out of Athens substation to Hwy. 9 then it goes a mile east, so two miles of that line has already been constructed apparently because of an earlier plan of GRE. That line I can call the line to nowhere because it is not energized but it is there and ready to be used by developing and extending this route along Hwy 9, to Durant and then dropping straight down south, to Fawn Lake Drive which is route 76, and following straight east. One of the preferred routes real early was Sunset Drive, and there was general agreement, don't build any power lines on Sunset Drive. So the only way to get to Martin Lake was to go on 76, which is Fawn Lake Drive then straight south to Martin Lake. GRE said don't build on Hwy 9 it is going to be expanded, don't build on Typo Creek further than you have to because of the archeological sites, so this was a blend and we shortened the distance by using Durant Street.

Schedin said so that is kind of an evolution of how I1 came into being. If you look at the comparison there is only 9/10's of a mile difference between Route A and Route I1. And the cost is within \$200,000, which is like 5% which is within engineering accuracy. His point is Route I1 is a suitable alternate to Route A and that his recommendation just not for one being the best, it is there are two routes that he things one is a good alternate to the other based on all the criteria and all the performance. That is where he was coming from on the route recommendation.

Schedin said with regard to the height of the poles along Co. Road 26, which is Route A, the poles would be higher because the plan is to move a distribution line that is on the south side of 26 to the north side of 26, but that is underbuilt and with a 69kV those poles would be taller. He thinks a GRE representative can talk to the issue of number of easements, how tall with the poles actually be.

Schedin said there was a question about my being an independent source of information to the city. He said he wants to address that saying the very first thing he did, he is an electrical engineer, and his field is how you design power transmission lines.

The very first thing he did was called GRE and met with their engineers because he wanted to know where they were coming from, if we were on the same page. He looked at the power flow studies and he wanted to make sure that we were working together on whether this line was needed or not. This is just one engineer working with other engineers and we were only to try to find the best way to support the system and that way was to connect Martin Lake to Athens. When given fifteen routes he was told not to have any bias and just judge them on the merits. Take the fifteen routes; pick the best route north of the Cedar Creek Preserve and the best route south of the Cedar Creek Preserve.

Vierling said the young lady had a number of other questions he will ask you to address. One was the future of this line to be used for a 115kV. Schedin said the right of way is 70 feet and that is wide enough for 115kV. Now again he met with the line designer at GRE and she said although the straight away structures could be used for 115, the corner ends make the line not upgradable the way it is being built. And the GRE representative said if we do have to go to a 115 in the future, then we have to go to the State of Minnesota, to the Public Utilities Commission, we would have to get permission from the Public Utilities Commission in the State of Minnesota to upgrade that line and operate it at 115 kV. We would have to change out quite a few of the structures that aren't built for 115kV. So in summary, the right of way is wide enough, but the structures are not suitable.

Vierling said the young lady also had a question with regard to proximity to housing and which side of the road it would go on. Understand we certainly don't have the construction documents, but from a general principle maybe you can address her concerns on that. Schedin said on Route A, which is along route 26, believe GRE has presented a study on the routing and they would put the line on the side of the road which would be on the property of the Cedar Creek Preserve. And GRE claimed they would probably be able to get permission from the Cedar Creek Preserve people (managing director was largely a part of the meetings), would be largely on the north side of Hwy. 26. Schedin said on Hwy. 9, Route 11, if you drive up there, on Hwy. 56, drive in go north a mile and then east a mile, that line would be on the south side of Hwy. 9. It is a double circuit line and when you get to Xylite the line to nowhere ends and the energized line goes straight north on Xylite. He said all he can tell you about the line that is already there on Hwy. 9 is on the south side of the highway. Now GRE has told him they don't have specific drawings for the line. A lot of the information they gave him was based on investments. They did look at what they thought were tight spots, but there were no designs given to us.

Vierling asked is there a setback that has to be maintained from structures? Schedin said he would like GRE to answer this. Vierling asked Mr. Schaub if he could answer the question about the height of the poles and the distance to structures. Peter Schaub of GRE said the height of the poles within East Bethel is limited to 80 feet above ground. That is the City ordinance. He said City ordinance regulates the height of the poles, whether for single circuit, or with under build on them as well. Schaub said any company putting in transmission lines would be limited to 80 feet. Vierling said and our other question: whether there is a setback from the power poles to residential structures? Schaub said there isn't any specific setback distance. GRE uses 70 foot right of way. He said 35 feet on either side of centerline and we try to design to keep the easement and line as far away from homes as possible.

Vierling said just to address some of the last commentaries. He said the last gentlemen questioned whether or not this matter could simply go to courts. Vierling said for the public's benefit, sometimes we wish these matters could all be deferred for somebody else to deal with. He said fortunately or unfortunately the status of the law is this is kind of a legislative or quasi legislative type of decision has got to be made initially at this level of government. Vierling said and the role of the court is to review the decision of this level of government. The courts don't make the determination of the original request, they are there to review or comment or correct, based upon the decisions that were made. As much as we would like for these decisions to go someplace else, they start here and then they emanate from there, so the communities do need to address those.

Vierling said to the question that Ms. Johnson had addressed in some part, perhaps related to how did this matter get to this point and time. He said as the Council has indicated, this matter has been going on for a couple years now. It has gone through a couple committees and a couple study groups. Vierling said the action that was taken on June 22nd dealt with a Conditional Use Permit that GRE had applied for Route A. He said which meant that the people along Route A were notified, the people along other routes were not. Vierling said Schedin identified Route A and Route I1 as feasible routes. The Council has conducted this meeting tonight for fairness for the people along Route I1, to have the opportunity to speak on it. The city has the opportunity to review the route under their ordinances, both procedurally and the substance of the ordinance they have dealing with this and what they are looking at tonight. The matter will proceed forward. The Council has the ability to make a decision tonight, or certainly can defer to another night, but they have a resolution that is proposed by staff before them, relative to the adoption of Route I1. That resolution does not change the decision that was made of the city relative to Route A. That will stay in denial status, but the Council does have the opportunity and initiative to look at and permit other routes that they would offer relative to the placement of this line.

Boyer made a motion to adopt Resolution 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1 (Route I1 Approval). DeRoche seconded.

Boyer and Moegerle read the entire ordinance as follows: Resolution No. 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1 (Route I1-Approval). The City of East Bethel Hereby makes the following findings:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69kV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposed the ~~located~~ **location** of a 69 Kilovolt line, denominated the Athens

to Martin Lake 69kV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230 volts (230kV);
- 2.) subtransmission: 69,000 volts (69kV); and
- 3.) distribution: 12,500 volts (12.5kV).

The 230kV bulk transmission system supplies GRE's 69kV system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kV system supplies the 69kV system via 230kV-69kV substations located at Linwood, Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kV system via a new 230kV-69kV substation at locations such as Johnsville and Andover. The existing kV subtransmission system presently supplies five (5) distribution substations at 12.5kV, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kV lines. Therefore, if one 69kV source is out of service, it is backed up by one or more remaining kV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kV line from Linwood substation near Highway I-35. This line is called a "~~radial~~ radial feed" and its loss can be replaced only via complicated switching procedures on the 12.5kV distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69kV line would avoid expensive upgrades of three other critical 69kV line segments in the local power grid and provides a two-way 69kV supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69kV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kV line, but there are many routing options between these two points; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kV line would not be designed so that it could be simply reconnected to operate and upgrade to 115kV line, which would be a regulated service under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would follow existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kV line to

connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S (See Consultant report for modified Route I1)

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrix prepared, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles
11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route
 - e) No. of PWI lakes within ROW

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route I1 is an effective and efficient route with new right-of-way comparable to Route A, and have the opportunity to use existing 2 plus miles of 69kV line along County Highway 9, and reasonable cost and right of way acquisition when compared to other routes. Route I1 also better plans for future upgrades to 115kV systems and transmission lines and impacts less densely populated areas of the affected communities. The other attributes of Route I1 compared to all the other route options (inside and outside the city) are all favorable in the opinion of the consultants, and Route I1 has been recommended to the City as a preferred route option for the city, yet recognizing that there are concerns and mitigation points and disadvantages that needed to be accommodated; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve, but have stated that construction along the south border is preferable to construction along their far more ecologically sensitive north border; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kV line, should Route I1 be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route I1, as currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,

significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,

to maintain and enhance the natural amenities of the city for future generations to enjoy, and

to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, the City of East Bethel finds that a no-build alternate is not reasonable given the existing needs as expressed by the Applicant and the growth for electrical service presently and anticipated to occur within the area; and,

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, but Route I1 appears to be the route that has the least impact

in those areas as to other routes within the city of East Bethel; and,

WHEREAS, Route I1 has minimal interference with public use and public property; and,

WHEREAS, Route I1 can serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the traffic impacts are less pronounced with Route I1 as opposed to other options as proposed within the city; and,

WHEREAS, the City's consultants have reviewed ~~possibly~~ **possible** routes being located predominately outside the city of East Bethel to also serve the Athens Martin Lake substations, and provide the same economic/electrical services benefits that would be secured through the use of other routes; and,

WHEREAS, the far north and medium north sub-grouping routes which were previously reviewed, are mostly outside of the city in which are specifically aimed at the problem areas going south from the far north and medium north routes in order to reach the Martin Lake substation. The two potential problem areas were the Typo Creek Drive (north of County Road 26) and Sunset Drive. The City's consulting engineers opined and concurred with the workgroup's concerns that the Sunset Drive options should be eliminated from further consideration, and that Typo Creek Drive would be a preferred alternative for getting from the north and far north options to the Martin Lake substation; and,

WHEREAS, Typo Creek Drive includes several pinch points regarding residential properties and homes, a park, fire station, the Town Hall, and a cemetery. In addition, the report commissioned by the Applicant identifies possible archeological sites and historical preservation uncertainties which were not defined or fully substantiated; and,

WHEREAS, Route I, as examined, could be significantly ~~shorted~~ **shortened** by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A. Further, Route 9 is also scheduled for a rebuild and widening in 4 to 5 years by ~~Anoka-~~ **Isanti** County, so that modification of Plan I would minimize the length of line on Highway 9 to be exposed to a rebuild or relocation. It is also established that there exists 2 miles of 69kV line currently located on Highway 9 which could be utilized for this modification of Route 9; and,

WHEREAS, this modification to Route I, now designated Route I1, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route I1 would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kV line might someday in the future be proposed to be served by an upgrade to a 115kV line (Route ROW widths are the same for a 69 kV line vs. a 115kV line as designed by GRE), the route designated as I1 impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kV line now in place and controlled by GRE.

- C. The Route II would impact a lesser densely populated area than Route A
- D. Route II is consistent with MPUC criteria for routing transmission lines rated 115 kV and above
- E. Route II minimizes new construction along CSAH 9
- F. Route II avoids double circuit rebuild of a three mile single circuit line section south of Athens Substation
- G. Route II is well positioned to supply a new distribution substation earlier than planned for South Isanti County

WHEREAS, The applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection; and,

WHEREAS, the applicants statement that Route II in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the area of the Route II; and,

WHEREAS, Route A would result in significant tree loss (8.5 ac vs. 1.79 ac within East Bethel for Route II) along CSAH 26 impacting residents on the north side of that proposed line; and,

WHEREAS, there is no evidence that location of the 69kV line along Route II will not impair or preclude widening and upgrades to CSAH 9 in the future should ~~Anoka~~ **Isanti** County desire to do so; and,

WHEREAS, the City Council took action on the applicants request for Route A approval at its June 22, 2011 meeting; and,

WHEREAS, the City Council on June 22, 2011 did not have the opportunity to review and award alternate routes as no public notices to property owners along alternate routes had been mailed or published as a result of the applicants application being limited to its Route A request; and,

WHEREAS, The City has now notified property owners along Route II of its consideration of that route alternative; and,

WHEREAS, Route II along with Route A were considered by the City's consultants as the two most feasible Routes for selection; and,

WHEREAS, Route II is derived from Route I which was the applicants first proposed Route for selection in the earlier reviews of route alternatives examined; and,

WHEREAS, City Ordinance section 2-60 provides in part: "Parliamentary Proceedings. Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code"; and,

WHEREAS, Roberts Rules provides for the opportunity to “amend something ~~previously~~ **previously** adopted” and allows for the opportunity for the city council to amend the June 22nd denial of Route A approval by adding a grant of approval of Route II.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel does hereby amend its prior Resolution No. 2011-20 previously adopted June 22, 2011 to provide that the Conditional Use Permit requested by Great River Energy to locate 69kV line between the Athens and Martin Lake substations going through the city of East Bethel is hereby approved, with Route II being selected, subject to the imposition of the following mitigation measures and conditions:

1. That Great River Energy (GRE) will submit a construction plan prior to commencing the construction of the 69kV line, establishing both a construction time table and a progression of construction that shall be reviewed and have to meet the approval of the City’s consulting engineers.
2. That Great River Energy shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City’s consulting engineers as part of this project.
3. That Great River Energy and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at crossings of County Road ~~26~~ **76 (Fawn Lake Drive)** and other municipal roads within the city of East Bethel without added cost to the residents and utility users and assure that the relocation of distribution facilities to the north side of County Road ~~26~~ **76 (Fawn Lake Drive)** results in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.
4. That Great River Energy execute Conditional use Permits and Agreements as prepared by City Staff.
5. That pursuant to ordinance Sec 74-214(h):
“The applicant may notify the City and request the selection of a different alternative after the City Council’s action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location.”

The City expects that GRE make a substantive and good faith effort to secure route approval for Route II from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

Adopted this 19th day of October, 2011 by the City Council of the City of East Bethel.

There were grammar changes and spelling changes made to the resolution as noted as the ordinance was read and as recommended by staff. **Roll call vote was taken as follows. DeRoche, aye; Boyer, aye; Voss, nay; Moegerle, aye; Lawrence, aye; motion carries on a four to one vote.**

Lawrence called for a recess for 5 minutes.

Public Forum

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

Karen Zenvas said she is here representing the group Standing Together for the Horses and she just wanted to give you some accurate number on the petitions. She said there are a total of 1445 signatures. 1116 of those are from Minnesota, she counted 111 from East Bethel. Zenvas said 650 signatures were done online and it wouldn't show her the city and she is sure there are plenty more in there.

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

Consent Agenda

Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, October 5, 2011 Regular Meeting; C) Purchase Playground Equipment for Norseland Manor Park; D) Appointment of Receptionist; E) East Front Blvd. Water Quality Project; F) Resolution 2011-53 Proclaiming November Homelessness Awareness Month. Moegerle seconded with minor spelling and grammar changes to the meeting minutes. All in favor, motion carries.

Planning Comm. Minutes

Davis explained that the September 27, 2011 Planning Commission unapproved meeting minutes are provided for your review and information.

Alista & Patrick Schroeder – Interim Use Permit – Kennel License – 22525 Durant St. NE

Davis explained that on October 5, 2011, City Council made a motion to table the IUP request.

Davis explained that Mr. and Mrs. Schroeder are requesting an IUP for a private kennel license for the keeping of five (5) dogs on the 9.91 acre parcel they have owned since 1996. Currently, they have four (4) golden retrievers and one (1) Jack Russell terrier. The dogs are not kenneled outdoors; rather they are housed in the home. There is a large fenced area where the dogs are kept when they are outdoors alone; otherwise, the property owners are typically outside with the animals. The Schroeder's breed the golden retrievers to have two (2) litters of pups each year.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of dogs.

Planning Commission recommends approval to the City Council of an IUP/Private Kennel License for no more than five (5) dogs for Mr. & Mrs. Schroeder, located at 22525 Durant Street NE, East Bethel, PIN 01-33-23-23-0005 with the conditions listed in your packet.

Boyer made a motion to approve the request of Alista and Patrick Schroeder for an IUP/Private Kennel License for no more than five (5) dogs located at 22525 Durant Street NE, East Bethel, (PIN 01 33 23 23 0005) with the following conditions: 1) The initial term of the private kennel license shall be one (1) year; subsequent licenses, if so granted, will be for a term up to three (3) years; 2) An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City; 3) Applicants must comply with City Code Chapter 10, Division II, Dogs; 4) Permit shall expire when: a. The property is sold, or b. The IUP expires, or c. Non-compliance of IUP conditions; 5) Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License; 6) Property

will be inspected and evaluated annually by city staff. Moegerle seconded.

Lawrence said one of the questions that came up is are they housed in the house at all times. Alista Schroeder said yes, unless we are outside with them. She said we don't have kennels or anything like that outside. Lawrence asked do you have an outside pen they are kept in. Schroeder said we do and when she is riding her horses they are in the big pen, but they are right next to the arena so they are in her sight. Voss said so they are not outside unattended. Schroeder said no. Voss said barking is the issue we are getting at. Schroeder said no, she is a fanatic about that.

Moegerle asked what is your plan to deal with the pups, because she understands this is primarily for breeding issues. Schroeder said this is not primarily for breeding. She said she does have two litters a year. Schroeder said she usually has a list. She said a lot of our puppies have gone to therapy dogs, a couple have gone to seizure detection, that sort of thing, so usually she has a list of people they are going to. Boyer said usually you are selling them by 12 weeks. Schroeder said by 8 weeks. DeRoche asked what type of dogs are they. Schroeder said golden retrievers, four of them are and then we have a little one. Lawrence said he is concern is that the area where the dogs are, is kept clean. Schroeder said her boys are good at that. Lawrence said and that they are attended when they are outside so that they don't get out of control. Schroeder said she doesn't know if you know much about golden retrievers, but they are family dogs and they want to be by your side anyway, they are not roamers. She said they are on our farm, they don't wander. **All in favor, motion carries.**

Park Comm. Minutes

Davis explained that the September 14, 2011 Park Commission unapproved meeting minutes are provided for your review and information.

ERU Reduction Policy

Davis explained that in order to properly charge the users of the water and sewer services for the Project 1 Municipal Utilities Project, assessments are based on Equivalent Residential Units (ERU's). ERU units are assigned for different types of property use based on the MCES Service Availability Charge Procedure Manual. The proposed charge for an ERU is \$17,000 (based on Bolton & Menk's recommendation) with \$8,000 of this cost being lateral charges assessed over 20 years of the project, \$5,600 a charge for City SAC/WAC costs and \$3,400 for the MCES connection fee.

In order to fairly evaluate the overall connection cost for municipal services for existing businesses it is proposed that some latitude be considered in determining the number of ERU's per connection for City charges for this project. The City's Special Assessment Policy permits ERU calculations to be modified at the City's discretion. However, to avoid arbitrary decisions on a case by case basis it is recommended that the City consider a policy that would consistently apply a standard methodology for a reduction of ERU apportionment.

A variety of options can be used to establish a policy for City ERU reduction alternatives. A method that was previously discussed was to develop a policy based on actual water use of the businesses. While this would address a use approach for a policy it is not consistent with the peak flow aspects of the MCES SAC manual assignments of ERU's. In our case actual water use and project costs have little relation. Basing an ERU reduction policy on water use would skew the total ERU requirements to a level that would create serious cash flow problems for the project in 2013 and 2014. In addition a policy based on water use would be extremely difficult to administer, monitor and implement due to the inherit problems associated with data collection and adjustments for ERU's.

Another method of consideration would be to postpone payment of City SAC and WAC fees on assigned but undeveloped ERU lots. This would enable the property owner to pay only \$3,400 (MCES SAC fee) at the time of final ERU designation. The balance, \$8,000 for the assessment fee, would be paid over the term of the easement and the City SAC and WAC fees would be rolled into the assessment and any balance paid in full when the property was developed. Staff is currently assessing the impact this type of option would have on the project's cash flow.

A third option would be to grant an ERU credit for businesses that employ more than 20 employees and grant an ERU credit to those businesses that pay more than \$12,000 per year in property taxes. These numbers there is no magic to them, they could be any number that Council determines. This tax credit would be in increments of \$12,000 with each increment over \$12,000 being an additional credit. For example if a business paid \$20,000 in property taxes they would receive a 1.67 reduction in their ERU assessment. In no case would the reductions offered under this proposal be less than 50% of the original ERU assignment and always be a minimum of 1 ERU. This offer would only be available for only the initial ERU assignment for this project. Staff is currently assessing the impact this type of option would have on the project's cash flow.

Utilizing the third type of option would also address the City's commitment to existing business retention. This approach would also make an effort to equalize any future incentives that may be offered for new business recruitment in relation to ERU reductions offered to existing businesses.

Staff contacted the cities of Andover, Ramsey, Blaine, Forest Lake and Lino Lakes to discuss their ERU reduction policies. None of these cities have a policy for ERU reduction. The City of East Bethel is in a unique position with the MCES sewer project and in the financial design of the project. Our situation does not reflect the development of sewer systems for other Metro cities.

The adoption of an ERU reduction policy will have consequences and impacts that must be thoroughly understood in order to decide what type of policy will have the least financial impact on the City while at the same time considering the issues of those being affected by the project. This is a matter that would be best addressed in a meeting that is entirely devoted to this issue.

Staff is recommending that City Council schedule a work meeting for the Thursday, October 27, 2011 to review and discuss alternatives to this issue and formulate a policy for ERU reductions.

DeRoche asked if the city administrator could read the fiscal impact into this. Davis said we don't have the fiscal impact yet. What we are doing is we are developing the models, those should be done so that we can start plugging in various alternatives and impacts that these would have and then he should have this to you by Friday. Boyer said he can appreciate that, and he can assume you will then give them to us. But he can't see that is hardly enough time for him to digest this. He said he knows from past experience this is an extremely complex issue with a lot of alternatives involved and he doesn't really see where there is a great time push for this either. Boyer said we are not going to have a system up and running for at least another year. Davis said the time push is to address a current issue we have with the easements with the theatre, which haven't been resolved yet. Boyer said he can appreciate

that and surely theater can appreciate the complexity of this issue and the fiscal impacts this has on the city and he thinks it should be enough that the theatre knows we are working on this. Rather than expecting us to race to a conclusion.

Boyer said he thinks there are possible other things to consider here. He believes there are reasons that other cities have chosen not to go down this road. Davis said there are probably several reasons other cities have. He said one of the reasons is our situation is peculiar and unique to theirs. Davis said there are situations that developed where the pipe was at their border and they had some commercial or high density activity that required sewer service so they were able to make the extensions with the customer base. He said we are operating with essentially no customer base. Davis said we are also operating with a WWTP which none of these other metro cities have had to face. Those are two things that make our situation a little more unique. Boyer said that is true when you are comparing to Andover and such, but there are certainly other cities within the state that have been in exactly our situation. Davis said there are in the state, but they are not faced with the ERU issues we are. Boyer said Jordan is a fairly similar situation or was. He said he is not trying to say this is flawed, he is just trying to say there is a lot of information here and he thinks it is silly to think we are going to get through this by Thursday. Davis said he agrees with you 100%. This is very complicated and the consequences are very far reaching. Davis said that is why we can't just come up and throw out an example to City Council and say here would you recommend this. He said what we want to do is start working on this and if we get it done in one night, which would be a miracle. Davis said it is probably going to take a while to get it done because there are a whole lot of options to go through. He said so he is recommending we start this process in a meeting that is separate from the City Council, so we can devote all our time and energies to at least laying the groundwork.

DeRoche said this is almost something that should have been done prior to this project happening. Voss said that is fine and dandy but. DeRoche said no that isn't fine and dandy. Voss said we are trying to be proactive and talk about this and you are going back in past history again. DeRoche said you have to learn from past history. Voss said this meeting is the intent to get towards the resolution of this. DeRoche said are you going to sweep it under the rug. Voss said no, the first step isn't a step backwards is his point. If you want to go forward, we need to take a step forward and start a meeting and on it. DeRoche said that is kind of what we have been trying to do with these meetings. Voss said we had a meeting with the property owners a month and a half ago, an initial meeting with it and we need to keep it continuing and develop the policy.

Lawrence asked was that Thursday, October 27, 2011? Davis asked if that meets with everyone's schedule he would like to get this started as soon as possible. Voss said he could make it after 8:00 PM. Moegerle said it seems to be real important to her that all five of us are at these meetings. She said that is the real problem she is having is that. Boyer said that is why we always do Wednesdays, because everyone has Wednesdays scheduled off. He said when you do Tuesday's and Thursday's this is what happens. Lawrence asked his schedule for Thursday. Boyer asked isn't this the day after the Town Hall Meeting? Davis said that is correct. He said the reason we he recommended this Thursday is because we have a town hall meeting the day before, and council meeting the next Wednesday, so if we wanted it on a Wednesday we would have to wait three weeks from tonight.

Work meeting was scheduled for Thursday, October 27, 2011 at 8:00 PM to discuss an ERU Reduction Policy.

Council
Member
Report –
Moegerle

Moegerle said the EDA met last week and we met this evening for our quarterly meeting. She said we are making some progress, brainstorming and getting down to basics and starting forward. Moegerle said it is a challenge, but necessary and she thinks we have a good compliment of people that are participating. She said that was the biggest thing other than the issue at Coon Lake Beach about the gun. She said that seems to have resolved and settled down so that is pretty much all that has happened in the past two weeks.

Council
Member
Report -
Voss

Voss said he has a comment, maybe in the form of a question or observation maybe. He said it seems like, well certainly since first of year, as we have gone farther through the year, the minutes of council meeting seem to be getting longer and longer. Voss said this is twenty-seven pages of minutes, he doesn't know how intentional it is, and it is getting verbatim again. He said guess his suggestion is to find a way, can't imagine how long it takes to put minutes together when we have other means of recording the meetings, can't imagine how long it takes to type these up when we have other things to do. Voss said his suggestion is to get it back to the way it was. He said basically hitting the salient points and being concise in the minutes. Davis said we can discuss a way to make these a little briefer. Voss said the easiest way for him to say it is the way they had been in previous years.

Council
Member
Report -
DeRoche

DeRoche said the Fire Department did burn the house, night before last. They did. He said they did seventeen controlled burns inside for training. DeRoche said they wanted to burn the outside, but it was too windy during the week, that has happened so that is taken care of. He said the fire fighters had an open house and they have also been going around for fire week to all the schools. They met probably 600-700 kids and did the fire talk, let them check out the equipment, and a lot of fire fighters that were doing that took their own vacation to do it. DeRoche said which he thinks is pretty good.

DeRoche said to touch on the minutes, he doesn't have a problem with having long minutes, because he thinks they need to be accurate. He said and the old thing, if it is not in writing it probably didn't happen. DeRoche said he doesn't have a problem with keeping minutes, if it is twenty-seven pages, then the meetings need to get shorter and a little bit more to the point.

Council
Member
Report -
Boyer

Boyer said first of all he apologizes to everyone for reading all that. He said as everyone saw there were a lot of people here and a lot of people interested and hopefully some of them get cable. He said it didn't seem that long when he read it himself. Boyer apologized to Voss. Voss asked can he ask something he meant to ask. With resolutions, is there some kind of requirement that they need to be read. Vierling said no. He said as long as they are adopted by reference that is fine. Voss said because they are presented to the public. Vierling said they are part of the Council packet and as long as motion is to adopt the staff report and resolution as presented that is fine. He said he appreciates why you would want the public to hear something and that is fine. Voss said for education, he wanted to know if we had to do it or not.

Council
Member
Report –
Lawrence

Lawrence said he was at a meeting regarding the stoplight at Co. Road 74. He said he is still working on that holding pond, he still thinks it should go on the south side of the road, it shouldn't even be on the north side at all. Lawrence said just by how the water drains, it is not going to affect the ground water, that is what it is there for. He said it will never get across road unless it flows across road and that is not going to happen. Lawrence said so he thinks Mr. Kable has a very sound point that this should be on the south side of the road.

Other

Vierling said the city planner mentioned to him that she did want to get the confirmation of Council that relative to any construction plan that may be submitted by GRE in the future the

council would be applying and accepting or expecting that the undergrounding ordinance and right of way ordinance #31 would be implemented and executed as part of that. He said so he assumes that is the case, but he would ask for at least a motion to direct that for the record tonight to any construction plan that would be submitted the council does expect we will execute and apply Ordinance 31, Second Series.

Moegerle made a motion to direct staff to apply and execute Ordinance 31, Second Series, An Ordinance Relating to the Administration and Regulation of Public Rights-of-Way and the Regulation Public Way Permits Governing Right-of-Way Users Providing Utility Service to any construction plans that are submitted by GRE. Boyer seconded. Voss said since we don't have it before us, under what conditions are undergrounding required. Vierling said undergrounding will be required as a general rule, However, the ordinance does have a number of exceptions. Vierling said one of the exceptions is as a result of an expense, or if the topography doesn't provide for it opportunity or for any other reason. He said such as there is a purpose section of the ordinance and if the applicant or Council feel the purpose wouldn't be achieved by the particular location, Council can exempt them out. But undergrounding would be expected unless they would come in and request or the Council would grant them an exception under the provisions of that ordinance. Voss said so then is this motion to follow our ordinance? Vierling said the motion is to follow Ordinance 31, Second Series in the event a construction plan is submitted. Voss said then his only comment is he hopes we follow all ordinances we have. Vierling said there was an issue there because we had the action between June 21st and now and you had your Right of Way Ordinance adopted at last meeting, just to be consistent they wanted to make sure they wanted that ordinance applied. Voss asked the project was approved and then we changed the ordinance. Vierling said but the project wasn't approved. Voss said we are making a statement we are going to follow the rules. **All in favor, motion carries.**

Hwy 65 &
221st
Signalization
Project Update

Jochum said item to note on the 221st and Highway 65 project. He said there are progress meetings he attends. Jochum said he attended one yesterday and we did talk about that pond and ways to reduce the size. He said he thinks you are going to see a plan that is going to be significantly smaller and they are going to place curb all the way along Mr. Kable's property so they are going to take about 9,000 square feet less of ROW also. Lawrence asked is this going to make him happy. Jochum said he doesn't know about that but the impact is significantly less. Lawrence said when he looks at the flow and how the water all structures, they are ignoring how the water is flowing from the middle of the road to the south. He said which is all heading straight into the wetlands. Lawrence said the water on the north side is just ponding automatically and because it is sand nothing stands for more than a day. Jochum said just dealing with the east side now they are going to take everything from the crown south to the ditch and do some infiltration there. And they are not doing a wet pond anymore, they are doing an infiltration pond.

Adjourn

Boyer made a motion to adjourn at 9:18 PM. DeRoche seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk