

EAST BETHEL CITY COUNCIL MEETING

August 17, 2011

The East Bethel City Council met on August 17, 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 August 17, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the August 17, 2011 City Council agenda. Moegerle seconded.** Lawrence asked to have a closed session added as Item 12.C Land Acquisition – Service Road 215th to 221st Avenue NE and Municipal Utilities. **Boyer accepted the amendment to the motion. Moegerle seconded the amendment; all in favor, motion carries.**

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

DWI Arrests:

There were 8 DUI arrests in July. One arrest was for a felony level DWI, which will be explained in detail. The other arrests were a result of traffic violations, observed by deputies.

On July 21st a deputy received a call of a no-pay gas theft. The deputy went to the business establishment and was given a vehicle description, license plate, and suspect description. He was advised that the drive off had occurred thirty minutes earlier, and the vehicle had left in an unknown direction. The deputy was able to view surveillance video of the suspect. The deputy then ran the license plate and learned that the vehicle was reported stolen out of Mille Lacs. The deputy left the area, and while traveling southbound on Hwy. 65 saw the vehicle and the suspect at Viking Blvd. The deputy initiated a traffic stop and was able to take the male into custody. The male identified himself with another male's driver's license, which was found out once booked into jail. The male was intoxicated and ended up being charged with possessing stolen property, felony DWI, gross misdemeanor test refusal, gross misdemeanor false information and several misdemeanor level charges.

Burglaries:

There were a total of seven burglaries reported. One suspect was arrested for committing four of the burglaries in the same night. A deputy received a call of a burglary at 1:48 a.m. The complainant advised someone had come into his house through the unlocked rear patio door, while the family was sleeping and took a flat screen T.V. The deputy was not able to see any footprints in the dew of the grass nor find any evidence at the scene. The deputy advised other deputies of the information. A little over an hour later, the same deputy received another burglary report, in the same neighborhood, of a male entering into an attached garage, through an unlocked rear door, and taking his wallet. The deputy was not able to locate any items of evidentiary value. Early the next morning the day shift deputy

was advised of a burglary, where a motorcycle had been stolen. The deputy went to the location, which was very close in proximity to the other two burglaries. The victim advised the deputy that the motorcycle had been locked in a garage. The garage locks had been broken, in order to gain access. The deputy responded back to one of the earlier burglary residences, on follow-up and did find the stolen motorcycle near the residence. The homeowner, in looking around his property in the daylight, had located footprints which were not his. The footprints went between his house and his neighbors (who had also been burgled). The footprint was bare. The T.V. was also located in the area, in the ditch.

Upon completing gathering the evidence with Anoka County Crime Scene Unit response, the deputy was called to 5K Auto on a burglary. The business had video surveillance which showed the suspect taking off his shoes, after being in the business, but prior to leaving the lot on foot. The deputy was able to follow bare footprints into the area of the homes where the burglaries had occurred. The owner and employees of the business did recognize the male, from him having been interested in a vehicle on their lot a few weeks earlier and knew the male to hang around a female who lived in the area. The deputy continued investigating and was able to locate a tent in the woods, where it appeared the suspect had been staying. The deputy was able to locate items taken from the burglaries in the vicinity of the tent. The deputy was also able to locate the suspect male and take him into custody. The male was being held for charges involving four burglaries, unauthorized use of a motor vehicle, damage to property, and possession of drug paraphernalia.

Thefts:

There were seven thefts from vehicles that mostly took place in vehicles parked in driveways overnight. One theft involved a window being broken out while the vehicle was parked at a business during day time hours. There were five thefts from homes. Two of the reports occurred as the result of two camera's belonging to two different females being stolen from a party they were attending. The cameras have since been recovered and the case is being turned over to the County Attorney's office for charging purposes.

In looking over the monthly stat's the traffic arrests have about doubled since last month. Part of that is the result of an Office of Traffic Safety Safe & Sober speeding enforcement program that was on-going during the month of July. There were deputies working extra traffic enforcement shifts, dedicated to speeding. This also includes all ACSO deputies not just the East Bethel deputies.

Last month Council Member Boyer had asked about the felony arrests being so high, for the year to date. Lieutenant Orlando said she did some digging and found out the following:

January – there was one felony arrest for 5th degree controlled substance.

February - there were two felony arrests – one for felony violation of an order for protection and one for felony domestic assault – strangulation.

March – there were seven felony arrests stemming from three different incidents. One involved a felony worthless check. One involved a felony arson. The third incident involved five felony charges for terroristic threats, 2nd & 3rd degree assault, burglary, and attempted homicide.

April – there were four felony arrests. One for burglary, one for vehicle theft, and two were for controlled substances.

May- There were four arrests stemming from the same incident in which two adult males were arrested on felony vehicle theft and felony controlled substance charges.

June- there were five incidents totaling seven arrests. One was for fleeing, two were for controlled substances, three arrests were for burglary (three suspects arrested) and one was

for criminal vehicular operation.

Julie Moline –
Service on
Planning
Commission

Lawrence explained that Ms. Julie Moline served the City of East Bethel as a Planning Commission member from 2009 until 2011. We have invited Ms. Moline to attend the meeting and will be presenting her with a plaque in honor of her service to the City. Thank her for her service.

Boyer made a motion to recognize and thank Ms. Julie Moline for her service on the Planning Commission from 2009 to 2011. Voss seconded; all in favor, motion carries.

Resolutions
Recognizing
2011-2012
East Bethel
Royalty

Boyer made a motion to adopt Resolution 2011-28 Recognizing Ms. Sara Fobaire as Miss East Bethel. Moegerle seconded; all in favor, motion carries.

Voss made a motion to adopt Resolution 2011-29 Recognizing Ms. Christian Mohr as Miss East Bethel Princess. DeRoche seconded; all in favor, motion carries.

Boyer made a motion to adopt Resolution 2011-30 Recognizing Britany Cich as Miss East Bethel Junior Princess. Voss seconded; all in favor, motion carries.

Voss made a motion to adopt Resolution 2011-31 Recognizing Joslyn Jacobson as Little Miss East Bethel. Boyer seconded; all in favor, motion carries.

All of the royalty were thanked for attending and for giving their time to serve the City of East Bethel.

Dangerous
Dog Hearing –
Christopher
Heffner –
18554
Buchanan St.
NE

Davis explained that the hearing requested by the animal owner relates to a dog bit incident that occurred on June 20, 2011. The Anoka County Sherriff’s office reported a 3-year-old Labrador Retriever in the public right of way in front of 18554 Buchanan St. NE. bit a resident.

Staff has included a copy of the incident report and the animal owners appeal. A review of city records indicates that the dog is not currently licensed.

On July 18, 2011, Mr. Heffner submitted a request for a hearing before city council. Pursuant to city code chapter 10, section 10-72, they are to be granted a hearing before the city council. Mr. Heffner will be present on August 17, 2011 to appeal the determination that the dog in question is a potentially dangerous dog.

The city council pursuant to section 10-72 has several obligations and options regarding this matter.

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

We have outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained. Mr. Heffner is present to answer any questions you may have.

Christopher Heffner of 18554 Buchanan St. NE, owner of the dog said he has a letter from Tammy Gimpl, animal control officer that he would like to give Council. He said when this incident happened he got a letter and phone call from the Building Official and he sent a response right away. Heffner said he doesn't know if you have a copy of that letter. He said in that letter he put how his lab has never been a problem of any kind, never been picked up, never run, always in a kennel, always with family. Heffner said but around this particular time, when they started the city sewer and water, Wiedema has had so many problems, moving down the road, doing their digging, pipe laying. He said it has been such a slow process so instead of being through one area such as in front of his house and the business in a half of day, they were there for a couple days. Heffner said and the big excavators, big front loaders with the hydraulics and big whining engines. He said his shop is across from his house and at the time it wasn't that hot and he had his windows open and he could hear her barking and could tell it bothered her, that high whining, high pitched, dogs don't like it.

Heffner said this incident happened right during that time that they had spent a day and a half right in front of his house and shop. He said so the only thing he could figure is it had gotten to her so much, he let her out that night like he does every night to feed her and give her water, let her run around the yard, get rid of some energy. Heffner said it was right then that the person was walking down the middle of our horse trail, because that is what we had at the time, we didn't even have a road per say. He said the whole thing happened quick and she acted like he has never seen her act, and she hasn't done it since. Heffner said since they quit and moved over to the field and out toward the highway she is a lot calmer and different and everything is well. He said this letter that he brought from Gimpl, he had her board her for a few days over the holiday weekend and he is probably going to again at this point, depending on you guys for the upcoming Labor Day weekend. Heffner said she seems to be okay with that. He said labs are not known to be aggressive, not in any way, shape or form. Heffner said this was a total shock to him as well.

Lawrence asked did this occur on your property? Heffner said no, it was right in the middle of the street. He said but to her that is our property, it is right across from his house and shop. Lawrence asked was there any blood. Heffner said he asked her to tell me and show me. He said she just had two little marks that looked like they had just barely broke the skin. Voss said the sheriff's report states that there was a small amount of blood that had come from the wound. Heffner said it was probably after she walked home. He said at the time there were just two little marks/scuffs. DeRoche asked so this has never happened before. Heffner said no, never, as a matter of fact, the day before, Sunday, she had been out all morning and afternoon with my seven grandkids, playing with them and they are ages 2 to 9, plus swimming in the pond behind my house with three of the grandkids and myself.

Moegerle asked how long have you had Molly? Heffner said since she was a baby, five years. He said she grew up with my grandkids and the everybody that works at my shop, customers at my shop. Boyer asked do you have a license and proof of rabies certificate. Heffner said he has from everything from Ham Lake that does my shots, all the tags and everything. Boyer asked but you don't have a license from East Bethel yet? Davis said no, he doesn't. He said Gimpl's letter says that the dog is current on her rabies vaccination. Heffner said he has lived here over 20 some years and had labs his whole life and he never knew East Bethel required a license on dogs.

DeRoche asked Heffner if he has talked to this person since the dog bite. Heffner said no he had his neighbor who is her friend and who she had gone to see that night try to call a couple times, he had offered to pay for any lost work or doctors bills. He said in the beginning it

sounded like to him, the way it was explained to him from his neighbor that she was all for that. Heffner said then he never got a phone call from her to make the arrangements. He said then two or weeks down the road he got a letter from her lawyer. DeRoche asked if there were any doctor reports you have seen? Heffner said he hasn't seen any doctor reports. He said he was told she went to the doctor.

Voss said he thinks in most cases in the past there is a follow up report from sheriff's office, this is just like the initial report. He said normally they follow-up with the victim. Voss said we are used to seeing more information. Boyer said he is wondering where the photograph is. Moegerle asked if any photographs were taken. Boyer said it says in the report they were. Boyer asked Lieutenant Orlando. Lot. Orlando said she does not know. DeRoche said it doesn't say who photographed it.

Tammy Gimpl of 22259 Bataan Street NE said she did have Molly for several days and she has shown no aggressive tendencies. She said she boards right in the house and she has been around my dogs and kids and husband and Molly hasn't shown any aggression. Gimpl said she wasn't there so doesn't know what happened but she is not aggressive. Moegerle asked how long of a time have you boarded her, she knows time and again? Gimpl said the two days when she had her when it happened that night, when she went and picked her up, it had just happened, it was dark out and you could tell she was anxious. She said she looped her up, she took her to her car and she hopped right in. Gimpl said the dog was totally fine, she let her run in the car, didn't have to muzzle her, nothing. She wasn't showing any signs of anything. She had her for two days then. She said then she had her for 3 ½ days over the 4th of July. Lawrence asked had you had her before? Gimpl said she met her when the dog bite happened. She said she had not met Molly before the dog bite accident. Gimpl said according to the Building Official we can let the owner confine their dogs to their own homes after a dog bite if they appear safe enough and then Heffner was going out of town, so he brought her back. Moegerle asked was the dog anxious over the 4th of July? Gimpl said no, she was anxious when I picked her up after the dog bite, but then she was just a happy go lucky dog.

Michelle Paquin of 18164 Hwy. 65 NE said her intention was to come in and express her concern that if she had been at her friends another five or ten minutes, her daughter and two of her friends were walking to meet me and on her walk and it could have very well been one of the three kids. She said it could have been one of the kids versus her. That was her main concern. Paquin said and to say there was no provoking of incident or not, she was just walking down the street when the attack occurred. She said but mainly her concern is that if that time lapse would have been there it would have been one of the three girls.

Davis said at this time, staff is seeking direction regarding the potentially dangerous dog determination in this incident pursuant to city code chapter 10, animals, article II, dogs, division 3.

Moegerle made a motion to find the dog named Molly, owned by Christopher Heffner at 18554 Buchanan St. NE is not a potentially dangerous dog as set out in East Bethel City Code, Chapter 10, Article III, and require the owner to license the dog with the City of East Bethel within 10 days. DeRoche seconded.

Boyer said in the past what we have done and what might be a better solution is to stay the determination of a finding the dog a potentially dangerous dog for a year or two years, pending no further instances and then that determination would go away. He said he would

do that because he doesn't think there is any debate that the dog actually bit someone. Boyer said there are somewhat extenuating circumstances, but the dog bit a human being and that is the problem. Moegerle asked so you are saying all the requirements under A and B but the dog would need to be licensed? Boyer said all of those would be stayed pending no further instances with the exception of number 7, which is licenses and rabies certificate.

Voss said if he can just add onto what Boyer is saying what we have done with past instances like this, particularly when there has been a bite is we have approved the potentially dangerous dog but waived everything. He said so there is record and recognition that the incident happened. Voss said then if it happens again, the stay is lifted and we look at this all over again. Moegerle said but we would have the minutes that say we went through this procedure, that would also be evidence, as well that this has gone through. She said in the absence of a photograph or that kind of thing, she understands what it means to be bit or nipped, but she is not persuaded. Moegerle said she does understand what has happened in the past, and she does acknowledge what you are saying.

Voss said there is also the distinction, like Boyer said in this case, no one is disputing any facts here, and the animal was unprovoked which fits the definition. He said many times in the past it has been somewhat uncertain if they were provoked or not, someone came on the property, or no witnesses, or that kind of thing. Moegerle said but she thought the provocation was the loud whining noise for time on in. Voss said he doesn't think the victim provoked it though. Moegerle said but the dog was stressed by the continual noise, and she thinks he even said that he was stressed by it. Boyer said he is not debating the fact that dogs can find loud noises annoying, but, you don't have to accept this.

Lawrence said we have a comment from Tammy Gimpl as our animal control officer that the dog is relatively happy go lucky. He said unfortunately for the victim she did sustain a bite and that is regrettable. Lawrence asked or was it more of a nip? His dog likes to nip a lot, but it is a puppy. He said but he sees all the stipulations you are putting on this. Voss said we are staying all of them but number 7. Moegerle said but if this happens again you can oppose all of them. She said she doesn't think anything is accomplished by imposing them and then staying them, because should it happen again, you get your second bite and impose all of them immediately. You have the record that Molly has already been here. Moegerle said she think there is a distinction between ordering all this and staying this versus not finding the dog not potentially dangerous. Boyer said he agrees there is a distinction. Moegerle said he is talking about the days of loud high pitch screaming. Voss said there are all kinds of situations that cause stress on an animal.

Paquin said there seems to be a debate going on whether it was a nip or a bite or what not, and she doesn't know if it matters. She said but she has photos on her phone of what it ended up being, she ended up with an infection and had to go through antibiotics and things like that. Paquin said she just didn't know with the debate going on about the nip or bite, if it would make a difference that she has photos on her phone. Lawrence said he knows dogs, a very calm dog like this particular animal that is happy go lucky will all of a sudden bite someone for no reason whatsoever. He said and to determine the dog is now always going to do that is another question. Lawrence asked and if we look at the layout that they put in front of us to look at for penalties, we have one that is \$300,000 in insurance that the guy has to carry. He asked Paquin do you feel this dog is really that dangerous, have you been around it since the incident. Paquin said she has not been able to be around dogs at all since this. She said as a matter of fact, her doctor referred her to a psychologist because she is having trouble with anxiety and they diagnosed it as Post Traumatic Stress due to the

situation. Paquin said she used to walk to the gas station up there every day and she is having difficulties, can't even do that. She said as far as whether it would do this again. Lawrence asked if Paquin has animals. Paquin said just two cats.

Voss said you mentioned you have photos on your phone, do you have them with you. Paquin said yes. Voss asked can you show them to us. He asked the city administrator within the ordinance how do we deal with the boarding cost. Davis said they are borne by the owner. Voss asked is this something that is automatic. Davis said that is something that we always bill back to them. Voss said he didn't see this within the staff recommendations. Lawrence asked Paquin if she has a doctor's report. Paquin said no, all she has is a summary. Moegerle asked when Paquin learned there was going to be a hearing on this matter. Paquin said she thinks she got a letter in the mail last week.

DeRoche, Lawrence and Moegerle, aye; Boyer and Voss; nay; motion carries.

Interview
Planning
Comm.
Applicants –
Appoint New
Members

Davis explained that three Planning Commission members recently resigned from the commission. Previous Member Eldon Holmes term expires on December 31, 2013, previous Member Tim Landborg's term expires on December 31, 2012 and Previous Member Julie Moline's term expires on December 31, 2011.

In response to these vacancies, we advertised on the City's website, on our community bulletin board and with e-mail notifications. The City received letters of interest from Lou Cornicelli, Tanner Balfany and Joseph Pelawa.

Staff is recommending Council interview the three candidates for the three vacancies and appoint three Planning Commission members.

Boyer made a motion to appoint the obviously qualified candidates, Lou Cornicelli, Tanner Balfany and Joseph Pelawa to the Planning Commission. Boyer asked when the terms expire. Davis explained that they expire December 31 of 2011, 2012 and 2013. He said however you want to do this, could take in order of applications received, Tanner Balfany submitted his application first, Joseph Pelawa second and Lou Cornicelli third, but however you want to do this. Moegerle said unless they have a preference. DeRoche asked if they have a preference. **Voss seconded.** Voss said if they are all here, let's give them a minute to present themselves to the Council and to the public and then we will decide who gets the longer of the terms.

Tanner Balfany of 19172 East Front Blvd. NE said he was approached by the city planner and city administrator and asked to apply. He said for the last year he has worked on the Roads Commission and done very well with that. Balfany said he ended up working on the Great River Energy project with Mr. Boyer and Ms. Moegerle and going through the CUP process, was definitely a learning experience and, per the recommendation of the city staff to make a move from roads to planning, thinking his time and energy might be more beneficial to that organization given his background. Moegerle said she noticed you also applied to the EDA. Balfany said yes, he did. He was also approached by the city at the same time to apply for the EDA, so he put it out there as willing to serve if need be. He said since then there are many more applicants and if there are people that are willing to do those positions they are more than welcome to it.

Lou Cornicelli of 4620 - 229th Avenue NE said he thinks the city planner twisted both of our arms at the same time. He said he also worked on the Great River Energy project, guess it is

not over yet, but from the beginning. Cornicelli said he has a different background, it is in biology and natural resources, but he does a lot of rule and statute writing. He deals with the legislature a lot on a statewide level in his day job, so he has a pretty good handle on rules and laws. He said he doesn't have a problem with confrontation, just listen to my voice mail. Cornicelli said it will be a good opportunity to serve the city; he enjoys this kind of stuff.

Davis said Joe Pelawa could not make it tonight.

Boyer amended his motion to appoint Tanner Balfany for a term until December 31, 2013; Lou Cornicelli for a term until December 31, 2012 and Joseph Pelawa for a term until December 31, 2011. Voss seconded the amendment; all in favor, motion carries.

Interview EDA
Comm.
Applicants –
Appoint New
Members

Davis explained that with the change in the membership on the Economic Development Authority (EDA) composition, we advertised for commission members on the City's website, on our community bulletin board and with e-mail notifications. The City received letters of interest from John Landwehr, Brian Bezanson, Sharon Lawrence, Dan Butler, Julie Lux and Troy Lachinski. Terms are suggested to be staggered and must be staggered per state statute and are for 2 and 3 year periods.

Staff is recommending Council interview the candidates for the EDA Commission and appoint two EDA Commission members.

Boyer said before we go down this road, while he doesn't mean to pick on Ms. Lawrence, he has known her for quite a while, when he was elected to Council his wife left boards. It was determined at that time it was not suitable for an elected officials significant other to serve on a city commission. He said he doesn't think he has changed his opinion on this. Moegerle asked suitable in what regard. Is there an ethical or issue of appearance of impropriety. Vierling said there is not a legal barrier to it, no. Moegerle asked is there an impropriety issue. Vierling said there may be a perception issue, in some people's minds, but there is no legal barrier. Davis said it is his understanding that Mrs. Lawrence had expressed some concern about this but she had left her application in there in light of the fact that we did not receive many applications initially for this position. Moegerle said she wants to at least hear from her and let that be part of the discussion and maybe Mrs. Lawrence wants to address that, because she has known her for a while too.

Sharon Lawrence of 455 Sims Road NE said when she first applied she didn't realize her husband; the mayor was going to serve on the committee. Moegerle said he is not. Lawrence said since there are six people besides herself that have applied she is more than happy not to serve on this committee. She said she is very interested in making sure that East Bethel gets the sewer and water project going. Lawrence said of what falls under EDA, there are a lot of things there. She said but her one goal is the sewer and water project, and she wants to make sure that, as a community, we start pushing out and trying to build up a marketable plan so we can get some new businesses. Moegerle said maybe at this point address the suitability, everybody is going to want to get up and say the same thing. Lawrence said she is willing to step down as far as that goes, she has given you her packet and maybe you can share it with the committee, her ideas, her billboard, have to have a billboard.

Moegerle said in her opinion it is totally up to Mrs. Lawrence. I /she doesn't know if we have to vote on it, but she thinks we should hear from everybody. She said whoever doesn't

get on this commission, still has to contribute. There is a moral obligation there. Lawrence said she doesn't have to serve on this committee. She just wanted to make sure we got it going. Voss said if you are not uncomfortable with the situation that is the big thing. Lawrence said no, she feels strongly about doing this. Voss said his comment is not so much of having family members in other aspects of government, was more of the process of selecting them, with Lawrence's wife being a candidate, he would be more comfortable if he wasn't part of the process of selecting them. He would hope he would be biased. Moegerle said he would just abstain from voting. Voss said it would be more than abstaining from voting, he would be more comfortable if he is not part of the process of selecting them. Voss said that is his request, he has no problem with Lawrence serving if so voted. Lawrence said he is fine with that. Moegerle said he may not want her to be on there. Voss said that is even more reason to not be involved. He said his question then is the mayor going to be part of the process? Lawrence said he doesn't have to be.

John Landwehr of 22016 East Bethel Blvd. NE said his reason for throwing out an application is he has worked in environmental consulting industry for about 25 years. He said he has worked with a lot of different economic development organizations and built some businesses over the years. Landwehr said he has lived in East Bethel continuous since 1995 and watched our little city fledge along which he doesn't think has been the most prosperous thing. He said he is a pretty strong believer in our city sewer and water program to not only move along, to have a more honest message get out there. Landwehr said this past summer he helped out in the run we had and you hear so you hear so many people not understanding what sewer and water means, and not understanding what individual septic systems mean. He said he thinks that everyone here that wants to get that message out hopefully understands what that means.

Moegerle asked in attending a lot of EDA seminars over the past seven months, one of the most important things she has heard is the importance of innovation. Can you address innovation as you see how we could innovate and how you have innovated before or innovated in East Bethel and the situation we are facing now? Landwehr said innovation is little bit difficult in some senses over the few years with jobs, but we are kind of at a tipping point right now with manufacturing where manufacturing is ready to become a more flourished market. He said we are at a point in this country where over a trillion dollars of cash in manufacturing is and there is manufacturing that has begun to do capitalized ventures. Landwehr said and there are many capitalized ventures being done by a lot of businesses. He said if they know there are places to go and businesses that wish to have things going on and a community that can support it and a jobs market and that there are employees that are willing to be there and support it. There very well may be a market for that. Moegerle asked how we would get that message out? She asked how would the EDA get that out. Moegerle asked if you were on the EDA how would you get that message out? Landwehr said one of the ways is through the Finance and Commerce that organization has a magazine that goes out. He said they are very supportive of communities.

Brian Bezanson of 22337 Quincy Street NE said he served 100 months on City Council and we had a business association many years ago and we didn't get anything done. He said we never came to any fruition. Bezanson said one of the projects he had was to try to figure out how to get fire protection into a building. He said for the record and he is sure you all know, he has spent his entire adult life in construction, from both field management to design build selling. He really liked being in the field best of all so he can't say that he is a project manager type. Bezanson said that is why he is willing to stand up here and take some more abuse. Because he didn't get job done and if there is one thing he hated it was not getting a

job done. He said he thinks it is important you all know how he felt about sewer system, but that is done, a moot point. It doesn't matter anymore. Bezanson said now the issue is to get some ERUs somehow in place so it is viable for a financial standpoint over the short term and long term. He said he thinks the talent he brings is experience in construction management. Bezanson said experience as a public official and impeccable record as a construction official. He said he was approached by city staff who said we have an opening here, why don't you make an application.

DeRoche asked what is your take from an EDA standpoint build it and they will come and wait for businesses versus going out trying to recruit the businesses? Bezanson said the biggest thing that we have going in East Bethel now is the same thing we had 10, 12 years ago. He said if you take a look at what is in Sauter's Commercial Park, businesses that need a very high amount of land at a very cheap price. Bezanson said the former city clerk, Sherry, would just rail at me being a construction guy that "Brian all we are getting is construction companies here, what do we do to not get construction companies?" He said he doesn't think we are going to get heavy manufacturing companies here; we might get some light manufacturing. Bezanson said he thinks there is some hospitality issues that could be addressed so far as that. He asked how far do you have to go to get a hotel room around here right now? Boyer said about four miles from the southern border. Bezanson said he thinks that is six miles. He said the other thing is as the economy improves, one of first thing that turns around is restaurants. Bezanson said we have a number of places around town right now. He patronizes them all. He said he thinks there are possibilities along those lines. Bezanson said if you think we are going to get Saturn plant here that is not going to happen. That is right they don't make Saturn anymore.

DeRoche asked what do you think is the big selling point of the city that makes people want to come to East Bethel? Bezanson said a sole point is that right now we have got a lot of skilled and hard working labor force. He said there are a lot of skilled craftsman around here be it carpenters, pipefitters, machinists, whatever that aren't working right now and he would think that would be something that someone should be looking at. DeRoche asked being that there would be seven persons on this commission, do you think that would be an issue as far as too many ideas, or do think that is a pretty good number? What do you think is an ideal situation so you don't have people throwing things out there and constantly getting into this battle. Bezanson said he has seen five people manage to spill a lot of blood themselves, experience in this himself. He said he thinks seven is a workable number, when you get over that it starts getting cumbersome and he thinks three is not enough.

DeRoche said we made the decision to go with two council members and five ad hoc members and he asked what is your take on that. He said he is looking from the city's standpoint; he was looking for a more diversified commission. Bezanson said he thinks it is a good idea to have two council members. Let's be realistic. You can get a consensus, depending on who the two council members are, but if you get two council members there that both agree, then you can probably get it through council because you only have to count to three up there. DeRoche said he is looking at best interest of the city versus not personal agenda. He said his situation is it needs to be diversity and ideas and if people are doing it for their own agenda, this is not the place for it. Bezanson said he couldn't agree more with that, leave the personal agendas behind.

Boyer said something you didn't touch on is, known you for a lot of years, worked with you a lot, is your degree in economics. You still read in economics a lot. We have a lot of conversations on it, and you haven't mentioned it. So he is throwing you a softball here.

Bezanson said yes, he does. He said he has to apologize for the brevity of how he filled out the questionnaire, he just got back from a 3800 mile motorcycle trip on Sunday still smiling and the ringing is still in his ears. Bezanson said yes, he does have a degree in economics, he spent one semester of his misspent youth at the William Mitchell College of Law, done some research on other things, but he does have a college degree for whatever that is worth these days.

Moegerle said she is going to ask you the question she asked John and the first person always has the hardest time. The question about innovation. Innovation is the keystone for all of economic development meetings she has been to. What kind of innovation do you see East Bethel doing to make a success of the sewer and water project and getting the ERUs to make it viable and to pay for itself? Bezanson said that is a tough question. Moegerle said it is what we are facing. Bezanson said yes, and you have to look at why we are competing against. He said he thinks number one, we have to keep on hammering on the state about improving transportation system in the state, specifically on Hwy. 65. He said it isn't often he would say Co. Road 22 would be an asset but you know it might be a tough sell but with 22 you have access to 10 and 35 fairly easy. Bezanson said innovating and the widgets is the widget maker's job. He said he has always believed strongly in the quality of the people we have living in the city, pretty plain spoken blue collar type guys. Bezanson said but you know it. To fix things and build things it takes smarts. That is what you need to have to in a manufacturing plant, to a certain degree, is guys and women that can put things together. So he goes back to what he touched on before with DeRoche. He thinks that doing research on what can we offer labor force in this community. Bezanson said obviously you draw from other than just East Bethel, Kanabec County and Isanti County, his point of innovation.

Sharon Lawrence of 455 Sims Road NE said she already gave her speech already. She said but she could answer Moegerle's question on innovation. Lawrence said she gave you her goals and objectives in an outline she presented you, but when it comes to innovation we need to really define. We have this property what could actually go there? And look to market it. She said get a plan together. Get a package that we could send out to prospective businesses and developers. Think there should be an advisory committee with key people that could help us. What kind of businesses, you have a square here, what businesses could go in this square. Lawrence said how much land does it take to put a Target together, lets say? She said last fall when the sewer and water was going in she actually called Target to find out if they were moving to some other places and at the time they had come out in the newspaper saying they were only developing new sites in Canada. Lawrence said however, now maybe that will be changing. We are so close here maybe they will move here, even though we have Targets close to here. She said she really wants to concentrate on the marketing part of it; trying to get a great brochure put together, get a packet put together, to let these people know what we have.

Lawrence said when it comes to why we want to go to East Bethel one of the things we have is we have the most beautiful city. We have gorgeous parks and we have nature reserves. We have a lot of people for potential customers, as well as people who want to get jobs. She said, so part of her marketing is she saw a billboard on 35W and she thought we have to do something like that, just knock the socks off of people driving down Hwy. 65. Saying, "Come to East Bethel, Come and Grow With Us" and put some pictures up there. So when they drive by they say oh, look at that! Lawrence said so they aren't just seeing our big sewer pipes. It is exciting to see that going. She said but to say that we are a city that is growing and we want you to come and we will do things to help you come. Lawrence said so there are a lot of things this committee can do. But she thinks one area she would like to

see them develop a good plan. She said she hopes the committee has enough money to design a brochure or packet and make a presentation to developers as well as businesses that are looking to grow within East Bethel.

Mayor Lawrence said since I can't vote for you, would you like to list some of the things you have done in the past that would assist you in doing what your vision is. Lawrence said one of the big things she did is worked on county boards before and one of the things was Anoka County task force for battered women. She said and one of the things we did there in that three year commitment was created the Alexandra House. Lawrence said during that time we met with all kinds of people, gathered information and tried to educate everyone in the community, especially law enforcement. She said when she got an opportunity to serve in the Minnesota House, she got to carry a bill that required police officers to make an arrest and she thinks in these instances she can work with all law enforcement. Lawrence said they were all against this, so we had the chiefs and the sheriffs all saying we didn't want to do these things. She has expertise working with other professionals and educating them to helping us here.

Dan Butler of 20332 Austin Street NE said he currently is on the Parks Commission and he thinks it is really important for the City of East Bethel to come together collectively in mind, body and spirit and put all of the things that have happened in the past, in the past. He said these cameras are showing the people that are going to think about coming here, who we are. Butler said so we really have to come to a new consensus and he thinks that is one of the things he can do really well is build consensus in a group. He said that is one of his first strengths. Butler said we have a wonderful resource right out here, Highway 65. He asked how many retailers would like to have that many cars going by their store every day? Butler said he thinks putting a brochure together is a great idea, but we have to go out and contact. He said we have to figure out what is marketable for the city, on Hwy. 65 and Co. 22 intersection with what is missing.

Butler said what is really missing in his minds eyes is there is a Menards and a Lowes down in Blaine. Whenever you look where there is a Home Depot there is a food business. He said look at Blaine Town Center, off of Lexington. There is a Home Depot and a Cub Foods. Butler said he really thinks that reaching out to some of these larger corporations and saying here is our plan, and here is what we can offer. We would like you to come visit the city and visit with the committee. He said he brings a huge background of meeting with CEO's of these corporations, major corporations, Kohl's department stores. Butler said he has run businesses for Surley and their clothing division. I have my own business and have been in business for 35 years. He said filler is not an option for the city on this, and filler is not in my vocabulary. Butler said we need to make this work as a city, so that the taxpayers of the city can see the return on the investment we are making. He said he is fervent in that. Butler said he also took it upon himself to raise funds for old schoolhouse. He is in the process of knocking on doors, and thinks we are upwards around \$1,000 in donations in terms of that and he is putting his name in the hat for this. He said he talked to the city administrator and he said he thought he would be a good addition, so why don't you put your application in.

Moegerle asked is your business in East Bethel and why or why not. Butler said it is in East Bethel. Moegerle asked because you do it out of your home? Butler said he has two offices, one in East Bethel and one in Apple Valley. He said as the past president of the Ham Lake Area Chamber of Commerce, as a member of the Park Commission, as a member of Beaverbrook Gun Club, as a member of this community, he works and serves his clients in

this community as well as his son does in his Apple Valley office. Butler said plus it is a lot easier commute with gas at \$3.95 a gallon. He said innovatively we can't send brochures out. We have to be contacting people. We have to find out who the decision makers are and research the vision of Home Depot. Butler said we have to do the same things for Kohl's department stores, Cub Foods, Rainbow, any other possible retailers where the synergies mesh. Sending brochures is great, and if we have a great brochure to send out that is even better, but we need to be out contacting.

Moegerle said to follow up on that, and she thinks it is a great idea, and it is true, but who does it, do we hire that out? Butler said heck no, we go out and do that. We knock on doors. Moegerle asked the EDA members or the staff? Butler said absolutely. He said if you are going to be on the EDA you are going to be sitting on your butt, he is out knocking on doors asking for pledges for the schoolhouse, he isn't getting any money for that. Butler said if he is going to be on the EDA he isn't going to be waiting for someone else to call up Kohl's. DeRoche said you understand this isn't a very high paid position right? Butler said neither is getting donations for the schoolhouse. He isn't even getting 50% of 50%. He said he thinks the EDA has to be proactive and to Bob's question to Brian about five and two he thinks it is great because the more diversity you can get from the citizens of East Bethel the better off we are going to be. Moegerle asked so would you resign Parks and schoolhouse or would you continue and do both. Butler said the schoolhouse is his pet project; he is going to continue doing this, come EDA or high water.

Julie Lux of said just listening to everyone she brings an interesting prospective in that she has never served on any political board before. She said she has long served on many professional boards and non profit boards, she has been in the commercial real estate business for 22 years and has served well and long on those, but she saw the article in her newsletter and it just called to her. Lux said she thought we as citizens, if we have skills and ideas and other ways to reach out to the community, we have an obligation to serve. She said so your question about innovation Sharon hit it right on it, its community, its marketing, its reaching out to the national retailers, and she respectfully disagrees it is not from an EDA Board Member, she thinks it needs to be somebody that is in that circle. Lux said she has been marketing a site in Ham Lake for three years and right on Hwy. 65 with no water and sewer with frustration upon frustration. Sitting with real estate boards. Sitting back in their offices in New Jersey. Here is the box, water and sewer, no. She said there are specific things they want, we need to sell the traffic counts, the idea of our rooftops not within their traditional 1, 2 and 5 mile radius, we bring people from Isanti County, we bring people from Oak Grove, a major east/west thoroughfare.

Moegerle said that sounds wonderful, but you said you would not market in this area. She said eventually assignments are going to be for six years. The first ones that we appoint are for two to three years then after that will be for six years, so we are asking for a substantial financial commitment because this is what you do. Lux said but, quite honestly, she is a multi-housing investment broker. She only has that piece in Ham Lake because it is a family member, and as she mentioned in her application she monitors that piece in Ham Lake because her father is an investor in it. She said she is not personally marketing the property in Ham Lake, but she does have the advantage of the other people in her office just hearing what is going on in that national real estate arena. Lux said just thinks it brings a different prospective, but she in no way would look to do business. She doesn't own a commercial property, nor does she have any clients. She said she sells apartment buildings mostly in downtown Minneapolis. Moegerle said problem solved.

Moegerle asked so the approach you are suggesting is we hire a consultant to do this or staff does this. We should have a professional do this, marketing, develop that idea for us. Lux said you have private land owners all up and down the commercial corridor so there has to be a way for them to have the tools. A lot of these places are listed with commercial real estate brokers already, you have a website, like the idea of a brochure, but also like the idea of a personal visit. She said but she has to tell you if you make the calls to these people, they don't know who you are or they are not going to answer your call. Lux said so there has to be a way to figure out here is the big message. Here is the big presentation. We are all going to come in and as a whole committee and do this, just an idea. She said she thinks there are ways to communicate to businesses the benefits of being in East Bethel. Lux said she focuses on retailers, but not only to retailers but manufacturing, there are a lot of people out of work here and businesses that could relocate, we have the land.

DeRoche asked from financial standpoint and the shape the country is in right now, manufacturing is down, businesses are going down, either moving out of the country or fuel costs, do you think there is a way to overcome that to bring businesses up here? Lux said in some sectors manufacturing is up, and we have had some positive job growth in some sectors. She said she thinks the importance is positivity and focusing on the good aspects of we have to offer, so yes, she thinks we can overcome that because we are not going to be like this forever. Lux said if we can position ourselves ready to capture the new businesses that come along, think that is important, it is a pivotal time to do that.

Troy Lachinski of 22286 Vermillion Street NE said we got these questions mailed to us but he doesn't see the questions that are being asked on there. He said has been living in this community for several years now, moved here from Coon Rapids. Lachinski said he has heard some people say that nobody wants to come to East Bethel. Well he wanted to get out of the city, wanted to have a place where we had a little more space to move and it was really beautiful up here. A lot of great people he has met and since he moved here and he thinks it is a great community. He said it is the first time in his life that he has felt like this is his community and want to make it a better place. Lachinski said he was really excited to hear the other applicants and what they had to say because no matter what happens the EDA is going to be in great shape and we will get some great ideas. He said whether it is me participating or not.

Moegerle asked about innovation. Lachinski said to be honest; he doesn't really know what people do to bring businesses into the city today. He said so his innovation might be not knowing what to do and coming up with some ideas. He would have to do some research and find out what other cities do to bring businesses in. Lachinski said but he would echo what other people have said and we do have some very strong points to our city. We do have an eight mile stretch of Hwy. 65 with a lot of traffic going through everyday. So it would seem natural that would be a spot that people would stop on their way home from work. He said and we do have a growing population. If you look at the ten year population, East Bethel is one of the largest growing cities around. Lachinski said don't know if that answered your question. Moegerle said you have said you are a clean slate kind of person, so the sky is the limit. She said you can read it both ways, and the last one is hard, going last is not easy. Lachinski said what he would like to see in East Bethel is to increase the commercial tax base and ease the tax base burden on homeowners. He said and also to for the community, not for our residents, but to create jobs for our kids so they don't have to drive somewhere else. And if you even think about kids going out on a date night, we do have a movie theatre but we don't have really have that many family orientated restaurants to choose from. Lachinski said we have restaurants that he likes to go to and we like to

bring our families there, but there is not really good teenage date style restaurants in the city. Moegerle said not to go on about that, but there is not really many places for breakfast either. Lachinski said that is true.

DeRoche asked do you have any ideas what kind of businesses you think would fit in along Hwy. 65? Lachinski said he does think hospitality; restaurants and other types of places for younger people to go to and for families. Lachinski said Steve ask me a question. Voss said he hasn't asked anyone a question yet, he read everything. Moegerle said she has a general question. Kicking ideas around the city planner, city administrator and I have said to get this jumped started, council had a retreat when Council Member Klein was around, we might want to have a retreat, maybe two Saturdays. Would you be available for this type of meeting, to get this started and anybody else that wants to raise their hands. Lachinski said sure, and he would be willing to share his ideas even if he wasn't selected. Moegerle said that is a requirement of applying. Didn't you see the fine print? She said this is wonderful and a very difficult decision and she thanks all of you for applying.

Davis passed out ballots for tallying.

Boyer made a motion to appoint Julie Lux for a term until December 31, 2015 and Brian Bezanson for a term until December 31, 2014 to the Economic Development Authority (EDA) Commission. Moegerle seconded; all in favor, motion carries.

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the Public Forum was closed.

2012 Sheriff Contract Davis explained that he Anoka County Sheriff's Office (ACSO) has provided the City of East Bethel with police services since 1973. The City has increased the scope of services over the past 38 years to currently include 40 hour per day coverage.

The cost for police services has increased 80% over the past 6 years from \$571,786 in 2005 to \$1,029,218 in 2011. A significant portion of these costs reflect an increase in service. However, it must be noted that all calls for service have decreased by 29.1% between 2005 and 2010.

The following options are presented for consideration for the 2012 law enforcement contract. All options provide the minimum coverage of 40% proactive time and include the cost of a 20 hour per week CSO. All options shall address issues of accountability and flexibility in final contract documents.

With the exception of Option 1, all the other proposals attempt to match the crime and call trends with a corresponding decrease of expenditures to reflect these conditions.

OPTION 1

Option 1 is a continuation of the current 40 hour week city boundary coverage that the City currently has contracted. The cost for this service in 2011 is \$1,037,218 and the proposed service agreement for the same coverage in 2012 would be \$1,092,641 not including any credits for State Police Aid. This coverage is exclusive to East Bethel.

OPTION 2

This city boundary plan would result in a reduction in coverage from 40 to 32 hours per day. Again, under this plan, coverage is exclusive to East Bethel. The cost of this plan is

\$897,112 including the cost of 20 hours per week of CSO service.

This plan represents a savings of up to \$195,529 over the estimated cost of the proposed 2012 forty hour coverage contract.

OPTION 3

The ACSO has made a proposal to consolidate police protection services into a single patrol "district" which would cover the Cities of East Bethel, Ham Lake and Oak Grove. This "District" concept would be administered under an agreement between the three cities and offer a reduction in the costs of police services.

Under the most recent proposal, the cost to the City of East Bethel would range from \$770,655 to \$849,826 depending on the final cost allocation formula for the "District" police services for 2012. The addition of a CSO would be at a cost of \$46,343 for 20 hour/week service.

There would no guaranteed or dedicated hours allocated to each City and coverage could vary depending on the priority of calls and officer leave times.

This option would result in a savings ranging from \$275,643 to \$190,001.

OPTION 4

This alternative would utilize the District concept of consolidated and shared services to provide for additional coverage over and above that available from Option 3. This option would provide for approximately 88 hours of coverage per day for the three Cities. Again, there would no guaranteed or dedicated hours allocated to each City and coverage could vary depending on the priority of calls and officer leave times.

The cost for this option would range from \$814,270 to \$897,922 depending on the final allocation of costs. The addition of a CSO would add another \$46,343 to this cost.

Total savings for this option would range from \$232,028 to \$141,539.

OPTION 5

This plan proposes an individual contract with the ACSO for 36 hour per day coverage and a 20 hour per week CSO at a cost of \$897,112. With the addition of a CSO the total coverage would be 40 hours per day.

Total cost of this proposal is estimated to be \$999,152 or a savings of \$93,489 over the 2012 forty hour coverage contract, plus CSO. This is a 10% reduction in sworn officer coverage, a 9.1% decrease in total coverage and an 8.6% reduction in cost from the proposed 2012 contract.

This option replaces the Option 5 that was presented at the August 3, 2011 Council meeting. The previous Option 5 proposed 32 hour coverage and sharing an officer with Ham Lake for an additional 4 hours. The ACSO has provided costs for this proposal and a straight 36 hour coverage contract and they are identical. It also appears the Ham Lake may be considering other alternatives for their law enforcement needs. Ham Lake did have a meeting tonight to discuss having their own police department.

The 36 hour coverage plan including a CSO appears to be justified in light of the 29.1%

reduction in all calls and the overall reduction in the categories of reportable incidents as indicated in the attachments.

All costs for these options could vary slightly depending on any final adjustments in the ACSO contract. Any cost changes would be proportional. These figures do not account for reductions that could be credited from Police State Aid. This amount is to be determined but could range from \$38,304 to \$47,880 depending on the contract option selected.

Again, all options provide the minimum coverage of 40% proactive time and include the cost of a 20 hour per week CSO. All options shall address issues of accountability and flexibility in final contract documents.

Staff recommends that Council consider Option 5 as the coverage contract for 2012 with the ACSO.

Mark Korin, Mayor of Oak Grove said it is true we had two city council members and himself attend the Ham Lake city council meeting tonight. He said their discussion tonight was focused on creating their own police force. Korin said they focused on that police force because East Bethel had chosen to stay away from the districting idea. He said because there is no forward motion or the sheriff's office had a deadline of September 1st for a decision for all of our cities, they took it upon themselves to look at their own police force. Korin said one of the discussions we had was could districting work. He said and at the last meeting you had that he attended, the thought was could we get the districting to work for all our cities.

Korin said we are all in Anoka County and right now we have Ham Lake cars going to East Bethel and Oak Grove cars going to Ham Lake. He said he thinks we have districting anyways, but the problem is they are looking at their own individual police force option down in Ham Lake. Korin said so we, at Oak Grove, took a motion at our council to look at all options whether it is a police option, district option or an individual contract. He said we are just trying to figure out what works for all of us as cities, as leaders and working together at trying to get this districting concept to work. Korin said if it is not going to work for any of our cities then we might as well move on and go on to the other options. He said right now our council, and he is just speaking for himself, but our council has said districting might work, lets talk to the other cities and see if it is a viable option. Voss said that is the intention tonight to get that resolved since this is our last meeting before September 1st. Korin said that is the problem. We have to make a decision. He said he doesn't think there is enough information on how this is going to work. Korin said in his opinion, we are the lowest call rate for our three cities, you and Ham Lake would take most of the call coverage. So there are some things we are worried about as council to make sure our citizens are covered. He said but right now we do have a districting option that is already happening. So we are looking at cost savings. Can we get the same kind of coverage and response times for our citizens along with your citizens. That is what we are looking for.

Moegerle said the question she has, is the document we received from an attorney that was prepared by Ham Lake and divided up the cost (basically 20% for Oak Grove, 40% for Ham Lake and 40% for East Bethel) was that written in stone from your point of view? Or is that just a jumping off point? Korin said well let's talk about the districting. We did not come up with this, Mayor Mike VanKirk did not come up with the districting concept. He said that was provided to us by the sheriff as a cost savings alternative. He doesn't believe they would have presented an option that be substandard for any one of our cities. Korin said he

presented this to us from a cost savings standpoint; how this would work out logistically. I don't think the sheriff would offer that option and provide substandard coverage. Moegerle said she was not talking about 40% proactive time. She was talking about the division of costs. Is that written in stone? Korin said from his understanding the sheriff looked at call rates and he divided up costs based on the actual call rates of the existing coverage and the actual cities had in general. He said Dan Denno is our liaison with the sheriff and he worked on this, and he is in the audience tonight also. So if you want specifics on those issues, he might be better on this.

Voss asked did the Joint Powers Agreement (JPA) come from the sheriff's office, the 40/40/20? Moegerle said no that came from Ham Lake. Davis said that came from Ham Lake, turn to page 30 in your packet and see the breakdown that is provided based on percentage per calls. Korin said but the numbers were based on the calls was right from the sheriffs department. Voss said he thinks you are referring to the JPA. That is not the numbers that the sheriff came up with. Korin said the costs were based on what the existing rates were and the call rates. Davis said to clarify that, the proposal the sheriff's office sent us was based on the percentage of calls. The proposal we got from the JPA was developed by Ham Lake's attorney at a different cost allocation. Voss said what the sheriff had proposed was 43% for Ham Lake. Korin said the numbers came from the sheriff. They didn't come from us. Voss said we can defer, that is fine we didn't say it came from Oak Grove. Boyer said we have no interest in subsidizing your two cities.

Voss said we are going over ground we went over last time. Korin said he is here to answer any questions, not to make your decision, just trying to be of help. Lawrence said the one comment we had from the last meeting, was Deputy Sheriff Wells said that if we had an officer that was absent due to illness we wouldn't have coverage. He said he talked to the Sheriff Stuart about that today and he said that was incorrect. He said we will cover; we do have a plan to cover missing officers from work. Korin said he would not be interested in a districting option but the sheriff made a comment to him he said, "If you needed the cavalry, the cavalry will come." He said that is currently what we have, so in his opinion, you are benefiting from cost savings at the same time as benefitting from the depth of the sheriff's department.

Moegerle said what we have in our packet is the calls percentage for 2010 was 21% Oak Grove, East Bethel 35.73% and Ham Lake 43.26%. She asked if we decided to go with Option 5, or a district plan, dividing it up on those percentages would that be something you would entertain. Korin said we were always interested in looking at all options. The breakup of the costs his understanding was it was based on the existing costs for each of the cities, regardless of call rates and the percentage of savings the cities would benefit from that. Moegerle said regardless of the decision we make tonight, and we do need to make a decision tonight she understands unless we set a subsequent meeting. Davis said we need to make a decision by September 1st if we wish to participate in the district plan. Korin said at the Ham Lake city council meeting, the discussion was to ask the sheriff if there would be some leeway and obviously the sheriff said there would be some additional time. He said they set another meeting and after the sheriff gets back, they set a date for a special meeting to go over having their own police force and to discuss options with the sheriff.

Davis said the district concept is very appealing from the cost savings basis. But do you think that we need more time to work out any issues, or any misconceptions and to get everything taken care of upfront before this is entertained? Korin said he believes there are a number of patrol issues that have to ironed out. But if you have Anoka County come in here

anyways their officers on duty would set up patrol in your city anyways. He said so that could change, based on the types of people they bring in, if you change Community Service Officer, the numbers of officers. They are going to set up their own patrols. He is sure that would be unique for your city. Korin said those things would be out of our control. They would probably be in control of the officers on duty, don't know what the terms are, sergeants to direct the officers for patrolling and correct coverage in different cities.

Boyer said he is getting kind of confused, because last time when he brought up the discussion on districting, you told me we weren't talking about it. And Lawrence chastised me for bringing it up. And now here we are talking about it all over again when we don't have a Lieutenant here. Lawrence said he thinks you are mistaken. Boyer said no, he is not mistaken, we have tapes. Lawrence said the districting has always been there. He asked Korin do you think there is enough time to put the districting stuff together to make it work? Korin said he thinks the sheriff would need to hire officers to serve the cities no matter what we decide to do. If you choose to do your own, and Ham Lake decides their own PD and we decide our own. He said that is why they were asking for the cities to make a decision by September 1st. Korin said we need to discuss with our whole Council. We haven't decided anything yet. We are waiting on Ham Lake and East Bethel, and it is kind of like we are waiting on each other.

Moegerle said she has a question; she is leaning towards a 36 hour coverage each day and every day. Option 5 originally came out as being a 32 hour city boundary option plus a 4 hour district concept and that was taken off the table she understood because Ham Lake wasn't interested in going with that or was going with something else. She asked is that something that, if Ham Lake goes their own direction or with their own PD, is that something that Oak Grove would be interested in? Or if we wanted to go with 36 hour coverage should it just be a city boundary? Moegerle said it would be splitting an 8 hour shift with Oak Grove. Would that work with your plans, she knows you can't speak for your council, but just generally.

Korin said he is just going to speak for himself. He did get an opportunity to speak with Sheriff Stuart at the Ham Lake city council meeting. He said he did ask him about the 20 hour coverage. Korin said for 20 years we have had 16 hours of coverage. He said when Sheriff Andersohn was in there he forced 24 hours of coverage on us, which a lot of council members and himself included weren't happy with. Korin said so they negotiated half a year transition on 24 hours coverage and now we have a chance to renegotiate that. And he did and will be providing our council with a 20 hour coverage, a car that on of our 4 hours is in Oak Grove and 4 hours is in East Bethel. Moegerle asked so that would be one of your options? Korin said that is one of our options. Moegerle asked so if we said we are interested in a 36 hour option, however we get there, that is something that could be worked out. Korin said that is something that could be worked out? He said he doesn't know what the rest of the council is going to do. Moegerle said she is also talking for herself. Korin said so everyone is clear, he doesn't make decisions for all of his council. He wants that on the record. He said but he is here to respectfully ask that at least an understanding that we are as a city bordering each other, we are in Anoka County, and we are already do have cars going over that border. So we are looking at ways that we can save money and still get coverage for both cities.

Voss said to clarify too, the East Bethel cars do not patrol in Oak Grove and vice versa. The Oak Grove cars do not patrol in East Bethel. He said if there is an emergency they all respond, all Anoka County cars. Voss said but we are talking about patrolling here and East

Bethel car does not patrol in Oak Grove. Korin said all of your citizens are paying Anoka County taxes which pays for that already. Voss said the comment is our patrol cars patrol East Bethel. We pay for the service we request. Korin said you pay for service, but you are not guaranteed that they would be in your city for that guaranteed hours. Voss asked Lieutenant Orlando, "Are our contract cars on patrol are we paying for them to patrol in other cities?" Lieutenant Orlando said no, not to patrol. She said if there is a major incident, they go. Voss said and he would expect our cars to go when needed. Boyer said and vice versa. He said he needs to say to cut through some of this crap, if this balances out. Boyer said it is not hard, the mutual aid calls are going to balance out, that is what happens, that is why it is called mutual aid.

DeRoche said he is a little stymied here, whenever we are trying to get information it is considered crap, mickey mouse, or whatever. He said we are up here to get information and not get belligerent with anyone; we are up here to get information. Voss asked what information are you asking for, for the past three meetings on the sheriff you have been asking for information. DeRoche said if Mr. Korin could just speak, but he keeps getting interrupted, and he thinks that is totally inappropriate. Moegerle said she seconds that. Voss said he must be in a different room. Moegerle said you just told him he was saying crap, how rude can that be to a neighboring mayor. Korin said he is just here to offer his opinion, if it doesn't fit with the plan you want to vote on for your city, he is not here to sway you in any way. He said he is just saying that as a mayor from his city, there is a possibility of working on districting. Korin said if you have any interest in this, he would like to know so that we can move forward as a city also.

Voss said he thinks Option 5 as written with Ham Lake, to share an officer with Oak Grove that is an option we can consider too. He said he honestly thinks, we had this discussion before, about having a police department and it took us eight months to get through it, don't think Ham Lake is going to get it done in eight hours. Korin said we have been working on this for over a year. Voss said he is talking about having a police department that Ham Lake is also talking about.

Moegerle said she didn't get to finish her thought earlier, regardless of the outcome here, would Oak Grove be open to having a three city law enforcement committee with representatives from the council to discuss next years sheriffing and policing. Korin said he would be interested in looking at all options from a savings standpoint and police protection standpoint. He said we are always looking at new opportunities. Korin said he doesn't think we should be condemned because we are asking for something outside of the ordinary. He said Ham Lake is looking at their own individual police department. Korin said is it a viable thing? Who knows? But they shouldn't be condemned for asking the question. Voss said he thinks it is a good idea. All three cities have liaisons to the sheriff's office and they can get together and look at next year. Moegerle said she was suggesting they liaison with each other. Korin said what we should have done, at the very beginning of this contract, is we should have brought this up. That all three cities say let's get this going, talk and, if it is going to work it is, if not, then it is not. Davis said that is why he brought that up in the beginning. He thinks there are things that need to be worked out, cost allocations and it may be premature at this stage to consider the district concept and maybe we need a year to develop it. He said he is sure that the opportunity to meet with people to discuss these matters would be good.

DeRoche asked has anyone given thought to having a consultant brought in, along with the three cities to explore this? Have the consultant go through the contracts and say this is what

this means? He said we can speculate all we want, but the fact of the matter is, you get a neutral party in there that knows what they are doing, to him that makes sense. DeRoche said maybe trying to get information to some people is a waste of time. But to him it is something we need to look at. Korin said he thinks it is an unbiased opinion you are asking for. I think that is a good possibility, to be honest with you, if it wasn't for Mayor VanKirk, myself and Mayor Lawrence he doesn't think we would even have an option, any option but what was presented to us two years ago.

DeRoche said he thinks looking at all options is a viable thing and he thinks everyone should be doing it. He said sometimes you get locked into the same thing and change is scary. And in these financial times, everyone has to look at their budget and what is the best way to do it and yet keep good coverage for the cities.

DeRoche said you are right. The cities in, a sense, already do mutual aide. That is not a new concept. What's new is getting it all together and understanding these contracts. He said he is not an expert at it. And he doesn't know anyone on this council that is an expert at reading these contracts and we have found that having a separate consultant come in and go over these types of contracts that is has been real beneficial, because it is an unbiased opinion. DeRoche said and we have been able to make decisions based on that. He thinks that is where we got to go. Korin said he is just here to offer our viewpoints and he thinks the districting concept is a very viable option. We know where we sit with the 24 hours, and we are going to see where we sit with the 20 hour contract. He said we are also going to see what happens with Ham Lake and with their own police department.

Boyer said again there is no savings with the districting really. From East Bethel's perspective the savings is by cutting the service by 20%. That is where the savings is and that is what this whole debate is about. He said for the last 6 years, whenever we went to the 40 hours, whatever year it was we have seen nothing but declining crime rates in this city because we are doing the right thing. And to change is ridiculous in his opinion. Boyer said we are talking about minuscule savings on a household here. If he said to you \$2 a month is what you would save or you could have less police service. Who is not going to spend the \$2? This is a ludicrous argument. Lawrence said he would like to thank Korin for the information, he thinks it has been very valuable for the City of East Bethel. Moegerle said thank you for attending two city council meetings in one night. That is heroic.

Moegerle made a motion to adopt Option 5, which is the 36 hour contract with the Anoka County Sheriff's Office to be devised either as a full city boundary contract or as a 32 hour a day coverage plus a shared district concept for the remaining 4 hours of contract and if the second option is chosen we want it to be prorated cost based upon proportionate share of 2010 calls. Voss asked if this is districting with Ham Lake? Moegerle said no, Option 5 was originally shared with Ham Lake, but it doesn't matter if it is shared with Ham Lake or Oak Grove, as long as that cost is divided pro-rata based upon the 2010 call rates. She said so a 36 hour city boundary contract or a 32 hour contract with city boundary plus 4 hours a day shared districts so it is still 36 hours a day coverage. **DeRoche seconded.**

Voss said he is still not clear here. He asked if one of the two cities is not interested in sharing an officer, your motion then is 36 hours. Moegerle said her motion is 36 hours. Voss said the sheriff's office is not interested in that though right, isn't that the mess you have with Ham Lake right now. Lieutenant Orlando said we proposed the Option 5, 36 hours coverage for East Bethel with CSO coverage. She said it is really not going to affect

East Bethel if Ham Lake goes with their own police department and Oak Grove goes with their own contract. Moegerle said either way. However it works. Voss said so either way we will have 36 hours of coverage. Davis said plus CSO services.

Voss said so we are looking at a difference of \$14 a year on an average home to reduce coverage by 10%. Moegerle said she thought that was an inaccurate way of doing that but that is one way of looking at it. Voss asked why is that inaccurate. He said what Davis did is he looked at a \$175,000 valued home and he worked out the portion of tax bill that goes towards sheriff's contract. Voss said so for Option 1 it is roughly \$169 a year and by the proposed coverage that cost on that home will go down to \$155 a year, a little over a dollar a month. Boyer said he thinks at the last meeting he said \$13.60 and you made fun of him. Moegerle said the point she made last time, which was early on when we were discussing the trail that goes nowhere, and she talked about \$5 per household she was ridiculed about being an immature council person to look at cost per household. She said because these dollars add up to real money and we were talking about \$600,000 then. Voss said he doesn't remember that. Moegerle said that was the effect. So long as we have intellectual rigor here, either that is a valid way of looking at things or not. And your original opinion is it wasn't. Voss said because it was divided by the number of households, that is not the way you look at the tax bill for each household.

Moegerle said but we are doing this for the sheriff now, is that correct. Voss said we are looking at the tax bills, we are looking at values, and we are looking at the rate that they pay. Moegerle said she doesn't understand the distinction and she is trying to understand. Voss said you are taking the number of homes and a dollar amount and you divide it out and it comes up with a value. But the incorrect assumption is everyone pays the same tax and they do not, the tax on a \$100,000 home is not the same as on a \$900,000 home. Moegerle said the point was to give the public ideas of what we are talking about, this is more refined she understands that, and understand what you are saying. She said either you divide by household or you don't. Voss said you don't, do you agree with that. Lawrence said but you just divided it by that. Voss said no, this is based on a \$175,000 valued home. He said if you assume everyone has a home valued at \$175,000 the net affect is reducing the tax by \$14 a month. Voss said if someone has a \$900,000 valued home they are going to pay a lot more than someone with a \$100,000 home. DeRoche said he is losing the point. What is the point of this elongated conversation here? Voss said the point is if we all had homes at \$175,000 value the difference in his cost and your cost is the net effect is reducing your cost by a dollar a month. DeRoche said that is fine, but not everyone has a \$175,000 value home. He said so assumptions aren't necessarily the best idea. Voss said you own twice that, then it is \$2 a month. DeRoche said the last meeting you went on and on beating a dead horse, which is what we are going through again. He asked where are we going. In a circle?

Boyer said the thing he is most concerned about is we are at 51-52% for proactive time right now. He said what 40% average means is, if we take 40% as the base, when a neighborhood like the neighborhood that Lieutenant Orlando was explaining this evening is experiencing a rash of burglaries, that 10% difference between 40% and 50% allows council to ask for increased patrol in those neighborhoods. Boyer said and when we are going to 36 hours, and he doesn't know if he is exactly right, he bets it is about 45% we have cut our proactive time in about half. He said that concerns him. Because when we have problems council should be able to seek and expect our police department to provide services to those areas that council deems needed. Boyer said and we are tying our hands to do that and for a cost savings of, that is ridiculously small, however you figure it. Lawrence said saying it will cut our coverage by half is not reasonable. Boyer said he didn't say response times.

Moegerle asked for clarification, "because you just said \$93,489 is a ridiculously small amount and that is not ridiculous" to her. Boyer said it is on a household. It is a ridiculously small amount, and no one wants to cut police services to save a buck a month. Moegerle said "but it adds up to real money". Boyer said then why don't we cut it to zero and see how we make out. Moegerle said that is not the point at all. Lawrence said the point is he feels we can comfortably do a 10% cut because we have a 20% reduction in calls for service and that is what the police department has pointed out also. He said when he talked to Sheriff Stuart that is what he said also, Stuart said he thought it was an excellent plan. That is a direct quote, "an excellent plan". Voss said what is. Lawrence said going to Option 5. Boyer asked why do we have these conversations outside Council where the only witnesses are somebody that wants to do this? He said it is not what was presented to Council at the last meeting. Lawrence said yes, it was. Boyer said no, it wasn't. DeRoche said he recalls at the last meeting you questioned Option 5 at the last meeting when it came in the packet. He said it was in the packet when the CSO delivered it on Friday, so it wasn't that we snuck this in on the packet on Wednesday. It was in the packet when it was delivered to us.

Voss said last meeting he tried to break this whole discussion into two decisions, districting or not and how much coverage we have in the city. He said the districting question; his focus was losing our ability to have our officers in our city that know our city. Voss said he is pleased by the fact that the motion for 2012 preserves our police force within our city. He appreciates that. He said at least then it is a message that we want our officers in our city. Voss said the second part then is reducing our coverage. And the sheriff has said reducing our coverage does not affect our ability to answer call's. I hope we all understand that by now, it reduces how much patrolling. If you want to use the phrase "free time" use that. He said but it is reducing the proactive time. That is patrolling time. Voss said if it was at 50%, if we go to 36 hours, it will be at 45% and if we go to 32 hours we will be at 40% proactive. He said that is what he heard from you, is cutting proactive at 10%, assuming not going to districting. Now the discussion is do we want to reduce proactive patrol.

DeRoche asked Lieutenant Orlando you have been listening to our conversations, not only as an officer, but you also live here. You are a resident. He asked for us to go down to 36 hours, do you foresee a big crime increase and do you foresee if something big goes down we won't be able to control this if there seems to be a lot more problems? Lieutenant Orlando said no, she doesn't. She said the only reason we would even allow it is because you would still meet our minimum requirement of the 40% proactive and that was with the 32 hour contract. Lieutenant Orlando said as a homeowner in East Bethel, she is okay with the 36 hours. Yes, we will be losing some proactive time we have with the 40 hours. but calls for service are going down and we are well above the 40% proactive. So even going down to 36 hours we are still above the 40% proactive standards still. So we will have the resources to send deputies in the neighborhoods, or doing the speeds, or traffic enforcement.

Boyer said his point Lieutenant was that we will have half the resources roughly that we had before to do that. Lieutenant Orlando said she is not very good with that kind of math. Boyer said if 40% is the minimum. Lieutenant Orlando said yes, and right now at your 40 hours per day she thinks you are at 51% or 52%. She doesn't think you are going to be losing a lot of that ability at 36 hours. Lawrence said in his opinion, because the calls for service have dropped so much, which is a credit to the police service themselves, if we went down a 10% drop, not near what the calls for service have dropped, we should still have adequate service for the city. He said that is what he is sensing; what is favorable to the sheriff's department and to the city. Voss said if you follow the drop in calls, you would

follow to the 32 hours of service many years ago. He said when we got to 50% proactive that is why the calls have gone down. Lieutenant Orlando said you guys added the C shift car mid year 2008.

Moegerle asked Lieutenant Orlando if she was conversant with the terms of the contract. She said because she looked at terms of Ham Lake's contract and if this isn't successful we can always increase our contract mid year. Lieutenant Orlando said yes. She said if we go with this 36 hour and, half way into the year we say "we want more coverage" it is always something we can do. Voss said he thinks both times this was done mid year. Moegerle said so if we didn't cut the taxes back and held that in reserve in case we needed to come back and get more we would have a fail safe there. Lieutenant Orlando said there is always an option to increase. Boyer said he is assuming you are not saying we are going to reduce police services but not reduce taxes. DeRoche said well, we have a couple good size bills coming up here that we might want to think about, called the sewer and water. Moegerle said right. The \$300,000 coming up in 2013 that isn't covered by the capitalized interest. But the other thing is if we cut the taxes, then we won't have the money in the budget to increase if we find we need to. She said she thinks if we precipitously cut it, then we are stuck if it doesn't work. Moegerle said we need to do this in a measured way so if it all goes haywire that we can say nope this is not what we are going to do, "We are going to correct this." She said it certainly looks like the correct thing to do, with the decrease in calls, but it is a measured decision to do the decrease. But if we cut that money and then have to find money again and we haven't planned for it, we are in a world of hurt to the tune of \$40,000.

Voss asked is your suggestion to budget for it as if it is for 40 hours but contract for 36 hours. Moegerle said yes, so we have that built in leeway, we have to at least be in the situation so that if we decide we made a bad decision and we want a full 40 hours we have the money in the budget to complete the year at 40 hours. Voss asked 2008 we got the grant and added the officer mid term. Lieutenant Orlando said we do not have any record of a grant for you guys in 2008 for an officer. Davis said in looking at the budget for the sheriff's department, it doesn't look like there was anything that was every applied, that there has always been a gradual increase, to reflect the gradual increase or increase in service. Voss asked we were at 40 hours since when. Lieutenant Orlando said mid 2008. Voss asked what were we before that. Davis said he thinks 32 hours. Voss asked in 2005 we were at 24 weren't we? He said he knows there were two increases since he has been on the Council. Voss said the only point he wants to make Davis is you talk about the cost increase from that point in time, but not necessarily apples to apples. Davis said he tried to convey this was because service went up. Moegerle read from minutes regarding COPS Grant, April 1, 2009 Voss directed Sheriff Anderson to submit a grant application. Voss said maybe we didn't get the grant, but if we added 8 hours couldn't subtract it, made a commitment to be at 40 hours. Davis said it appears between 2008 and 2009 your contract went up about \$100,000.

Lawrence called for the vote. Voss asked for a clarification on the motion. Moegerle said it is a 36 hour contract with CSO coverage, 32 hours city boundary and 4 hours could be districting with Ham Lake or Oak Grove or could be full city boundary. But if districting we will pay this based on 2010 calls. She said if between Oak Grove and East Bethel, we would pay the remaining 63% or whatever. Voss asked Lieutenant Orlando do you see any cost difference in our contract with those options? Lieutenant Orlando said if you are going split, it wouldn't actually be 36 hours; it would be a little bit more than 36 hours if split with Oak Grove. Then there will be an increase in your cost. Voss said what if you assume the split of deputies is 50/50. Lieutenant Orlando said if the split was 50/50 then there would not be a price difference. Davis said the cost for 36 hours or split a deputy for 4 hours is identical.

He asked Korin, “If you are looking at for 20 or 24 hour coverage, what we are proposing here might be less would that work.” Moegerle said he might get 19.7%. Davis asked Lieutenant Orlando does that meet your standards? Korin said the Sheriff told him tonight that he is going to present them with a proposal for 20 hours. He said how they take the other 4 hours he doesn’t know. Voss said based on calls between Oak Grove and East Bethel, we would be at 63%. He said so we would really be at 37 hours. Davis said his point is if we got into an arrangement it would be much easier to go with at 50/50 split each way. He said that would give them their 20 hour coverage, we pay for 4 hours we get 4 hours, they pay for 4 hours and get 4 hours.

Voss said he is glad we are not drastically cutting like he heard last fall. He heard a 50% cut. But the real difference between two options is having that officer dedicated to city or officer dedicated to two cities. What is the reasoning for doing that? Moegerle said there are two reasons. One if we do it the other way, it gives us sampling of what it means to have a district and whether we want to go further down that road or whether we want to say no, this is not an experience that we want to continue. She said we will not know until we try whether a district plan is going to work for us. Moegerle said but if our experience with one deputy 4 hours a day, whether it works, whether we are getting value for that. She said we can surmise and plan but we will never know. Voss asked what is your measure of value though? Moegerle said it is an experiential difference. Do you feel the western side of the city is getting the coverage it needs. She said it is all those intangibles maybe the residents do like it. Maybe they think it is great. She said if it is a problem, we are going to hear about it. But if it is not a problem, we are going to know that maybe this districting thing has possibilities for the future and we need to investigate it. Moegerle said but for right now the full districting is not the way to go. But this is a way to put to toe in the water and see. Voss said to dabble in it. He said he has a real hard time to envision how you will measure success of 4 hours a day and extrapolate that. Lawrence said it has been called for the vote. Vierling said DeRoche has called the question. Unless there is a motion to continue debate.

DeRoche, Lawrence, Moegerle and Voss, aye; Boyer, nay; motion carries.

Consent
Agenda

Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, August 3, 2011 Regular Meeting; C) Meeting Minutes, August 1, 2011 Work Meeting; D) Resolution 2011-32 Proclaiming September 17-23 as Constitution Week; E) RFP for Auditing Services; F) Resolution 2011-33 Approving Gambling Premise Permit for Coon Lake Community & Senior Center at Fat Boys Bar & Grill; G) Accept Resignation of Fire Fighter. Moegerle seconded. She said she has spelling and grammar corrections to both Item B & C and normally turns these in to the Deputy Clerk. **All in favor, motion carries.**

Planning
Comm.
Minutes

Davis explained that the July 26, 2011 Planning Commission unapproved meeting minutes are provided for your review and information.

Park Comm.
Minutes

Davis explained that the July 13, 2011 Park Commission unapproved meeting minutes are provided for your review and information.

Road Comm.
Minutes

Davis explained that the July 12, 2011 Road Commission unapproved meeting minutes are provided for your review and information.

Change Order
#3 to Traut

Davis explained that Well No. 3 was designed with an 8-inch telescopic screen and gravel pack in the Wonewoc Sandstone Formation. A yield test was completed and determined that

the Wonewoc Formation will not produce an adequate quantity of water.

We are proposing to construct a naturally developed 18-inch telescopic screen well through the coarse gravel formation (Quaternary Formation). It is anticipated that this well will provided at least twice the quantity of water as the original design.

The additional cost to construct the well in the Quaternary Formation is \$602. Bond proceeds within the project construction fund are available to pay the costs associated with this well revision.

Staff recommends Council approve Change Order No. 3 to Traut Wells, Inc. in the amount of \$602.00.

Boyer made a motion to approve Change Order No. 3 to Traut Wells, Inc. in the amount of \$602.00. Moegerle seconded. Moegerle said it seems like a very good value for the taxpayers dollars. Boyer said it certainly does. **All in favor, motion carries.**

Street
Vacation
Request –
Sylvan Street

Davis explained that the City of East Bethel has five platted but undeveloped City streets that connect East Front Boulevard to Coon Lake. Two of these streets, Center Street and one unnamed street, provide storm water drainage for East Front Boulevard and are locations for storm sewer culverts that discharge into Coon Lake. The other three streets, First, Lake and Sylvan Streets, appear to serve no other function other than points of pedestrian or recreational vehicle access to Coon Lake. The East Bethel Fire Department has no plans to utilize these streets to access Coon Lake for a water source for fire fighting incidents.

Sylvan Street is the street that is being petitioned for vacation. The City Attorney has advised staff that platted City streets can not be sold but must transferred to the adjoining property owners if a vacation is approved.

The two residents that adjoin Sylvan Street have submitted a petition to have this street vacated. These residents need additional property to remediate septic system and well issues. The residents have been advised that since these are platted City streets they must follow the requirements of State Statute 412.851.

The council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated. When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum, a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the commissioner of natural resources at least 60 days before the hearing on the matter. The notice to the commissioner of natural resources does not create a right of intervention by the commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation.

The commissioner must advise the city council or its designee accordingly upon the evaluation. After a resolution of vacation is adopted, the clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof, and a description of the real estate and lands affected thereby. The notice shall be presented to the county auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be recorded with the county recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

The petitioners for this street vacation have been advised that the City can not sell this property but they can be charged the City's cost for expenses for this vacation.

This platted but undeveloped street is rarely if ever used for lake access by the general public, possesses little benefit for a drainage easement and is not necessary for fire equipment access to the lake. Therefore, Staff recommends the proposed vacation of Sylvan Street as prescribed by Statute 412.851 be submitted to the DNR for evaluation and upon a report from the DNR be considered by City Council for approval pending an approved review.

Boyer made a motion to vacate Sylvan Street as prescribed by MN. Statute 412.851, submit to the DNR for evaluation and upon a report from the DNR be considered by City Council for approval pending an approved review. Voss seconded.

Vierling said he has two comments that he would like Council to consider. He said he did contact the DNR and anytime they get a request for a street that abuts public water, they do have an interest in it. Vierling said he would expect that they are going to give you a commentary back that they have an interest in making sure that this stays available for public use and propose some form of public access. He said which either the neighbors wouldn't want or the city wouldn't want but they have been known to do that. Vierling said other thing he would suggest to Council and the neighbors is opposed to going through the process with the DNR, cities have been known to retain these, but allow neighbors, our abutting property owners, by way of licenses, to have encroachments in there as long as they do so at their own risk. He said that way you never expose yourselves with having an issue with DNR on a lot such as this. And the neighbors have an opportunity to make limited encroachments into the right-of-way that they can rely on that will be there for a period of time. Vierling said but it is a Council discretionary issue.

Voss said he like the points and can see the DNR wanting it. But if they saw it they may not want it. He said he lives on this street and Davis and I looked at these. Voss said of the 5 or 6 of these, this is the one that makes the most sense to vacate. It is not going to be used for anything. He said he likes the point of the licensing and allowing them to do it, except we already have other accesses there that we already have problems with encroachment on. It is a neighbor problem. DeRoche said he personally thinks, until we hear something back from the DNR, we shouldn't do anything with it, or maybe do the licensing thing. Voss asked if he understands, if he read this right, we make the motion, we have a public hearing on it right? Vierling said that is right. Moegerle said Mr. Tierney, this is not the same place as his weirs? Voss said no. Davis one thing to consider with the property owners request is they are looking to get something done to correct a septic systems during this construction season. He said if we follow the recommended requirements per this state statute, it is very conceivable that nothing would be done before bad weather sets in and prevent them from

achieving their goals. Boyer said he doesn't think that will happen anyway, if going through DNR review. He said that is not going to happen tomorrow. Voss said one home is for sale, another driver and think it is through the state. Davis said he thinks we have one of the property owners here.

Andy Nelson of 4640 East Front Blvd. NE said our neighbors Doug and Linda Foster had their septic system sited as non-compliant and asked to take care of it by the end of October. He said we can't do it unless we have this encroachment on the city street there. Nelson said but yes, the other property owned by Dick Robeck is for sale, was owned by his parents. DeRoche asked this being city property, is this a viable access for people to go down to the lake or is it just not known so people don't do it? Davis said he is going to assume it is not used because people don't know it. He said if you drive by it you don't know that it is a right-of-way or city street. Davis said this is the one from a city standpoint that has no value at all because it has a gradual slope uphill. All water on street drains away from it. It's developed as yard and maintained. The fire department has no use for it because of sand. They think they have adequate wells to supply their tankers. From city standpoint, the value of street is very low.

DeRoche asked if we were to do this licensing as you suggested how would that affect if they put in a sewer or septic system? Vierling said that is why you allow limited encroachments by way of licensing agreements. That way if septic systems, water lines, fences are regarded as temporary agreements should the city ever want to open that street, which in this case is highly unlikely. He said you would do it presumably because you don't know what the DNR would do and there would be a time crunch issue if important to Council. DeRoche asked and how from a liability standpoint is this covered? Vierling said there is an indemnity provision in the agreement so that the property owner that is encroaching has to indemnify and hold the city harmless from any opportunity for liability. Boyer asked can you charge for this license? Vierling said sure. Voss said the fact of a license agreement one thing he would see particularly in this day and age is loans. If the FHA would say "if sewer is not on property encroaching somewhere else?" Vierling said it might be a problem if they go to refi with a mortgage lender that is astute and paying attention. He said we have a number of these agreements in a number of cities and he hasn't seen a problem with a mortgage owner yet. Moegerle asked is this licensing agreement basically the equivalent of an easement agreement? Vierling said basically, not conveying any real estate at all. Landwehr said the County of Anoka if you need a little extension they will certainly give it to you in a situation like this. They have a push for those in this state. He said the DNR if you have a pressing reason to get something done in a 30 day turnaround they will work with you. Landwehr said and you can do ISTS's in many ways. He said you could do things in such a way that you would have an approve pending (DNR approval), wouldn't be that hard to plan for. Voss said if you look on page 119, the very next right-of-way, that is used as a public access. They actually plow them. This one we are talking about and two more, those are not amenable to traffic. He said he likes the idea of keeping it.

Boyer withdrew his motion.

Boyer made a motion to not vacate the property, but have staff explore the licensing option as explained by the City Attorney, Mark Vierling and bring back to Council for review regarding Sylvan Street at the next meeting. Voss seconded; all in favor, motion carries.

Davis explained that at the Monday, August 1, 2011 City Council work session, the proposed 2012 Budget was reviewed. City Council provided staff direction and those changes are incorporated into the budget. Staff has incorporated these changes and they are reflected in the attached summaries of revenues and expenditures for the General Fund.

These changes to the 2012 proposed budget are proposed as follows:

City Council

415-Other Equipment Rentals

Approved: \$ 0
Proposed: \$1,000
Decrease: \$1,000

Town Hall meeting audio equipment rental eliminated for 2012

Human Resources – Legal

303-Legal Fees

Approved: \$2,500
Proposed \$2,500
No change

Moved legal fees from Human Resources Department to Legal Department

City Clerk

102-Overtime

Approved: \$12,000
Proposed: \$15,000
Decrease \$ 3,000

Estimated overtime in 2012 will be less than what is projected in 2011

Davis said Pierce is going to present tax values. Pierce said with these proposed changes a \$175,000 value home from 2011 reduced by 3 1/2 % market value estimate by Anoka County \$168,875, the market value, the taxes would go down \$50.61 from pay 2011 to pay 2012 . A \$200,000 home would decrease \$57.84. A \$250,000 home \$72.31. A \$300,000 home \$86.76. Pierce said the proposed changes the levy would be going down 7.11%. for the total levy, General Fund and Debt Issues would be going down X.7% from the 2011 tax levy. She said the budget discussion here leads into the September 7th meeting where we will be asking the Council to adopt a Preliminary Budget and a Preliminary Levy so we can take that to the County Auditor's office who will prepare parcel specific tax notices for citizens that will be out in November. She said that notice will also include a December date when the budget will be discussed with citizens. She said then in December we will have to adopt a final budget for 2012 and the final levy.

Voss said the question for Council, the way you presented the budget here, is for a 40 hour contract. If we are going to 36, with your suggestion with keeping the 40 hours budget, then put in a contingency. Pierce said that is typically what is done, put in a contingency. Voss asked is that our intention? And two, if we won't make that decision until mid year, we only have to save half of it. Moegerle said a couple things. The discussion was during the sheriff's contract that this is only a dollar or so per month per household. So if we could rebate half the contract, cut the tax levy by half the savings. Voss said so it is \$100,000 savings, we only need \$50,000 why not cut out the \$50,000 now. Moegerle said unless we figure out something soon on sewer and water, we are looking at a unfunded bond we have to pay in 2013 of \$307,000 approximately. Davis said he would have to check this number,

but it does show we would run a deficit in 2013 if we don't meet certain ERU requirements.

Voss said so you are suggesting putting \$50,000 into general fund that we may need a couple years down the road for sewer. Moegerle said right. Voss said so lets take off sheriff's budget and put on whatever fund you want to put this on. DeRoche said we are not necessarily cutting this to put it on the sewer. Voss said if you want to raise contingency, raise the contingency. That is a separate issue. He said in terms of line item amount for sheriff, we don't need the full amount. No way we would ever spend it. Davis said one other thing to point out is we agreed on a sheriff's proposal for 2012 and we have established our maximum cost. Lawrence said what you are driving at; if you want to have extra dollars allocated for sewer costs call it that. Voss said right, calling it what it is. Moegerle said we agreed. Voss said one thing he had asked for last time that he didn't see on there was having the line item in Council budget for providing sheriff coverage at Council meeting.

DeRoche asked weren't we going to discuss this at a budget meeting. Boyer said and he thought this was for informational only, and we are going to discuss the building department also. Voss said except on the next council meeting we have to approve the levy. Boyer said and we still have outstanding questions. We had e-mails about them today. Davis said if you still have questions, we should probably schedule a work meeting. He said or we can adopt a budget and then continuing discussing it further. Davis asked do you want to do this at a special meeting, or continue at a special meeting? DeRoche said we could have a finance committee meeting. Boyer said the fourth Wednesday works for him. Voss said he is not here.

Boyer made a motion to hold a work meeting to discuss the proposed 2012 budget on August 24, 2011. Lawrence seconded; Boyer, DeRoche, Lawrence, Moegerle, aye; Voss, nay (he cannot attend); motion carries.

Authorization
to Use City
Owned House
for Fire
Training

Davis explained that the City of East Bethel purchased the property located at 19458 Taylor Street as part of the water and sewer project. The property is the proposed site for the water treatment plant facilities. The property contains a single family house and a pole barn storage building.

The current house on the property is not viable to be sold and moved because of the surplus of homes on the market, the time frame for completing the move or demolition and the costs associated with moving a structure. The house has been vacant since earlier this year. Once site preparation begins for the Water Treatment Plant, the structure will need to be demolished.

The East Bethel Fire Department personnel are required to train in live burns annually according to NFPA (National Fire Protection Association) Standard 1001. The City of East Bethel has paid for this type of training by using "fire simulators". Normally the cost of the simulators for an evening and daytime training exceeds \$ 2,000 per session.

The East Bethel Fire Chief requests that the house located on this property be used for various fire training sessions (ventilation, search and rescue, forcible entry) and live fire training. The fire department will hold these training sessions and completely burn the house to ground as the final training sessions. The use of structures for fire training is invaluable and affords the fire fighters the realistic expertise of fighting fires, search and rescue, ventilation and forcible entry. It is anticipated that these training sessions will be held throughout the month of September. As always, all neighbors will be notified of the

trainings in advance.

The demolition of the house is to be a part of the contract for the construction of the water treatment plant Removal of the debris and the foundation of the house will be part of the water project bid.

Staff recommends that the Fire Chief and Fire Department be authorized to use property at 19458 Taylor Street for Live Fire Training.

DeRoche made a motion to authorize the Fire Chief and Fire Department to use the property at 19458 Taylor Street for Live Fire Training. Boyer seconded; all in favor, motion carries. Boyer asked next time, if, he would request, that this type of item be put on the consent agenda. Voss said he thought we approved this last year. DeRoche said it came up after DuCharme approached him at the beginning of the year.

Council
Member
Report –
DeRoche

DeRoche said he had the pleasure of touring the Whispering Aspen WWTP with the city administrator and public works employee Jeremiah Haller. He said this put things in perspective, and we can't just fix things here and there, this is something we definitely need to address. DeRoche said he recommends anybody on the Council go up there and take a look. Voss said he guarantees that it is better than six years ago.

Council
Member
Report -
Moegerle

Moegerle said it seems that in talking to Davis her trips to Rochester; trips to 3M Championships have resulted in important conversations that may lead to some understandings that will help us with some development. She said again there is nothing in writing, no letters of intent, but those understandings will be valuable when we get some progress here. So, EDA folks, we are just about ready to go.

Council
Member
Report -
Lawrence

Lawrence said he has a couple things coming up. He said September 13 is the ground breaking for Anoka County Connect (fiber), hit the kickoff on that, and a few other minor things have come up in the city, handling them one at a time. Lawrence said we have been taking care of some resident issues.

Closed
Meeting

Vierling said pursuant to Minnesota Statute 13.D the Council is going to into closed session to discuss two matters. He said one is land acquisition regarding five parcels of land in the city being identified as parcel PIN #32-33-23-24-0014, 32-33-23-24-0015, 32-33-23-25-0016, 32-33-23-24-0017 and 32-33-23-23-0005 and to discuss the service road project at 215th Avenue to 221st Avenue NE.

DeRoche made a motion to go into closed session regarding land acquisition and the Service Road at 215th to 221st Avenue NE. Voss seconded; all in favor, motion carries.

Vierling explained that we have concluded the closed session relative to two land acquisition matters, the Service Road from 215th to 221st Avenue NE and Municipal Utilities. He said all Council Members were present; Council Member Boyer had to leave in the middle of the session. The city administrator was present along with myself. Vierling said no motions or specific actions were taken during closed session.

Voss made a motion to establish a task force to develop goals and objectives and ultimately a policy with regards to connection fees to our water and sewer system with our existing businesses. The task force should include the city administrator, city engineer, two council members and a two/three business members that are affected by this. Moegerle seconded; all in favor, motion carries.

Adjourn **Moegerle made a motion to adjourn at 11:20 PM. DeRoche seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk