

EAST BETHEL CITY COUNCIL MEETING

July 6, 2011

The East Bethel City Council met on July 6, 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, Interim City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

Call to Order **The July 6, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the July 6, 2011 City Council Agenda moving item G.2 JPA Anoka County Sheriff Agreement to follow the Consent Agenda. Voss seconded. Moegerle asked to also add Appoint Jack Davis as City Clerk/Treasurer as Item G.3. Boyer accepted that amendment to the agenda. Voss seconded the amendment; all in favor, motion carries.**

Presentation – Lawrence said we want to thank Eldon Holmes for his service as a Planning Commission Member. He said Eldon Holmes served the City of East Bethel as a Planning Commission member from 2005 until 2011. We invited Mr. Holmes to attend the meeting, but he has a conflict on Wednesdays. Thank him for service and we hope he returns to do more service for City. Boyer said he has been a great addition to the City, he is involved in other community service right now and that is why he left the Planning Commission.

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

Bob Jacobson of 20628 East Bethel Blvd. NE said he wants to comment on the district of the sheriff's department. He said he thinks it is foolish. Jacobson said the City has worked hard to get to the protection they have right. He said from what he heard at the last Council meeting Sheriff Stuart said it would cut the deputies from 21 to 17 for three cities and to him that is laying a welcome mat in the street saying come thieves, come on we are open for business, help yourself. Jacobson said he thinks it is one of the most foolish things you can do. He said he thinks you need to keep what we have and forget about getting in with anybody else. Jacobson said you are also going to run into having three cities trying to control what is happening with those deputies and you are going to have a problem. He said anytime you combine like that you are going to run into a problem.

Denise Lachinski of 22286 Vermillion Street NE said she wants to invite everybody to East Bethel Booster Day. She said our active committee members have done a whole lot of work to make it bigger and better than it ever has been. Lachinski said we have things posted all over the City. She said the East Bethel fire fighters are out selling tickets for the dance, she doesn't know if anyone has seen them out there but buy those tickets. Lachinski asked Field 8 is the fence over there, is that how it is going to be. Davis said no, that hasn't been finished, the contractor ran three posts short and he has reordered those, the corner has to be

reset, tied back into Mr. Oney's fence and then we will take the existing fence and tie it back into your property corner. Lachinski said she knows they are using that trail for the 5K, will those picnic tables be moved by Booster Day. Davis said yes they will. He said we have kind of kept those up as a barrier there to prevent vehicles from driving back and forth, but they will be moved by Booster Day.

Lachinski said she has missed a couple meetings because of course it is baseball season but she is a little concerned about sheriff's joint power. She said with Oak Grove only taking such a little portion and we are paying such a big portion she doesn't understand the disparity there. Lachinski said with three cities fighting for the same services who is going to get the say in what. She said we just had a power outage this weekend, the sheriff's were everywhere, were busy everywhere how do you plan on emergency services. Commander Halweg said we are further down on the agenda, but the district plan is not being pushed by the sheriff's office. He said there might be a time when all the deputies will be in East Bethel if there is a need. Lachinski said she knows the fire station 2 had 16 calls that night. She said she didn't see her husband all night long he was busy helping everyone else and she was sitting in the dark. Commander Halweg said the East Bethel deputies were running just as well.

Lachinski said we knew there were kids in Booster Park but there wasn't any reason to call because we knew you guys were doing things more important than shooing kids out of the park. Commander Halweg said usually our calls go just in line with the fire department. He said this is being presented as an option, we are happy with the way contract is set up, but we understand the economic times and are giving the City options. Lachinski said she just wanted to let you know how it is when the power is out, and there was an emergency there weren't any deputies to actually handle some of the littler things. She said so if there are three cities as mentioned she can see some conflicts with that.

Lawrence said the one thing when Sheriff Stuart wrote this plan out, he said this is his plan, he said this plan is safe, he said he would not present something that would leave us shorthanded on protection and coverage for our City. He said this is just about verbatim of what he said. Commander Halweg said it is less coverage than now, but it would not be short of what you are required to have for your City.

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

Consent
Agenda

Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, June 15, 2011, Regular Meeting; C) Meeting Minutes, June 15, 2011 Work Meeting; D) Meeting Minutes, June 22, 2011 Special Meeting; E) Resolution 2011-21 Appointment of Responsible Authority; F) Weather Warning Siren Update. Voss seconded. Moegerle said she would like to remove items C) Meeting Minutes, June 15, 2011 Work Meeting; D) Meeting Minutes, June 22, 2011 Special Meeting from the consent agenda, she has reviewed them and there are typos and changes that need to be made and she would like to table these until the next Council meeting. **Boyer amended his motion to remove items C) Meeting Minutes, June 15, 2011 Work Meeting; D) Meeting Minutes, June 22, 2011 Special Meeting from the Consent Agenda and table those two items until the July 20, 2011 Council meeting. Voss seconded the amendment; all in favor, motion carries.**

JPA Anoka
County
Sheriff
Agreement

Commander Halweg said Sheriff Stuart and Lt. Orlando couldn't attend tonight so he is here to answer any questions you have on any of the options that have been provided for 2012. He said the district option has been provided with 17 and 18 deputies as well as 40 hours with the CSO option that you have now, as well as a 32 hour contract with CSO coverage. Commander Halweg said both the 32 and 40 hour would be maintaining your East Bethel contract with just East Bethel, not incorporating Ham Lake and Oak Grove. Moegerle said just to be clear this is about the Joint Powers Agreement (JPA) and entering into a JPA does not mean we would be adopting the district plan, it just means that we can adopt the district plan at some later date if we choose to. Boyer said he is really uncomfortable with this, we have no reporter here, we have no microphones, that means none of this discussion is going to be on the public record. He said we will have minutes, but nobody on TV is going to hear a word of this, this is a big issue for the City of East Bethel, and he came prepared to talk about this obviously he moved this, it is the whole reason he is here, but. A staff member indicated that they were pretty sure the meeting was being recorded for playback on Channel 10 and the website.

Moegerle said this is just the JPA; this is not the sheriff's department agreement. Voss said it is the first step. Boyer said and he doesn't think anyone in this City knows we are talking about this. Moegerle said she got a call today, but all this does is increase the opportunities of four different possibilities. Voss said we can do the JPA later on; it doesn't need to be done now. He said he still waiting to have a resident asked to have their police coverage lowered. Voss said he hasn't had anyone ask him that yet. Moegerle said what she has heard is why do we have so many sheriff's cars parked, they are parked here and parked there, that is what we see. Voss said so you are saying what you see. Moegerle said you were saying what you hear from residents and she is saying what she hears from residents. Voss asked what do you see. Moegerle said she sees parked cars. Voss asked if Moegerle if she has ever gone on a ride along with sheriff. Moegerle said no, she hasn't had an opportunity yet. Voss asked why not. Moegerle said she has been working with EDA issues. Voss said so you are looking at cutting police coverage in our City without having direct knowledge of what our police coverage is. Moegerle said she reads, we get monthly reports. Voss said so they must be doing something right then. He said does the monthly report say they are not doing anything. Moegerle said she is saying what she is seeing and what she has residents reporting to her, that is what she is saying, she is not saying that they are not doing their job. Voss said he would appreciate at least one resident coming to him and saying we have too much police coverage. He said because all we heard for years is we didn't have enough police in the neighborhoods didn't have enough patrols, that is what you are cutting. Voss said like what Sheriff Stuart is saying they are going to respond to calls, what you are cutting is everything else we have asked for over the years from our sheriff's department.

Moegerle said she would like to know about the proactive activity. Commander Halweg said that goes back 10-15 years ago, we had an outside company come in and do a study of how long it takes to handle an average call. He said they did this over a long span. Commander Halweg said how many arrests were made in a week and the transport time, how much time is spent in an eight hour shift responding to calls and then basing a percentage, national standards, some places say you should have 50% proactive time some say 40%. He said we have used the 40% proactive time as our bottom line for contract coverage. Commander Halweg said in a typical 8 hour shift 40% of a deputy's time is spent on neighborhood patrols, extra traffic controls, things of that nature and the rest of the time is being taken up by the calls. He said we take your calls for service each year and multiply by the time the study showed; it is not perfect, just to keep it standard across all of our

contracts.

Moegerle asked does the sheriff's office keep track of the road miles on each car and each deputy. Commander Halweg said yes. Moegerle said that would be very important information to her, how much time is patrolling, and let us know that patrolling is getting done, it is easier to see a car that is parked then a car that is patrolling because you both could be going in different directions. Commander Halweg said going back to when he was a patrol deputy, a lot of paperwork to do and you sit and you have to get that paperwork done by the end of the shift and if you have 3 or 4 calls in a row you might sit for an hour and when we do sit, we want to be visible we don't want to be hidden, we want people to know we are out there. He said we hear the complaints too about the deputies sitting side by side, but if they are both working on paperwork, sharing information. Commander Halweg said when he was working county-wide some nights he put on 60 miles and some nights might have put on 200 miles, not necessarily because it is quiet, sometimes on the nights we put on 60 miles we might have gotten more calls. He said we do keep track of it because the cars come up each year; they are up in the 70,000 to 80,000 in miles by the end of the year, just in the City each year.

Lawrence asked do we have a response time on our calls for East Bethel, do we know what that is. Commander Halweg said we can look at that, we have looked at that in the past. Boyer said the point Voss was trying to make is if you stop doing the preventive patrolling you will have more calls and you will spend more time doing that sort of thing. He said and dealing with the parked car thing, he was a carpenter for 20 years and he remembers very clearly each time he nailed his thumb, where he did it and how he did it, and he thinks seeing parked police cars is not that much different.

Voss said on the issue of parked cars he has been on a number of ride alongs and the story of last one, in a way this was funny and in a way it wasn't. He said the deputies always ask for feedback. Voss said and the number one thing is don't be parked at the fire station and Our Saviour's and it was the issue that he had a couple calls and had a report to do and he wasn't going to go sit in the office and do it and the deputy said it would take a half hour and so he asked me where do you want to park. He said he told him let's go sit at the theatre, high visibility, close to the highway and we weren't there 8 minutes and he got a call from the Sergeant saying they had a complaint that he was sitting at the East Bethel Theatre taking radar on 65. Voss said he responded right back that a Council Member was sitting right there and wanted him to sit in a high profile spot, so deputies are using time effectively in a high visibility spot, the theatre has had some problems with break-ins of cars there and they get criticized for it. He said for all the ride alongs he has been on they are not sitting around, they are not in the donut shop, sitting watching TV in a lounge, they want to be working, they don't want to be sitting around.

DeRoche said he understands that, but this is a fact finding discussion, this isn't beating up on the Anoka County Sherriff's, this isn't beating up on anybody, we are looking for information, you guys have been on Council but now we need information and without getting as much information as you can how can you make a decision you can't make an intelligent decision. He said he hasn't heard anyone up here yet say we are going to go with the district proposal. Voss said that is all that has been proposed. He said no, he is sorry, he takes that back. Voss said this wasn't proposed by Council. He said you brought it to Council and said here is the plan. He said the first he heard about it was when Sheriff Stuart stood right there and presented it. Voss said your fact finding is you are making a plan and saying here it is. DeRoche said he isn't involved in this, because he is asking questions you

are making assumptions. He asked before Stuart was here you didn't know about the plan. DeRoche said he doesn't go to the meetings, whatever, he just doesn't. He said what he needs before he makes a decision, since he has sat behind this desk is he wants to get all the facts he can to make an intelligent decision, one way or the other. Boyer said while he appreciates that, but he doesn't think putting motions in front of Council is a way to gather facts. He said you gather facts before you develop the motions.

Lawrence said the reason we need this JPA in place is to move the opportunity forward. He said that is not saying it is going to happen, but if we don't do this it is over and we don't do it. Lawrence said we need the consensus of all three cities to move forward. Voss said who is saying we have to do this now. He said evidently we haven't even discussed this yet, so how can we move forward. Voss said a JPA is a contract and it can be done anytime, but you don't sign a contract unless you have intent. Moegerle said this is not a contract. Voss said a JPA is a contract by any means. Moegerle said only if all three decide to go forward, any one can pull the plug. Voss said then let's have the discussion about what we are doing before we say we think we are going to do it. Lawrence said Stuart needs the JPA to get his stuff planned to work his stuff out and get it all worked out. Boyer said the JPA calls for a 20% decrease in East Bethel police coverage. He said it also calls for us subsidizing Oak Grove who has 8,000 residents and is going to pay for 16 hours of service and we are going to pay for 32, anybody can do that math. Boyer said they are 2/3rds the size of us, how come we are paying for them. Moegerle said if you have concerns about the terms and allocations of cost that is about the JPA and she thinks that is great, let's discuss that, that is a real issue.

Voss asked if we stay with the current contract what is the value of the JPA. Moegerle said it goes away. Voss said then why would you even start it. Moegerle said because what this does is it tells the sheriff that there is interest enough for him to continue to develop the numbers to flesh out the proposal. Voss said he thinks that is key, it is showing the interest we haven't had the discussion so how can we say we have the interest. Moegerle said the interest is information, isn't information power. She said all we are asking for is power and more information, that is all it does. Boyer asked information about what are we lacking. Commander Halweg said the sheriff's office has no involvement with drafting this JPA. Boyer said we realize that. Moegerle said but her understanding is as far as the JPA it was not drafted by the sheriff's department, but the sheriff would like this to be signed for him to develop more things, is that a correct understanding. Commander Halweg said with all cities having an agreement the main thing for the district concept is all three cities need to be fully on board for this; however it is broken down for cost is obviously up to the cities to decide. Voss said just so you understand Council has not had discussion on this. Boyer said the logical place to start with this discussion is who is in favor of reducing police services in East Bethel by 20%. He said if we ain't doing that then we aren't talking about a JPA here.

Lawrence said right now we are throwing some numbers down here. He asked are we reducing service or are we; there is a difference between reducing service and reducing coverage. Commander Halweg said there is a reduction in coverage, which will equate to a reduction in service. He said right now all three cities combined have about 21 deputies. Commander Halweg said if this district concept goes through, we have four deputies' positions we are holding right now that we don't have people in those because we don't want to hire people and then lay them off. He said but these will be bodies from the patrol services that will go away. Commander Halweg said basically it is taking our minimum basic 40% and putting those cities together and making that 40% together. He said this is compared to right now your contract is might higher than that 40%. Commander Halweg

said your proactive time will be significantly less.

Moegerle asked can you review how the district will work, particularly the question that Ms. Lachinski brought up where one City might have a need, how would this work. Commander Halweg said basically we would have cars working out of here and cars working out of Ham Lake, Oak Grove doesn't have a substation their cars typically work out of Andover, but we would look at the three cities as one large City. He said and when it is a quiet time, we would have districts so that wouldn't be five cars in Oak Grove, East Bethel, or Ham Lake, we want them all spread out. Commander Halweg said we might have three calls in Oak Grove and all five cars might be there, but at the same time if you have multiple calls at one time you may have all the cars here. He said that is how we came up with the cost is we took a look at all the calls for all the cities and came up with costs. Lawrence asked when you talk about coverage, every time you have an officer, when you have 40 hours of coverage you have this amount of response time and if you have 32 hours of coverage it will take longer. Commander Halweg said it could, emergency calls are always going to take priority, all our contracts understand if there is an emergency in Linwood and no officer is on, then the East Bethel car might go there. He said but at the same time he has been on calls in East Bethel where we have had every car in the County.

Boyer said he appreciates that, but we seem to be confusing the issue here. He said it is very simple, if you go from 40 hours to 32 hours you are reducing service for East Bethel residents by 20%. Boyer said you can mucky mucky it however, but that is what you are doing. Lawrence said okay but now if you said that if you looked at Ham Lakes calls of service when they were at 40 hours of service, they went down to 32 hours and their response time became better. Boyer said that was for a two month period, he saw the same numbers. He said two months is statistically nonsense. Boyer said you cannot measure things in two months out of a calendar year, there is a seasonal difference as the sheriff can tell you there are all kinds of things, bad economies influence calls, all kinds of things do. Commander Halweg said for the record they did just go back to 36 hours and it is basically pulling 15 shifts a month right now, it wasn't a full drop to 32, had they gone down to 32 they would have gone below that 40%.

DeRoche said personally he would like to see what the public wants; he would like to have a public meeting. Voss said absolutely. Boyer said me too. Moegerle asked does Andover contract with the sheriff. Commander Halweg said yes. Moegerle said because she noticed the total residents for Ham Lake, Oak Grove and East Bethel is about is 35,000 and Andover has a population of about 30,000 so it is not apples to apples but what kind of policing program does Andover have that is provided by the sheriff's department. Commander Halweg said we have about an 80 hour contract for services plus they contract for their own investigator and some crime prevention services on the side and they have typically stayed up towards that 50% proactive time.

Boyer made a motion to table the JPA Anoka County Sheriff agreement until we can have a public meeting on it. Voss seconded. Voss said he thinks we need to find an effective way to communicate this to the residents and have enough time to get this out. He asked how soon the sheriff's office needs an answer. Commander Halweg said the sheriff's words today was we need to know as soon as possible because our 2012 budget is out and if the district concept is not going, we have positions we need to hire for January 1 and we need to move quickly to have these bodies on board, like he said we have been holding these open positions, so the sooner the better. He said those are basically the sheriff's words, whatever the resolution. Voss asked what the next agenda was like. Davis said this can be

the main agenda item. Lawrence said he will not be in attendance. He asked are you talking about a public hearing. Moegerle said they want to have a public hearing on the JPA. She said she thinks there should be a public hearing on the sheriff's contract. Voss said it is not a public hearing; it is a public information meeting. He said we need to get the information out that a portion of the council is looking at cutting the sheriff's coverage. Moegerle said that is not correct. Voss said you are going from 40 hours to 32 how is that not a cut. Moegerle said we are gathering information about alternatives. Voss said he is telling her that is one alternative she is cutting the sheriff's contract, present it to the public. Moegerle said that is one alternative of four, there is nothing to say we are going to do that, we are just opening up so we can get more information from the sheriff. She said she isn't opposed to getting information.

Boyer said first of all you get information before you propose things. Moegerle said the sheriff won't proceed to give us information unless there is interest in the JPA. She said that is what was represented to her. Commander Halweg asked what information are you looking for. Moegerle said that was what was represented to her was after getting the JPA there was more information the sheriff wanted to work on. Voss asked what information do you not have enough of, seems to him he has heard this before, but what information do you need to make decisions. Moegerle said has questions about a graph on page 99, call type domestics and response time, and with regard to all calls she didn't know if that was an average of averages or what that is because if that is an average of averages that information isn't correct. She said she doesn't know what that means. Moegerle said she would like to have more information as she indicated earlier, miles and patrol over the course of years in East Bethel, she thinks that would be valuable to know. She said she is sure there is more, but if you are to tell her that this sheet of paper, this summarizes a million dollar contract and the terms of it, she thinks there should be more information for a million dollar contract. Moegerle said but you make contracts for 5.8 million dollar water treatment plants that we don't even need so you must have a different standard.

Voss said he would suggest we get the information out to the public, information that we haven't heard, you absolutely haven't heard, we haven't heard as a Council is what the public wants, and second suggestion is if you really want to understand what we spend a million dollars a year on, 25% of our budget, take four hours out of your day and go on a ride along with a deputy and you will be amazed at how much you learn at what they do. He said there is no excuse to not get that done before our next meeting; we have 40 hours of coverage. Boyer said everyone has different schedules. Voss said he had his first ride along before he even took office. Vierling said there is a gap in the motion relative to the date you would have the hearing.

Boyer said he would like to schedule the public meeting for August 3, 2011. Lawrence asked and the meeting will be for exactly what. Voss said a presentation to the public of the four packages. Moegerle said the sheriff already did this. Voss said no the first time it was presented to me as a Council Member, it was not presented to the public. Lawrence said he thinks it is important that the people of East Bethel know what is going on, but he thinks it is also important that we try to explore all avenues that why the JPA is in place so the sheriff can know we are serious. Voss said serious about what, we haven't had discussion; this is the most discussion we have had. Lawrence said did you go over the packet, did you read the stuff. Voss said he does discussion of City business at this table in front of the public. Lawrence said that is what we are doing, we are discussing it.

Voss said he remembers when this was presented in June, Sheriff Stuart's letter said he was

under the impression we were all on board. He said and this is the first time we are discussing it. Voss said and the agenda item is not the discussion of the proposals it is of the JPA. Moegerle referred them to the fourth paragraph of page 82 that states: The Anoka County Sheriff's Office is working on a tentative contract relating to the district concept but won't complete it until the three cities involved agree on the district" concept in principle including number of deputies included in agreement. She said so it won't be anything more than tentative until we get more information. Boyer asked so how can you vote for a JPA when you don't what the terms are of it even. He asked like how many deputies are we getting. Moegerle said that is going to be fleshed out. Boyer said that is exactly his point, you are asking us to vote on something it is like asking us to sign a blank check. Moegerle asked have you looked at the allocation of costs in this. Boyer said let's vote on the motion, we are not supposed to be having this discussion. He said you can discuss the motion to table once the motion has been made, not go back and forth.

Lawrence asked for clarification of the motion. Boyer said it is to table this to August 3rd until we can get public input. Lawrence said so he guesses Sheriff Stuarts request to get this done immediately, how will this affect his progress. Commander Halweg said we obviously can't get anything done until, moving forward until, beyond that night. He said obviously things won't come to a conclusion that night. Moegerle said and we will be holding up Oak Grove and Ham Lake in their decision process as well. Voss said for Ham Lake it isn't even changing their coverage, not much of a decision for them. Moegerle said she thinks that is for them to decide. Lawrence said all this JPA is saying is we would entertain an agreement between the three cities, that is all it is saying. He said it is not binding to anything, it is just saying we are serious about looking at something. Boyer said we don't need public input. Moegerle said that is not what we are saying at all. Boyer said yes it is. He said if you vote not to table this that is exactly what you are saying. Moegerle said no, we are talking about the JPA, not a contract with the sheriff. Boyer said how about public comment on whether they want to have a shared police department. Moegerle said that will be done, a JPA does not preclude that. Lawrence said there is nothing here that binds anything to anybody, all it does is says we want the sheriff to move forward. Moegerle said to give us additional information, why are so opposed to getting information. Commander Halweg said if you have the same copy of the JPA he has 2.16 million that is the 17 deputy option.

Vierling said the JPA is more than an indication that you want to move forward with this option, you would still have to approve the contract coming up. He said we have been referring to it as a JPA, but it is an agreement that we amended out the Joint Powers for insurance reasons and other technical reasons, but it is an indication to the other two communities that the City is willing to look at the district concept and be part of the district concept. Lawrence said and this agreement has no binding affect as far as being a contract with the sheriff. Vierling said it doesn't bind the sheriff's department you will have a contract that will have to come back from the sheriff's department with regard to the police service charges. Voss said so is this not an indication to the sheriff office that we will move forward. Vierling said it is an indication that you are going forward in terms of their planning, that is what they are looking for. Moegerle said but they are obviously going to get a report on how strongly this has been debated so she can tell you that they are not going to say, yep, the Council is going to go for that. Lawrence said so if the sheriff makes their presentation and we don't like it we don't have to worry about this, it is over. Vierling said then you would indicate to the other two communities that you would not be moving forward with the JPA at that point and time. He said if there is doubt, obviously you are going to want to have your open meeting for the public and he thinks quite frankly between now and August 3, that is less than 28 days, he doesn't think their department is going to go forward and do anything before that time anyways. Vierling said he thinks the sheriff's department is going to want to come do the presentation so they know one way or the other.

Commander Halweg said he wants to be clear on what needs to be presented, we have the four options here. He asked what would you like presented beyond what is in these, the two district concepts have 17 and 18 deputies, basically looking at 3 cities as one city and then 40 hour and 32 hour contracts stay with the East Bethel contract where you have your own deputies who short of emergencies are always in your City. Boyer said he assumes with the 32 or 40 contract it is the same deputies it has always been that know our City and our trouble spots and with the 17 or 18 it isn't. Commander Halweg said a couple years ago you moved to 40 hours because the calls for service put you to a point where you had to go there to be at 40%. He said the calls for service have gone backwards, that is why the 32 hour with just East Bethel is back on the table. Boyer said he also thinks we have a COPS Grant, that is another question that we are in the 2nd or 3rd year on. Davis said he will check on this. Lawrence said we need Davis to check that grant to make sure we will not be in violation of that. Davis said he thinks it could be transferable either way, but we would have to check on that and see if there is eligibility.

Voss asked you said we could drop to 32 hours and it would keep us at 40%. Commander Halweg said it would keep you at 44%. Voss said the 32 hour contract was roughly \$859,000 not including CSO, and under district our cost would be roughly \$850,000. Commander Halweg said it would depend on how you allocate it. Voss said and he is not endorsing the 32 hours, but if we went with the district we are saving \$9,000 and losing the dedication of our dedicated deputies to our City. He said again if you haven't gone on a ride along he encourages the Council members to do it is amazing what the deputies know about our City. Commander Halweg said a lot of the deputies have been here a long time and a lot of them live in the City as well. Moegerle said one deputy said if they go to the district he is still going to be here. She said and that is valuable and she doesn't discount that at all.

Moegerle said but think it is an intriguing concept and from her view she would like to know how much time is spent on mileage versus patrol as responding to calls and how that has changed over maybe five years or so. She said she thinks that would shed some light on this a little bit. Moegerle said basically you describe this as being organized into one big city versus three smaller ones. She said and currently the deputies assigned to the three cities do share information already. Commander Halweg said yes, they do this when you see them side by side because they don't work out of the office where we hold roll calls. He said we also have an e-briefing where they sign in. Lawrence asked what do you call an event when you have more than one officer take a call, high priority. Commander Halweg said domestics, loud parties, depending on size of it, the Oak Grove deputy might be coming over already. Lawrence said fair to say even if we have dedicated service in City, they could be on a call major event outside the City. Commander Halweg said they could be if we have a major event. Boyer said that is not the way mutual aid works though, if all our deputies go, then the next tier of deputies come and cover our City, right. Commander Halweg said with the exception of us being one agency, we have the contracts but we are one agency. Lawrence asked so if there is a major event in one City will there be other cars to come cover our City. Commander Halweg said yes, Andover always has cars on and we always still have the countywide cars on, especially at night. He said when we get those big incidents we get people in, we don't go short.

Lawrence said the concern he has is if we went with the districting system is we could get shorted. Commander Halweg said if it is an emergency we will have people to get there, but some of the non-emergency calls might sit longer. Lawrence said he had a call from resident that said even with the 40 hours service and it took them 45 minutes to respond. Commander Halweg said when something big is going on some calls can sit. Moegerle said her experience has been with response time to Coon Lake Beach (CLB) is it takes a long

time because the cars have to come around the north side of the lake. She said the response time might be better if they are coming from Ham Lake, so she thinks that would be interesting to see how that might be modeled out. Commander Halweg said again emergency calls the Ham Lake cars are probably going there anyways because they can get there faster. Moegerle said they are not coming for the barking dog or the fireworks. Commander Halweg said and the same is you wouldn't want your cars going over there for these routine calls. Boyer, DeRoche, Voss, aye; Lawrence and Moegerle, nay; motion carries.

Boyer said he needs to leave the Council meeting he has a personal matter to attend to and that is why he asked to have this agenda item moved forward. Davis said if anyone else has any specific questions we need to send to the sheriff's department if they could get them to him he will send them to the sheriff. Voss said and if we could make sure we look at the approach to communicate this meeting to the public, obviously we missed the newsletter, but cable, website and obviously we need to talk to the sheriff about presenting it. Moegerle said she has a question on the agreement, page 84, on allocation 39.4% for East Bethel, was that based on population, area, number of homes, number of calls, those kinds of things do you know how that was determined. Voss asked if we could just send these to Davis, not have the discussion now.

Road CIP

Davis explained that Streets Capital Improvement Plan was developed by the Roads Commission to prioritize street improvement projects over the next five years. The Commission has examined current economic conditions and factored this information into the projections of this report. The Roads Commission adopted the 2012-2016 Streets Capital Improvement Plan at their June 14, 2011 meeting. The plan is presented in the attachments to this report.

With changes in the construction market and the City's ability to obtain potentially lower project costs through the JPA Maintenance Agreement, staff is projecting that additional street projects can be completed in 2012 with only inflationary increases over the 2011 costs.

Municipal State Aid (MSA) projects will be the reconstruction of Jackson Street from County Road 22 to 181st Ave. and the seal coating of Sandy Drive. MSA projects can be "Advanced Funded" to meet project funding needs. The City is permitted to advance fund, essentially borrow from future allocations, up to four times the annual construction allotment or \$3,000,000 whichever is less. This funding formula will enable us to do the Jackson Street reconstruction in 2012 and the Longfellow/Lincoln project in 2015. The Longfellow/Lincoln Project is based on this street segment being accepted as a MSA street. MnDOT has given the City indication that final approval of the request to have these streets approved as MSA eligible should not be an issue. This project could conceivably be moved to 2013 if the MnDOT designation is approved and we are in line to continue the advance funding for projects in 2013. For this plan the Longfellow/Lincoln project will remain in the 2015 schedule but will be re-evaluated for the 2013-2017 project cycle.

Commitment to this plan requires the dedication of resources for 2012. Projects beyond 2012 are identified and prioritized by the Roads Commission to provide Council with recommendations for improvements from 2013 through 2016. Commitment to projects beyond 2012 would be considered as part of subsequent years budgets.

The estimated cost of the Street Capital Projects is \$729,400 and \$1,380,000 for the MSA Project. These amounts are available from dedicated sources in the Street Capital Fund and

Municipal State Aid Fund respectively. Staff recommends approval of the 2012-2016 Streets CIP.

Voss made a motion to approve the 2012-2016 Streets CIP Plan. Lawrence seconded.

Lawrence asked has the funds from parks been moved over to streets. Davis said those funds were transferred but the only funds that were expended were the seal coating on Bataan and that will reduce the balance from \$432,000 to \$392,000. Moegerle said she sees we have expected MSA revenue as \$547,268 is that something that is dependable from the state, the MSA funds. Davis said we do project that there will be level funding for this; we have never had a problem with this. Moegerle asked what are these funds based on. Jochum said population needs. **All in favor, motion carries.**

Pay Estimate #2 for Phase 1, Project 1 Utility Improvements

Jochum explained that in your packet was a copy of Pay Estimate #2 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request includes utility relocations, sewer and water installation on Buchanan Street and payment for pipe materials on hand and stored. 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.

This recommend partial payment is \$911,108.93. A summary of the recommended payment breakdown was included in your packet.

This estimate includes payment of \$865,553.48 to S.R. Weidema and \$45,555.45 to the escrow account for a total of \$911,108.93. 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 #2 in the amount of \$911,108.93 for the Phase 1, Project 1 Utility Improvements.

Moegerle made a motion to approve Pay Estimate #2 in the amount of \$911,108.93 to S.R. Weidema for the Phase 1, Project 1 Utility Improvements. Lawrence seconded; all in favor, motion carries.

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

Jochum explained that in your packet was a copy of Pay Estimate #3 to Traut Wells, Inc. for the Construction of Municipal Well No. 3 and No. 4. The major pay items for this pay request include mobilization and the construction of the outer casing pipes for both wells. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$77,211.25. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 121,155.50
Less Previous Payments	\$ 37,886.47
Less 5% Retainage	\$ 6,057.78
Total payment	\$ 77,211.25

This estimate includes payment of \$77,211.25 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 #3 in the amount of \$77,211.25 for the Construction of Municipal Well No. 3 and No. 4.

Lawrence made a motion to approve Pay Estimate #3 in the amount of \$77,211.25 to Traut Wells, Inc. for the construction of Municipal Well No. 3 and No. 4. Voss seconded; all in favor, motion carries.

Change Order
No. 2 – S.R.
Weidema

Jochum explained that the current design for Phase 1 Project 1 Utility Improvements includes replacing the existing bituminous curb with new bituminous curb. The attached change order consists of using concrete curb and gutter in lieu of bituminous curb. Given the relatively flat slope of the streets it is difficult to construct a bituminous curb without creating bird baths along the curb in isolated areas. Bituminous curb also has the tendency to be worn down over time or knocked off by snow plowing operations.

For overall project aesthetic and satisfaction of the business owners and less long term maintenance, staff is recommending that concrete curb and gutter be considered on this project in lieu of the proposed bituminous curb. Costs of this change order is \$43,536.10.

Voss asked what standard do we have for concrete. Jochum said B6-18. Voss asked we only have one standard. Jochum said in the residential we used a standup curb. DeRoche asked out of curiosity why hasn't this been brought up before. Voss said it was brought up; we talked about this last year. Jochum said he thinks he brought it several months ago and the project will go on with or without it. He said this is more his doing than any of the other staff members it is money well spent. Moegerle asked why this done, why wasn't wasn't this approved last year if you recall. Jochum explained they were trying to keep the costs as low. Moegerle asked can we anticipate getting more change orders like this, for more curb or is this limited. Jochum said this is all the curb on the project, with this we eliminated all the bituminous curb, we made it clear to them, and they are comfortable with this change order. Voss said and this didn't come as a change order from Weidema, this was a request from you to Weidema for these costs. Jochum said yes, we requested Weidema give us the cost for this. Davis said we requested this, and this is the look we want in the business park and continue to the city center area. Jochum said he feels it when we get to the assessment hearing it will be much easier to present, it will look much better, he doesn't know if you have seen bituminous curb but when it is done it is bituminous curb, just the highlights of white will help. Davis said generally when you request a change order from the contractor and ask for a give back you generally see 10 cents on the dollar, but we were very surprised on what the credits were on this. He said about \$53,000 and he thought we would get \$20,000. Lawrence asked so this would go from Highway 65 down through the business district. Jochum said yes, but it will not include 187th Lane in front of Ampride, but it will include every road south of there. Davis said but 187th Lane is a street that is scheduled for an MSA project. DeRoche asked wasn't there something in here about Met Council doing a cost sharing on this. Jochum said they have a cost sharing on this, they won't pay the extra.

Moegerle made a motion to approve Change Order #2 in the amount of #43,536.10 to S.R. Weidema. DeRoche seconded; all in favor, motion carries.

Recommendation of Public Works Manager

Davis explained that the position of Public Works Manager was advertised in the Minneapolis Star Tribune, the City's web site; the LMC web site and the Anoka Union. Forty four applications were received of which nineteen met the minimum qualifications. Of these nineteen, the top five were invited for an interview. There were two interview panels established, one to review and solicit information regarding management styles and the second panel to review and solicit technical information regarding the position. There were three candidates that clearly did not have the skills and abilities that would be a good fit for

the City.

The top two candidates have significant experience in the public works area. The top candidate, based on the evaluation of the two interview panels, had skills and abilities that will meet or exceed our requirements and has significant experience in the public works and parks management area.

We have conducted a follow up interview with the candidate recommended by the interview panels to clarify several items and are satisfied that Mr. Nathan Ayshford is clearly the top candidate. Mr. Nathan Ayshford is currently the Street and Park Supervisor for the City of Ham Lake and has served in this capacity from 2004 to the present. Prior to 2004 Mr. Ayshford was the City Forester and maintenance employee for Ham Lake. Mr. Ayshford has completed 2 years in the civil engineering program and holds a Bachelor of Science degree in Forest Resources from the University of Minnesota. Mr. Ayshford is member of the Minnesota Street and Parks Supervisors Association. Mr. Ayshford has completed the necessary background and reference checks.

Funding for this position is provided for in the 2011 Budget in the Street Maintenance Department.

Staff is recommending that Council authorize an offer of employment for the Public Works Manager position to Mr. Nathan Ayshford at Pay Grade 11, Step A, \$70,304.00/yr. The employee must also complete a six month probationary period to be eligible for full time employment.

Voss made a motion to offer the position of Public Works Manager to Mr. Nathan Ayshford at Pay Grade 11, Step A, \$70,304.00/yr with a six month probationary period. Lawrence seconded. Lawrence asked we were discussing some kind of vacation package. Davis said we were. He said we had previously made him an offer that was 13 days of vacation, the same that was offered to the previous department head, but is contrary to the personnel policy that says we have 10 days vacation for the first 5 years. Davis said this was done to help compensate department heads that we hire that are essentially giving up their benefits from another position and give them a chance to catch up on some of these rates. He said he understands that we need to look at our personnel policy and adhere to that, but for some situations like this he thinks that some discretion should be allowed to some of these people especially if they are taking department head jobs. Voss asked is there an issue with this. Vierling said it is a department head hire, you are basically doing a lateral hire and benefits so he doesn't see a problem with it. Voss said he has met Mr. Ayshford and personality wise he thinks he would be a good fit. **All in favor, motion carries.** Voss asked when does he start. Davis said August 1st.

Security System

Davis explained that the East Bethel City Hall currently has no security system. A security system is one of the essential methods to protect City records and pose a deterrent to potential acts of vandalism within the building.

The system that was proposed to City Council was a split system. City Hall offices and the Council Chambers would be protected with a key pad controlled alarm system and the common hallways and Booster West Conference Room and garage would be covered by cameras under this proposal. The split system was recommended due to the fact that groups utilize the Booster West Conference Room at times when staff would not be available to secure an alarm system. The split system would permit continued group use of the

conference and restrooms without having to provide access codes to alarm keypads or having staff return to the building to arm the system. The cost for this system is \$4,840 for equipment, installation and a one year monitoring cost.

It was recommended that staff explore a key card system as an alternative. The cost for a key card system would be \$5,453 for cards, readers, control panel, other appurtenances and installation along with a cost of \$1,975 for the alarm system and a one year monitoring cost. Total cost of this system would be \$7,428. A camera system for the hallways would cost an additional \$2,865. This system would allow programming a card for front door entry and access to the Booster West conference room and restrooms without permitting access to the remainder of the building.

The key pad system would also offer entry into the common areas while restricting access to the offices and the card reader and monitoring equipment could be installed at a later date as an add on to the system. There is currently only funding to install a system that is less than \$5,000.

Staff recommends approval of the installation of a key pad system per the specifications on the attached quotes at a cost not to exceed \$4,840. These funds would come out of general government buildings.

DeRoche made a motion to approve the installation of a key pad system at a cost not to exceed \$4,840. Moegerle seconded; all in favor, motion carries.

Appoint City
Clerk/
Treasurer

Davis explained that on April 1, 2011 he was appointed the Acting City Clerk/Treasurer. He said that appointment expired July 1st, he was told today. Davis said we are asking for an appointment for 30 more days until August 3rd, so he can come up with some options personally he has no preference. He said if it is passed on to other staff members that is fine with him. Davis said we were told there might be additional costs if it is assigned to other staff members but we have not verified this, and that is what we would like to do so we can come back to you on August 3rd and make a final recommendation.

DeRoche made a motion to extend this appointment to August 3, 2011. Voss asked can we do this without a resolution. Vierling said you can make a motion adopt a resolution extending this appointment. Voss said we don't have a resolution before us. Vierling said you can pass it as a resolution and staff can draft a resolution after. **DeRoche amended his motion to adopt Resolution 2011-22 Appointing Jack Davis as the City Clerk/Treasurer until August 3, 2011. Moegerle seconded; all in favor, motion carries.**

Council
Reports -
Voss

Voss said he wants to further his suggestion of earlier to go on a ride along with the sheriff's deputies, if you contact Lieutenant Orlando she will arrange this and they will pick you up at your house or anywhere you want to be picked up at.

Council
Reports -
DeRoche

DeRoche said the fire department is out selling tickets for the dance. He said they have all been working hard for Booster Days, Dan Berry is working hard getting set up for dance. DeRoche said he was a little disappointed about their backup communications; we definitely have to do something about a backup generator. He said he talked to Davis about this, but if City Hall goes down they lose everything but one land line, and he thinks that in this day and age is really poor. DeRoche said three fire fighters have finished their interviews and there are three coming up. He said check out the explorers last night was their meeting, so they came in last night and sat in on the staff meeting. DeRoche said we had a great fireworks

show on Coon Lake.

Council
Reports -
Moegerle

Moegerle said she attended the LMC conference in Rochester, she drove there and back both days, she learned a lot. She said one of the big things she learned is most successful cities are innovating, and what works for someone else, we can't necessarily replicate here. Moegerle said she learned a lot of ideas, want to put it down and write it up. She said the EDA information was very interesting. Moegerle said she talked to the mayor of Rochester and other cities; one conversation was about rural areas and requirements of Met Council. She said there was some discussion about the rural cities sharing discussion about how to deal with the Met Council trying to impose urbanization standards on the more rural cities.

Moegerle said she also had a great time at the Anoka County LGO meeting. She said she had discussion with the Linwood folks about the some of the background about GRE and they were excitable about the GRE decision. Moegerle said she thinks she moderated that excitement some and said: Based on the information presented we made a decision. They haven't heard from GRE for years. She said she talked to some people from Ramsey and they have some exciting things going on with development.

Council
Reports -

Lawrence said he was at LGO meeting as well and it was very exciting, they had a presentation on the fiber optic coming through East Bethel which should be very exciting when it gets here.

City
Administrator
Report

Davis said he would like to schedule a short work meeting to discuss our ERU Policy and have Greg Schmidt also attend, to discuss not only our outstanding easements, but how we are going to move forward with this in the future. He said this should only take 30 minutes, but if we could schedule this maybe July 20th at 6:30 p.m.

Davis said we gave you the first blush of the 2012 proposed budget, we are going to need to start scheduling some work meetings on this but we thought we would give you a couple weeks to digest this material. He said the proposal you see before you represents a slight decrease from 2011, there are still some unknown such as insurance costs, and unknown insurance, the biggest unknown is market value home credits. Lawrence asked are we coming up short on our tax credits. Davis said right now we are even, but depending on what they do with the market value credits it might mean a loss of \$200,000+. Voss asked has the LMC said anything. Davis said no, no one seems to know anything, it might be better if it just goes away from our perspective because we don't get the money anyways. He said but anyways we will need to schedule some work meetings.

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 three issues, review matters of land acquisition for the service road, land acquisition, Phase 1, Project 1, and a closed session to discuss matters between the City and MBI contract. Vierling stated that the properties for land acquisition need to be identified for record before going into closed session. He said the properties we will be discussing in regards to the service road from 221st to 215th Avenue NE are the following: PID# 08 33 23 42 0001 & 08 33 23 13 0001. Vierling said the properties we will be discussing regarding the Utility Project, Phase One, Project 1 are the following: PID# 32-33-23-32-0002, 32-33-23-24-0016, 32-33-23-24-0015, 32-33-23-24-0014, 32-33-23-24-0017, 32-33-23-21-0005, 32-33-23-21-0006, 32-33-23-21-0008, 32-33-23-21-0009-, 29-33-23-43-0001, 29-33-23-34-0001, 29-33-23-31-0001, 29-33-23-32-0004,& 29-33-2324-0003. Matters referenced to land acquisition will be tape recorded as required by law, the matter regarding contract dispute will not be recorded. If

any action is taken, we will come back onto public record and announce those on public record.

DeRoche made a motion to go into closed session to discuss land acquisition for the service road from 221st to 215th Avenue NE, land acquisition for the utility project, Phase 1, Project 1 and MBI contract discussion. Voss seconded; all in favor, motion carries.

Vierling said the Council has concluded the three closed sessions. He said attending were four Council Members, not present was Council Member Boyer. Also attending were Jack Davis, city administrator, Craig Jochum, city engineer, and himself, city attorney. Vierling said with regard to the contract dispute with MBI, the Council reviewed correspondence with their city attorney, and discussed proceeding forth with arbitration/mediation, but took no votes. He said relative to the land acquisition matter of the service road, Council received input from the city engineer relative to issues of funding from the state and discussed strategy but took no specific motion. Vierling said relative to the land acquisition matter relating to the Utility Project, the Council received input from the city engineer with regard to project costs and negotiated settlements with various property owners but took no action. He said the matter of land acquisition for the service road and utility project were tape recorded and will be retained as required by statute.

Voss made a motion to authorize the city engineer to complete the acquisitions of the properties in Phase 1, Project 1, Utility Project and authorize staff to issue payments as recommended by the city engineer. Lawrence seconded; all in favor, motion carries.

Adjourn

Voss made a motion to adjourn at 9:55 PM. DeRoche seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk