

EAST BETHEL CITY COUNCIL MEETING

April 6, 2011

The East Bethel City Council met on April 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 April 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 April 6, 2011 City Council agenda. DeRoche 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.

Denise Lachinski of 22286 Vermillion Street said as of tonight we still have not been notified that the trail is going through our backyard; the Cedar Creek/Booster Trail is going through our backyard. She asked is the Park Committee going to meet with us, sometimes they have their meetings at a park and invite the neighborhoods in to talk. Davis asked her availability to meet with him and the engineer to discuss the project and her property. Lachinski agreed to a meeting. She said again, our neighborhood was never notified that this was where the trail was going. Lachinski said our property has already been vandalized.

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, March 16, 2011 Regular Meeting; C) Resolution 2011-11 Approval of Gambling Premise Permit for Blaine Youth Hockey at Fat Boys Bar & Grill; D) Accept Resignation – Administrative Support Public Works/Fire Department; E) Municipal Well No. 1 & 2 – Change Order No. 2 to Traut Wells. DeRoche seconded; all in favor, motion carries.**

Site Plan Review – Water Treatment Facility – 19458 Taylor St. NE Davis explained that on January 19, 2011, City Council tabled the request for a site plan review and made a request to extend the 60-day review period per Minnesota State Statute 15.99 for an additional sixty (60) days, ending April 12, 2011. The reason for the extension was because the project was temporarily suspended and to give City Council and staff additional time to re-evaluate the project as a whole.

Because the site plan review meets requirements set forth in East Bethel City Code Appendix A, Zoning, and meets the intent of the City Council approved East Bethel Comprehensive Plan, Planning Commission recommends approval to City Council of the site plan review for the construction of the City of East Bethel Water Treatment Facility at the property to be owned by the City of East Bethel, 19458 Taylor Street NE, East Bethel, MN, with the conditions as outlined in the packet.

Although Planning Commission recommended approval of the site plan, City Council may want to consider denial based on the findings of fact that the site plan and project as a whole may be revised after the water quality data is obtained from the test wells. Once the data is received, City Council will then determine if there is a need for a water treatment facility, and if so, City Council will determine if the proposed water treatment facility will need to be modified to fit the city's needs.

After a preliminary review of the facility by Craig Jochum, City Engineer and Jack Davis, Interim City Administrator/Public Works Manager, it is in their opinion there are areas in which the proposed facility could be modified that may decrease the overall cost of the facility.

Voss asked so staff is recommending denial of the plan to see what is going on, why can't the City rescind their application he thought there was an issue with denying a site plan within 60 days. Vierling said if you withdraw the application then there is no 60 day issue. Voss said he would rather do that then waive the 60 day requirement. Moegerle said with regard to withdraw of the application can it be resubmitted with minimum effects. Vierling said yes.

Voss made a motion to rescind the application for Site Plan Review for the East Bethel Water Treatment Facility at 19458 Taylor Street NE, East Bethel, MN, 55011. Boyer seconded. Lawrence asked we are rescinding the water treatment plant. Voss said no, this is the site plan application. **All in favor, motion carries.**

Conditional Use Permit Request – Great River Energy for 69 kV Transmission Line Location

Davis explained that on March 22, 2011 Planning Commission held a public hearing for the Conditional Use Permit (CUP) request for Great River Energy (GRE) in which all persons had to opportunity to speak. The draft meeting minutes have been attached for your review as Attachment #12.

Ordinance 15, Second Series (adopted by City Council on January 6, 2010), establishes the requirements and criteria for conditional use permits for transmission lines in the City of East Bethel.

According to the ordinance, Phase 1 includes a work group process in which the work group will conduct an analysis of the proposed routes and present its report to the city's Planning Commission. The work group was established by City Council in September 2010 and has been holding work group meetings with GRE representatives since then.

According to the code, the *“work group will conduct an analysis of the alternatives and present its report to the city's Planning Commission. The city's Planning Commission, based on the work groups' submittals and applicant presentation, will narrow the alternatives for the siting of the transmission line or facility. Following the Phase 1 process, the applicant may submit an application for a conditional use permit.”* On Monday, February 7, 2011, the work group unanimously made a recommendation of a route that was not originally presented to Planning Commission for the transmission line location. This route is known as “Route I.”

The work group made this recommendation by taking into consideration the minimal impacts to existing ecological areas, including Cedar Creek Natural History Area; it affects the least amount of people, and has fewer turns and angles than the other routes. The majority of the line would be in Athens Township and Linwood Township, with a small portion affecting the area on the northeast side of Fish Lake/Cedar Creek Natural History Area. This information was conveyed to GRE; they conducted an analysis of this proposed route which is part of Attachment #3. Also, Linwood and Athens Township staff was notified of proposed routes I and A.

On February 22, 2011, Planning Commission heard the recommendation of the work group.

Work group members Mr. Cornicelli and Mr. Criswell attended the meeting. Mr. Cornicelli spoke on behalf of the work group by answering questions of the Planning Commission and explaining reasons behind the recommendation of Route I, such as the environmental impacts, impacts to property owners, and the effects the project has on the city.

At the meeting, GRE presented their preferred route known as Route A. Some of the reasons GRE prefers Route A is because it is the shortest viable route, shortest length of transmission line to build, fewer easements to obtain, and the lowest construction costs. Ultimately, Planning Commission recommended Route A for the proposed line location. Therefore, GRE has submitted a request for a CUP to construct the 69kV transmission line along Route A.

GRE has submitted an information packet as Attachment #10. The packet is a total of 77 pages, which consists of important, detailed information of the proposed project. The information includes an executive summary, purpose of the project, transmission line options, transmission line route selection methodology, proposed Route A, general right-of-way information, general environmental information, and general engineering information.

The City Engineer has reviewed the request and accompanying materials. The engineer's letter has been attached for your review as Attachment #6.

On March 14, 2011, staff received a GRE Transmission Line Petition signed by 67 residents who strongly oppose the construction of the transmission line in the location proposed by GRE. The petition discusses the work group's reasoning for recommending Route I. The petition has been attached for your review as Attachment #8.

On March 22, 2011, Planning Commission held a public hearing for the CUP request by GRE. Planning Commission unanimously made a recommendation of denial to City Council of a CUP request by GRE for a proposed 69kV transmission line to be located partially in East Bethel; the location is known as Route A, as depicted in Attachment #4. If City Council approves the recommendation of denial by Planning Commission, staff suggests City Council state on record findings of fact to support the denial of the request.

Or City Council may consider to table the request and to extend the 60-day review period per Minnesota Statutes, Section 15.99 for an additional sixty (60) days, which ends on July 1, 2011 for the following reasons:

1. the application is complex and requires additional time for study; and
2. the city does not have staff with expertise in transmission lines so City Council would like to pursue the hiring of a consultant to assist City Council in the evaluation of the application, which will require additional time; and
3. City Council desires to return this matter to the Planning Commission and the GRE work group at a joint work session to address criteria relative to the application; and
4. City Council is seeking additional information from the applicant to be considered as part of the application.

Staff prepared resolution 2011-12, A Resolution Supporting a Request by City Council for a 60-Day Extension Pursuant to Minnesota Statutes 15.99 for a Request of a Conditional Use Permit for the Siting of a 69kV Transmission Line.

Or City Council may approve the CUP request by GRE for a proposed 69kV transmission line to be located partially in East Bethel; the location is known as Route A as depicted in Attachment #4. If City Council approves the request, staff suggests the approval is contingent upon the

following conditions as outlined in your packet.

Boyer made a motion to adopt Resolution 2011-12, A Resolution Supporting a Request by City Council for a 60-Day Extension Pursuant to Minnesota Statutes 15.99 for a Request of a Conditionals Use Permit for the Siting of a 69kV Transmission Line, subject to the conditions that the Interim City Administrator read out loud, Boyer reread condition #2. Durocher seconded; all in favor, motion carries.

MPCA
Monitoring
Request

Davis explained that the Minnesota Pollution Control Agency is requesting permission for the installation of monitoring wells in East Bethel as part of the MPCA’s Ambient Groundwater Quality Monitoring Networking program. There is a fact sheet prepared by the MPCA describing the program included in the attachments. Peer Engineering is a consultant for the MPCA, and has been contracted to assist with identifying permanent monitoring well locations and obtaining access for installation. The goal is to have access agreements in place by end of March and install the wells between late April and early June of 2011. The MPCA/State is paying all well installation and future sampling costs.

These wells can only be used for sampling and would not be available for any park or irrigation use.

The Parks Commission unanimously voted to recommend the approval of the test wells for Council approval. Staff also recommends the approval of these wells subject to final location approval by City staff.

Lawrence made a motion to approve the installation of monitoring wells in East Bethel as part of the MPCA’s Ambient Groundwater Quality Monitoring Networking Program in Northern Boundaries 7th Street Park and Whispering Oaks Parks, with the final location of wells subject to approval by City staff. DeRoche seconded. Voss said at least one of these wells is close to the area we need to monitor for our new well system, can we incorporate this into our new City system. Jochum said they want this next to our production wells, but ours are deeper. **All in favor, motion carries.**

Booster
East/Cedar
Creek Trail
Easements

Davis explained that the City has acquired and recorded 6 easements for the construction of the Booster East/Cedar Creek Trail project. Two of the easements are required for the Booster East to 224th Avenue connection that was approved by City Council on March 16, 2011 for this portion of the project. Three of the easements were given by property owners and obligate the City to certain privacy and entrance improvements and tree removal for the Bataan Street segment of the project. Even though the Bataan Street segment of the project has been cancelled, Council should consider retaining the easements and satisfying the terms under which they were given.

Should this segment of the project be constructed in the future it may be difficult to obtain these easements if they are vacated at this time.

These conditions and the easements were approved by City Council on September 1, 2010. The legal descriptions of the easements have been recorded but the conditions upon which the easements were granted were made a part of the contract for the project and were not recorded with the easements. Since this portion of the project has been cancelled these conditions need to be recorded to retain these easements.

The current design of the trail will require no other easements other than those described above. The cost for recording the additional easement conditions is estimated to be \$1,500. This expense would be paid from the Trails Development Fund.

Staff recommends retaining the easements for the Bataan Street segment of the Booster East/Cedar Creek Trail and recording their conditions with the legal descriptions on record.

Moegerle said just because we record the conditions, that doesn't bind us to do the work until the trail is constructed, correct. Davis said that is correct.

Voss made a motion to retain the easements for the Bataan Street segment of the Booster East/Cedar Creek Trail and record their conditions with the legal descriptions on record at a cost of \$1,500. Boyer seconded. Lawrence said there is no work that will be done until the trail is constructed, no additional cost until then. Davis said correct. **All in favor, motion carries.**

Construction Administration for Municipal Services

Davis explained that the contract with Bolton and Menk was suspended for the Municipal Infrastructure Project on January 5, 2011 and subsequently terminated on March 2, 2011. With time for evaluation of the project needs it has been determined that the re-engagement of Bolton and Menk's services are in the best interest of the City. This decision is based on the fact that Bolton and Menk has intimate and advanced knowledge of the project as the design engineer in terms of both plan interpretation and project monitoring and administration. Further, utilizing Bolton and Menk as both the design and project management engineer for Phase I Project 1 Utilities insures that any project liability is borne solely by them, eliminating the potential of determining liability, should it arise, if more than one engineer is involved in this phase of the project. Finally, the reinstatement of Bolton and Menk to this phase of the project will result in a seamless transition from design to construction and avoid any delays due to soliciting new construction management services and the associated time a new firm would need to acquire previous project information that would be essential to managing this phase of the project. For these reasons which equate to time and total project cost savings, Bolton and Menk should be considered for re-instatement for construction services administration of Phase I Project 1 Utility Project as per the final approved plans for this portion of the project and the revised contract addendum 2.

It is also recommended that the City's engineering firm of Hakanson-Anderson be assigned the responsibility of completing the construction services administration for Municipal Wells 1 and 2 and the Water Tower portion of this project. Hakanson-Anderson is currently serving as the interim project coordinator for this work. The municipal well portion of the project will be substantially complete before the RFP process can be finalized and a firm selected to do this work. Additionally, it would also be more time efficient and less costly to assign Hakanson-Anderson the water tower portion of this contract as opposed to selecting another firm for the work.

Upon a complete analysis of all water sampling data, a determination can be made regarding the level of water treatment required for the project. If levels of water treatment exceeding basic chemical addition are needed it is recommended that the City seek RFP's for the construction of an appropriate treatment facility.

Bolton and Menk has reduced their project management fees to 10% of construction costs. Their new proposal to the City for the services as specified in Addendum 2 reduces their original contract amount by \$635,000. Their new contract amount is proposed to \$450,000. The contract amount for Hakanson-Anderson for Municipal Wells 1 and 2 and the water tower would be \$140,000.

Staff recommends that Council re-instate Bolton and Menk to complete Project I Phase 1 Utility Project as outlined in Addendum 2 and subject to review and comment by the City Attorney and

that Council assign construction management services for the Municipal Well and Water Tower Project to Hakanson-Anderson for the sum of \$140,000 which would include all welding and coatings inspections.

Moegerle said with regard to the discussions on this, she would ask to discuss each item separately.

Moegerle asked is she correct that the fiscal impact is a savings of \$635,000 over the former arrangement with Bolton and Menk. Davis said yes. Boyer said that is because we are removing the water treatment plant from the contract. Davis said this is a reduction in their prior estimate on this portion of the project. He said they have come down in their actual costs and are than what Met Council's portion of project is.

Boyer made a motion to re-instate Bolton and Menk to complete Project 1 Phase 1 Utility Project as outlined in Addendum 2, subject to review and comment by the City Attorney. Lawrence seconded. Lawrence said he would like to say the reason he is doing this is to insure that we cover the waste water treatment piping and other piping and with Bolton and Menk this is the best savings for our money. **Moegerle and DeRoche, nay; Boyer, Lawrence and Voss, aye; motion carries.**

Voss said with Hakanson Anderson, for \$140,000 for the municipal wells and water tower, he is trying to get a feel for the cost, he only saw one line item. He asked did we get an actual proposal. Jochum said he can provide you with that, it is a not to exceed cost. Lawrence asked does this include the coatings on water tower. Jochum said yes, that will be done by outside contractor. Boyer asked did your firm design this portion of the system. Jochum said no. Boyer asked did Bolton and Menk design it. Jochum said yes. Lawrence asked would Bolton and Menk hire out the coatings on the water tower. Jochum said yes. Voss asked what is the portion of the contract for coatings. Jochum said \$70,000 – \$80,000. **Voss and Boyer, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

Pay Estimate #1 – Traut Wells – Municipal Wells

Jochum explained that attached to your write-up is a copy of Pay Estimate #1 to Traut Wells, Inc. for the Construction of Municipal Well No. 1 and No. 2. The major pay items for this pay request include the construction of the test well, which was included in Change Order No. 1. The Pay Estimate includes payment for work completed to date minus a five percent retainage. We recommend partial payment of \$15,164.61. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$15,962.75
Less 5% Retainage	<u>\$ 798.14</u>
Total payment	\$15,164.61

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 #1 in the amount of \$15,164.61 for the Construction of Municipal Well No. 1 and No. 2.

Moegerle made a motion to approve Pay Estimate #1 in the amount of \$15,164.61 to Traut Wells for the Construction of Municipal Well No. 1 and No. 2. Voss seconded; all in favor, motion carries.

Booster/Cedar Creek Trail

Jochum explained that the at the March 16, 2011 City Council meeting, the scope of the Booster East/Cedar Creek Trail Project was revised to include only the segment from Booster Park East

to 224th Avenue, which is shown on Attachment 1.

To document the change in the scope of the project, staff is recommending approval of Change Order 1. Change Order 1 includes construction of the trail from Booster Park East to 224th Avenue. Change Order 1 reduces the contract amount from \$343,349.79 to \$29,989.55.

Construction costs for this project would be financed from the Trail Development Fund. These funds are available and appropriate for this project.

Staff is recommending approval of Change Order 1, which includes the construction of the trail from Booster Park East to 224th Avenue.

DeRoche made a motion to approve Change Order No. 1 to reduce the contract for the Booster/Cedar Creek Trail Project with Rum River Contracting to \$29,989.55. Moegerle asked is this a not to exceed amount. Jochum said these are unit amounts so it could be a little over or a little less. Voss asked for the schedule. Jochum said they will likely be done in June. Davis said the City will have a part in the project. He said we will be doing part of the fencing work. Davis said this was originally bid with the contractor, but we can save money by doing a portion ourselves, a contractor will be doing the chain link, we will do the rest. Moegerle said the change order has temporary rock in it for one cent. Jochum said it is likely that they anticipate not needing it. **Moegerle seconded. DeRoche, nay, Boyer, Lawrence, Moegerle and Voss, aye; motion carries.**

East Front
Blvd. Storm
Water
Management
Project

Jochum explained that this project was discussed at the January 19, 2011 City Council meeting. A project design proposal was presented for infrastructure improvements that would improve the water quality of storm water runoff to Coon Lake. This project design was developed by the Anoka Conservation District (ACD). The location of the project is shown on Attachment #1.

The project consists of installing a sediment trap inlet adjacent to the road shoulder and two weirs, which would be installed in front of two existing culverts in a ditch along the 46XX block on East Front Boulevard. A plan view of the proposed project improvements is shown on Attachment # 2. The total estimated construction cost of this project is \$4,800.

If implemented these improvements would be located in the City right-of-way. To ensure proper operation of this facility annual maintenance would be required including cleaning of the sediment trap inlet structure and weirs and annual maintenance of approximately to 200 feet of ditch section. The cost for this maintenance is estimated to be in the range of \$400-\$600 per year.

Funding for this project, as initially proposed, was from the City. Staff has further discussed this project with the Coon Lake Improvement Association (CLIA). CLIA discussed this project at their March 17, 2011 Board meeting. The CLIA Board made a motion to fund up \$4,800 on the construction of this project with the stipulation that: 1) the City of East Bethel agrees to manage the design and construction of this project; 2) the City of East Bethel agrees to provide ongoing maintenance; and 3) provide adequate enforcement of the City ordinances governing the storm water runoff for the City's right of way at this project.

Staff is seeking direction from Council regarding the CLIA proposal as presented above.

Moegerle asked recently we discussed doing this at other sites, about 12 of them, how does this affect proceeding with those other sites.

Steve Olson of 18365 Lakeview Point Drive NE, also president of Coon Lake Improvement

Association (CLIA) said as far as affecting other projects around Coon Lake, we thought this was a good starting point. He said this one affects a lot of property owners. Olson said this is a good project, if you looked at the project right now it has a straight pipe that the homeowner continues to block. He said as far as the effect on other projects, the SRWMO has pulled in their request for the study to 2012 which was originally funded for 2014, and we will continue to move forward depending on what happens with the City sewer and water.

Voss said the attractive part of doing this now is when we are looking at doing other sites from the City prospective, we would have one project in ground and it is a good way to showcase it. Olson said the CLIA board voted unambiguously to do this. Davis said there are two essential maintenance functions here, sediment traps and weirs need to be cleaned out after each rainfall which would take about 30 minutes and then an annual or semi-annual clean, which would take a couple hours each time. DeRoche said he would hope you would be putting a big pipe by the second pipe. Tierney said it is a 2 foot pipe. Boyer said he thinks it is great, but it seems to him what we are doing is taking care of what Anoka County isn't, they aren't controlling water off their impervious surfaces. Voss said this is a City road. Olson said the water is coming from East Front and 182nd.

Doug Tierney of 4610 Viking Blvd. NE said the he has a handout from the U of M that shows the lake clarity depth in feet. He said it shows there is 6-12 feet blue clear water. Tierney said on the second page shows from Minnesota Pollution Control, shows a 10 year trend. He said we have several projects going, last year Mr. Leon Magers did a project on lake week and it was the first year he didn't see blue scum in front of his property. Tierney said when they put the road in, 1982, the homeowner put a lot in, and then when moved out in 1988 and it sunk in, broke up the asphalt, and it cost us money, they put a planter in road right of way, and when they fill in something we pay to hold water, they can't do that again. Moegerle said you are doing a great job out there.

Boyer made a motion to approve the East Front Boulevard Storm Water Management Project, with funding coming from CLIA up to \$4,800 and the City of East Bethel will manage the design and construction of the project; provide ongoing maintenance and provide adequate enforcement of City ordinances governing the storm water runoff for the City's right of way at this project. Boyer said thank you all for doing a great job. Voss said he will second all that.

Voss asked this is going to be a City project, but then it will be a donation from CLIA to the City, is that how it will work. Davis said that is the cleanest way for this to work. Vierling said yes, and when the payment is made then we would adopt a resolution accepting the payment. Voss asked is something we will do ourselves or contract out. Davis said we will contract it out. Voss asked and the design. Davis said Anoka Conservation District (ACD) has done the design. Jochum said and he has some ideas he would like to use. Moegerle asked we don't have to send out for RFPs on this. Davis said we can get three quotes on this, per our purchasing policy. He said they had treated wood in there and per City policy it had to be concrete. Moegerle asked when would completion on this be. Jochum said late May, early June. Voss said in terms of concrete structures, there are some features we can add to it in terms of aesthetics. He said that was the difference of treated wood if worried about the weirs. Davis said we can come up with different type finishes. DeRoche asked will this come back to Council before it is done, will we have some idea of what it is going to look like before it is done. Tierney said at the last meeting that we talked about this you said you would have him get his planter out of the road right of way. He asked why won't he have to get that out of the road and bear that cost. Davis said he will have to do that and he will have to bear that cost. **All in favor, motion carries.**

Wetland Credit Jochum explained that at the March 16, 2011 City Council meeting the Bataan Street trail

segment was eliminated from the Booster East/Cedar Creek Trail Project. Wetland fill was required to construct the trail along Bataan Street. A total of 0.18 acres of wetland fill was mitigated by purchasing wetland credits from a wetland bank. If the trail is not built in the next 3 years these credits could be lost. Staff recommends that these credits be transferred to the Municipal Utilities Projects. The Municipal Utilities Projects require a total of 2.1 acres of wetland credit purchase. With the proposed transfer, the required additional amount of wetland credit that would need to be purchased is 1.92 acres.

With the transfer, the City would repay the Municipal State Aid Account \$10,703.25 from the bond proceeds for the Municipal Utilities Project. If the trail project is constructed in the future the wetland credits would again be purchased with proceeds from the Municipal State Aid Account. Including the amount transferred from the trail project, an additional \$93,525.06 would be needed to complete the wetland purchase for the Municipal Utilities Project.

A total of \$104,228.31 would be used from the bond proceeds from the Municipal Utilities Project.

Staff is requesting that Council approve the transfer of 0.18 acres of wetland credit from the Booster East/Cedar Creek Trail Project to the Municipal Utilities Projects.

Boyer made a motion to approve the transfer of 0.18 acres of wetland credit from the Booster East/Cedar Creek Trail Project to the Municipal Utilities Project. DeRoche seconded. Voss asked the total fiscal impact is \$104,000; he said we are only talking about 0.18 acres right now. Jochum said no, actually those checks were already cut in December or January, so new checks will be cut, the total will be \$104,000. Voss said so in his mind that was already spent. Jochum said there is no additional cost. **All in favor, motion carries.**

Class V
Projects

Davis explained that as part of the City’s street maintenance program approximately 2.5 miles of unpaved City Streets are resurfaced with Class V/lime rock material each year.

The following streets were resurfaced as Class V/Lime Rock projects in 2010:

- 1.) Zumbrota Street.....2,900’
- 2.) Skylark Ave.....3,000’
- 3.) Allen Street.....1,500’

The remaining unpaved streets that are in the 2006-2011 cycle for resurfacing treatment are:

- 1.) Jewell Street.....3,000’
- 2.) Palisade Street.....2,700’
- 3.) Klondike Dr..... 5,300’
- 4.) Kissel Street.....1,100’
- 5.) Edison Street..... 800’

It is recommended that Jewell, Kissel and Edison Street be resurfaced with Class V material and that Palisade Street be resurfaced with the reclaimed materials from the road shoulders. Estimated costs for the Class V work is \$21,800 and no material costs will be required for the work on Palisade Street. There is \$35,000 in the 2011 budget for these projects. If the bids for this work should be less than the estimates it is recommended that London Street be considered as the next priority.

Klondike Drive is another candidate for resurfacing but due to the traffic volume on this street resurfacing other than paving may be only a temporary solution to the problem on this road. Class V would not be a suitable product for resurfacing on this road and lime rock application

would cost approximately \$50,000. Selection of this road for a non-paving resurfacing would have to be done over a two year period and postpone any other work on other unpaved road improvements until 2012. However, repairs to problem sections on Klondike are necessary and recommended. This repair work would consist of the application of approximately 600 tons of asphalt millings to soft sections and those portions of this street that are susceptible to extreme rutting problems. The material cost for this work is estimated to be \$13,200.

The costs for these projects are for material and delivery. The City conducts the grading, compaction and finishing of this material.

With the completion of these projects all unpaved roads in the City will have been resurfaced during the past 6 years. Projects for 2012 will return to 2006 road projects and the process will renew for 2012-2017.

\$35,000 was budgeted for Class V Projects for 2011.

Staff is recommending Council consider approving Jewell, Kissel and Edison Streets for Class V resurfacing projects, adding London Street as the next priority if budget funds are available for Class V work and repairing sections of Klondike Drive with asphalt millings.

Boyer made a motion to approve the Class V Resurfacing Projects for 2011 not to exceed \$35,000 as follows: resurfacing of Jewell, Kissel and Edison Streets, adding London Street if funds are available and repairing sections of Klondike Drive with asphalt millings. Voss seconded. Boyer said most of these streets have been in for paving assessment at one time or another and he would like Council to discuss the repaving of these streets. Voss said we need to discuss do we assess or not assess. Boyer said he is starting to consider this as a constant free rider problem, the City is providing this service so they think we never have to pay for our road to get paved. Voss said we did an analysis of our roads and the dollars we spent on our unpaved roads is not more than our paved roads. Davis said we have spent money doing dust coating on these and it is much more expensive to do that than Class V. Lawrence asked Davis to describe millings. Davis said Class V and lime rock tends to get blown off by cars traveling at a high rate of speed and in areas with high shade and poorly drained, asphalt millings do a much better job in these places. He said we used asphalt millings on Monroe off of Jackson and 225th, Birch Street at Coon Lake Beach we repaired 8 or 9 feet of that and we want to put any remainder of this at the cul-de-sac at 187th. Voss and take the discussion of assessing to the Road Commission. He asked how wide is Klondike these days. Davis said part of the far western section is 35-40 feet wide, it just keeps growing. **All in favor, motion carries.**

Comprehensive Plan Review – Set Meeting Date

Davis explained that according to the 2008 East Bethel Comprehensive Plan, it will be reviewed on an annual basis to insure the plan remains as an effective development guide for East Bethel. As necessary, corrections may be made to deal with unforeseen circumstances.

To date, there has not been a review of the 2008 Comprehensive Plan. Staff suggests City Council set a work session in May to review the plan. Areas City Council may consider reviewing are the land use and transportation components.

The land use section of the comprehensive plan explains how the community has allocated and will allocate land use, how it will accommodate population growth, and how it protects special resources. Land use planning begins with forecasts of growth in population, household number, and employment. The development and redevelopment anticipated in the land use plan drives the need for local and regional infrastructure, including sanitary sewer, water, roads, and parks.

Forecasted numbers in the comprehensive plan were derived prior to the slow down in the

economy. In 2007, forecasted population for year 2010 was 12,600. 2010 census data has a population of 11,626. It is important to note that the 2010 census data does not take into consideration the number of vacant housing or households in which mail is received at a post office box (census surveys are not distributed to households with a post office box). With the new census data available and the construction of municipal services, City Council may want to discuss current land uses; specifically along Viking Blvd/County Road 22 and lands located in the municipal service Phase 1 area, to determine if the allocated land uses are the best use of the lands.

The transportation section identifies the general location and extent of the city's transportation needs for the future. This is an integral part of the planning and development process – particularly as it relates to existing and future frontage roads and collector streets. With this in mind, City Council may want to review the transportation maps to ensure proposed improvement projects address the need to provide services for a growing population that demands more transportation options.

Staff recommends City Council set a work session to review the 2008 Comprehensive Plan. Proposed meeting date is Monday, May 9, 2011 starting at 6:30 pm. Voss said he can't make that time, not until 8:00 p.m. Council consensus was to set the work session for May 17, 2011 at 6:30 p.m.

Rental Ordinance

Davis explained that with the decline in housing prices and the increase in home foreclosures staff has realized an increase in complaints from neighbors of rental properties, occupants renting and or leasing single-family dwellings. Staff has also dealt with single family dwellings which have been converted into multi family dwellings that have not had zoning approval and have not been issued building permits required to reconfigure the structures to legally and safely accommodate two separate families.

The purpose is to assure that rental housing in the city is decent, safe, sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.

The operation of rental residential properties is a business enterprise that necessitates certain responsibilities. Operators are responsible to take reasonable steps as are necessary to assure that the citizens of the city who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary; free from noise, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property; and are suitable for raising children.

Staff recommends adopting a rental license ordinance utilizing city ordinance Chapter 14, Article VI *Property Maintenance* as minimum standards, which would apply to all rental dwellings and premises within the city. The minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire, and other hazards. The safe and sanitary maintenance of the properties is the responsibility of the owners, operators and occupants.

The intent of the ordinance would not be to intrude upon the fair and accepted contractual relationship between the tenant and landlord or their rights to personal privacy. Nor should the city intervene as an advocate of either party, nor to act as an arbiter, nor to be receptive to the complaints from the tenant or landlord that are not specifically and clearly relevant to the provisions of the rental ordinance.

Staff is requesting approval from City Council to begin the process of drafting a rental licenses

ordinance to present for adoption.

Boyer said he assumes we are going to send this to the Planning Commission for development of an ordinance. Voss said he has had some conversations with the Building Official and he was testing the waters with me about it and he told him to test the waters with Council, he wants consensus on whether we will consider it. Boyer said speaking personally he is all in favor on helping people out, but he feels very different when it becomes a rental property. Voss said there are plenty of examples out there. Boyer said and he is sure the Planning Commission will do a fantastic job.

Review
Chapter 26,
City Code,
Nuisances for
Addition to
Process to
Abate Tall
Grass and
Noxious
Weeds

Davis explained that in response to numerous foreclosures, leaving properties unattended staff receives an abnormally high number of complaints from residents and business owner’s regarding unkempt lawns. Staff recommends amending the nuisance ordinance and implement procedures to abate noxious weeds/tall grasses.

City ordinances Chapter 14, Buildings and Building Regulations, Article VI. Property Maintenance Code, section 302.4 defines grasses that are taller than eight inches as weeds. Staff would like to incorporate this into the nuisance ordinance Chapter 26.

Staff suggests that city council consider the following:

1. Notice will be sent to property owner(s) giving them time to abate the nuisance.
2. If property owner(s) fails to make corrections, staff shall order abatement.
3. Once invoiced, the property owner(s) will have the opportunity to make payment to the city.
4. If the property owner(s) will not reconcile, city may recover cost through special assessments.
5. Staff recommends soliciting proposals for mowing services, and building/code enforcement department will manage program.

Implementation of the provisions of this ordinance for administration, enforcement and penalties will have a positive effect on promoting stabilization and maintenance of neighborhoods.

Davis said staff wants to know if Council is interested in staff sending this to the Planning Commission to develop and ordinance. Boyer asked aren’t we already enforcing this with our City prosecutor. Moegerle said she talked to the Building Official about this, and he thought our ordinance wasn’t enforceable. She said and we have to be careful about the lawns that are supposed to be long for reasons. Boyer said he thought the larger issues with enforcement is finding the property owners. Davis said that is the largest part of it. He said we want to add some things to the ordinance to allow us to do that. Voss said we have large lots and we want to make sure it doesn’t make people mow their entire lots, because a lot of people don’t mow the entire lot. Moegerle said she has four acres in Indiana that we have designated as natural habitat and we don’t mow it. Davis said we will give this to the Planning Commission and make sure these issues are addressed.

Public Forum

Davis explained that staff was requested to develop recommendations to improve the Public Forum/Comment portions of our agenda. The Cities of St. Francis, Ham Lake, Forest Lake, Cambridge, Blaine, Andover, Coon Rapids, Anoka and Lino Lakes were contacted to compare practices and responses were obtained from Ham Lake, Forest Lake, Cambridge and Blaine. The item most common to all the responses was a time limit of 3-5 minutes per speaker and a specific amount of time devoted to the comment session. The other common response was that

comments from the Council or Mayor should be yes or no answers or reference that City staff would respond to questions in an appropriate time following the meeting.

One city that wasn't included in our initial survey holds their public forum prior to the start of the Council meeting and they do not tape or televise the event.

Based on the comments we received, a sample set of guidelines for the Public Forum could be as follows:

- 1) Require any person that wishes to speak to sign up on a designated sign in sheet so that an orderly process can be scheduled for the speakers. The mayor would then call the speakers to address Council ;
- 2) Have the mayor read a statement that outlines the ground rules for the session. This could be information from the sign in sheet, the sample statement that is attached or another statement that addresses the rules and conditions that speakers must follow;
- 3) Limit the Public Forum to a 15-20 minute session or a time of appropriate length and give the speaker a time limit that should be closely regulated;
- 4) Limit direct response to comments from the speakers if possible;
- 5) Limit the public forum to one meeting per month; and
- 6) Instruct those that have presentations that are longer than 3 minutes to contact staff and be placed on the regular Council agenda.

These are few suggestions on possible ways to improve the Public Forum portion of our agenda and still provide an opportunity for a citizen comment session at Council meetings.

Staff is seeking direction for the development of Public Forum policy.

Boyer said he wants to speak quite strongly against this, he has been involved in City government for 16 years, he has seen eight Council's and everyone has managed to let the public forum go the way it is. He asked why do we want to cut the public forum back. Moegerle said she noticed the 2010 Council has a flyer that has a 3 minute time limit, which sets a precedent. She said she wants to thank staff for getting this information to us to see how other cities dealt with this. Boyer said the old Council never did this, he remembers listening to Christine for 45 minutes sometimes. Voss said in the past we didn't let speakers go that long. He said whether it was the mayor at the time, maybe it was his decision to not let it go that long. Voss said it is not the intent of the City Council meeting. He said while he agrees the public forum is important, and when he came on he pushed to have at beginning of meeting, but at same token for the last six months, our meetings the public forum has been a soap box and to him the public forum is to bring things to attention of the Council. Voss said it is the time to say I have a problem can you help me resolve it, and opportunity for them to present to us. He said it is important to have it, but some controls aren't bad, most people are reasonable. Boyer said most people are reasonable when addressing council. Voss said he agrees. Boyer said twelve years ago public forum was at the end of the agenda. Voss said it was closer than that. He said it changed when he came on the Council.

Moegerle asked the City Attorney for his opinion. Vierling said everyone has a system that works for them; some have a sign up, some have a time limit. He said most important is this is your business meeting and you need to get to your business at hand, but this is very individual to each community. Vierling said most communities he is accustomed to dealing with have people sign up; they get 3-5 minutes so they can get point out and let's deal with it. Voss said he thinks having people sign up is good, that way we know if we have one person or eight that want to speak, and then we can be more flexible about the time. He said also we will know about the topic they are going to speak about. DeRoche said some people have a hard time even standing up there, it is very intimidating and the three minutes are going to be hard for them, it is going to

take them that long to get up the courage to get up. Voss said it is a time for them to get up and state their problem, but the last six months those issues should have never been brought up. Boyer said it has been the repetition of issues.

DeRoche said the last six months there have been very hot button issues brought up and people speaking their mind, they needed to speak their mind about the sewer and water project they are going to pay for it. Moegerle said some people just need the acknowledgement, even if their view can't be acknowledged, it is one reason we have people saying things over and over again. She said we have public forum for them to talk to Council, she said but they don't understand we are here to listen, we take notes and can get back to them later on, they don't understand that we will get back to them later on. Voss said to me it is what can we help you with, it shouldn't take that long.

Lawrence said he likes the sign up list. He said we can always ask if there is anyone else, but we need to get our work done. Davis said he doesn't think any of this is meant to restrict anyone's ability to comment, we are willing to proceed in any form you wish, but he doesn't think anything is meant to limit anyone's ability to comment to City Council. Boyer said if it is a complex issue good luck explaining it in three minutes. Lawrence said if they have a complex issue they should discuss with it with Davis or ask to have it on the agenda. Boyer said citizens can't put things on agenda. Voss said we have done this in the past, brought things to staff and got things on the agenda. DeRoche said that is not how things happen. He asked to have things on the agenda and never got it on. DeRoche said he was refused to have his issue on the agenda. He said he disagrees. Voss said you may not have been happy with the results of it, but it was on the agenda. He said his reaction to restricting public forum to three minutes is the same as having all these long public forums. Voss said we need to do something productive with this.

DeRoche said he thinks staff should look into this and give us some more ideas. He said he didn't realize we were going to make the decision tonight. Voss said he thinks the things that Davis has laid out here is fine. He said he agrees that we put things on the agenda, or staff puts things on the agenda, so staff needs to make a judgment call. Boyer said Doug Tierney is a prime example of this, he talked for fifteen minutes the first time, and he is on the agenda now. He said this is one of the reasons he doesn't want to limit it. Voss said let him suggest this, do a sign up sheet for now. He said that way we know who wants to talk and what they want to talk about. Moegerle said she thinks we should continue the three minute timeline on the brochure. Boyer said it might have been on the brochure but it was never enforced. Moegerle said are you suggesting you have policies that are not enforced. Lawrence said so we have a sign up and 3-5 minute suggested time limit with 15-20 allotment. He said so if we have one person, then they could speak for 15-20 minutes. Boyer said what if we have 10 people from one neighborhood on one item. Lawrence said it is a suggestion to keep things moving on.

Davis said so we have direction, you want him to prepare a sign up sheet for the next public forum.

RFPs for Legal Services

Davis explained that RFPs for City Attorney and Prosecuting Attorney were due on Friday, March 18th 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. The breakdown of the proposals is as follows:

Civil Only

Rice, Michels & Walther, LLP
Gregerson, Rosow, Johnson & Nilan, LTD.
Ratwick, Roszak & Maloney, P.A.

Prosecution and Civil

Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP
Knaak & Associates, P.A.
Smith & Glaser, LLC

Prosecution Only

Carson, Clelland & Schreder, Attorneys at Law
Dorn Law Firm, LTD.
Hawkins & Baumgartner, P.A.
Sweeney, Murphy & Sweeney

It is proposed that City Council establish a committee consisting of two Council Members and the interim City Administrator to review the proposals received and then after the review the committee will schedule interviews as they deem appropriate. The committee would make a recommendation to Council from these interviews.

The proposed schedule for RFP review and interview selection is as follows:

March 18, 2011 (3:00 p.m.) Deadline for receipts of RFP
March 25- April 15, 2011 Review proposals and make arrangements for interviews.
April 18-May 20, 2011 Interviews
May 25, 2011 Recommendation to City Council for appointment effective June 1, 2011

Staff recommends Council designate two Council members to review the proposals, select firms for interviews and schedule interview dates and times for those firms chosen from the evaluations.

Voss said he strongly recommends that the interviews be done with a full council. Boyer said when we had this many in the past, we have cut them down. Voss said he suggests that we put forward a certain number we want to talk to and we may each have an idea of who we want to talk to. Moegerle said that is not how we did this with Bolton and Menk, Hakanson and Anderson, for the engineers. Vierling said it usually takes about 45 minutes for each interview. He said normally if you are going to interview a firm for both civil and prosecuting you would interview them for both on the same night so they don't have to make two trips. Moegerle asked how can you see if you have a rapport with an attorney with the full Council and we have to have it as an open meeting. Voss said he read the staff recommendation as a committee will make recommendations for appointment. Davis said it was supposed to be a committee will make recommendation on who we interview. Boyer said they would send two or three to Council to interview. Voss asked what if other members want the other ones. He said he doesn't want to in a situation whether on subcommittee or not, whether he wants to get them out or not that his picks are not being interviewed or the other Council Members picks are not being interviewed.

DeRoche read from previous minute where the process was that the interviews were at a Council meeting. Boyer said investing 450 minutes is a lot of time. Voss said how about we all send to Davis who we want to interview. Moegerle said so what happens if we all send in two and then we all send in two different ones. She said and we need to decide if are we going to interview two from each category, gets us down to six. Moegerle said we haven't decided do we want a single attorney to do both civil and prosecution. She said obviously if we decide we are going to

have one attorney to do both we have only have three names to pick from. Boyer said the way he would see it is the firms that say they would do both, they would have two interviews. Voss said we would interview civil and interview prosecuting attorneys.

DeRoche said he suggests we do what the City Attorney said, why have them come at two separate times. Boyer asked what if you don't like the prosecutor, but like the civil. Voss said the idea is we interview three firms for civil and then you want to see all three firms in one night so they are all in your mind. He said so we do the civil one night and then the prosecutors another night. Boyer said but it could end up being the same firm. Voss said yes, it could be. Vierling said one thing he recommends is although the attorney works for you, they also work with your staff, so you need to have a staff member on the committee to get their input. Voss said he recommends each of us send two candidates for civil and two candidate for prosecution to the Interim City Administrator via e-mail and if it comes down that we end up interviewing three, then we end up interviewing three. DeRoche said if we are interviewing from the same firm for both, then we need to interview them same night. Boyer said no offense to the attorneys, but six hours of listening to attorneys is a bit much. Vierling said think of the enlightening you will have. DeRoche said so we will give our names to Davis and we can go from there. Voss said can we all have our names to him in one week. He said and then we need to make sure we have at least he civil interviews on a Wednesday night, because at least one firm in here was not real transparent on who would be representing the City and we need to make sure they will be here on our meeting night.

Anoka County
Connectivity
Agreement

Boyer said you don't need to read all this, the agreement looks fine to him. Vierling said this thing went around the bend many times. He said we do not have a direct contractual relationship with the provider, this is with Anoka County. Vierling said but we worked this out and we support the connectivity agreement.

DeRoche made a motion Anoka County Connectivity Services Agreement. Boyer seconded; all in favor, motion carries.

Closed Session
– Anoka
County HRA
Lawsuit

Boyer made a motion to closed session pursuant to Attorney/Client privilege to discuss the ACHRA lawsuit A101628 City of East Bethel et al Anoka County HRA. DeRoche seconded; all in favor, motion carries.

Vierling said for the benefit of the record, Council will be adjourned to closed session to discuss the ACHRA lawsuit A101628 City of East Bethel et al Anoka County HRA which has been heard in court from which a decision is pending. He said when we return, we will have a brief summary of any actions taken in that session.

Vierling said the Council concluded their closed session regarding the Anoka County HRA lawsuit. He said discussions were on potential settlement issues and after he has discussions with Ms. Teetzel and the City's Attorney he will have discussions with Anoka County.

Council
Member
Report -
Moegerle

Moegerle said she attended Local Government Officials (LGO) meeting and we discussed the Emergency Management Flood Update Plan. She said she also talked to representatives from the City of Ramsey about the branding process. Moegerle said they indicated it was a long process but valuable.

Moegerle said at the LGO meeting she also spoke with representatives from Oak Grove and Linwood about sharing resources and saving taxpayer's dollars.

Moegerle said the Coon Lake Beach Community Center still needs to raise funds. So, go play bingo, eat pancakes, etc. Moegerle said if they default on the center, the City will own it and we

don't need to own it

Council
Member
Report - Voss

Voss said we got a letter from S.R. Weidema, do we have any more information. Davis said we have a request for a change order, including for fuel costs, etc. He said we will give this to Bolton and Menk it is \$312,000 and \$166,000 is in fuel. Davis said we will have this information for you in the Friday update.

Voss asked what is status of the water testing. Davis said will have final information back tomorrow. He said the iron was good, was below the standards, manganese was above. Voss said now that we have all the players in place with engineers and contractors, can we get a new schedule for the project. Davis said he will try to get something in the update on Friday. Voss said you talked about putting millings down on 197th. Davis said the only other option would be to reconstruct it; it is totally surrounded by wetlands. Voss asked are any of the residents talking about having their roads paved. Davis said there is a resident from Naples that is bringing in a petition to have it resurfaced. He said we do still have the feasibility study from 1996; it won't take much to update it. Voss asked if the resident is doing the petition, do they have an idea of what the costs would be, or can we let them know so as they go around they are letting people know. Davis said he let them know it would be \$13-\$14,000 per resident. Boyer asked can we do this through e-mail as a courtesy.

Voss asked why was the sheriff here tonight. Davis said it was requested by the mayor. Voss asked the mayor why the sheriff was here. Lawrence said because he requested to have them here. DeRoche said attitude. He said statements were made earlier, a couple meetings ago about hostile attitude, etc. Lawrence said whenever they are here things run smooth, whenever they are not here, we have disruption. Voss said that is an interesting observation. Boyer said especially since you make that statement after the reporter is gone. Lawrence said he can see this on the tape.

Council
Member
Report -
DeRoche

DeRoche said the fire fighters working on getting the rest of their EMTs. He said the Fire Chief is going to pick him up on the 18th of May and they are going to do a station tour and look at what they have in mind for station trucks. DeRoche said Coon Lake is opening up so be careful, he has seen a lot of accidents happen in the 29 years he has been out here. He said and the roads out there, he hopes we are going to get millings in the pot holes. Davis said we just started patching today. He said and your neighbors should be happy we got the trees out of the roadway and the sweeper started down their yesterday.

Council Report
-

Lawrence said he contacted the gentleman that is behind in his payments for the ice arena and he is stating he is waiting for his taxes to come in and then they should be able to pay. He said they had a bad year.

Pet Clinic

DeRoche said he just wanted to remind everyone that there is a Pet Clinic this weekend from 9:00 am to noon at the Ice Arena.

Adjourn

Boyer made a motion to adjourn at 10:12 PM. DeRoche seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk