

## EAST BETHEL CITY COUNCIL MEETING

April 20, 2011

The East Bethel City Council met on April 20, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer      Bob DeRoche      Richard Lawrence  
Heidi Moegerle

MEMBERS EXCUSED: Steve Voss

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

Call to Order      **The April 20, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda      **Boyer made a motion to adopt the April 20, 2011 City Council agenda with the addition of item 9.0 G.3 RFPs for Legal Services.** Moegerle asked to strike previous item 9.0 G.3 Closed Session – ACHRA Litigation. **Boyer accepted the amendment. DeRoche seconded; all in favor, motion carries.**

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

### **DUI Arrests:**

There were five DUI arrests for the month of March. One involved a one vehicle personal injury accident where the driver ran off the road, into a stop sign. The driver was transported to the hospital and submitted to a blood test.

An off-duty detective noticed erratic driving behavior at 5:15 p.m. and conducted a traffic stop. The driver was found to be intoxicated. There are intoxicated drivers at all hours of the day.

There were 2 theft from vehicle reports for the month. One vehicle was parked at a local business and had an iPod and cell phone taken. The other was a beer delivery truck, where a keg of beer had been taken.

On March 31<sup>st</sup> there was an assault situation where shots were fired. An adult son had broken into his father's home and assaulted him. The son had fled the home and the father went to a neighbor's looking for help, as his phone had been disabled. Deputies responded and set up a perimeter, as it was believed the son may still be in the area. SWAT and K-9 responded and it was determined that the suspect was no longer in the area. The suspect was arrested several hours later at another location.

### **Current happenings:**

There has been an extraordinary number of heroin related overdoses resulting in deaths in teens throughout the metro area. There was also a death last month from a "designer" drug that was purchased over the internet. Make sure you take the time to talk with your kids about the dangers of using these substances. Unfortunately, teens tend to think that nothing bad can happen and do not think these activities could result in their deaths.

**Miscellaneous Information:**

April 21<sup>st</sup> will be a day where law enforcement agencies statewide will be looking for “distracted drivers”. Distracted driving includes texting, talking, eating, reading, fiddling with the radio, shaving, putting on makeup, etc. while driving. Driver distraction is a leading factor in crashes, and accounts for at least 20 percent of all crashes. A University of Utah study reports that using a cell phone while driving, whether hands-free or hand-held, delays a driver’s reactions as much as having an alcohol concentration of .08.

Just a reminder, dogs are not allowed to run loose off your property. Make sure you have your dog contained to your property in some way, whether by fencing or not allowing the dog outside while unattended. With the warmer weather on the way, people tend to be outside walking or riding bikes and complaints of loose dogs tend to rise. Which we have already seen.

DeRoche asked have you seen an increase in dogs, are people just driving by and dropping them off in the City. Lt. Orlando said she hasn’t seen a big increase of stray dogs being located. Moegerle said she noticed in the report a spike of felony arrests, is that seasonal. Lt. Orlando said yes, that is seasonal and there was the meth lab.

Joint Law  
Enforcement  
Council  
Agreement

Sheriff Stuart said he is excited to be here, he is here regarding the Joint Law Enforcement Council (JLEC). He said there is a benefit for each City involved, a benefit in redundancy in the system and as an elected county wide provider.

Tony Palumbo, Anoka County Attorney explained that he is here before you tonight as a member of the Joint Law Enforcement Council. He said the council is comprised of eleven members, including law enforcement officers, the sheriff, a fire chief, county commissioners and council members. Palumbo said the JLEC has provided training, 911 dispatch centers, a major crime investigation unit, consolidated police records system and that last most public was the 800mh radio system. He said we are here before you tonight with public safety collaboration; we want to improve and collaborate the records management system for all our partners. Palumbo said we have a short seven minute video we would like to show to explain the project and there is proposed resolution in front of you, we are not asking for money we are asking for support of legislation to allow the County to go through and bond. He said this is a joint County bond which is outside the levy limit, \$3,500,000 to \$5,000,000, the estimate is \$7 per household. The DVD was played.

Chris Olson, Chief of Police, City of Blaine, said there are different City entities that gather information and our system is getting older and not as useful as we would like. He said there are different partners involved and we can’t share data. Olson said so if we take the jail example, an officer may take an individual to jail and give them all our information, they will enter all that information and then they will take all their information and enter all that data. He said but if a mistake is made in the data, then a suspense is made in the file, and what happens with that right now because we have so many different entities in Anoka County entering the data is our suspense rate is 14% and others is at is 5%. Olson said we want to correct that along the way, we want to do our public safety job well.

Palumbo said we are asking for your support, we are asking for approval of the resolution. He said support us with legislation, this is no financial request of the City. Palumbo said this is a County project and we are currently taxing through 2012 tax for the 800 MHz radio system, this would go on the 2013 tax bill if approved. He asked if there were questions.

DeRoche said he got a lot of information from the Oak Grove meeting. Lawrence asked with the current system we are using and the data being repeatedly put in the system, which is making the

14% error. Palumbo said that is correct, so many entities are putting in the information, if they put in Olsen instead of Olson, which creates an error. Lawrence asked so you are replacing computers. Palumbo said we are going to try to link them together.

**Boyer made a motion to adopt Resolution 2011-13 Resolution Supporting the Anoka County JLEC Projects and Public Safety Bonding Authority as Provided for in HF 429 and SF 275 to Provide for County-wide Public Safety Initiatives. DeRoche seconded; all in favor, motion carries.**

Public Hearing  
– On  
Sale/Sunday  
Liquor License  
Viking  
Meadows Golf  
Course

Lawrence asked if there was anyone that wanted to comment on the Viking Meadows, Inc. On Sale and Sunday Liquor License. There were no comments.

**DeRoche made a motion to close the public hearing on the Viking Meadows, Inc. at 1788 Viking Blvd. NE, East Bethel, MN 55011, On Sale and Sunday Liquor License. Moegerle seconded; all in favor, motion carries.**

**Lawrence made a motion to approve the On Sale and Sunday Liquor License for Viking Meadows, Inc. at 1788 Viking Blvd. NE, East Bethel, MN 55011.** He said all paperwork is in order and the background check has been completed with no negative findings. **Moegerle seconded, all in favor, motion carries.**

Public Forum

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

Gordon Hoppe of 604 of 189<sup>th</sup> Avenue NE said he told Council six weeks ago he sold his building that his excavating business was in and just his dump trucks came home. He said now he was told one neighbor complained, they e-mailed Mr. Boyer. Hoppe said he planned on adding on to his other building and yesterday he found out he can't do that. Moegerle said it is a supreme court ruling about variances, they are all being held in abeyance at this time. She said in July, the legislature is working on a bill at this time that may be passed. Hoppe said he owns his own cabinet shop on Viking Blvd, and he was going to add on to that building and he can't because it is a legal non-conforming and so his hands are tied right now and he is just letting you know that one neighbor has complained already. He said he didn't realize he didn't own his building he just gets to occupy it.

Lawrence said since the sign up sheet for the Public Forum is new, is there anyone else that wants to comment. 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, April 6, 2011 Regular Meeting; C) Appoint Seasonal Maintenance Workers. DeRoche seconded; all in favor, motion carries.**

Park Comm.  
Minutes

Davis explained that the March 9, 2011 Park Commission unapproved meeting minutes are provided for your review and information.

Road Comm.  
Minutes

Davis explained that the March 8, 2011 Road Commission unapproved meeting minutes are provided for your review and information.

Water  
Treatment  
Plant  
Evaluation

Jochum said the purpose of the water treatment plant was to remove the iron and manganese from the water. He said iron and manganese cause stains, iron brown and manganese black. Jochum said the current plant the City has is a gravity plant and the other process is a chemical process. He said staff looked at eight different water supplies from other communities and compared the iron and manganese concentrations in the water. Jochum said in the table the

numbers are also compared to the East Bethel Whispering Aspen system which is your system at the north end. He said there is a non-detect for iron and the manganese is .16. Jochum said we can't say we will never see iron, but it is low. He said the next table shows the comparison of manganese concentrations. It shows the recommended limit for polyphosphate sequestering and secondary drinking water standards. Jochum said given the water quality results of the test well polyphosphate would be a feasible and effective means to sequester the iron and manganese. The next table is a comparison table of iron concentrations and again it is under secondary water standards, overall it is a good water quality. Secondary water standards is a limit that you can get by without treatment or polyphosphate treatment.

Jochum said for Water Residence Time we reviewed two conditions. He said Condition One were: Store Fire Flow in water tank (450,000 gallons for 3 minutes); 3 Hour Peak Day Demand – Varies; 20 Percent Reserve – Varies and Pipe Storage – 262,000 Gallons and Conditions Two were: 3 Hour Peak Day Demand – Varies; 20 Percent Reserve – Varies and Pipe Storage – 262,000 Gallons. Lawrence asked is this for pipe in ground. Jochum said yes. He said there were two Scenarios with each condition: Growth Rate From the Feasibility and 50% Growth Rate From the Feasibility.

Jochum said the next chart shows the average water residence time. He said the summary of residence time shows an average with the two different conditions and the two different feasibility study scenarios, it goes down as users are added. In 2013 water storage is about 13 days. He showed the anticipated year we would be through the system in 5 days and in 3 days. Jochum said the less users; the longer the water will be in the system. He explained that the City will need to maintain adequate chlorine residual in the system at all times. Jochum said chlorine residual is the amount of chlorine left in the water, after all the chlorine demand has been met. He said you need this to fight bacteria. Jochum said it can be concluded that adequate chlorine residual can be maintained longer with removal of iron and manganese.

Jochum said we provided the following water treatment options:

**Option 1** – Current Plant – the City could construct the current plant as contracted. The as bid cost for this option is \$5.8 million. The current plant design flow is 1,500 gpm with an ultimate design of 5,000 gpm. Certain features of the plant are designed for the ultimate build out of 5,000 gpm. It is unknown at this time whether the Franconia-Ironton-Galesville (FIG) formation can produce enough water to supply the ultimate plant build out. In order to meet the 5,000 gpm, a Mount-Simon well may be needed on this site. The DNR has indicated that a Mount-Simon well may be allowed if it is proven that the FIG wells influence the shallow groundwater. It could take years to prove or disprove the need for a Mount-Simon well.

**Option 2** – Modify Current Plant – It may be possible to downsize the existing plant design by elimination of one of the clear wells in addition to other deducts that could be utilized. The Contractor has provided input regarding this option. He has indicated that the cost could be reduced at least \$1.5 million, bringing the estimated cost to \$4.3 million.

**Option 3** – No Iron or Manganese Removal – With this option the City would need to construct a pumphouse and provide the minimum chemical treatment for chlorine and fluoride and polyphosphate to sequester iron and manganese. This option is estimated to cost \$700,000. As previously discussed, an aggressive flushing program would need to be provided during the early years of the system to ensure the polyphosphates are effective.

**Option 4** – Oversized Pumphouse/Treatment Building – This option would be the same as Option 3 except it would include constructing an oversized pumphouse/treatment building that is large enough to accommodate two 600 gpm pressure filters in the future. The pressure filters

would be used for the removal of iron and manganese. This option is estimated to cost \$1.0 million.

**Option 5 – Water Treatment with Pressure Filters –** This option would be the same as Option 4 except that one of the pressure filters would be installed immediately for the removal of iron and manganese. In the past, pressure filters were typically considered only for smaller water treatment systems. The advantage of pressure filters is the reduced footprint of the plant due to the smaller filter sizes. The City's of Blaine, Coon Rapids, and Anoka currently have pressure filter plants. The initial plant design capacity would be 600 gpm. This option is estimated to cost \$1.4 million.

Jochum with all that being said, staff is recommending that Option 5 be considered, we considering everything, residence time, price, we think that this is the best option for the City at this time.

Boyer asked what the cost of operation is; we basically have three different operations, pressure filters, polyphosphate. Jochum said right, for the most part the two filters will be similar and most of the systems are automated these days and are pretty comparable, and the other two are going to be more in chemicals, but chemicals are relatively cheap, we didn't do a cost for each to run the system, but for the most part they are relatively the same. Boyer asked did you discuss what happens with the bond attorney, what happens if we don't spend the money from the bonds are we setting ourselves up for lawsuits. Vierling said we have not, we can, he would expect the bond funds were raised collectively, they still have to be spent on the project, but within the project you may shift. He said the larger problem is the project that has been let on the facility. Moegerle said it is her understanding we have three years to spend the bond money, is that correct. Vierling said he will check on that. Boyer said the money we raised has to be spent on the water system. Moegerle said on a water system.

DeRoche said one of his concerns is how many connections are we going to have right at start up, forget the build it they will come thing. He said right now, how many people are we going to have utilizing this, is it enough to get enough flowage in, where we don't get into manganese bacteria, and where we don't have an issue with the iron. DeRoche said because if it isn't flowing it is going to be sitting in this tank. Jochum said it will be sitting in the tank with pipes, but at some point, with our without treatment, you are going to have to likely flush water during the early stages. Moegerle asked how long is the early stages, months or years. Jochum said it is not the iron or manganese that you have to watch it is the chlorine, chlorine residual is the key and it is difficult to estimate. He said he talked to a lot of people and the consensus was you can maybe extend that time with treatment. Jochum said an example would be you would have to be through the system for an example, 5 days without treatment and 10 days with treatment. Davis said as far as customers think we originally have eighteen, and with these figures, 5 and 10 day turnover, for residency and chlorine residual, we would be looking at 10 day turnover, utilizing approximately 25,000 gallons a day to turn the water over in that period and eighteen customers would probably not do that. He said it would depend on the ERUs and usage, but it would appear we don't have that. Davis said so we would have to incorporate some kind of flushing program to keep the water turned over. Boyer said you would have to do that with your hydrants. Moegerle asked is there a market for the flushed water, can we create a market for the water that is flushed, how many gallons we are talking about, what happens to it. Jochum said it gets flushed, down the storm sewers and out. He said you could explore with the options with the trailer park on the south which would be ideal, because it is on a dead end this is something we discussed a little, it could be explored and irrigation. Jochum said that is a whole other issue in the winter months you have to move the water in the tank, up and down or it will freeze, you will want that to go up and down daily and that will depend on if you are going to use fire flow. He said he doesn't know if you are going to be able to consider fire flow for a while, but the system

is sized for that.

DeRoche said he has some concerns after reviewing the City assessors report; the numbers are pretty bleak, he thinks our numbers are only about 3.2% for commercial, so about 80% is residents and he can see the residents having to paying for this. He said and if we are going to end up flushing it all away, he doesn't see the sense in that. DeRoche asked with the options that are given, what is the option of adding on to it in the future of is it now we have this one and we have to get rid of it and build a new one, what are the possibilities. Jochum said all the treatment plant options are easily added on to in the future. He said Option 5 cost is a lot lower and easily added on to. DeRoche said 61.7% are distressed homes in East Bethel, that is pretty tough to take, and maybe he is misunderstanding something, but we don't have any residents hooking up initially, so we are going to bank on these, well with Mr. Hoppe's business gone, 17 businesses hooking up to this, he has a real problem with this. He said he can't in all good sense for sure go with the whole plant, maybe with letters of intent, if someone can show him this; he is a common sense guy. Davis said 17 businesses for sure can't handle this, there will have to be growth, as Jochum mentioned we will be contacting others in the area to see about them hooking up which could add to this base significantly. He said we know growth will not occur the way it did in the late 1990s and early 2000's, but we think there are things we can do from the economic development to promote ourselves and hopefully get enough growth to sustain ourselves in the initial phases. Davis said there are no guarantees, but unless we do something, we can't sit back and wait, we have to be proactive in this. He said we are going to be taking measures to add customers, and add to the customer base. Davis said we can't give you guarantees in this, but we can give you a pledge that we will do what we can to get additional customers to make the operation of this facility improved and hopefully a stand alone system. DeRoche said this will have to be a goal of everyone that is involved with the city, somehow this sewer system has to work, that passed.

Boyer said if he can, first of all, you mentioned that 61% of houses are distressed, that is not correct; you looked at Bethel, which is not East Bethel. He said secondly, it is talking about percentage of sales, not talking about percentage of houses; don't want people to get misinformed. Moegerle said before we go too far, we are in this district, District 713 which is Bethel, which encompasses East Bethel which is what he is referring to. She asked about Option 3, right now that would work if there was enough customers, right now the big problem is going to have to flush, is there a way to go ahead with Option 3 and add the just in time building, just before this goes online. Jochum said it would take some planning; you would have to look at construct the smallest building possible and construct a building when adding treatment. Boyer said you have to remember this goes online in 2013. Moegerle asked how long it would take to build out if we started with Option 3 and then build Option 5 as an addition, 8 months, 12 months. Jochum said probably 8 months to get approved, plan and construct. Moegerle asked would we save some of that time if we planned side by side. Jochum said yes, Option 4 is building. Richard said he has some questions. He said about Option 3 is obviously the lowest cost and we would just be adding chemical to suspend manganese and iron correct. Jochum said correct. Lawrence said and Option 4 is a larger building do the same thing. Jochum said doing the same thing, but the building would be ready for treatment. He said all you would have to do is buy the equipment and put it in. Lawrence said and Option 5 is. Jochum said it is actually adding the first filter. Lawrence asked and chemicals. Jochum said adding fluoride and chlorine. Lawrence said but we are suspending the elements we are removing. Jochum said correct. DeRoche said no matter what we will still have to flush right. Lawrence said you wouldn't have to flush with this one would you. Jochum said this one would extend the flushing time, with the chlorine residual. He said for an example it is 5 days without treatment and 10 days with, so it gives you 5 more days with the treatment. DeRoche said but you were saying the water in the tank is going to freeze, it has to move so is it days, does it depend on the weather. Jochum said you will have some users so it will have some movement. He said if we have no

users in the system we have issues. Jochum said you should initially plan for the fire flow. Davis said so you have to fill the tank in the stem. Jochum said and in the bowl, need to keep it moving up and down. Lawrence asked how many gallons of water are we going to be using every day, are we going to start up with for our businesses that are hooking up. Jochum said page 66, Attachment #6, we are talking about start up of 38 ERUs under lower growth, 50% of feasibility so 10,000 gallons per day. Moegerle said so double for higher use, according to the feasibility. DeRoche said that is assuming nobody leaves, none of those other businesses leaves. Boyer said and that is also assuming nobody comes, and we can all assume that the entire the world comes to an end and we are struck by a meteorite. DeRoche said or we can assume from Bob Schunicht's report and the assessor's report where they have taken a heck of a lot more than, that take facts and figures for their data. Boyer said and both show 50% feasibility he thinks.

Moegerle said Bob Schunicht is here, she asked him for the good of the cause if he had any comments. Schunicht said Jochum did an excellent job of laying out the options for you and numbers and like we have known from the beginning it will be difficult from the beginning and you will have to do some flushing. He said the question he has had from the beginning is to get a project that works but where you spend the least money possible. Schunicht said the growth that is occurring in the marketplace is uncertain; we don't know what is going to happen that is why we took a conservative approach. He said he would go with Option 3, 4 or 5. Schunicht said there are two advantages to number 3, first of all you don't have to spend as much money and it give you time to see what you want to do for a water treatment plant, then you can look at whether you want to do a pressure plant or gravity. He said cities tend to prefer gravity systems, but they tend to build those later on in their lives, not early on in the stages.

Moegerle asked what is benefit of gravity versus pressure. Schunicht said gravity is more flexible, you can get in there and clean it out better, gravity is concrete, chambers inside the plant, pressure is steel tanks. He said operators tend to like gravity better, number of cities that built pressure systems that converted them to gravity systems later on. Schunicht said but if on budget pressure filters are best way to go. Davis said one reason we looked at pressure filters is we made the assumption based on growth projections that pressure filters could get us through 10-15 years until we have had an adequate customer base, something that could be improved if it is needed at that time and we felt this was the most economical way to go until we had a customer base to support the system. Schunicht said that is absolutely correct, if you decide to build a water treatment facility today, pressure filters are the way to go, don't even think about gravity. He said also pressure filters are easier to expand. Schunicht said with a gravity filter you do those in fours, with a pressure filter you can do those in ones. Davis said one other thing as this system evolves and grows, there will be additional plants, this one can be a pressure plant, next could be a gravity.

Moegerle asked the one option we haven't talked about is Option 4, why wasn't it addressed. Jochum said given the additional costs weren't significant, with the residence time; we thought with treatment, Option 5 was the best alternative. Lawrence asked the cost of Option 4. Jochum said about one million. Boyer said you have no treatment. Jochum said correct. Boyer said it is just an oversize building. Jochum said both thoughts of Option 4 and 5 is both would be big enough to be considered into the system, example it could turn into the garage area, like designed in the current plant, so it would not be wasted area. Moegerle said so if we build it and they do come, that option would be perfectly poised to have our garage instead of treatment and then we wouldn't have to do Option 5 and just pressure treatment, if they come. Jochum said correct. He said but if they come or not you will have a lot of flushing for the first couple years, that is why Option 5 was preferred.

Moegerle asked Schunicht when you did this feasibility from a financial stand point; 4 million

compared to \$700,000 difference in Option 5 is that a deal breaker, can we afford this. Schunicht said Jochum and I had pretty much the same numbers for Option 3, and if you add \$700,000 you might be looking at 60% of the feasibility study not 50%. He said so there are things you can do, such as extending the bonds. Schunicht said you are still depending on people coming into the system.

Lawrence asked when you talk about flushing how many gallons are you talking. Jochum said for example system starts up and 5 days is correct, the residual, using 10,000 gallons a day, so 50,000 gallons, 262,000 gallons just in the pipes, so to turn over the water in the pipes would have to flush 210,000 gallons. He said that is where we are saying with treatment we can extend the residual to 10 days, it is less flushing. Lawrence asked would we have to do this about three times a month. Jochum said almost weekly. Davis said would have to do weekly and depending on where it is discharged, maybe 2 or 3 times a week. He said the key to this is regardless which option we select we have to do the things to promote East Bethel to get customers to make this work and he thinks this is what we are all committed to. Davis said we can't look at this as we have eighteen customers, it is like breakfast, ham and eggs, the chicken is involved, but the hog is committed and we are the hog. He said we are going to find out what it takes to make it work.

Schunicht said the good news is the water quality is good, but you don't know how the system is going to work, it is guess work, some time the problems happen just in one area. He said it is not a bad idea to get the system up and running and decide what to do. Lawrence asked for the wells, for water capacity, are we covered on that. Jochum said it is hard to say, but thinking on the lowest end 300 gpm, but hoping for 500 gpm. He said so it would be 6-1,000 gpm total with the two wells. Jochum said again in his opinion that is why we don't consider Option 1 or 2 until we know we can get the water to the treatment plant in a feasible manner. He said the plant is designed for 5,000 gpm ultimately. Jochum said if you get a Mt. Simon well, he doesn't know that you can get the water to it feasibly, and we won't get a Mt. Simon well unless the FIG wells interfere with the surface water the DNR has been pretty clear on that to him and it could be years be we prove or disapprove that theory. Lawrence said the Mt. Simon has more radium in it. Jochum said correct and typically you would treat it anyways, so, but they are typically high capacity wells upwards of 2,500 gpm. Moegerle asked what is the time frame between Option 4 and 5, for getting the pressure filters installed. Jochum said typically about 12 weeks to get them delivered to the site, pretty modular in general takes about a week to hook up.

DeRoche asked and this treatment facility is only going to service this well. Jochum said it would service both wells and you could add on more pressure filters or decide if you want to design a gravity system, whatever you want to use.

**Boyer made a motion to approve Option 5 -Water Treatment with Pressure Filters as presented. Lawrence seconded.** Moegerle asked so 12 weeks would be three months to get pressure filters in so maybe 4 months to get installed between Option 4 and Option 5. Jochum said correct. Boyer said but you are not treating water. Moegerle said she understands that. Lawrence said the reason he seconded Option 5 is it requires less flushing. He said with Option 3 or Option 4 we would have to flush more often, this could be 2 or 3 years, we would be flushing a lot of water tossing it out the door. Moegerle said she thinks Option 4 is more optimistic. Lawrence asked if we went Option 4 is it easily adapted to Option 5. Jochum said yes, that is what is built for. Moegerle said if we went with Option 4 and we didn't have the customers, in 12 weeks we could be up and running with Option 5 is that right. Jochum said at a little higher cost. Boyer said but you only have 8 months to make that decision. DeRoche said Option 5 says the filters will be used for iron and manganese, and that is not an issue right now, so why are we going with that one. Davis said it will have an effect on the chlorine residual so that means will have to flush more often. Boyer said the manganese is over the secondary drinking standards. DeRoche said the MN Department of Health, unless they have modified it

since 1997, they said it was 1,000 UGs per liter and at 300 we needed to start looking at it, and as he understands it we are at 163. He asked what is UGs. Jochum showed the manganese graph. He said we are at 163 micrograms. DeRoche asking there was a statement on their website that at 300 you have to look at it. He said it was manganese. Jochum said he thought manganese was .05. Moegerle said she found something that says for manganese it is 100 UGs.

Moegerle asked about Maple Grove, they have similar water to ours. Schunicht said they have .3 of manganese and definitely no iron. He said they definitely grew faster than East Bethel is going to grow, but they waited 10 years to do a water treatment plant, they did treat with polyphosphates. Davis asked if they flushed. Schunicht said yes, they did. He said the critical thing about flushing is winter, and in the early days, but as the system go mature, they did it in the fall and spring. Lawrence asked what our plan for flushing is. Jochum said we haven't thought about it a lot, but they do have automatic systems in place, which make it easier, installs in hydrants, and make sure hydrants are close to drain systems.

DeRoche asked where does water drain to. Jochum said to storm system. Davis said the answer about where would we put the water, storm system, but sometimes that won't be convenient, sometimes we will have to hook up hoses. Lawrence asked about the creek. Davis said it depends on the time of year, but ultimately that is where it is going to go. DeRoche asked what are we looking at for building size. He asked are 4 and 5 the same building size, 5 just has a treatment facility. Davis said they are the same building, 5 just has the treatment facility installed. Moegerle said \$400,000 difference and the time. Moegerle said we could choose Option 5 and decide not to get the pressure filters. Davis said if you do Option 4 he would recommend that you do the design to get everything in place and permits, otherwise you might miss the opportunity to use the bond money.

DeRoche said he doesn't understand why we are doing Option 5, why are we treating it. Davis said the reason we recommended Option 5 is the flushing frequency, as we get more customers it will go down. DeRoche said he doesn't understand why we are doing Option 4, he realizes it is historic, wouldn't be in this situation, being that we are we have to make the best of it. Davis said but in doing Option 5 we are cutting the initial project down from 5.8 million to 1.4 million. Lawrence asked is the 1.4 million maximum cost. Jochum said this is an estimate; it should be close to that. **All in favor, motion carries.**

Jochum said we need to clarify that we will be terminating the contract with MBI. Davis said we will be meeting with them in the morning. Boyer asked so you are going to rebid this. Davis said it will be redesigned, rebid and re-permitted.

Upper Rum  
River  
Watershed  
Organization  
JPA  
(URRWMO)

Davis explained that attached is a copy of the URRWMO amended JPA incorporating amendments approved at their 1/04/11 meeting (see attachment # 1).

The URRWMO is requesting that this amended JPA be presented to the East Bethel City for approval.

Staff recommends approval of the URRWMO and consideration of the recommendations of the City Attorney as outlined in the attachment for future URRWMO JPA amendments. Davis said this JPA agreement has been worked on by the City for an extended period of time, there are some issues that have to be taken care of such as the voting issue for capital improvements, but under the 10 year plan there are no capital improvements in the plan.

Boyer said the City Council's total issue with this in the past is we were presented with a budget, that we had to pay, if they are just proposing just taxing all the residents of the City of East Bethel we wanted to have input on the budget. He said he understood our attorney reviewed

this. Vierling said once the budget comes in you have 60 days to review it. He said there are some things that we would like them to shore up and have the City check with the League of Minnesota Cities on the insurance issue. DeRoche asked about the insurance issue. Vierling said the URRMO has their own insurance, but he would recommend that the City contact the LMC about coverage for your participation in this organization. He said usually they provide this for a relatively small fee; it is not an umbrella, but a belt and suspenders kind of thing. Vierling said many cities do a master list of their WMOs and the LMC gives them coverage, he has never seen the fee very high. He said he concurs with staff recommendation, but suggests that our recommendations be followed up on, the insurance and then the 2/3rds majority vote on capital improvements.

**Boyer made a motion to approve the Upper Rum River WMO JPA with the attorney’s recommendations. DeRoche seconded; all in favor, motion carries.**

Sunrise River Watershed Management Organization JPA

Davis explained that the Sunrise River Watershed Management Organization (SRWMO) Board is recommending a minor change to their Joint Powers Agreement. Each SRWMO community is asked to consider the revision at their next City Council or Township Board meeting. This revision will take effect once approved by all SRWMO communities.

The revision changes the timing of payments by member communities to the SRWMO. The purpose is to reduce administrative burdens at the cities and township. Presently, the City of East Bethel houses SRWMO finances and invoices other member communities each time there is a SRWMO expense (or group of expenses). While there are relatively few expenditures, this does lead to repeated invoicing and payouts throughout the year. In 2008-2010 there were 4-5 invoices per year. The SRWMO Board feels it would be more efficient to have just two invoices per year – January 15 and July 15. These dates follow the dates when the communities receive their tax revenue. Rita Pierce, our East Bethel Finance and Support Services Director favorably reviewed this approach. This change would take effect for the next fiscal year -2012.

Staff recommends approval of the revised Sunrise WMO JPA per recommendations of the City Attorney.

**Boyer made a motion to approve the Sunrise River WMO JPA with the recommendations of the city attorney. Moegerle seconded; all in favor, motion carries.**

Code Enforcement Report

Davis explained that the monthly report of code enforcement activities for properties posted as Unfit or Hazardous is submitted for your review and information. The report provides a snapshot of the activity and status of various properties.

Fire Dept Reports

Davis explained that the March Fire Department reports and April minute are provided for your review and information.

US Cable PEG Fees

Davis explained that US Cable notified the City of East Bethel on Thursday, March 10, 2011 that per the cable franchise agreement with the City that PEG fees had not been billed for the period of March 1, 2008 through March 1, 2011. US Cable, through an accounting oversight, has never implemented these charges. The PEG fees as shown in the attachment are to be used solely to fund the cable access channel. Based on cable subscriptions for this term, \$12,828.20 in PEG fees have not been collected by US Cable for distribution to the City during the period listed above. US cable has agreed to pay the City \$12,828.20 and proposes to amend the PEG section of the franchise agreement to permit and additional \$0.35 per customer/month charge be added to the existing PEG fee structure for the next 39 months. This would bring the total PEG fee to \$0.75 per customer/month through August 2014 at which time the fee would be reduced to \$0.40 per customer through February 29, 2016.

Staff recommends approval of the amendment of the PEG fee section of the US Cable franchise agreement to increase the PEG fee as specified and US Cable's agreement to pay the City \$12,828.20 for uncollected PEG fees for the period of March 1, 2008 to March 1, 2011.

Boyer asked why is this our problem that they didn't charge for it, and why should we allow them to charge East Bethel residents more money. Davis said it is money they would have charge to pay us money. Moegerle said it says in the agreement we have with them that they have the right to itemize and pass through the access fees. She said they had the right to do it and they didn't so she has a problem with them doing this now. DeRoche said they didn't charge it so too bad. Vierling said it is a value judgment. DeRoche said he watched the rates go from 9.95 to 24.95 for basic cable and if customers want anything else it is more.

Davis said it is a Council prerogative. Moegerle said if we don't go this way, how soon are we going to get the money, or will this be a battle. Vierling said you are owed the money. Boyer said if they don't pay isn't their agreement null and void. Vierling said if they don't pay, they are putting their franchise at risk. Moegerle said she is looking at page 135 of the packet and it looks like they would be overcharging. Davis said the extra .35 cents would extend, they still haven't collected any of these fees to this date. Moegerle said under the first agreement they still have to pay us the access fees whether they collected it or not. Davis said that is correct. Boyer asked how long does the agreement run. Davis said until 2016. Boyer said it would be more amenable if they split it over the remaining months of the contract agreement. Davis said so reduce it some. He said he doesn't want to speak for them, but he is sure they wouldn't object to that. Moegerle said the total is around \$13.65 per person. She said her thought is if they paid us, said here is your money and then asked now can you give us a little, she would have been much more amenable to this. Moegerle said if they are holding our money we are entitled to she is not disposed to doing this. Boyer said cut us a check and we will revisit this.

Moegerle said so we are directing staff to tell US Cable to pay us and then we will consider an amendment.

**Boyer made a motion to table the request for an amendment of the PEG fee section of the US Cable franchise agreement to increase the PEG fee as specified and US Cable's agreement to pay the City \$12,828.20 for uncollected PEG fees for the period of March 1, 2008 to March 1, 2011 for 30 days. Lawrence seconded; all in favor, motion carries.**

#### GRE Report

Davis explained that Staff is in the process of selecting a list of consultants in the field of power line location projects to review the GRE CUP and provide comment and recommendation on the alignment of the project. Based on referrals from firms that have experience in this field and from searches by staff, 4 individuals were selected as potential candidates:

1. Carl Overland with Legalelectric, Inc.
2. Bill Neuman
3. Larry Schedin, P.E.
4. Joel Jamnik with Campbell Knutson

In discussions with these individuals and recommendations from their prior work, staff provides the following ranking for selection of their services:

1. Larry Schedin
2. Joel Jamnik
3. Carrol Overland
4. Bill Neuman ( Mr. Neuman was unresponsive to our request for information )

Davis said the City planner and I interviewed Mr. Schedin and we recommend retaining him as a

consultant. He said the cost is between \$10,000 and \$12,000 and we do have funds available in the budget under Parks – Professional Service Fees. Boyer said GRE was responsible to pay this. Davis said that was for the workgroup. Vierling said he will see if that is possible. Davis said if it is not possible, we do have funds available in professional service fees in parks; Cedar Creek will not be using this. He said we need to be very aggressive on this; we only have 60 days to complete this review.

**DeRoche made a motion to approve the hire of Mr. Larry Schedin to review the CUP submission by GRE and recommend other comparable alternate alignments for this project at a cost not to exceed \$12,000. Boyer seconded.** Boyer said he would like to reconvene the GRE workgroup. He said he would like to have a meeting before April 28<sup>th</sup>. **All in favor, motion carries.**

**Boyer made a motion to reconvene the GRE Workgroup and schedule a meeting prior to April 28, 2011 to meet with Mr. Larry Schedin. Lawrence seconded; all in favor, motion carries.**

RFPs for Legal Services

Davis explained that RFPs for City Attorney and Prosecuting Attorney were received on Friday, March 18<sup>th</sup> at 3:00 p.m. Twenty RFPs were mailed or e-mailed to firms from a list developed by the City. Eight firms responded to the notice from either the legal advertisement in the Anoka Union or from the notice on the City and League of Minnesota City’s website.

We received 10 proposals and these were forwarded to City Council for evaluation. At the April 20, 2011 City Council meeting, Council decided to forward their top 3 choices for civil and prosecution services to the interim City Administrator. The interim City Administrator was instructed to compile a listing of the top 3 firms in each category and present this information to City Council.

The RFPs submissions are listed and a tabulation of preferences for Civil and Prosecution and a schedule for interviews.

Moegerle asked is it anticipated that we will have two different attorneys handling the civil and prosecution. She said say we go with one firm, is it a given that two different attorneys do the civil and prosecution. Vierling said it depends, if you appoint a firm you will probably have a team that will provide services, such as employment law, HR Issues, things of that nature. Moegerle said she was wondering if we have four law firms, could we just have two law firms each night for their array of services. Vierling said he doesn’t think it makes a difference for the firms. Boyer said to him 45 minutes is long. Davis said it is your prerogative how you want to set this up. Moegerle said part of it is whether it is logical to have civil and prosecution separated. She said she would be inclined to see a law firm once. Boyer said he would be okay for that. He said for those that want to interview for both, give them an hour. Interviews will be set for May 11<sup>th</sup> at 6:00 p.m. for one interview prosecution interview, and May 12<sup>th</sup> at 6:00 p.m. for the other three interviews.

Council Member Report – DeRoche

DeRoche said the lakes are open, it is that time of the year, be careful. He said and the Fire Department is still finishing up their EMT stuff.

Council Member Report - Boyer Council Report

Boyer said he is going to whine about today’s snow, he thinks this is an outrage that this would happen on April 20<sup>th</sup>.

Moegerle said we have some about progress on Website Workgroup; we will be doing a survey

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- Moegerle

at the Town Hall Meeting. She said and support your local community center.

Council Report

Lawrence said he doesn't have much, just that we got the skunks under control.

- Lawrence

Adjourn

**DeRoche made a motion to adjourn at 9:42 PM. Boyer seconded; all in favor, motion carries.**

Attest:

Wendy Warren

Deputy City Clerk