

EAST BETHEL CITY COUNCIL MEETING

August 3, 2011

The East Bethel City Council met on August 3, 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 3, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Voss made a motion to adopt the August 3, 2011 City Council Agenda. Boyer seconded.** Moegerle said she would like to have the Closed Session – MBI Contract Negotiations moved to Item G.3 under City Administrator. Voss said it would not be a closed session. Vierling said not unless Council wants it to be, we had the closed session last time, unless anybody has anything that need to be added. Voss said he just didn't know why we are moving a closed session around. **Voss amended his motion to move the Closed Session – MBI Contract to Item 9.0 G.3 – MBI Contract. Boyer seconded the amendment; all in favor, motion carries.**

Presentation - Tom Wells, Anoka County Sheriff Chief Deputy said he is here tonight with Lt. Orlando to present the four different options for East Bethel for 2012. He said Lt. Orlando will do a short presentation and then we will be here to answer any questions.
Anoka County Sheriff's Office – 2012

Contract Options Lt. Orlando said under your current contract you have 40 hours of deputy coverage for a 24 hour cycle. She said you also have 20 hours of Community Service Officer per week. It allows for the over the minimum standards of proactive time in a deputies 8 ½ hour shift to be met. It amounts to 8.4 deputies assigned to the East Bethel contract. The total cost to the City is \$1,092,641 and that does include the CSO cost. This is the recommended contract by sheriff's office.

Lt. Orlando said however, at looking at 2012 we know that there are some budgetary concerns, so we looked at some other things and we came up with a 32 hour contract which includes the 20 hour CSO. Due to the reduction in calls for service, a 32 hour contract is available for East Bethel. This 32 hour contract would reduce the East Bethel deputies to 6.72. It would allow for the minimum standard for proactive time to be met in the deputy's shift. The total cost to the City would be \$897,112 and that does includes the CSO costs.

Lt. Orlando said to explain the District Concept in 2011 the sheriff's office was asked to look at a different way to do things due to the budget concerns that all cities are facing. She said there was a team of four administrative staff members who looked at ways to reduce costs to the cities. It was determined that East Bethel, Ham Lake and Oak Grove would be in a position where the contracts could be combined resulting in a District Concept for patrol services. This was not considered as the best solution for each community, but, in light of budgetary times, it would allow a cost savings. The initial proposal was for 17 deputies covering these three cities. The staffing schedule has not been configured at this time, but

we will maintain a minimum proactive time per shift. The sheriff's office will maintain operational management and responsibility for scheduling, coverage, patrol assignment, etc. Deputies will not be assigned to specific cities, but most likely we will divide it up into different areas of the district and they will be assigned specific areas to work. The total cost to all three cities is \$2,156,919 which is to be divided up among the three, in amounts in to be agreed upon. This does not include any CSO services. There would not be any dedicated hours spent in each city, this would be a collaborated effort between all three cities.

Lt. Orlando said there was a request to add an additional deputy to the District Concept. The total cost to be divided up between the three cities would then be \$2,278,992. This would still entail a reduction in services and proactive time spent in each city. This does not include any CSO services. If the district option is selected this option would better meet the public safety standards for all three of the communities.

Moegerle asked do you have option five? Lt. Orlando said no she doesn't. Davis said he will present that after public forum. Boyer asked her to explain for people what proactive time is. Lt. Orlando said proactive is where deputies are not working calls or doing paperwork. This is time when deputies are working traffic enforcement, going into neighborhoods where we have had complaints come in, or doing house checks, business checks. Lt. Orlando said there was a national study done where they came up with an amount of time that they thought would be necessary for deputies to have to do these things. She said now obviously that can vary on how much proactive time deputies actually have, depending on what their calls are. Boyer said and currently we are at 51% or 52% for this. Chief Deputy Wells said you are over 50%. That is based on you calls for service have been going down. Boyer said and the minimum is 40%. He said the District Concept with 17 deputies is at the 40% minimum. Lt. Orlando said right. Chief Deputy Wells said the targeted proactive time should be about 50%. Boyer said that is why the Council in the past settled upon that amount. He said his other question is it said the cities had already agreed upon how the cost was to be shared. Lt. Orlando said no, that is not the sheriff's offices place to tell you how much each city should be paying for this. We gave you the sum total and then it is up to the cities to agree how much each city will pay to meet the total. Boyer said and then number of calls, East Bethel is running about 4,000 calls per year. Chief Deputy Wells said with the cost, we did provide a recommendation on the cost. It was based on calls, but how the cities agree to pay for it is between the three cities. He said we just broke up the calls.

Chief Deputy Wells said in 2011 year to date, East Bethel had 2,306 calls to date. Lt. Orlando said in 2010 East Bethel had 5,060 calls. Boyer asked about the other cities. Lt. Orlando said Oak Grove had 2,976 and Ham Lake had 6,126 calls. Lawrence said he was under the impression that we were supposed to be at the 40% mark, now you just changed it to 50%. Lt. Orlando said no 50% is the optimum time that we would like to see you at, due to the calls for service going down and in 2008 they did add another deputy. Due to those two factors you are now above what the minimum that we request. She said that is why there is that 32 hour contract option that would allow you to stay a little bit above the 40%. Lawrence said so what you are saying is when the sheriff reviews the city by our calls, and that is how they estimate what we need for officers to cover us. What you are saying is because our calls have decreased we can go to 32 hours and maintain the same type of coverage as before. Lt. Orlando said you won't have the same type of coverage because you would lose one person, but you would maintain the minimum of 40% proactive time that the sheriff's office requests. Boyer said if he might, you would be going from 52% to about 41%. Lt. Orlando said yes. Boyer said so we are losing 11% proactive time and 40% is the

minimum standard. Lt. Orlando said the 40% is the minimum standard that the sheriff's office will allow.

Moegerle said looking at this she understands that between 2005 and 2010 we had a 23.3% decrease in recent calls and incident reports. Chief Deputy Wells said calls for service have gone down. Moegerle said nationwide, probably because we can do things electronic now. She said she looked at the complaints and they are down from 2005, 28.8%, and total arrests are down as of 2011, 36.85%. Moegerle said so we are getting less arrests for our contracts over time. She asked how do you attribute that? How do you explain that trend? That is a friendly question. Chief Deputy Wells said it is a good trend to have. He said he talked to a couple of the deputies before this meeting and they said the fact that you are proactive, that they have the time netted results. Chief Deputy Wells said if you had increased coverage and then had increased crime that would be an issue. You have increased coverage and reduced crime. He said your Council took a step here 5 or 6 years when calls for service were incredible, and he stood in front of the Council then and we were requesting additional service. Chief Deputy Wells said the deputies were frustrated. Areas we couldn't spend time on. There were houses where we knew crimes were going on, they were selling drugs and we couldn't give it the attention because we had to go to the accidents, that is what proactive time does, if it works you get rid of those people.

DeRoche said his thought is there are pretty much three levels of crime. You have the real bad murders, armed robberies and stickups, and then you have the moderate stuff and then the petty stuff. He asked is there anyway. He knows there is a program out there because he has seen it, where it is broke down to level one crimes, then the level two crimes, etc., and then it breaks down how much percentage of time is spent on each level of crime. DeRoche said it is like a pie shape. He thinks it would give us a better idea, look at a graph and see. He said it was his idea that this meeting was for informational purposes. People want to know and the more information we get the better off it is going to be. DeRoche said he doesn't want it to be laid out there that we are looking maybe at dropping hours because we are just trying to save money. He said you know are you getting the bang for the buck. What are trends? What is causing the trends to go down? At a time when everyone is pretty much cutting something, you have to pay your bills, that is the way it is. DeRoche said the districting thing. He has been going to different police departments and spending a couple of hours there and getting different opinions, what works, what doesn't work, and there is ups and downs and personally he hasn't made a decision. He said there is information he would like to get, and maybe this isn't the right forum, but he would like some statistics and he is sure others would like to see that.

DeRoche said if we went down to 32 hours, are we to understand that the crime is just going to go crazy? Lt. Orlando said no. We can't predict what will happen. She said she can't tell you your murder rate is going to increase because you're losing a deputy off the road. That is not something she can say. Lt. Orlando said what she can tell you is if there are things going on, you won't have that extra body to direct to that area during that time of day. DeRoche asked at any given time, how many county deputies are there. Lt. Orlando said two. One west side of 65 and one east side of 65. Chief Deputy Wells said and that hasn't changed for years. Boyer said and that is to provide emergency backup of a major incident, correct. Lt. Orlando said that has been their role since she started with the force. She said and if there is something major going on in East Bethel, such as the storms yesterday, you had the two East Bethel deputies; you had a Sergeant here, the two county wide deputies, the Oak Grove deputies and the Ham Lake deputies. Lt. Orlando said there were a lot of calls for service, there were a lot of trees down including trees down on 65, and they come in and help when it

is needed.

Chief Deputy Wells said as far as the 32 hour contract, we wouldn't put that on the table if we thought it was insufficient. He said we would rather have you maintain the 40 hours, but the 32 hours is sufficient. We will manage it. Chief Deputy Wells said the 32 hours leaves you above the 40% proactive. Lawrence said going by the records and numbers we have seen and calls for service a few years back, we needed to be at 40 hours to maintain the 40% proactive time and now that the calls have come down. We are looking at the coverage now and we are looking at something that balances well with the city and the two complaints we get is not enough coverage and the squads are sitting too much all by themselves. He said that is the two big complaints we get. Such as, one person said to him that they seen five cars sitting there for an hour and a half. Lawrence said but then again, they can't be all East Bethel. Lt. Orlando said in that case they should be calling the on-duty supervisor and saying what is going on? East Bethel does have two squads on the majority of the time. She said the East Bethel deputies do not come to roll call. So they do pass on information between other cars, so there is that kind of time, or if the two deputies are coming on and the power shift is on, they might be exchanging information and they need to do that. Lt. Orlando said but definitely if you see five squads sitting there for over an hour, someone would call and see what is going on and talk to a supervisor. Lawrence said and sometimes running around isn't the most productive for squads.

Lt. Orlando said we do have a lot of deputies that like to sit on troubled people or sit on troubled houses. So they will sit in an area and they might be sitting in an area and watch and take down information and they might be sitting in an area and doing that. She said also they do their paperwork in their squad. That is their office. Lt. Orlando also when they get phone call reports they are sitting in their squad taking a report. She said when they are taking reports they will sit out in highly visible areas and then they will sit in off-the-way areas when doing other things. Lt. Orlando said you do have some down time. You can't drive around constantly or the gas bill would be really high. Lawrence said he does know that people need to understand this. Lt. Orlando said also they are entitled to a lunch break.

Moegerle said one of the questions she has is, how do you quantify or grade proactive time? She said such as say this is successful proactive time and when you talk to your deputies do you say so what did you accomplish on your proactive time. Moegerle asked and how can we as a Council person say we are getting value for our proactive time? Because this is about getting value for our taxes and our taxpayer's dollars. So how do we convey this to our residents? She asked how do you help us with that? Chief Deputy Wells said it is not easy. He said we know what our deputies are doing. Chief Deputy Wells said they can tell us what they are working, such as a burglary; we track our deputy's activity such as their arrest activity and the things they are working. He said we have a good group of deputies working East Bethel. Moegerle said she believes that. But then arrests are down substantially, you see how we get into a cycle. Lt. Orlando said it is hard to quantify. She said she knows whenever Davis sends her an e-mail that there is speeding in an residential area, she sends the deputies there to do extra patrol and then she tracks that they were there and then she also gets reports from them on what activity was there. Sometimes there is not a lot that can be done in those types of areas. Chief Deputy Wells said that is why we have supervisors too; have eight patrol sergeants monitoring this.

Lawrence asked can we get some information on the level of arrests that have been made? Lt. Orlando said the monthly report you get has the arrests on it and the types. Lawrence asked is that information that is kept at the office? Lt. Orlando said it is sent to you every

month. DeRoche said he is looking for a graph. He said like a pie and then it breaks it out into what percentage of what type or level of crimes. DeRoche said that way we can see what percentage is on what type; could be on a monthly basis, go back a year. He gave some examples. Chief Deputy Wells said the only problem he has about this is, tell that citizen that the nuisance crime is not important, those are not high priority calls. DeRoche said but if you could show this on a graph, then that resident can say, wow I am important! He said then you could see so much percent went here and so much here and then people could look at it and see they are active. Boyer said he thinks DeRoche is looking for a tool to explain this to the general population in an easier manner. He said he has read that these types of crimes, nuisance crimes, can lead to other crimes once they reach a certain threshold. Boyer said they think the police aren't looking so I can do other things. He asked is that still considered to be true? Smaller crimes lead to larger crimes. Lt. Orlando said yes. DeRoche said he his not saying smaller crimes don't matter. He just would like you to show this percentage is spent on this one and this percentage on this one. Chief Deputy Wells said our central service sends this out to us and breaks it down.

Moegerle said she has been trying to find the study that shows the 40-50% proactive time. She asked if the sheriff's office could send that to Davis to send to her. Moegerle said she would like to read that and learn more about that. Chief Deputy Well said this was Sheriff Andersohn's, so if we can find that we will send it to you. He said it is all based on the service, could probably do a new study for our office using the same formula, analyzing all the information and coming up with averages. Chief Deputy Wells said in the old days, they used to say for every 1,000 people in our city you should have one officer. Moegerle said as follow up on the small crimes such as graffiti, in most of those crimes the sheriff is reactive so that catching the vandal is very rare. So as a reactive thing that is great, but for apprehension it is not a wildly successful investigation. Would that be fair to say? Lt. Orlando said without a witness and if it isn't a neighbor kid down the road a lot of times that can be the case. Chief Deputy Wells said in a lot of those crimes we want to get them to stop, it might be proactive, and a presence in the community gets them to stop. Boyer said he was thinking about the UTube, where the child tearing shingles off park shelter. Voss said that was stupidity. Boyer said yes, that might have been but if we don't have time for officers to look, then it wouldn't be successful.

DeRoche said just out of curiosity, when you were doing this, modeling this, did you look at other cities that were doing this? He said he knows Circle Pines, Lexington, Centennial and Centerville do this. Chief Deputy Wells said we did have some conversations with them, but at the time we were doing this they were changing chiefs. He said they had a lot of turnover and change at that time, but we did get some information. But it is different dynamics because the area they patrol is much smaller.

Lawrence asked we have two cars in East Bethel, and occasionally we have three cars? Lt. Orlando said you have an A shift, B shift and C shift car and then you have a day power shift car. She said at any one time you have two cars and then you have a CSO that does some tasks. Lt. Orlando said the CSOs are not licensed, but it is a possibility that you would have three squads out there. Lawrence said Ham Lake has two or three squads and Oak Grove has one or two and if there is an incident in another city, such as at Crosstown, we could roll our entire unit to Crosstown and we would be without coverage until the county could back us up on a call. Lt. Orlando said first of all our sergeants wouldn't all allow all of your squads to be down there unless it was like a murder. We would keep at least one East Bethel car here, the county wide cars would go come in. So, if the county-wides weren't close and East Bethel slides down there then the county-wides would come in to East Bethel.

Lawrence said what he is saying that a lot of times even though we are not in a district coverage area, we are doing a district coverage. Even though we are East Bethel cars our cars are rolling to Ham Lake or to Oak Grove on these occasions. Lt. Orlando said there can be times and they can be in East Bethel. Chief Deputy Wells said none of the cities have enough cars to cover a major incident. He said the sheriff's office is lucky that we have enough resources to cover these types of resources. Lawrence said that is why we rely on your resources, for coverage in events such as this storm event that just happened. You pull squads from different areas to cover these events. Lt. Orlando said and there are times that we pull staff in early to help cover. Boyer said it is your basic mutual aid, just like the fire departments do with one another except you are a larger entity. Lt. Orlando said right.

Lawrence said this is his point, even though we don't call it districting, we still cover different cities. We still help. We could be scrambling our cars to Columbus if they needed help and we are available. Voss said this is still just for serious incidents. Boyer said but we have 40 hours and they have 32 hours. Lawrence said he wanted to make that clear to people so that they understood that, just because they are East Bethel cars, it doesn't mean they don't leave the city. Voss said you mentioned early on about the study that was done, national study that Sheriff Andersohn based the 40% on. He asked was that the national studies recommendation also? Chief Deputy Wells explained that 50% was their recommendation, 50% proactive. He said the 40% is what we established because we realized it was not always possible for the cities to make 50%. So 40% was chosen as a minimum by our office. Voss said so the national study chose 50% when it was done, the department talked about 40% as a minimum, but then you also talked about 50% being a target. Chief Deputy Wells said correct, that is where we would like you to be. Voss said he remembers when we were in the 30%.

Voss said in the letter from the sheriff that came out today and in the presentation, you referred to the district as not being the best approach for the cities. He said Sheriff Stuart came out and recommended that we stay with our individual contract. Why is that a better product for us. Chief Deputy Wells said if each city maintains, you have an identity with the deputies assigned to your city. He said it is more personalized and has been successful since 1974. It is a good product we provide. Chief Deputy Wells said the district has been developed to try to save the cities money. For a time when budgets are tight, we developed an idea to continue to provide the minimum of coverage. He said it is a new idea. We don't know how successful it will be. There is problems. There have been questions already about how much time will the cars spend in our city. If you've got the city with the most calls you will have the city with the most cars that is all there is to it. Chief Deputy Wells said the cars are going to go to the calls and there will be less proactive time addressing other issues. He said that is what we are modeling this after. The cars will go where they are needed, and you will always have two cars to cover the calls that are public safety in nature. Chief Deputy Wells said but obviously he thinks you will see response time increase in theft reports and property damage and accidents and some other areas because the cars won't be as available.

DeRoche asked is that going to be the same if we go down to a 32 hour shift? Chief Deputy Wells said the fact is you will be losing one of your cars. Lt. Orlando said so it might take longer to respond. There could be times when there is one deputy on instead of two so it might take longer to respond to the calls. Boyer said when we had 32 hours previously there was no police time to assign to the problem areas. He said that is why we went out and got a Cops grant and we used that money to cover our service. To him, the proof is in the pudding. Voss asked the 10% difference between being 40% or 50% reactive, what in your minds does the city gain by having that extra 20% more time of an officer patrolling? Chief Deputy

Wells said it is time for an officer to dedicate to extra patrols; to follow up on investigations. He said he was a deputy that worked here 20 years ago and we went from call to call, and on a burglary call he couldn't walk through to get evidence or talk to neighbors and you didn't have time to do that type of thing. Voss said he remembers when he got on Council the big thing he heard was the residents not seeing the squads in the neighborhoods. He said he was one of the biggest critics of the squads sitting at Our Saviour's or other places. Voss said we went through the whole public process on how we provided police services and the overwhelming concern was them being in the neighborhoods.

Moegerle said a resident asked her, we understand the City of East Bethel has budget issues, what are Anoka Sheriff's budget issues. They have the new building that we took a tour of and it is fabulous, but they said you have to cut money, how are they cutting money? She said she hasn't found your budget online and couldn't answer that question to the residents. Moegerle said and all the deputies seem to be getting paid the same, what about the newbies is everyone getting paid the same? She said so that conversation went to you need to ask the sheriff for a better deal, that was their concern. Moegerle said she didn't have an answer, how does she answer that because she is sure you have an answer. Very painfully she is sure you can answer. Chief Deputy Wells said yes, it is a beautiful building, thank you. He said yes, we are dealing with the same thing. Countywide we have been asked to cut our budget. Chief Deputy Wells said when we present a contract to the city, that contract never changes. So if gas prices go up, you know what you are going to pay. Same with deputies wages, you know what you are going to pay. We average that out, we don't know what deputies are going to bid there. We haven't hired anyone. We don't have the low end deputies that make less money. He said if you get more experience, or a few less it averages out. We have stayed away from doing a la carte. DeRoche said you need to remember, don't take these questions personally. He said people ask, and the only thing we can tell them is we can ask you guys. Chief Deputy Wells said and we might not know all the answers, but we are not hiding anything. He said he was a patrol division captain for five years and we are not making money in the contract. When the cars break down or hit deer or the deputies get hurt, you don't have to worry about that.

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. Boyer said he thought we were going to do some advertisement of this. Davis said we did, it was on our website, on the billboard, e-mail notification, and all our means of notification were utilized.

Bob Jacobson of 20628 East Bethel Blvd. said he is against the district concept, he thinks the city should stay with what they have. He said he is a retired fire fighter and he answered calls in the city with St. Francis cops, so they do go other places. Jacobson said he has a scanner at home and he thinks he heard one night we had an Elk River cop in our city and another night we had a Brooklyn Center cop in our city because they needed to have one here. He said like he said before, if you take five deputies off the street from three cities, you are asking for trouble. Jacobson said your proactive time you need to keep it where it is, because it must be doing something good.

Lisa Shaner said she is a resident of Ham Lake and she understands they are not having an open forum for us to discuss this so she wanted to sit in on this meeting and she wants to start off by saying she loves Anoka County. She said we did go down to 32 hours with Ham Lake last year and she knows they are a little tight, but we still have excellent response time and she is happy that our officers have worked with this and covered us. Shaner said she has a couple questions on district option, how many officers would we go down and how would

that decrease our response times. She said because now they are going to be running from the south end of Ham Lake to the north end of East Bethel, to the west end of Oak Grove. Chief Deputy Wells said well first five deputies would be taken off the streets. He said and for response times, we think we would see that emergency calls would stay the same and longer response times on non-emergency calls. Voss asked so if he is doing his math right, there are twenty-two deputies for all three cities? Chief Deputy Wells said there is that eighteen deputy option for the district concept. He said when we did the math that divides the deputies equally and brings you up from the bare minimum. He said we presented seventeen because it is at the minimum. Shaner said she was told if East Bethel adopts this we are a go, we don't have an option. She asked do you know if that is true? Lt. Orlando said you have to check with your City Council. Shaner said her only worry is less coverage could mean more crime, and she wants to see it stay safe, she wants to keep them going elsewhere.

Dan Denno said he is a Council Member from Oak Grove and out of the seventeen versus twenty-two if we looked at a standard daytime shift would we be cutting one person off the shift. Lt. Orlando said we don't have those shifts done yet. Chief Deputy Wells said we look at this as the deputies typically work six days on and three days off. He said so it would be a little bit more than one a shift. Denno said so we are looking a losing one patrol car per shift, give or take. Chief Deputy Wells said yes, that would be an average.

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

Anoka County
Sheriff's
Office – 2012
Contract
Options

Davis said 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.

This alternative would continue the current contract with 40 hour per day coverage with one CSO for 2012. The cost for this option would result in an increase of up to \$55,423 over the 2011 contract. This is an increase of 91.1% over the 2005 rate.

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. This is 56.9% increase over the 2005 rate but a decrease of only 13.5% from 2012 cost.

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.

Attached for your review is an outline of the program for 17 deputy coverage. There would be no guaranteed or dedicated hours allocated to each City.

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 be no guaranteed or dedicated hours allocated to each City.

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 32 hour per day coverage and a 20 hour per week CSO at a cost of \$897,112. In addition, this option proposes the sharing of one deputy for four hours per day with the City of Ham Lake. Both Cities would receive four hours of service per day from this officer. The additional cost of the shared officer would be \$63,440 per each City.

This plan would provide 36 hours per day armed officer coverage, including 4 hours per day patrol by the shared officer. With the addition of a CSO the total coverage would be 40 hours per day.

Total cost of this proposal is estimated to be \$960,552 or a savings of \$132,089 over the 2012 forty hour coverage contract, plus CSO. This is a 10% reduction in armed officer coverage and a 12.1% reduction in cost from the proposed 2012 contract.

The 36 hour coverage, plus CSO, plan 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.

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.

Selection of Option 1 or 2 would only require a contract between East Bethel and the ACSO.

Should East Bethel, Ham Lake and Oak Grove approve either Option 3 or 4 there would have to be a contractual agreement between the three entities that outline the allocation of costs and the terms and conditions of the agreement. All three Cities would have to approve a contract in order to proceed with a shared services proposal. Upon executing this agreement the ACSO can prepare separate contracts for each of the three Cities.

Selection of Option 5 would require a contract between East Bethel and Ham Lake for the terms and conditions of the single shared officer. Option 5 would also offer the experience of a small scale shared service arrangement with Ham Lake. This experience would be valuable in assessing the direction of future contracts for law enforcement services.

The ACSO needs direction as to which of these options or variations thereof we are interested in pursuing. Once that is determined the ACSO can continue to move forward in completing a 2012 contract.

Boyer asked where did Option 5 come from? Moegerle said she suggested it. Davis said it was thrown out as an option. Boyer asked are we voting on this? Davis said this is a presentation for discussion. Moegerle said it is up to the five of us. Boyer said you can't have it both ways, why are we voting on something we just are seeing tonight. DeRoche said he thought this was an informational meeting. Voss asked on the Option 5, is this something we just looked at internally, on the surface does this work, splitting an officer. Moegerle said she spoke to Sheriff Stuart at National Night Out and he said it did work. Chief Deputy Wells said as far as the minimum proactive time, it looks like it would work. Voss said what about Ham Lake. Chief Deputy Wells said if the City of East Bethel did 32 hours with a shared eight hours and Ham Lake maintained their contract at 36 with a shared eight hours that would meet the minimum standards. Voss said with this, all of our deputies would be our deputies and then this would be a shared deputy. Davis said that is correct.

Boyer asked how would we deal with a disparity of calls with this proposal? Moegerle said we don't deal with it anyway. If Ham Lake always has it and we still have 40, they are still going to be drawing south. She said it will be a natural thing; East Bethel will have to cover Ham Lake when they have big calls. Voss said it is not the big calls that are an issue. It is when people call and say there is a burglary or their car is broken into. DeRoche said if someone calls and says they have been broken into, they are not going to consider that a minor call. Voss asked if there is a burglary in East Bethel, will a Ham Lake or Oak Grove officer respond to it. Chief Deputy Wells said a burglary in progress yes, a report, no. He said what you are talking about, the shared eight hours; we would look at that as a thirty-six hour contract for both Ham Lake and East Bethel. Chief Deputy Wells said we would look at this as two separate contracts and everyone would be at their minimums and, quite honestly, if you guys would have come to him with this a while ago it would have been a good compromise. Moegerle said she just thought of it recently, sorry.

Boyer said one of the many things that concerns him is Ham Lake is running at about 10% more calls than us and we are paying the same amount as them in this proposal. Moegerle said not in Option 5. Voss said with Option 5 it stays the same as now, with the exception of we go down to the 32 hours and share a person, it is not a district. Boyer said his point is we are paying for 36 hours and Ham Lake is paying for 36 hours, all he is doing is asking. Moegerle said their contract with Anoka County is up to them. She said we just split a deputy four and four. Voss said we go down to 32 hours and we get a deputy four and four, and he agrees, maybe it shouldn't be a 50/50 split, maybe it should be a 65/35 split, but. Davis said the cost is based on what a cost per deputy is, so if we get four hours of service it is going to cost us this anyways. He said it is a compromise, looking at cost reduction without eliminating all of the service you are getting. Moegerle said but do we want more information on this. Voss said the only way he can see this working is if the deputy works a split shift and the first half of their shift they are in East Bethel and the other in Ham Lake. Chief Deputy Wells said we can make a 36 hour contract so you both get what you pay for. Voss said what he thinks he is hearing is they can make stand alone 36 hour contracts.

DeRoche said it still comes down to they are going to go where the action is, whether it be Ham Lake or East Bethel. Boyer said that is one of the things that scares him about the district thing, one of the many things, and he is just picking numbers, if we have 1,000 calls and Ham Lake has 1,500 calls and we are in a district. Lawrence said we are not discussing a district right now. He said we are discussing Option 5 right now. Boyer asked two of these options are about districts are they not? Voss said to him with all this discussion of reducing service, which obviously provides costs savings to the city, it is not a reduction of service in terms of what he thinks is emergency services. Because we have deputies in all these cities, if there is an emergency, they are all going to respond, he has been on ride alongs and so he doesn't see that changing, might be one or two cars less, but there will be enough cars responding. He said but reducing the amount of hours will directly effect the proactive time that is the net effect. How the officers can respond to those calls that is what we are truly cutting. Voss said maybe we have a little bit of change in response to calls, but what we are talking about is reducing response of patrol. That is what he calls police work, seeing patrols going through Booster Park, kids are going to be as likely to tear things up, going through neighborhoods. He has been on the ride alongs, the deputies know where these people live. That is the proactive stuff that is what we are talking about cutting.

DeRoche said he must have missed something, didn't you say we are going to still be at 40% proactive. Voss said we are at 50% proactive. You are going to 40% and that is a 20% cut. Boyer said please make the point about again about proactive time and why you need the proactive time. Chief Deputy Wells said whenever you have a workload you have to have enough time to take care of the workload. And whenever you don't have enough staff on you just become reactive. Boyer asked him to give examples of proactive activities in the 40%. Voss said when they patrol what do they do. Chief Deputy Wells said he feels like he is repeating himself about the proactive time. But it is anytime that is not spent, when a deputy gets a call to go take a report they have to drive there, that is reactive. An arrest that is reactive. Acting to a call that is reactive. Taking to jail that is reactive. Waiting to get booked or doing a report is reactive. Some calls take up more time than other calls. He said but when you have no calls holding and you are just patrolling, that is proactive. And say you had two theft reports over the weekend; you can go to those neighborhoods, can respond to complaints at City Hall, look into burglaries, go into neighborhoods and keep neighborhoods safe. Chief Deputy Wells said he doesn't know how many accidents are avoided by being proactive on highway. He said also DWI enforcement.

Chief Deputy Wells said with the district coverage there will be five deputies on the street if no one is on vacation. But if one calls in sick no one replaces them, you are just short. He said that is where the cost savings is. Chief Deputy Wells said with the individual contracts you get 32, 36 or 40 hours whatever it is. He said but with the district coverage we are just selling it by deputies, not by hours. Chief Deputy Wells said if a deputy is off training we are not replacing the deputy. You are getting 17 or 18 deputies assigned to the district that is where the cost savings is. Voss said he did not understand this, so it can only go down. Chief Deputy Wells said 2/3rds of our deputies are always working, 6 days on and 3 days off, so you have 2/3rds of that 17 deputies working, or 18, let's take 18, it is easier to work with. He said so you have 12 deputies assigned to work, but if one has a training day, and another calls in sick or takes vacation, your numbers go down. That is where your costs savings is, we are not guaranteeing anything. Voss asked so you counted in that cost savings in the \$2,150,000, or you accounted for this in the district? Wells said you pay for 1.86 deputies and we figure that out in the contract and when you pay for eight hours in a day, you get eight hours a day.

Moegerle said she spoke with the mayor of Ham Lake and he told her to look at their contract and she looked at their contract. She said at 36 hours per day, he gets an average of 36 hours per day. He gets 40 for 15 days and 32 for the other 15 days of any given month, and she was going to suggest Option 6 why don't we have 36 hours per day, but her problem is she wants 36 hours a day every day. She said with Ham Lake's experience she didn't want that to be East Bethel. That is why she didn't suggest it. Moegerle said she saw the contract and did not want this to happen. Chief Deputy Wells said they will not do another 36 hour contract like the City of Ham Lake has. That was a scheduling nightmare. It happened in late December 2010 and it was a compromise contract. He said the contract you are talking about 36 hours with both cities, we can make that work.

Lawrence said sounds like you are very against the district contract. He said if you had four officers reported out for the day, that would be a whole city that didn't have coverage at all then. Chief Deputy Wells said you will have the shared services with the other officers. Lawrence said this is information that was not shared with me from Sheriff Stuart. Chief Deputy Wells said we've have been at meetings where they have said if someone calls in sick, you will not have coverage. He said it is no different than having your own police department, where if someone calls in sick you don't have coverage. Chief Deputy Wells said the cities pay for whatever hours they pay for and we provide it. Voss said to look at the extremes and make sure we understand it, so there is a contract set amount for the 18 deputies and it is up to us between the cities to duke it out who pays for what. He said and, this would be a grave situation, but if six of the deputies get extremely sick for two weeks, we will get reduced services but pay the same amount. Chief Deputy Wells said we will always provide the public service. We will take care of the calls, there is no guaranteed minimums, no hours assigned to the contract, but we will respond as needed. He said because the district is just a concept, we don't know how it will be assigned. We could survive some sick calls and vacation days as needed. Lawrence said it sounds like, with district coverage, you would allow the cities to fall below the 40% if there are 2 or 3 deputies absent that day. Chief Deputy Wells said the 40% is if the deputies were all working that day. Lawrence said so if those deputies weren't able to work you would let it drop below that 40%. Chief Deputy Wells said if everyone is working you will have more than 40%. If some are absent, you will have less. Voss said under our regular contract you fill our slots, our hours. Under the district contract, it is not total hours, we are getting the people. Boyer said not that he is suggesting this, but it is no different than if we went out

and hired 17 officers for the city and took on that liability.

Voss asked if we looked at this from an average household cost, what do we pay as a normal average homeowner, with a city tax bill, how much is for sheriff contract? Davis said there are 4,060 households so about \$250 per household. Moegerle said she remembers when she was told very early this year when she did that with the trails (cost per household) that she couldn't do that. You said it was a very immature way of looking at it. Voss asked are you talking to me or Davis. Moegerle said to you. Voss said so if the average tax bill, well take his city bill is \$800 for his house, police contract is \$200 then a 20% drop, and it would be a \$40 drop. Boyer said no, that is way too high. Davis said it would be \$50.

Lawrence said he thinks we should continue to review Option 5. Moegerle asked should we get an Option 6, 36 hours?

DeRoche made a motion to table the discussion on the 2012 sheriff's options for more information on Option 5 and if there is an Option 6, 36 hours. Boyer seconded. Voss said well there are really two issues for Council to decide; districting one issue and reducing services, the other issue. He said they crossover a little bit, but we have to answer those two questions. Voss said we got a letter today stating that Sheriff Stuart wants an answer on districting. DeRoche said that is why he requested more information. He said that is why he has been going to different police departments and different agencies and finding out what works and what doesn't. DeRoche explained because he is not going to rubber stamp anything. He said because he wants to know the ups and downs, what are the downfalls, got to imagine there are. DeRoche said he thinks they are one in the same. Voss said that is why he asked if you wanted to look at the 36 hour option, because that is obviously not a district thing, that is a stand alone contract. **DeRoche said amends his motion to get more information on districting.** He said that is what they wanted last time and he thinks they didn't go down that road. DeRoche said he wants some more information and he will bring those graphs and paperwork and show you what he was looking at to get an idea on the percentages. He said he has no clue just looking at the spreadsheet. DeRoche said and looking at the numbers, it doesn't give him what he is looking for. Voss said but the last time we talked about this made the same statements. DeRoche said and Lt. Orlando was on vacation and she got me information, He said he is still looking for more information. Boyer said there is a motion on the table. **Moegerle, Boyer and DeRoche, aye; Voss and Lawrence, nay; motion carries.** Boyer said he would like to know the savings from 40 to 36 and 36 to 32 hours from staff.

Consent
Agenda

Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, July 20, 2011, Regular Meeting; C) Resolution 2011-23 Acknowledging Donation from Chops, Inc; D) Resolution 2011-24 Appointing City Clerk/Treasurer. Voss seconded. Moegerle said she has some corrections to the minutes, typos and punctuation. **All in favor, motion carries.**

Water
Reclamation –
Site Plan
Review –
18460
Buchanan St.
NE – Met
Council

Davis explained that the property owner/applicant is requesting site plan approval to construct a wastewater reclamation plant. The plant will be owned and operated by Metropolitan Council Environmental Services (MCES). The wastewater reclamation plant is part of the city sewer and water project.

The site will consist of a pre-treatment building, multipurpose building, and bioreactor. There will be future expansions to include effluent storage tanks, solids handling, wet well/drywell, bio-filter, and bioreactor. The site will be secured with an eight (8) foot chain

link fence.

The City Engineer has completed his review of the site plan.

Planning Commission recommends approval with conditions as listed.

Boyer made a motion to approve the site plan for the construction of the Metropolitan Council Environmental Services (MCES) Wastewater Reclamation Plant on the property owned by Metropolitan Council, located at T & G First Addition, Lot 1, Block 1, (PIN 32-33-23-32-0003) 18460 Buchanan Street, with the following conditions: 1) Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction; 2) Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment; 3) Full set of the site plan must be signed by a licensed professional engineer; 4) Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel; 5) Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site; 6) Any modifications to the approved site plan shall be submitted to and approved by City Staff; 7) Continue discussions with staff regarding improvements to Buchanan Street. Improvements will be required to meet engineering standards and must be approved the City Engineer. If Buchanan Street improvements are not completed, the property owner will be required to pave a portion of Buchanan Street abutting 185th Ave. It is to be surfaced with impervious material far enough to the south so that traffic entering the property from the intersection will travel over only an improved surface, as approved as part of the T & G First Addition final plat; 8) Building permit must be obtained for fencing over six (6) feet in height; 9) All conditions must be satisfied prior to the issuance of a building permit. Voss seconded.

Voss asked about Buchanan about the distance that will be finished. He asked this entire road will not be constructed. Davis said it will be constructed to the plant entrance and then we are in negotiations with Met Council to get them to construct an additional 40 feet for storage of fire protection. Voss said this is not a plat review; this is just a site plan review, correct? Davis said this is just a site plan review. Voss said because normally we don't have roads with a site plan review. Voss asked so this is a driveway? Davis said that is correct. Voss asked will the driveway meet all city standards? Davis said yes, when the other property is developed. Voss said where he was going with this is; where is the variance? Jochum said it might not be built to city standards for roads. He said the way it shows it is not the way it is approved during the final platting process, and it was approved as a driveway. Jochum said it will be to city standards when the road extends to the south, but that isn't part of the reclamation plant. Voss said but this is entirely on the property owned by MCES. Jochum said it crosses the city ROW.

Lawrence asked how many ERUs is the water reclamation plant. Davis said he thinks 40 maybe. Boyer said the road at some point will be built to city standards. Jochum said at some point in the future. Boyer said at that time we will be assessing ourselves. Jochum said at that time it will be built by the developer. Voss said it is a driveway so in order to develop this further, there would have to be a dedication of this driveway to the City. He

said then it would have to be developed to standards. Jochum said this lot is platted as T&G first addition. He said it may be built this way, but they don't have to build this way. Jochum said they only have to build a driveway. Voss said if someone wanted to subdivide to the south or east, they would have to build a road. DeRoche said at some point if the developer wants to develop they have to build a road. Jim Roth, project manager for MCES, as he recalls there is an 80 foot strip dedicated ROW. He said the driveway comes off of Buchanan and you have dedicated ROW to end of property. He said that is why we came up with a cul-de-sac two years ago.

Voss asked so then, if that is the case, why aren't we looking at a variance for this? He said since there is not road frontage for this off a paved road. Davis said this would be done on final platting. Voss asked when we separated this, was there a variance on this? Jochum said there was an agreement. He said he doesn't know if there was a variance. DeRoche said he thinks it is something to look into. Boyer said he doesn't want to be giving ourselves favors and have someone fighting us down the road. Lawrence asked is this road being built? Jochum said this is somewhat confusing. He said this shows a road being built, but the agreement with the city is they would do a driveway. Boyer said but we wouldn't allow a driveway off the curb. He said we just spent how much money fixing those. Jochum said it is at a 90 degree angle, you can see fairly well both ways. Voss said here is how he would look at it. It was platted that way. He said so whether or not we had the discussion then, they have road access it is just that it was dedicated as ROW to the city. Boyer said the city planner must have reviewed this. Voss said we did two years ago. DeRoche said maybe this is something we need to look into.

Vierling said aside from the fact that it is platted; the Council is not opening this as a public street at this time. He said what you need to note as an additional #10 is you are not opening this as a public street at this time. Vierling said and therefore, when someone comes from the south and wants to go forward there still has to be an official opening of the street and you have leverage over the developer and to require them to participate. Voss said it would be the same thing as saying we are we are not going to let you build the road on our ROW. Vierling said yes, it is not a road but letting them have a driveway access over a ROW yet not opening the ROW to public travel.

Boyer amended his motion adding condition 10) We are not at this time opening this Right of Way (ROW) for public traveling, but are allowing it to be used as a private drive for MCES. Voss seconded the amendment. Roth said we just want to have the latitude to work with city staff to come up with road design that meets city approval. **All in favor, motion carries.**

East Bethel
Water
Treatment
Facility – Site
Plan Review –
19458 Taylor
St. NE – City
of East Bethel

Davis explained that the City of East Bethel is requesting Site Plan approval to construct a Water Treatment Plant (WTP). The City of East Bethel has recently purchased the property from Ms. Kim Thompson and a portion of the property from Shaw Trucking for the construction of the WTP. The General Location of the WTP is shown on Attachment 1 and the Property Survey is shown on Attachment 2. It is anticipated that the WTP construction will begin October of this year.

The WTP will be owned and operated by the City of East Bethel. One staff person will check the WTP on a daily basis. This individual will have the required licensure to operate a Class C WTP. Currently, there is a full-time City employee who possesses the required licensing. Bulk chemical delivery will occur approximately once per month, therefore, traffic generated will be minimal.

Planning Commission is recommending approval with conditions as noted.

Moegerle asked do we have to use spirea? Davis said the planting plan can be reviewed. Boyer said they are pretty hardy and hard to kill. He asked we are guaranteeing this for growing season. Davis said a typical growing season is one full calendar year. Boyer said it might behoove us to change this to one calendar year. Moegerle said we have done this on the planning commission as grow year, and maybe this is something we want to do consistently. Boyer said on most state contracts this is something we do, and then you can get your bond back.

Boyer made a motion to approve the site plan for the construction of the City of East Bethel Water Treatment Plant, (PIN 29-33-23-23-0005), 19458 Taylor Street, with the following conditions: 1) Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction; 2) Landscaping is to be guaranteed for one (1) ~~growing season~~ calendar season. Plantings that do not establish must be replaced; 3) Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site; 4) Any modifications to the approved site plan shall be submitted to and approved by City Staff; 5) Improvements will be required to meet East Bethel engineering standards; 6) All conditions must be satisfied prior to the issuance of a building permit. Lawrence seconded.

Voss asked on page 70 the grading plan; on the south end it shows a backwash infiltration pond he has two questions. He asked is this an attempt to lower the discharge to any sanitary, is this a retention pond? Jochum said daily you will backwash the filters and the backwash will go into the infiltration pond, there will be no discharge to sewer. Lawrence asked is there any problem with contamination with that? Voss said he was also thinking that. Jochum said this is a pretty common practice for small plants like this. Voss said he is thinking about shallow well, to the north. Jochum said we are not anticipating any issue. Voss asked you are not going to get any salts? Jochum said no, and we have pretty good separation. He said and someday, if you expand this plant, then it would be prudent to put in a backwash reclaim tank. Voss said and there are no permitting issues. Jochum said no.

Jochum said also he wants to make it clear that this site will also be a driveway to the site, within the City ROW. He said right now the driveway to this site encroaches on the site to the north. Jochum said we will be taking that out and putting it in the City ROW. Voss said but we have long terms plans for the road to go through. Jochum said yes, similar as what we just dealt with on the MCES plant. He said just so you know, this will not be a paved access until you get to the parking lot. Voss said he would suggest you pave it going north because you are going to have all that turning action. He said you are going to have a maintenance issue. Davis said it is going to be very low traffic. He said a couple vehicles is all your are going to have in there. He said it would be a small item to add to the budget to increase a little apron there. Jochum said all that chemicals are once a month, testing once a day. DeRoche asked how much of this ground are we disturbing, wouldn't it be better to let it settle in. **All in favor, motion carries.**

Ordinance 31,
Second Series,
An Ordinance
Amending

Davis explained that staff has revised City Code, Chapter 14 Buildings and Building Regulations to eliminate redundancies and conflicts with other sections of the city ordinances. The revision also provides for appeal processes, permit fee refunds, and the addition of electrical inspections. The revisions to the ordinance are included in the

attachments for your review. The City Attorney has reviewed the revisions and forwarded changes.

Staff recommends approval of the revisions in Chapter 14 of the City Ordinance.

Voss made a motion to approve the revisions in Chapter 14 of the City Ordinance, Buildings and Buildings Regulations. Boyer seconded. Moegerle said she has lots of problems with this. DeRoche said he also has problems with this. Moegerle said she got through six pages of this and she was very disappointed. She said she did the redline and did not do the final, because her project plan was to do the redline and then compare to make sure the changes were on the final copy. Moegerle said the first page 78, title for section 14.9, MN State Building Code Adopted and Incorporated by reference is actually 14.21. She said what they have referenced should actually be in section 14.20 which is Administration and Enforcement.

Voss withdrew his motion.

Voss made a motion to table the approval of these revisions to Chapter 14 of the Ordinance, Buildings and Building Regulations. Lawrence seconded. Boyer said then you can communicate this directly with the staff person. Moegerle said that is not her job. It is the job of the staff person. **Moegerle and DeRoche, nay; Boyer, Lawrence and Voss, aye; motion carries.**

Summary of
Ordinance 31,
Second Series

Voss made a motion to table the summary of the Ordinance and direction to publish. Boyer seconded. He said we cannot adopt or publish the summary since the ordinance wasn't adopted. **DeRoche and Moegerle, nay; Boyer, Lawrence and Voss, aye; motion carries.**

Pay Estimate
#4 for the
Construction
of Municipal
Well No. 3
and No. 4

Jochum explained that this item includes Pay Estimate #4 to Traut Wells, Inc. for the Construction of Municipal Well No. 3 and No. 4. The major pay items for this pay request include construction of the inner casings and development of Well No. 4. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$53,358.65. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 177,322.50
Less Previous Payments	\$ 115,097.72
Less 5% Retainage	<u>\$ 8,866.13</u>
Total payment	\$ 53,358.65

This estimate includes payment of \$53,358.65 to Traut Wells, Inc. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

Staff recommends Council consider approval of Pay Estimate #4 in the amount of \$53,358.65 for the Construction of Municipal Well No. 3 and No. 4.

Boyer made a motion to approve Pay Estimate #4 in the amount of \$53,358.65 for the Constructing of Municipal Well No. 3 and No. 4 to Traut Wells, Inc. Boyer seconded; all in favor, motion carries.

Jochum explained that is a copy of Pay Estimate #3 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements has been provided. The major pay items for this pay request include sewer and water installation on 185th Avenue, water installation on 187th Lane and aggregate base installation on Buchanan Street. Two separate payments will be made. One payment will be to S.R. Weidema and the other will be to the escrow account established at TCF Bank. We recommend partial payment of \$655,876.45. A summary of the recommended payment breakdown is as follows:

Contractor Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$1,349,287.42	\$854,995.19	\$494,292.23
City	\$812,684.13	\$683,893.73	\$128,790.40
Total	\$2,161,971.55	\$1,538,888.92	\$623,082.63
Escrow Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$71,015.13	\$44,999.75	\$26,015.38
City	\$42,772.85	\$35,994.41	\$6,778.44
Total	\$113,787.98	\$80,994.16	\$32,793.82

This estimate includes payment of \$623,082.63 to S.R. Weidema and \$32,793.82 to the escrow account for a total of \$655,876.45. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

Staff recommends Council consider approval of Pay Estimate #3 in the amount of \$655,876.45 for the Phase 1, Project 1 Utility Improvements.

Boyer made a motion to approve Pay Estimate #3 to S.R. Weidema in the amount of \$655,876.45 for the Phase 1, Project 1 Utility Improvements. Lawrence seconded; all in favor, motion carries.

Davis explained that Midcontinent Communications is purchasing US Cable. A franchise transfer between all existing US Cable franchisees is required for this transaction to become effective. Mark Vierling has reviewed the franchise transfer process and will provide comment and recommendation to Council.

Staff is recommending Council consider adoption of Resolution 2011-25 Consenting to and Approving the Assignment of the Cable Franchise and System to MidContinent Communications.

Vierling explained that this is just a follow up; we went through our concerns with Council previously. He said this draft of the resolution does not adopt what US Cable wanted you to adopt. Vierling said this resolution sets forth who the original cable provider is, and it does not release US Cable from the terms of the franchise ordinance between US Cable and the city. Moegerle asked have they looked at this and agreed to this? Vierling said they submitted their own resolution and this is what he agreed should be approved. Voss said Midcontinent is getting a chunk of US Cable. Vierling said it is a chunk of US Cable's assets. Voss said he likes the idea of keeping them as a grantor. Moegerle asked if they are current on their cable PEG fee payments? Davis said he would have to check on that.

Boyer made a motion to adopt the Resolution 2011-25 Allowing and Approving the Assignment of the Cable Franchise and System Now Operated by US Cable of Coastal-Texas, L.P. to Midcontinent Communications. Voss seconded; all in favor, motion

- carries.**
- Resolution 2011-26
Modifying the Fee Schedule
- Davis explained that this item as contingent on the ordinance being approved so it will need to be tabled.
- Voss made a motion to table Resolution 2011-26 Modifying the Fee Schedule. Boyer seconded. DeRoche and Moegerle, nay; Boyer, Lawrence and Voss, aye; motion carries.**
- Contract for Electrical Inspection Services
- Davis explained that this item was also contingent on the ordinance being approved.
- Voss made a motion to table the contract for Electrical Inspection Services. Boyer seconded. DeRoche and Moegerle, nay; Boyer, Lawrence and Voss, aye; motion carries.**
- MBI Contract Settlement
- Davis explained that staff recommended to Council that the settlement be offered and a final payment be authorized. He said this is what came out of the closed session at the last Council meeting and it is now a public matter. Moegerle asked what this is. How we got there and what the prospects are if we don't go forward with this check? Vierling said the city awarded a contract in December 2010, the contractor presented a claim for damages, provision in contract provisions that the contractor can proceed for damages. He has worked with the city administrator and City engineer regarding damages, and this was a compromise figure. He said you have already advanced a payment in the amount of \$63,574 and staff is asking you authorize the balance of \$60,643.
- DeRoche made a motion to authorize a settlement with MBI, Inc. in the amount of \$123,917 less the amount of \$63,574 for a balance due of \$60,343. This would be final payment to MBI, Inc. and a final release and settlement document prepared by Eckberg, Lammers, Briggs, Wolff, & Vierling, PLLP to be signed by all parties. Also, authorizing the city finance department to prepare the check for payment tomorrow. Lawrence seconded.** Lawrence said what this will mean for the city if it doesn't get passed is more and more money to be spent by the city. Moegerle asked does this go to arbitration or mediation? Vierling said arbitration would be the next step. Moegerle said for the 5.8 million dollar plant. Lawrence asked for discussion. There was no discussion. Lawrence asked for roll call. **DeRoche, aye; Boyer, abstained; Voss, aye; Moegerle, nay; Boyer, aye; Lawrence; aye; motion carries.**
- Council Reports - DeRoche
- DeRoche said he went on a motorcycle run for Operation Independence, they build homes for veterans that are coming home from Iraq that are having a hard time. He said there were about 400 motorcycles which he thought was pretty good for a first time. DeRoche said anytime this community can do anything for veterans he thinks we should do it. He said a bad storm went through the beach, a Connexus line went down and he was surprised that they didn't shut it down, he doesn't know why. DeRoche said we had our National Night Out, about 35 people showed up.
- Council Reports - Boyer
- Boyer said he wants to echo what DeRoche said about the storms and he thinks it would behoove Council to start requiring underground power lines. He said he doesn't know if all of Council is aware, but a few years ago they redid all the power lines on East Bethel Blvd. and they put in all new poles and all new lines and it was the most ridiculous thing to do. Boyer said and apparently unless we are going to require them to put in underground lines, so we don't have power outages on a fairly frequent storm, we are not serving the citizens

well here. Voss asked the city attorney if there is any recourse for requiring the utilities to bury on replacements? Vierling said you can do it on new developments, but on replacements or repairing, no. He said but with new infrastructure, yes. Vierling said if they are making a new run, you can require them to underground it. Voss asked but what if they are existing or adding more lines? Vierling said you really can't say adding more lines because if you look at your standard pole you got electric, cable and phone, and you don't know which one is going on it. But if they are coming in on your franchise ordinance, you are in a position to require it. He said you might have to modify your ordinances and we would have to double check the PUC requirements with regard to minimum distance requirements in order to require them to underground. Vierling said we can do that, we would be happy to do that. Voss said he thinks it is worthy, this year especially.

Boyer said he thinks when we passed the new development, we never thought they would put in three miles of new poles/lines and a lot of people are suffering with that still. That is why he would like to direct Planning Commission to look at this. Voss said he thinks in the cable contract we required them to bury in certain areas. Davis said there some situations, even though you can require them to bury it, that they can pass the additional cost on between aerial vs. underground to the city. He said this happened in the City of Minneapolis. Boyer said he thought that had to do with lack of space. It was a lot more complicated for them to do it there then it would be here. He said he would like the Planning Commission to look at this.

Boyer asked if we have heard anything more from GRE? Davis said he has not heard anything from GRE. Voss asked are we under a 60 day on that. Davis said no.

Council
Reports -
Voss

Voss asked in the next newsletter can we get an article describing what is going on with US Cable and have their input, the positive changes. Davis said he will get information from them and the services for the newsletter.

Voss said he didn't realize until tonight the severity of storm yesterday. How many public resources did we use as a city? Davis said we were out all day yesterday, all day today and will be out all day tomorrow just to clear the tree damage, so about three days to do the cleanup.

Voss said he meant to bring this up on Monday at the budget work meeting and this is going to be on the next agenda, Wednesday, August 17 the budget discussion, but he would like a separate line item on the budget of what is the cost to have the special detail, a deputy at our City Council meetings. We can discuss it then. Davis said we can certainly obtain that information. Lawrence asked should we divide that up by household? Voss said if you want, he thinks there is only one person that should pay the bill. DeRoche said he thinks there is a few. Moegerle said she thinks there is a \$123,000 you should be sharing in. Voss asked if they wanted to keep taking shots, because that is the reason they wanted the sheriff here. He said he is asking seriously what it costs to have a deputy here, twice a month to have them here so you feel more comfortable? Voss said he wants to know that cost and he thinks the public does too.

Council
Reports -
Moegerle

Moegerle said based upon the storms our new public works manager Nate Ayshford got a baptism by high wind storms, understand he is doing good. She said everyday there has been a meeting for EDA, so it is going good, taking quite a bit of time, making progress, no announcements yet, but hope someday soon. Moegerle said but it is a lot of work on the EDA and making contacts and we are moving forward. Voss said he doesn't understand, the

EDA is meeting. Moegerle said no, she goes to EDA meetings to make contacts. Voss said oh, you are going to other meetings. Moegerle said absolutely. She said she is going to other meetings and planning to get new businesses here and learning how to do that.

Council
Report -
Lawrence

Lawrence said he hardly knew we had a storm except for the washout. He said he is seeing a lot of improvement/change for the city. Lawrence said hopefully the construction is going well.

Closed
Session –
Land
Acquisition,
Service Roads
and Utility
Projects and
Closed
Session -
MBI

Vierling said for the benefit of the public and the public record, Council has recommended we are go into closed session per Minnesota Statute 13D to consider two issues, Land Acquisition – Service Road 221st to 215th Avenue NE and Land/Easement Acquisition – Municipal Utilities PIDs 32-33-23-24-0005, 32-33-23-24-0014, 32-33-23-24-0015, 32-33-23-24-0016 & 32-33-23-24-0017.

Voss made a motion to go into closed session to discuss the Land Acquisition – Service Road 221st to 215th Avenue NE and Land/Easement Acquisition – Municipal Utilities PID 32-33-23-24-0005, 32-33-23-24-0014, 32-33-23-24-0015, 32-33-23-24-0016 & 32-33-23-24-0017. DeRoche seconded; all in favor, motion carries.

Vierling said the Council has concluded the two closed sessions. He said attending were all Council Members. Also attending were Jack Davis, city administrator, Craig Jochum, city engineer, Kreg Schmidt, consulting engineer and himself, city attorney. The meeting was recorded and will be retained as required by statute.

Vierling said with regard to the land acquisition matter of the service road, Council received input from the staff relative to the issues and no specific actions or motions were taken. He said with regard to the matter of the land acquisition municipal utilities, Council received input from staff relative to issues, no specific actions or motions were taken.

Adjourn

Boyer made a motion to adjourn at 11:13 PM. Voss seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk