

## EAST BETHEL CITY COUNCIL MEETING

December 1, 2010

The East Bethel City Council met on December 1, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer                      Steven Channer                      Greg Hunter  
Kathy Paavola                      Steve Voss

ALSO PRESENT: Douglas Sell, City Administrator  
Tammy Schutta, Asst. City Administrator/HR Director  
Rita Pierce, Director of Fiscal and Support Services  
Jerry Randall, City Attorney  
Craig Jochum, City Engineer

Call to Order    **The December 1, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda    **Paavola made a motion to approve the December 1, 2010 City Council agenda. Boyer seconded; all in favor, motion carries.**

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

Mark Walsh of 7221-180<sup>th</sup> Avenue NE said he is a Columbus City Council Member and the Chair of the Sunrise WMO. Walsh asked did the Council Members direct this letter to be sent to me. Sell said he directed Ms. Pierce to do the letter over his name and send it to Walsh. Walsh asked Council to turn to page four (4) of the packet of information that was given to them and he said you will see that we had set a budget that included administrative costs. He said it makes the rest of this letter seem out of place.

Walsh said we have run into this problem before, so he would like to suggest that you look at budgeting this a different way. He said in Columbus we do this as a line item, so that the people that live in the Sunrise watershed are just charged for it, then the money is put in a budget and it stays there. Walsh said that way if we do run into a problem the monies are still there. He said Anoka County does our levying for us in Columbus and it works well for us. Walsh said he gave you a breakdown for all the cities/townships and what they will each be spending on Sunrise WMO for next year.

Hunter asked and our amount for next year is \$9,501.52. Walsh said yes, and you threw that into a general levy which your entire community pays for. He said it is a suggestion he makes that you only charge the residents that are in the Sunrise WMO for this. Boyer said but the point of the letter was that we had budgeted \$16,620, submitted a levy to the county for this and you came back with a bill for \$1,000 more and so there is not money for this. Walsh said they money would have still been there if you levied the correct amount. He said \$16,620 is the total amount, yours is just a portion of that.

Hunter said we budgeted for a certain amount, how come there were discrepancies in the amount. Pierce said she believes the confusion came in the e-mail that was sent, the \$16,620 was the budget for the work proposal for Sunrise, but the administrative costs were not included. She said there was some confusion. Sell asked what did we levy for 2010. Walsh said your amount of the \$16,624 would have been 33%. Sell said that is what was included in the 2010 budget. He said it is not detailed in the document he has, but it is in the 2010

budget document. Sell said last year total was \$9,700, but that is for both Upper Rum River and Sunrise WMOs. He said this year it is \$13,300. Walsh said our budget for 2011 for East Bethel's portion is \$9,501.52 for Sunrise WMO. Voss said it sounds like there was a miscommunication of what should have been budgeted and there is a budget amendment tonight so we can make up for it. Hunter said we have a budget that is broke down so we can take those details. Walsh said he thinks the letter was a bit inappropriate. Hunter said we have a budget that is for certain activities and he is glad the letter brought that out in the open so we could discuss it.

Bob Jacobson of 20628 East Bethel Blvd. NE asked is the water tower and well necessary for the wastewater treatment facility to go through. Hunter said yes. Jacobson said what about Item G.1, Employment Agreements; it seems strange that this showed up at the first council meeting after the election. He said if it wasn't needed before now, why is it needed now. Jacobson said but by reading these, he sees a discrimination lawsuit coming, with the differences in the two between severance pay and the vote to get rid of the city administrator. Hunter said a lot of these people weren't around here 10 years ago, but you were, so you should understand.

Resident asked when is it the time to talk about the taxes and the budget. Hunter it is next on the agenda. Voss said the public forum is for items that are not on tonight's agenda.

Christine Howell of 22314 - 7<sup>th</sup> Street NE said last time she was here she didn't have all her paperwork, this time she is prepared. She said she wanted clarification on why the city administrator's salary was so much higher than the other city administrators with the same population. Howell said she has the numbers now. She said the paper you are looking at is from the League of Minnesota Cities (LMC) and she looked first at the cities with population between 10,000 and 15,000 because you said East Bethel had 13,000. Howell said then she took it down to the cities with populations of 12,500 to 14,000. She said she contacted each of the cities in one way, shape or form, to get the names and salaries of the administrators and the assistants if they had one and if she didn't contact them she put it on there. Howell said she has listed them from the lowest paid to the highest paid, and the highest paid is East Bethel. She said you had justified the city administrators income by saying other cities matched his salary in the Stanton report; the Stanton report has been replaced with the LMC report.

Boyer said the vast majority of these cities are not metro cities. Howell asked what does that have to do with population. Boyer asked is the cost of living in Minneapolis higher than it is in Pipestone. He said the Stanton report takes into account a bunch of whole different possibilities; he would not compare a metro city to Fergus Falls. Howell said we fit into a lot of these. Boyer asked what as far as population. Howell said there are a lot of these cities that share a lot of things we have, they are not farming communities. Boyer said certainly the cost of a house in Pipestone is the not the same as in East Bethel. He said in any contract there are wage and labor standards, he doesn't see how you can compare these things. Boyer said a Duluth carpenter is paid less than a Twin Cities carpenter. Howell asked is the cost of living higher here. Boyer said yes than outstate Minnesota. Howell said how far away is Otsego. Boyer said they are not all outstate, he sees Moundsview and Vadnais Heights are on the list.

Howell said Sell said this is a Class 7 City and one of the cities on here is a Class 6. Boyer said you bring in a list of 17 cities and maybe three seem applicable. Howell said last meeting you said his pay was based on experience, some of these administrators have 32 years, 40 years, 20 years experience, but they are getting paid what he is. Boyer said that is

the difference between the metro and say Tyler which is a small town; they pay their city administrator \$42,000. Howell said we don't have many things these other cities do such as a municipal liquor store, etc. She said she just wanted clarification and she has her paperwork this time. Howell said you can argue anything. She said it is just like what you said about Ham Lake, you said they don't have a city administrator and she talked to her. Hunter said she is not a city administrator, she gave herself the title, but she has not had the schooling and the only background she has is working there.

Kevin Lewis of 166 Coleen Street NE at Coon Lake said he doesn't know what you are going to be covering at the budget hearing but what he has to say ties into what the lady was talking about. He said the governor, Tim Pawlenty's salary is \$120,000 and he defies anyone to say he has less of a job than this city administrator. Boyer asked has he been in this state this year. Lewis said he can't stay long, he doesn't have staying power, he had surgery yesterday. He said he is an economist, he has degrees. Lewis said he has spent 30 years in private business, has never seen such a small clique of small people that make \$100,000. He said this budget is a disgrace. Lewis said the part-time fire chiefs make \$6,000 a year and our full-time fire chief makes \$97,000, city planning \$120,000. He said he is looking forward to a new City Council that understands why he is so upset.

Lewis said he lives on a lake and his taxes are \$4,000 a year and his home value went down. He said a friend of his went down 18% and if it only dropped 10.3% at the same time his millage rate went up 9.3%. Lewis said in Anoka County and East Bethel you are touting how you cut the budget. He said in Anoka County the millage rate went up 11.4% that is why people are upset, not only because we don't see efficient government cost controlled but hiding the fact that mill rates are not cost controlled and that is why you saw what happened on November 2nd.

Tom Ronning of 20941 Taylor Street NE said getting back to this \$133,000 that we pay our city administrator; he doesn't know which one is more outstate the Blaine city manager who is paid \$120,000. Ronning asked what the taxable fringes are. He said because he is going to bet they are \$20,000 to \$40,000 for this position. Boyer asked Pierce to answer that question. Voss said we have been listening to this argument for the past couple months. He said it seems to him the whole discussion should have happened six (6) years ago when we created the position. Voss said that is when Sell was hired. He said since he was hired the salary has increased, at an average of 3-4%. Voss said where was this discussion two (2) years ago, which by the way; the salary was the same two (2) years ago. Ronning asked where was this information two (2) to three (3) years ago. Voss said in the same place, in our budget books, the same place. Ronning asked what the starting salary was. He said he doesn't know anyone that gets a 30% increase in six (6) years. Sell said in seven (7) years. Voss asked why this is a hot button now. Ronning said it is a hot button issue though the community, he can't speak for anyone else. He said the City of Blaine has a City Manager and for the assistant, there is none. He said they have more public employees than we have major parts of doggone community. Ronning said this is part of the reason you saw what happened on November 2nd.

Ronning said he keeps hearing about businesses that want to come to East Bethel it is time to say, who, what, when and where. He said also who spoke to who, what, when and where. Ronning said we need to know who spoke to what company and when. Voss said Festival Foods talked to the City many years ago and Rainbow Foods did. Hunter said he talked to Menards when they were developing in Blaine and they said when you get water and sewer let them know. He said so he called them two (2) weeks ago and told them it is coming. Ronning said and. Hunter said and we will see. Ronning said as far as Target, there is no

was in heck they are coming to East Bethel and McDonalds has said the same thing. Tim Landborg said he had a letter of intent three (3) years ago from Target for his property that they were going to build there. Resident asked can you share it. Landborg said it was marked confidential and he cancelled it.

Ronning said he doesn't think the last two (2) people that spoke were off base about the salary going from \$103,000 to \$133,000. He said he wants to know the fringes. Sell said it is about \$33,000, that includes social security, workers compensation, PERA, life insurance, etc. Ronning said so his salary is about \$166,000.

Howell said Voss asked a question, when the salary of the city administrator became an issue. She said when he became greedy. Voss said this entire discussion is not to be directed at the city administrator. Howell said yes, that's true, don't you as a Council have to allow this salary. She asked so if someone has to lose their job don't you have to allow it. Howell said she is not directing this at Sell. She said when someone got laid off the city administrator got an 8% raise. Voss said the city administrator has had an average of 4.1% increase in salary in his 7 years here. Howell said but it was 8% the year someone got laid off. She said you are supposed to have the interest of the City at heart, that is when it became an issue.

Josh Sturman of 226 Elm Road NE one of his concerns are the way the numbers were shown regarding the water project, 100% coverage rates and housing densities and adding and taking out Coon Lake Beach, this is a fairly big concern. Sturman said when you look at plans that have not been updated. He said such as the Tierney Project, this is water running into the lake that with the Clean Water Legacy Act you could have established a lot of that. Sturman said it is the city administrator's responsibility to prepare agendas for Council. Hunter said if this is a question about Coon Lake Beach and City sewer and water we have never planned on serving that area. He said it is just an option, we haven't defined it for specific service and the numbers were just a generality. Hunter said in reality it was for discussion purposes only.

Sturman said when he was looking at where the funds were coming from for the recovery zone it looked like they were for low and moderate income families. He said when he tried applying for these through the county they said that they City had those funds and were doing that and they City didn't really have a functioning HRA at that time. Sturman said to him it looked like the sewer and water was an economic development project, water quality issue project.

Sturman said and with this employment issue, in his view maybe you should have department heads reporting to Council. Hunter said we had that ten (10) years ago and it was utter chaos. He said that is why we created the city administrator position, which was created to give us the direction we needed. Sturman asked could you make the mayor a full-time position. Hunter said no, you couldn't pay this position enough to do that. He said the city administrator takes direction from us and that is why he gets beat up so bad.

Sturman said he hasn't been able to address Council about his cabin. Boyer said that is not true, once the lawsuit began we did not let you talk, but before that you talked to Council for hours. Sturman said there are substantial differences between Resolution 2009-11 that the Council approved and the order that was signed by the administrator. He said the order made him raze and remove; it was way over and above the top. Boyer said this was the subject of the litigation. Sturman said the subject of the litigation was whether he had to raze it or put in a septic. Paavola said Council made the decision of what you had to do with

that and the building official and city administrator carried out that decision. DeRoche said that is not true, Council ordered that he clean it up and the city administrator ordered that it be torn down. Paavola said that is enough, Council makes the decision and the city administrator carries out the decisions. She said you are trying to place the blame where it shouldn't be.

Ronning said he looked up the median income it is \$57,808 and the average salary for East Bethel is \$33,908, he has to assume the explanation was given. Channer said that is the average salary paid in East Bethel by employers. Ronning read the leading industries in East Bethel. Ronning said the spending money of \$33,908 is not going to attract a lot of businesses. Hunter said that is our work force that is here. He said you are taking the salary of the theatre and the gas station. Boyer said this is a fairly complicated thing; this can be stewed by the people that work from home. He said you have to be careful when looking at median average household income. Boyer said it is the average of all income of household which is 2.9 people and so you would have husband and wife bringing in income. He said he knows an excellent website that will show you labor statistics. Boyer said he can show him after the meeting, the University and DOER put it together.

Tim Landborg of 1507 205<sup>th</sup> Avenue NE said he has been listening to the bashing, the comments that have been directed at the city administrator. He said the City Council gives the salary to everyone here, they are given in the budget and they have been given for seven (7) years. He said it is the same with the sewer; this has been going on for years, so where has everyone been for all these years. Landborg said he has said the same things about Target and Cub and grocery stores and had to prove it. He said we had a study done by Maxfield, where were you. Landborg said get on a committee and try to do something about it. He said maybe you got your information from the new Council Members that committed a felony by putting this on his mailbox. Ronning said you would have heard it more but you haven't been here before the last three months. Landborg said he has been here for the last eight (8) years. He said this stuff has been going on for a long time. Landborg said you need to remember you should be checking the salaries, you should be checking all the budgets. He said you haven't said anything about the police budget, have raised that by \$600,000. Landborg said pay attention, don't believe whatever someone tells you.

Howell said so an answer to the question you asked, when you elect someone to an office you are trusted, she shouldn't have to come up and babysit. She said she trusts you to take care of her best interests. Boyer said people have a responsibility, this is a democracy. Howell said that is why we are here now. Boyer said if we have had one public hearing on the sewer, we have had one hundred. Howell said she is here on the wages, because we trusted you guys.

Sturman asked for the levy assessments, at the presentation in October you said it wouldn't be done until 2012 and won't be levied until 2013. Sell said the assessments won't be levied until the project is done.

Bill Vokovan of 21473 Johnson Street NE, A-Blast Sandblasting said while he appreciates what you are trying to do with City sewer and water, he is making a whole lot less and his taxes are considerably high for his business. Hunter asked are you in project area. Vokovan said he is right behind Fat Boys. Hunter said you are not in the project area. He said when you have a small shop and flush your toilet three (3) times a day; the cost to small business owners is going to be high. He said two (2) even three (3) years ago times were good and if he had seventy (70) acres to sell to a Target maybe he would be fine with it.

Ronning said he has a cost question. He said we have asked if you don't want it you don't have to have it, so how much will it cost it if we don't take it. Hunter said as far as residential property he has maintained that if it is residential property and you currently live in the City of East Bethel you will not be hooked up and it will not cost you anything. Ronning said there is one flaw in that; there is someone on the map that is being assessed like that. Hunter said that is not residential. Ronning said so you will not take my dollars out of general fund to pay bonds. Hunter said we can do this all night.

There were no more comments so the public forum was closed.

#### 2011 Budget Hearing

Sell explained that based on legislation adopted by the state Legislature in 2008, the Truth in Taxation hearings were abolished and replaced with a budget meeting at which residents can provide City Council input on the proposed budget. At the September 1<sup>st</sup> meeting, City Council identified December 1<sup>st</sup> as the meeting at which the 2011 budget would be available for public comment.

Staff is suggesting that Council open the hearing, collect information from residents and then close the hearing. Later on the agenda, Council will have the opportunity to consider the 2011 budget resolution and related property tax levy resolution.

#### **Mayor Hunter opened the budget hearing.**

Bob DeRoche of 158 Collen Street NE said Lewis wanted to stay but he just had surgery so he had to leave.

Neil Swanson of 22636 Washington Court NE asked is there anything you can show us about the budget. He asked how can we comment. Voss said it is on the website. Swanson asked was there a mailing done so we know where we can find it. He asked does it show where it is on the website. Sell asked are you on the e-mail notification list. He said because a notice went out to the people on the notification list when it was posted on the website and it shows exactly where it is. Sell explained this is a good way to know what is going on and where things are on the website. He explained how to get on the list. Boyer said it is on the same schedule every year, about September of every year it is on there. Sturman asked does it include the utilities. He said he doesn't have internet. Voss said are you saying this is not accessible. Sturman said you had mentioned broadband access with utilities. Voss said that was for businesses. He said in a city our size it will be a while. Sell said there is a copy of the budget at the front desk for anyone to look at.

#### **There were no more comments so Mayor Hunter closed the budget hearing.**

#### Consent Agenda

**Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, November 17, 2010, Regular CC Meeting; C) 2011 GIS Contract; D) Res. 2010-72 Setting 2011 Fee Schedule; F) Appointment of On Call Seasonal Snowplow Drivers; G) Res. 2010-73 2010 Budget Amendments; H) Res. 2010-74 Inter-fund Loan Cost of Issuance. Paavola seconded.** Hunter asked to remove Item E) Cedar Creek Pavilion Rules from the consent agenda and address it immediately after the consent agenda. **Boyer amended his motion to approve the Consent Agenda removing Item E) Cedar Creek Pavilion Rules to be addressed separately after the consent agenda. Paavola seconded the amendment; all in favor, motion carries.**

Hunter said the reason he removed Item E was because it says we supply the firewood. Boyer said one of the issues with firewood is encouraging the migration of emerald ash

borer. He said the University was concerned about this. Boyer said some communities are requiring that DNR approved firewood be used. He said so we thought the easiest way this could be done is the City could sell the firewood. Hunter said it didn't say this. Schutta said so if we purchase it for \$3 we will sell it for \$3. Sell said we will purchase it from someone that has the DNR good housekeeping seal of approval.

**Hunter made a motion to approve Item E) Cedar Creek Pavilion Rules. Paavola seconded. Voss, nay, Boyer, Channer, Hunter and Paavola, aye; motion carries.**

IUP – Request for a Place of Worship in City Center (CC) Zoning District for Our Saviour's Lutheran Church at 1562 and 1644 Viking Blvd. NE

Sell explained that the property owner, Our Saviour's Lutheran Church, is requesting an IUP for the continued use of the property located at 1562 and 1644 Viking Blvd. NE, East Bethel, as a place of worship as defined by city code. Our Saviour's Lutheran Church used the property on Viking Blvd. as a place of worship for a significant number of years before moving to a new facility that was built at 19001 Jackson Street about five and one-half years ago. The property on Viking Blvd. continued to be used for other uses such as a pre-school, daycare center and food shelf operations.

In 2007, Zoning Ordinance 203 was approved by City Council. As part of the new zoning code, place of worship was not a permitted use in the City Center District. This resulted in the property owned by Our Saviour's Lutheran Church on Viking Blvd. to become a legal, non-conforming use.

Minnesota State Statute and East Bethel City Code states that legal non-conforming uses may be continued unless the non-conforming use or occupancy is discontinued for a period of more than one year. It is our understanding that Our Saviour's Lutheran Church discontinued worship services over five years ago at the Viking Blvd. property. The question was raised if the property could still be used as a place of worship under the current zoning code. The property has been on the market for a number of years. There have been several interested in purchasing the property pursuing this building as a place of worship. Following direction from the City Council, conversations with the city's legal counsel and Our Saviour's Lutheran Church's legal counsel, it was determined that allowing places of worship in the CC District with an IUP would be a viable alternative.

Ordinance 27, Second Series was approved by the City Council at its regular scheduled meeting on November 3, 2010 which allows places of worship in the CC District with an approved IUP.

According to the state building and fire codes, a change in the use or occupancy of an existing facility requires a new Certificate of Occupancy. If the IUP is approved, a Certificate of Occupancy must be issued prior to occupying the existing facility. The Certificate of Occupancy must be issued within one (1) year of new ownership. It is the responsibility of the property owner to contact city staff to schedule inspections with the building and fire departments. Also, required permitting must be obtained prior to any modifications, repairs, etc. to the existing facility.

On November 23, 2010, a public hearing was held at the Planning Commission meeting. Planning Commission recommends approval of an IUP that will allow a place of worship in the CC District at 1562 and 1644 Viking Blvd., East Bethel, with the conditions identified on page 40 of your agenda materials.

**Boyer made a motion to approve the request of Our Saviour's Lutheran Church for an Interim Use Permit (IUP) at for a place of worship in the CC District at 1562 and 1644**

**Viking Blvd. NE (PINs 29-33-23-41-0001 & 29 33 23 41 0002) with the following conditions: 1) An Interim Use Permit Agreement must be executed no later than February 1, 2011; 2) The property is to be used as a place of worship where persons regularly assemble for religious worship. Regular worship services must be conducted at a minimum of one (1) day per month. Discontinuing regular worship services for more than one (1) year shall terminate the IUP. Regular worship services must be conducted starting one (1) year after the transaction of new ownership takes place; 3) Expansion of the place of worship and/or its accessory uses will require a site plan review before the Planning Commission and approved by City Council. Expansion of the uses on the site must meet requirements set forth in city code at the time of the submittal of the site plan review; 4) It is the responsibility of the property owner to obtain required permitting from the City of East Bethel prior to modifications, repairs, etc. to the existing structure; 5) A Certificate of Occupancy must be issued prior to occupying the existing facility. The existing facility must be inspected by the City of East Bethel Building Safety Department and Fire Department; 6) Once a Certificate of Occupancy is issued, the place of worship must submit to city staff detailed documentation of the use of the building for the prior year. This documentation must be submitted by January 31; 7) Approved IUP will transfer to new property owners. New property owners will be responsible to meet approved conditions. Voss seconded; all in favor, motion carries.**

Ord. 28,  
Second Series,  
An Ordinance  
Amending  
Appendix A,  
Zoning, of the  
East Bethel  
City Code

Sell explained that Planning Commission, in response to Council direction, has reviewed and is proposing several amendments to City Code in Ordinance 28, Second Series. A copy of this proposed ordinance was included with your agenda materials. The Planning Commission conducted a public hearing on these proposed changes at the November 23, 2010 Planning Commission meeting.

#### Essential Services-Accessory Structures

The current definition of “essential services” reads, “The utilization, construction, alteration, or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electricity, steam, fuel, water supply or distribution system(s); sanitary sewage disposal system; including accessory facilities but not including buildings greater than 120 square feet necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.” Staff recommended to the Planning Commission that the language “but not including buildings greater than 120 square feet” be eliminated as it is common for accessory facilities associated with essential services to be greater than 120 square feet in size. This would include facilities such as sub-stations, head end facilities for cable or telephone services, pumping stations for natural gas facilities, water or waste water treatment facilities, etc.

#### Essential Services-Zoning Districts

With the expansion of public utilities in the community, these facilities will likely be part of most all zoning districts. The exception would be water and sewer facilities in the agricultural and rural residential zoning districts. However, by allowing essential services in the agricultural and rural districts, other public utilities will be permitted to construct infrastructure such as electric, gas, telephone, cable, etc.

Ordinance 28, Second Series, will allow Essential Services as a permitted use in all of the city’s zoning districts rather than as a conditional use.

#### Driveway Requirements

At the October 20, 2010 City Council meeting during the public forum portion of the meeting, Mr. Chris Lee expressed his concerns regarding development regulations for driveway access and standards. Current code requires newly created driveways to be

constructed of either bituminous or concrete materials extending from the street a minimum of 75 feet. This includes driveways located on unimproved streets. Mr. Lee lives on an unimproved street and is installing a second driveway to access his accessory structure. Mr. Lee questioned why it would be required to be a hard surface driveway on an unimproved street. After discussion, City Council directed staff to propose changes to the driveway access and standards. Staff proposed language to the Planning Commission to read:

In all residential zoning districts, driveways located on a paved street require a bituminous or concrete driveway is required in the RR district extending from the street a minimum of seventy-five (75) feet or to the garage apron, whichever is less. Driveway width shall be a minimum of twelve (12) feet wide and cannot exceed twenty-four (24) feet in width at the right-of-way. A turn-around, located entirely on a residential lot, will be required for driveways that directly access a street with a posted speed limit greater than forty-five (45) miles per hour.

In all residential districts, driveways created on an unimproved street after the adoption of Ordinance 28 are required to meet the paving requirements of this section no later than one (1) year after improvements of the street are completed with either a bituminous and/or concrete surface.

This revised language will permit the delay of construction of a hard surface driveway along unimproved streets but will require the driveway be improved when the street is improved.

#### Modified Business Permissions in B3 District

At the November 3, 2010 City Council meeting – Public Forum, Mr. George Cossette, owner of George’s Boat Repair, located at 18611 Highway 65 explained that the property located directly north of his property is for sale. Mr. Cossette is interested in purchasing the property so he can expand the boat repair business (George’s Boat Repair has been in operation since the 1970s). According to city code, Mr. Cossette’s existing business is no longer a permitted use in the B3 District; therefore, it is a legal non-conforming use. A legal, nonconforming use cannot be expanded; therefore, the zoning code prohibits Mr. Cossette to expand his business.

City Council supported Mr. Cossette’s desire to grow his business in East Bethel. Staff was directed to continue working with Mr. Cossette on this issue. Staff proposed an amendment to the Planning Commission to allow conditional uses in the B3 District with the following language: “Retail sales and services – boat sales” and to amend the definition of retail sales and services to allow boat sales that would read:

*“Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, boats, or open sales lots open sales lots are not included in this category of uses.”*

The City Attorney has reviewed the proposed amendments as provided for in Ordinance 28, Second Series. He has indicated that there are no concerns regarding the proposed language.

Ordinance summary will be placed on the December 15, 2010 City Council meeting with the recommendation for direction to publish. Planning Commission recommends approval of Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code to include Planning Commission changes to Ordinance 28.

**Boyer made a motion to approve Ordinance 28, Second Series, An Ordinance Amending Appendix A. Zoning, of the East Bethel City Code. Channer seconded.** Voss said it is nice to see the couple things that came forward as issues are being fixed. Boyer said the driveway one is nice. Hunter said he is sure this won't be the last time this gets amended. **All in favor, motion carries.**

Res. 2010-75  
Approving  
Final Budgets  
for General  
Fund, Debt  
Service Funds,  
Special  
Revenue  
Funds, Capital  
Project Funds  
and  
Proprietary  
Funds for 2011

Sell explained that a draft budget was submitted to Council on June 30, 2010. Throughout the summer, Council discussed various aspects of the 2011 Budget and took input from the public regarding the 2011 Budget. The 2011 preliminary budget was adopted on September 1, 2010. As part of the discussion over this time, Council directed staff to identify additional reductions that could be considered as additional reductions for 2011.

Staff has identified a number of areas for budget reduction consideration. These reductions were detailed in your agenda materials. The reductions are not listed in any order or priority and included the elimination of one position, reductions to capital transfers, elimination of conferences and training other than those provided for in the SAFR Grant, employee furlough, etc. The list simply represents a list of options for consideration.

Reductions to the 2011 Preliminary General Fund budget identified in the agenda materials, exclusive of employee furlough, total \$137,373. These reductions would result in a General Fund Budget of \$4,946,100. This is a decrease of \$250,145 over the 2010 budget. The proposed levy for pay 2011 is \$612,495 less than the allowable levy limit as established by the Department of Revenue for the State of Minnesota.

Budgets for Special Revenue Funds, Capital Project Funds, Enterprise Funds and Internal Service Funds were presented and also discussed by Council at meetings in July, August and September.

Projected expenditures for 2011 are below 2010 adopted levels by 4.81%. The budget resolution presented reflects direction from Council from the budget discussions and the reductions identified in your agenda materials.

With all the changes noted in your agenda materials, City tax levies would decrease 2.12% from pay 2010 to pay 2011 as expenditures are down reflecting reduced operating expenses. Staff seeks direction on budget reductions and approval of Resolution 2010-75 setting the final budgets for 2011.

**Boyer made a motion to approve Resolution 2010-75 Approving Final Budgets for the General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2011. Hunter seconded.** Boyer said so much for your wasteful spending City Council. Channer asked why we picked this position to eliminate. Sell said the discussion among staff was what position could be eliminated that there would not be a reduction of services. Hunter asked wasn't this the last position created. Sell said yes, and it was mid-year created. He said and we did without when we lost a person. He said the department heads would rather not go without, but they could if they had to and we would reallocate the duties to some people.

Voss said there are some additions to the budget. Sell said correct, the laser fiche. He said we had originally looked at this and it was very expensive. Sell said we talked to our IT people and the service is \$1,200 per year and \$800 for a scanner. Schutta said and licensing rights to use software. Voss said we have been using for about five (5) years. Channer said you can obtain the files electronically. Voss said and you can find it OCR. Sell said and one

of other additions are two seasonal employees for twelve (12) weeks to scan all documents in. He said the other item provided for in here is video streaming. Sell said it is provided for later in agenda. He said then those that don't have cable can access meetings on internet, but by virtue of cooperative agreements we can get this for \$120 per month and a one time fee of \$30. Sell said these are a couple of the additions provided for in there. He said the reductions are not recommendations, just a listing of options.

Voss said on page 68 of the packet on reductions the building capital transfer it is suggested to take it from \$50,000 down to \$0; we have been making investments in the building capital and spending about half of what we put in last year. He said there is a comment that we have no anticipated expenditures, but the expenditures the last couple years have been unanticipated and maybe something else will come up. Voss said on the Streets budget we are going down 7%, and to him it begs the question the other large capital fund we transfer to is parks and trails, we transfer \$100,000 parks and \$62,000 trails and we have stagnant growth, so maybe it is time to back down on this and bring the transfer down. He said so that is his suggestion. Hunter asked what is the actual numbers you are suggesting we do. Voss said reduce by 25-50%. He said we are at a time where we are not growing in those areas. Hunter asked so part of discussion is lowering the parks and trails and putting back into buildings. Voss said maybe not, but if something comes up we will have to take it out of contingency.

Channer said he agrees with Voss a little, he is not saying we should stop the transfer, but we need to match it with the growth. Boyer said the only problem is that we have under invested in that area, not us but other Councils in the past. He said we are in a similar situation as were with roads or police. Boyer said so we added 16 hours of police service and now we have 40 hours. Voss said he appreciates those points, but for roads it is purely a maintenance problem and for police we have built it up to a level that is adequate. Boyer said and we have done that for parks as well. Voss said that is fine for replacing and bringing things up to OSHA levels, but not for putting in new trails. Boyer said if we had simply required developers to put in sidewalks we wouldn't have this problem. Voss said he doesn't want to get into a philosophical conversation about this and we are not planning on putting a sidewalk in front of every existing development. Boyer said we are planning on putting a trail from every park to each other park. He said what are we waiting for someone to get killed. Voss said if that is the argument he will gladly take the money for parks and put in a stoplight at 221<sup>st</sup> and Hwy. 65. He said he is suggesting is to bring the parks capital transfer to \$50,000 and trails to \$31,000.

Channer said he is personally uncomfortable with eliminating this position. He said we talk about the economy and then we put someone out of a job. **Boyer and Hunter aye; Channer, Voss and Paavola, nay; motion fails.**

**Voss made a motion to adopt Resolution 2010-75 Approving Final Budgets for the General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2011, reducing the transfer to the Park Capital Fund to \$50,000 and the transfer to the Trails Capital Fund to \$31,000 for a total budget of \$4,865,100 and Property Tax Levy of \$4,579,000. Paavola seconded. Channer, Boyer and Hunter, nay; Voss and Paavola, aye; motion fails.**

Boyer asked would it be acceptable if we gave notice to the position that in six (6) months it would be eliminated. Channer said his bias is towards the fire department. Boyer said he is trying to figure out how we can come to an agreement. Voss said with the actual elimination of the position and duties, how are those duties going to be reassigned. Sell said they will be

absorbed by support staff and supervisors. He said they did it for two (2) months. Voss said and how did they do it. He said he didn't hear any complaints.

**Boyer made a motion to adopt Resolution 2010-75 Approving Final Budgets for the General Fund, Debt Service Funds, Special Revenue Funds, Capital Project Funds and Proprietary Funds for 2011, fund the support position for six (6) months, reduction to Parks Capital and Trails Capital Transfers the same as proposed to the Roads Capital 5.9% for a reduction of \$137,333 with a total budget of \$ and Property Tax Levy of \$. Paavola seconded.** Voss said from what was presented you just increased this by \$20,000. Boyer said he is just trying to get something we can agree on. **Hunter and Voss, nay; Boyer, Channer and Paavola, aye; motion carries.**

HRA Budget  
and Tax Levy

Sell explained that the City's HRA is required to advise the City Council of its property tax levy and budget. A copy of the 2011 Tax Levy Resolution and Budget were attached to your agenda materials. This is an informational item only and no action is required.

Res. 2010-77  
Awarding  
Construction  
Contract for  
Well  
Construction

Sell explained that On October 6, 2010, the City Council approved plans and specifications for well construction as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up. The engineers estimate for this part of the project was \$450,000.

Staff seeks direction on the adoption of Resolution 2010-77 Awarding Construction Contract for Well Construction to Traut Wells, Inc in the amount of \$336,875.

**Hunter made a motion to adopt Resolution 2010-77 Awarding Construction Contract for Well Construction to Traut Wells, Inc in the amount of \$336,875. Boyer seconded; all in favor, motion carries.**

Res. 2010-78  
Awarding  
Construction  
Contract for  
Water Tower  
Construction

Sell explained that on October 6, 2010, the City Council approved plans and specifications for a water tower facility as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up. The engineers estimate for this part of the project was \$963,000.

Staff seeks direction on the adoption of Resolution 2010-78 Awarding Construction Contract for Water Tower Construction to Caldwell Tanks, Inc in the amount of \$1,072,000.

**Hunter made a motion to adopt Resolution 2010-78 Awarding Construction Contract for Water Tower Construction to Caldwell Tanks, Inc. in the amount of \$1,072,000. Boyer seconded; all in favor, motion carries.**

Res. 2010-79  
Rejecting Bids  
for Water  
Treatment  
Facility,  
Directing Plan  
Revisions and  
Directing  
Advertising

Sell explained that on October 6, 2010, the City Council approved plans and specifications for a water treatment facility as part of the municipal utilities project for Project 1 Phase One. The notice/advertisement for bids were in the Anoka Union and the Construction Bulletin. Bids were received on November 23, 2010, tabulated and are attached to this write-up.

Bids were received and the bid tabulation is attached. Bids were in excess of the anticipated project costs. During the plans and specifications phase of the project, over sizing of a number of features including holding tanks, electrical service and related panels, process control hardware and software and structures for the potential Reverse Osmosis facility were

included. These features are simply not necessary at this time to move forward with the facility to serve the City's needs. The engineer is recommending that the bids be rejected, that modified plans and specifications be developed and that new bids be taken for the downsized facility to meet current City needs.

Resolution 2010-79 provides for the rejection of the bids for the facility as originally proposed and direction to develop revised plans and direction to advertise the revised specifications with bids to be received by December 14, 2010 for consideration at the December 15, 2010 City Council meeting.

Mr. Kreg Schmidt is with us this evening to respond to any questions you may have.

Staff seeks direction on the adoption of Resolution 2010-79 Rejecting All Bids for the Water Treatment Plant, Directing Revised Specifications and Directing Advertising for Bids.

Schmidt said as was detailed in the memo all bids received exceeded the budget for this portion of this project and five (5) bids were received. He said the base bid included several components that are necessary for the future addition of reverse osmosis softening including but not limited to tankage, piping, electrical components, building space, etc. Schmidt said ultimately we will have to blend the water, we will have a storage tank that will blend the water and then the two waters will combine and go to the wells and go to the system. He said and there is reverse reject water that would go back into the system and would ultimately have two reclaim tanks, there was some additional pipe gallery work and also had a garage in northeast portion of the facility. Schmidt said the items that would be eliminated is tankage in light blue and designed motor control centers.

Schmidt showed what the revised center would look like, a bare bones facility. He said we eliminated the garage, RO room, pump gallery and other areas. He said we are looking for as much money out of this as we can. Schmidt said we be bidding a alternate roof, gravel parking lot, going to get you cost for items as add or deduct. He said we looked at the generator system and downsizing but we cannot get away without those. Schmidt said this is a significantly downsized facility. He said the total cost to rebid is \$8,000-\$10,000 range and we will absorb this. Hunter said he understood all the alternates but the generator. Schmidt said we could have an add or deduct for a full size or smaller generator. He said it is not uncommon to have to change out the generator as your facility grows, but we can do this as an add. He said we can't eliminate it. Schmidt said we had hoped that we could do this, but the Department of Health was very persistent about this. Voss asked is a non-paved parking lot in our code. He said he guesses it is off a dirt road. Schmidt said we are trying to keep this as cost effective as we can. He said we have a lot of ground water conditions we are dealing with. Boyer said his experience has been usually not many people work in these facilities. Schmidt said you will have some deliveries. He said this is the only facility he will have been related to that is not paved. Voss asked will that be an alternate on the bid. Schmidt said we have four (4) things that will be alternates on the bid. Voss asked the original design was made to upgrade and the reverse osmosis thereof, why would we upgrade. Schmidt said that was always the concept with Met Council is there would be a use for the discharge water. He said then the people on the system would not need to soften the water from the system. Schmidt said the Reverse Osmosis softens the water at the plant. Voss asked about the quality of the water as the plant is being proposed. Schmidt said it is an excellent quality of water. He said we should have eliminated some of this in the beginning. Schmidt said you have about 5.5 million for the plant in the budget. Boyer asked how many square feet are you taking out of the building. Schmidt said about 700,000 gallons of tankage.

**Boyer made a motion to adopt Resolution 2010-79 Rejection all Bids for Construction of a Municipal Water Treatment Facility, Directing Plans be Prepared Modifying the Scope of the Project and Direction to Advertise Revised Plans. Voss seconded; all in favor, motion carries.**

Res. 2010-75  
Setting the  
Final Property  
Tax Levies for  
2011

Sell explained that City Council through discussions at several City Council meetings has determined that a General Fund property tax levy for 2011 be set such that funds are available to accomplish the goals and objectives City Council has identified. To make provisions for these goals and objectives, a General Fund levy of \$4,681,345 is necessary. A debt levy of \$109,500 is necessary to make principal and interest payments on the 2008 Sewer Revenue Bonds while a market value based levy of \$144,756 is necessary to pay principal and interest on the 2005 Public Safety Bonds that were issued for the Fire Station and Weather Warning Sirens projects.

When the debt service levy of \$254,256 is added to the General Fund levy of \$4,681,345, the total levy amount proposed is \$4,935,601. According to Anoka County, residential market values overall declined by an average of 12% from 2010 to 2011. A residential property with estimated market value of \$250,000 in 2010 would have an estimated market value of \$220,000 for taxes paid 2011. The City's portion of the tax bill for this sample property would decrease by about \$40.00 from 2010 to 2011. This represents a decrease of 4.4%.

Resolution 2010-76 provides for the property tax levy required for the current spending proposed for the General Fund and the debt service requirements of the 2008 Sewer Revenue Bonds and the 2005 Public Safety Bonds.

Staff is requesting direction on adopting Resolution 2010-76 setting the final property tax levy for 2011 and direction to forward the Resolution to the Anoka County Auditor.

**Boyer made a motion to adopt Resolution 2010-76 Approving the Final Tax Capacity Levy and Referendum Market Value Levy for the General Fund and Debt Service Funds for 2011. Channer seconded. Voss, nay; Boyer, Channer, Hunter and Paavola, aye; motion carries.**

Employment  
Agreements

Sell explained that a proposed Employment Agreement between the City and the City Administrator has been included with this item. This agreement reduces to writing the basic verbal understanding between the parties. The Agreement provides for a wage freeze for the duration of the agreement at the 2009 level. Contributions for insurance and their treatment are consistent with the amounts provided to other employees that will decrease for 2011. Vacation, sick leave and other time off are consistent with practices and policies for other management/supervisory employees.

The second Agreement provides for all City Employees not currently covered by a labor agreement. This would include all managerial, supervisory and confidential employees. The provisions of this agreement following current practices and policies and is now reduced to writing. This type of agreement is common in a large number of cities, counties and particularly school districts for managerial employees.

The City Attorney reviewed the proposed agreements and made minor modifications. The Agreements before you have incorporated these suggestions.

Staff is asking Council to consider approving these Employment Agreements.

**Boyer made a motion to approve the employment agreements and to extend the agreements to two (2) years with no wage increase in the second year.** Sell said this is on page 94 and 97. **Hunter seconded.** Voss asked Randall to explain in the existing code we have a section on the city administrator, and there is a subsection 264 about removal. He said it states the city administrator may be removed with just cause only after a 180 day notice, so notice is given, 180 days go by and you are terminated, it can be done for any reason. Randall said yes, that would apply with or without cause. Voss said so his follow up question is if a termination happens without cause and there isn't a 180 day notice, you have a situation where the former city administrator could argue that the former city administrator hasn't been given due process. He said so in a way this is a severance. Voss said if this does occur the city administrator could come back with legal means and ask for some kind of agreement. Randall said yes, you would have to be careful about giving notice. Voss said he has a question about removal with cause. He said in this proposed agreement, it is called just cause. Voss said it doesn't seem that it is defined in any ordinance what cause is. He said the second page has all the responsibilities. Voss said this agreement seems like it is trying to find just cause. Randall said cause is any reasonable reason for termination. Defecation of funds, wrongful termination of employees. Boyer said misuse of City property. Randall said it is better not to put a definition on it and leave it open to City Council, without it being defined it is broader and easier for Council to decide.

Voss said in this one paragraph it talks about just cause. Randall said the agreement narrows down what just cause would be where the ordinance doesn't. He said it makes reference to a conviction. Randall said it is a determination that Council would have to make. He said what you would be doing here is most likely suspend him/her until there was a trial. Voss said what he is trying to put in perspective is why we have this proposed agreement when we have an ordinance for the city administrator position. He said this was created when we created the position. Voss asked what is the reasoning for extending further than it is. Boyer said there are cost savings, no increases for next year. Voss said we address salaries as part of the budget process and he doesn't know why we would change it when it has worked well this way. He asked why we would set that by agreement. Voss asked if the motion is for both agreements. Boyer said no, he is doing one at a time. He said he is giving employees security at a fixed cost. Voss said there is never a promise of an increase anyway. He said he sees a binding contract and there shouldn't be a date that an employment contract expires. Boyer said that is how it works with state employees. Voss said he assumes our union agreements have expiration dates. Boyer said we do this with Randall and Jochum. Voss said those are contracts. Hunter asked so you would like to take the dates out of them. Voss said he understands the issues of notice and severance, but by guaranteeing a contract for two (2) years, the trust level goes both ways, and the trade off of no salary increases we can do that anyway, as council it is our prerogative.

Channer said this is hard for him also, he believes the administrator and staff do a good job, and he has dealt with other cities and the Met Council and others, and he would rather deal with this City than others. He said he believes the employees should have protection from arbitrary termination, but he still feels a little hand strung from this. Channer said if it was offered to him doesn't know if he would agree to it. He said it is nothing against the city administrator or employees.

Sell said him and Voss talked earlier about this. He said under Terms, subdivision a, removed by office by 75% of council, you can remove the 75%, this is on page 94. Sell said 75% is in a number of contracts, but he is agreeable to this. He said he would like Just Cause identified in the agreement, if there is other language that is more appropriate he

would be willing to consider it. Sell said he has some suggested language for paragraph b. as follows: (b) the agreement shall be in full force for a period of six months beginning January 1, 2011. During this initial six month period, the City and City Administrator will work cooperatively to resolve any issues that may arise. If, after this initial six month period issues are too large to overcome as recognized by the City and the City Administrator, the City may terminate the agreement. Should the agreement be terminated under these provisions, the City hereby agrees to provide to the City Administrator six full months of pay and benefits on the City's payroll to December 31, 2011. This would be considered termination by the City Council without Just Cause. He said and also paragraph c. as follows: (c) the City and City Administrator hereby agree that at least 90 days prior to the end of this Agreement that both parties will meet and discuss, in good faith, a contract extension. Channer said that makes him happier. He said this is not a happy thing. Sell said if those changes are acceptable to Council, they are acceptable to him. **Boyer amended his motion to include those changes to the City Administrator Employment Agreement.** Voss said on page 95, item 7, Pension Plan is this the current amount. Sell said yes. Voss said on page 96, item 12, litigation attorney's fees, City is responsible for fees. Sell said or other way around. Randall asked was it your intention that City cover your attorney fees. Sell said for me or the City. Voss said his suggestion is he has seen it in other agreements; those fees are only recovered should the suit prevail. Sell said that is reasonable. Voss said or maybe a 50/50 split. Randall said the City pays fees of prevailing party. Voss said change to prevailing party. Randall said he has seen it that way before, City will pay all litigation expenses of prevailing party.

Randall asked about Item 5, wondered if correct. Sell said yes it is. Voss said on page 96, item 13, why is that not reciprocal. He said why should the party not indemnify the City for the same thing. Sell said this came from the ICMA, he doesn't know why. He said he believe it is that the City will defend me for any allege act and can settle without my agreement. Randall said it is covered by statute. Voss said if it is covered by statute, then don't repeat it. Sell said then put language in there as covered by MN Statute and put the statute number in there. Voss said and is number 14 required. Sell said yes, as city treasurer, by statute you have to cover me with a bond. Boyer said he doesn't have a problem with amendments. Randall said if Sell make changes that you read and he will make the others.

**Boyer withdrew his motion.**

**Voss made a motion to table the employment agreement for the city administrator until the December 15, 2010 City Council meeting, to be returned with all amendments as discussed. Boyer seconded; all in favor, motion carries.**

Voss said he wants to add to this, is it is unfortunate that we have to do this.

**Boyer made motion to approve employment agreements for the all City employees not currently covered by a labor agreement except the city administrator for two years with no wage increase in the second year. Hunter seconded.** Voss said on page 98, right above clerical it should say 90. He said also in this agreement it ties it to the CPI with a cap of 3%, he thinks back to what we had to do last year, we had to do 0% increase. Boyer said his motion was to strike all this. Voss said salary should be done as budget process. He said it has always worked. Sell said this is the exact language that is in the union agreement. He said with the union employees we went back to them and said 0/0 and they said fine. Voss said but you have to do this with eight (8) people. Sell said you just sit them down as a group. He said he can't speak for them, but he would think they would work with you. Voss said this has six (6) months' severance. Sell said correct. Boyer said for severance, he would

assume that language has to be adjusted to those that are covered by veteran's preference. Randall said no, regardless of your contract you can use you veterans preference. Boyer said for those that don't know, it takes about thirteen (13) months if they run through the appeals process and use the veteran's preference. He said so his concern is that we are not limiting that right.

Voss said on page 99, under vacation/sick leave essentially it is three (3) weeks after three (3) years of service and after five (5) years it is four (4) weeks. He said he talked to his City clients and this is way too generous. Voss said he talked to one City and when they got to max sick they keep it max but any additional over max, they get one extra day of vacation. He said he proposes two (2) weeks at five (5) years and threes (3) weeks at ten (10) years. Voss said to him this is way too generous. Sell said what about two (2) weeks for 0-5 years, three (3) weeks for 6-10 years, and beginning the 11 year four (4) weeks. Randall said his suggestion is he doesn't think you can have an agreement and have seven (7) people sign it, he thinks you have to have separate agreements for everyone.

**Boyer withdrew his motion.**

**Voss made a motion to table the employment agreement for the employees not covered by a labor agreement to be returned to the December 15, 2010 City Council meeting. Boyer seconded; all in favor, motion carries.**

NSAC Video  
Streaming  
Agreement

Sell explained that The City Council recently directed staff to research options for video streaming of City Council meetings. Currently only residents that subscribe to U.S. Cable have access to this programming on Channel 10 that is broadcast seven times, Sunday through Saturday.

Over the past two years, staff has been approached by several vendors that offer video streaming services but it was found to be cost prohibitive. Staff met with a representative from North Suburban Access Corporation (NSAC) and our IT service provider to discuss video streaming options for the City of East Bethel. NSAC currently provides video streaming capability to a number of municipalities and indicated that it has the capability to provide the City of East Bethel this service. Videos are viewed using QuickTime 7. This is a free download. A link to NSAC's website would be added to the City's website. Residents would be able to view an archived City Council meeting at a time that is convenient for them.

NSAC's software has a feature that will allow the City to apply indexing to archived meetings that allow internet viewers to click for instant access to a particular part of the meeting.

The cost for this service is \$120.00 a month for January 1, 2011 through December 31, 2011. The City would be required to make a one time purchase of QuickTime Pro 7 for Windows for \$29.99. A copy of the proposed agreement for this service was included with your agenda materials.

Staff seeks Council direction regarding an agreement with North Suburbs Access Corporation for Video Streaming Service.

Boyer asked how many video streams can their service handle. Schutta said she thinks it was 75. Boyer said they could be downloading them with dial-up service. Schutta said people with dial-up probably won't be able to watch this. Sell said they have to have 1 or 2

gig to use this service.

**Boyer made a motion to approve the agreement with North Suburbs Access Corporation for Video Streaming Service. Channer seconded; all in favor, motion carries.**

- OSI Claim            Sell said he noted in an e-mail to Council that the LMC has rejected the OSI claim. He said he thinks this is posturing because of the size of the claim, \$160,000. Sell said in case some don't know someone deposited PCBs in our oil recycling tanks on Viking Blvd. and the contents were not tested sufficiently and were dumped into a larger holding tank and contaminated that. He said he thinks league rejected it so they will want to settle. Voss asked can you find out what other counties do with their oil recycling. DeRoche said most of them do it on Saturdays. Voss said there are others that are unattended. Sell said his understanding is there is only one that is still unattended. Channer said the one in Oak Grove is unattended. Voss said one is open Wednesday evenings. He said at some point we need to figure out a way to manage this. Sell said we are working on an alternative.
- Ice on Coon Lake Beach    Paavola said it is unfortunate that things like that are happening. She said 'tis the season, so we are getting ice on the lake and she just wanted to remind everyone to be mindful of being safe. Paavola said they were out there on Thanksgiving Day.
- Fire Appreciation Dinner    Channer said December 11<sup>th</sup> is the Fire Appreciation Dinner. He said the fire department lost money when dance was cancelled and they worked hard to be able to invite everyone they wanted to invite to the dinner.
- Channer said also Jolynn Erikson's husband died. He said it was a tragic accident.
- Microphones            Voss said he knows that there was an adjustment made to the microphones, but it didn't make that big of an improvement. He said he remembers back to when we had stand microphones. Voss asked please have them looked at.
- Upper Rum River WMO JPA            Hunter said the Upper Rum River WMO Joint Powers Agreement needs to be looked at. He said Sell got him the information on the discrepancies between ours and theirs. Hunter said if there is anyone that is newly elected that wants to go with him to the meeting, it would be good to have someone go with him. He said if any of the residents wants this information, it is available. Hunter said he went to the meeting and they said that East Bethel are the last ones.
- Newly Elected Officials Meeting    Hunter said he wants to commend DeRoche for signing up for the Newly Elected Officials meeting. He said you will find it very informative. DeRoche asked how come they don't have it closer to when you are elected. Sell said they rotate it, so it is outstate, metro, etc. and it just so happens that this year it is later for metro.
- Adjourn                **Boyer made a motion to adjourn at 10:53 PM. Voss seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk