

EAST BETHEL CITY COUNCIL MEETING

November 17, 2010

The East Bethel City Council met on November 17, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter
Kathy Paavola Steve Voss (at 9:50 PM)

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 November 17, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the November 17, 2010 City Council Agenda. Hunter seconded.** Sell asked about Council closing the Council meeting to discuss the summons and complaint. Randall said yes, he suggests that the Council go into a closed session to discuss the summons and complaint that the City was served with today. He said he suggests they do that before Item 4.C, before we proceed further with the bonds and that Paul Steinman from Springsted and Kreg Schmidt from Bolton and Menk be present at the closed session. Randall said so that we don't have to ask all the residents and others present at the meeting to leave Council Chambers, we can retire to the adjoining conference room for the closed meeting.

Boyer amended his motion to add a closed session before agenda Item 4.C per Minnesota State Statute 13D to discuss the summons and complaint. Hunter said his second still stands with the amendment. All in favor, motion carries. Hunter explained that Council will go into the conference room to have a closed session with our attorney and then the meeting will resume. Randall said the notice requirements do not apply and we can close the meeting in all legality.

Sheriff's Report Lieutenant Orlando reported on the custodial arrests/significant arrests for the month of October 2010 as follows:

10-03-10 - 5th Degree Domestic Assault - Deputies responded to a father/son domestic. The father advised his juvenile son was arguing with him and getting in his face. The father did not feel his son had the right to do this and he head butted him in the lip. The father was arrested and taken to jail.

10-30-10 - Violation of Order for Protection - Deputies were called on a violation for an order for protection. The female advised her ex-boyfriend had called her residence three times in the past 3 days in violation of an order for protection. The ex-boyfriend was located and taken into custody.

10-31-10 - Burglary / Possess Burglary Tools / Flee on Foot - Deputies responded to a light on inside a vacant home. Upon arrival deputies observed a male running from the home. The male was located and taken into custody. Deputies located tools, a cordless drill battery, flashlight and screwdriver in the path where the male had ran. The cordless drill

was located inside the home. The tools and drill had the suspects initials marked upon them. It appeared that the male had been trying to steal the copper pipes from the furnace area of the home. The male was taken to jail.

Lieutenant Orlando said domestic calls (non-crime) for the month were twenty-five (25) and DWI arrests for this month were eight (8).

Sell said in addition to the regular report this evening, Lieutenant Orlando is going to give us a brief report on a new program the sheriff's department had embarked on. Lieutenant Orlando said we have a new program and it is called the Lethality Program. She said when our deputies go to a domestic assault call; there is a twelve (12) question protocol that they go over with a victim of domestic assault after the arrest has taken place or in cases where the suspect is gone on arrival. Lieutenant Orlando said if the victim answers positively to any of the first four (4) questions or four (4) of the following eight (8) questions, it results in an immediate phone contact with an advocate from the Alexandra House. She said the deputies can also refer a victim based just on their "gut" feeling. Lieutenant Orlando said the advocate will then speak with the victim about a safety plan, while the deputy is still on the scene. She said this phone conversation generally takes about ten (10) minutes so it is not tying your deputies up for a long time.

Lieutenant Orlando said the question protocol for this program was developed in Maryland and is based upon lethal domestic violence cases. She said it was determined that victims have a higher chance of accessing and utilizing domestic violence services, when they are brought into contact with an advocate immediately upon being assaulted. Lieutenant Orlando said the Columbia Heights Police Department along with the Anoka County Sheriff's Office deputies are the first in the Anoka County law enforcement arena to utilize this protocol. Blaine and Coon Rapids will be trained on the protocol in the near future.

Hunter asked how long has this program been in place. Lieutenant Orlando said since September 1st. She said she thinks we have had a total of thirty-four (34) that have been screened. Lieutenant Orlando said the deputies have found that it is only taking about ten (10) minutes for a phone call with the Alexandra House. Paavola asked is it certain questions that are answered or in a certain way that gets them a call to Alexandra House. Lieutenant Orlando said for the first four (4) questions if the answers are yes, then we call, and also if they answer yes to four (4) of the next eight (8) questions. She said the deputies are also given some latitude with this, if they feel there is danger then they can screen them in.

2011 Contract
with Anoka
County for
Sheriff
Services

Sell explained that Sheriff Andersohn is with us this evening to review the 2011 Sheriff's Services Contract. Following his presentation, staff is asking for Council direction regarding the proposed contract for 2011.

Sheriff Andersohn thanked council for allowing him to be here. He said the new program will be helpful, a number of the homicides we see are domestic related. Sheriff Andersohn said we felt we needed to do something different to prevent those homicides. He said he hopes the new administration continues with this program.

Sheriff Andersohn said the contract proposal for 2011 remains the same as 2010. He said what we have done this year is maintain the same 8.4 deputies at \$5,316 per month. He said it is not quite a 1% increase. Sheriff Anderson said have built in no pay increases for our deputies even though the contract with our unions is not settled, there were mandated increases in PERA, and small increases in health costs. He said it is a 24 hour daily coverage of deputies. Sheriff Andersohn said he thinks the City of East Bethel has done real good with

their staffing needs. He said the proposal provides for 40 hours of patrol service in a 24 hour period for 2011 with 20 hours of Community Service Officer support per week.

Hunter said he thinks you have done an excellent job, he is speaking about you personally, and he hopes the best for you in your retirement. He said and you have some good solid employees that are going to take your place and he looks for this to prosper under them.

Hunter said his question is, as you know everything is tight, and he thanks you for keeping things on your end tight. He said but he worries about the neighboring communities cutting their budgets which we know they are doing and the reality is we stepped up to the plate and did what we needed to do, and the other communities haven't, what are we doing to protect that our cars are not going into the other communities freely.

Sheriff Andersohn said what needs to be done is to have a dialog between communities, say we are sharing, but talk to the other communities and explain to them that we are sharing the cost of the training, administrative services, benefits, vehicle maintenance and many others costs and it isn't right for them to pull back. He said in the case of one of the communities he has pushed them to step up to their level and he know they are upset with them, but if they underfund then we are pushing our deputies to cover their community, in this case Oak Grove, so he has drawn the line and said we are not going to provide service at a certain level. Sheriff Andersohn said they have approved their contract with an increase in July and he knows they are looking for other service providers. He said if they can get service somewhere else, that is fine. Sheriff Andersohn said because we share the administrative cost, the training cost and such, we think that we can provide the service at a better cost. He said we also have another community to the west that just became a City and he has been patient with them because they just became a City and are just learning about expanding these services. Sheriff Andersohn said we are trying to do our part, and we would ask that you do your part and try to communicate with these neighbors. Hunter said he is asking this so that he knows if we can have this conversation with these communities.

Channer said one of the other questions that came up is, at any given moment how many cars are out there in East Bethel. Sheriff Andersohn said he believes it is two (2). He said he wants to thank the Council and City Administrator for being so progressive. Sheriff Anderson said and he wants to thank the residents for allowing him to serve them and for allowing his successor, Sheriff Elect, Jim Stuart to serve them as well.

Sheriff Elect, Jim Stuart, said he is excited to see we are going to continue moving forward. He said he has some good mentoring going on and he is anxious to meet the newly elected people and plotting with them for the next year.

Boyer made a motion to approve the 2011 Contract for Law Enforcement Services with the Anoka County Sheriff, from January 1, 2011 through December 31, 2011 for 40 hours of patrol service in a 24 hour period with 20 hours of Community Service Officer support per week at a cost of \$1,077,098 less any Police State Aid received. Channer seconded, all in favor, motion carries.

Anoka Cty.
Hwy.
Department
CMAQ Grant
and Metro

Sell explained that Ms. Kate Garwood from the Anoka County Highway Department is with us this evening to review the status of the CMAQ Grant for transit activities and to review the potential for participation in the Metropolitan Council Transit District. The two programs are related and may be beneficial to the City.

Garwood said she will update Council about the touchiest subject. She said Arlene McCarthy at the Met Council said that East Bethel is able to join the transit district and she will confirm that in an e-mail. Garwood said you may want to consider the funding issues there and whether that is the best for East Bethel or not, the opportunity is there. She said one thing that McCarthy said is you would have a contract that would have to be gone through with Met Council. She said the CMAQ grant would be the opportunity for this, and this serves Anoka County. Garwood said we have two providers for this, the 1st Transit Group and MV Transit. She said the goal is to get the best deal. Garwood said she will keep staff informed.

Garwood said we have gone as far as gathering the information on the demand for service. She said we know what that looks like for the East Bethel and Oak Grove area. Garwood said it looks like 50 people would ride on the low estimate and on the high estimate 100 people would ride. Hunter asked is this per day. Garwood said yes, it is per day. She said you have to keep in mind that if you work in downtown Minneapolis, you can't always get dropped off on the intersection that you need to be at. Garwood said this was done on LHED data, with zip code data. She said this will be refined, the data is from 2008. Garwood said the next step is to find the funding costs. She said she hates to tell you this, but the East Bethel Park and Ride by the Ice Arena is not the best site. Garwood said we would like to discuss some other sites with you such as maybe the theatre or other sites on the west side. She said one of the reasons the ice arena is difficult is it is on the outbound side and on the way home it is on the inbound side. Garwood said with a different location typically a lease is written with the owner of the site and a fee can be paid, we maintain the parking lot, etc.

Boyer asked for timeline, when do you think you will have numbers ready. Garwood said around December 13th to 15th, we will be having a meeting with staff then. She said costs should be included in that meeting. Garwood said we should also talk then about joining the taxing district in that meeting, whether or not it is worth it.

Boyer asked in the past we have had discussions about the rapid transit bus, which would start in Cambridge, travel down Highway 65, have one stop in East Bethel, then one stop at 242 and Highway 65 in Blaine, is that still in the plan. He said he realizes that might be a difficult question with the new commissioners in place. Garwood said with the commuter passenger rail she doesn't know where that is now. She said she does know that the Northstar extensions are on hold right now. Garwood said there are all kinds of things happening on this corridor. She said we are looking at this bus corridor, this will show what the ridership is for the future. Garwood said but as far as what is the long term plan for transit service on Highway 65, BRT has come up, it is becoming popular. She said this is a dedicated lane, a separate lane, which could be done on Highway 65. Garwood said this could be done under the small start grant, it is not quite as expensive. She said the most solid thing you have is this bus.

Boyer asked is there an update on stoplight at 221st Avenue NE and Highway 65. Garwood said she didn't check on this, but she will check and let staff know.

Adjourn to
Closed Session

Boyer made a motion to adjourn to closed session per Minnesota State Statute 13D to discuss the summons and complaint. Paavola seconded; all in favor, motion carries.

Hunter reconvened the November 17, 2010 City Council meeting. He said we met in closed session to get legal advice.

Res. 2010-66
G.O. Utility
Revenue
Bonds RZED
2010, Series A

Sell explained that Mr. Paul Steinman is with us this evening to review the bids received for the 2010 Series A G.O. Utility Revenue Bonds. These are the RZED Bonds with the 45% interest rebate. Council directed that the bonds be advertised with bids to be received on November 17th. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Earlier this week, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

Boyer made a motion to adopt Resolution 2010-66 Authorizing Issuance, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$11,465,000 Taxable General Obligations Water Utility Revenue Bonds, Series 2010A (Recovery Zone Economic Development Bonds). Paavola seconded; all in favor, motion carries.

Res. 2010-67
G.O. Utility
Revenue
Bonds BABS
2010, Series B

Sell explained that Mr. Paul Steinman will review the bids received for the 2010 Series B G.O. Utility Revenue Bonds. These are the BAB bonds with the 35% interest rebate. Council directed that the bonds be advertised with bids to be received on November 17th. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Again, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

Boyer made a motion to adopt Resolution 2010-67 Authorizing Issuance, Awarding Sale, Prescribing the Forma and Details and Providing for the Payment of \$6,100,000 Taxable General Obligation Utility Revenue Bonds, Series 2010B (Build America Bonds – Direct Pay). Channer seconded; all in favor, motion carries.

Res. 2010-68
G.O. Utility
Revenue
Bonds 2010,
Series C

Sell explained that Mr. Paul Steinman will review the bids received for the 2010 Series C G.O. Utility Revenue Bonds. Council directed that the bonds be advertised with bids to be received on November 17th. Bond Counsel, Dorsey and Whitney, has prepared the necessary resolutions to award the sale.

Again, Council received information from Moody's Incorporated, the bond rating service, that "Moody judges (these) obligations to be high quality, with very low credit risk" based on their assigned rating of Aa3.

Following Mr. Steinman's presentation of the bids, staff is requesting direction from the City Council regarding the sale of these bonds.

Boyer motion to adopt Resolution 2010-68 Authorizing Issuant, Awarding Sale, Prescribing the Form and Details and Providing for the Payment of \$1,260,000

Taxable General Obligation Bonds, Series 2010C. Hunter 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.

Ed Fiore of 194 Ivy Road NE asked what kind of advice did you get regarding the lawsuit in your meeting. Randall said that is completely confidential, covered under attorney/client privilege. Fiore said because what he just saw was a complete atrocity. Fiore said God Bless You.

Mark Bouljon of 19439 East Tri Oak Circle NE said you are obviously working on a minefield, he has tried to be supportive. Bouljon said you have done a great deal of solid planning with an eye towards the future. He said he is not a rich man, he doesn't need a tax increase, but when it comes down to would he like the water he drinks to be clean and would he like the economic growth to come to our community, and it is not going to be a happy place if we don't get growth, if this is not a civilized place to be, he supports what the Council is doing. Bouljon said this is not going to stay a small town, we are going to grow and if we are not ready for it we are going to look stupid. He said he wants to commend the City Council for the work that has been done. Bouljon said you folks have done a good job, and should be commended for it. He said when he looks ahead and sees what is going to come in 10 to 15 years, he thinks you have done a good job. Bouljon said we are not bankers, it is not about the money, it is about the priorities we are going to set, the fact that he doesn't want to pay more taxes may not count, but he should be able to say this is what we all want to do and step up.

Mike Jungbauer of 21212 East Bethel Blvd. NE said he is a little concerned about how we are moving forward on this. He said as mayor of this City previously, he wanted to move forward with a commercial zone on Highway 65 with City sewer and water also, but times have changed. Jungbauer said as we move forward and with a change with in the Council and Mayor coming, people are saying why are you moving so fast, have you evaluated the feasibility studies done in 2006. He said also, he was made aware of the contracts for employees on the end of the agenda here. Boyer said you have been up here. He said we had one person in favor and one opposed, and neither were supposed to speak. Boyer said you know the rules. Jungbauer said the dynamics have changed since the public hearing. He said we are talking about revenue bonds that you just jammed through. Boyer said the public forum is not for items on the agenda. Hunter said this is the time for public to discuss items with the Council that are not on the agenda. Jungbauer said he begs to differ, because he think the next items that are on the agenda might bring some more lawsuits, think they have to be out in the public for 10 days, it is called the sunshine law for the employment agreements. He said remember, the next Council can overturn everything you do, legally.

Josh Sturman of 226 Elm Road NE said at the last meeting on the November 3rd he requested information on the Storm Water Pollution Prevention Program (SWPPP). He said he was looking at 2011 competitive grants, Runoff Prevention Grants, Shoreland Prevention Grants, and there was one other, and they can only be applied for by the local government. Sturman said you your SWPPP has to be up to date, but he wasn't sure if it was up to date. He said one of the justifications for the employment agreements was a quote "these actions have resulted in many enhanced or significantly positive outcomes to include but not limited to an upgraded bond rating, recognized accounting and financial reporting, detailed budgets, transparent five year capital project programs, increased citizen involvement, enhanced

communications, vastly improved technology, advanced grant identification and application processes and countless other improvements that streamline operations, incorporate required legal and administrative processes and implemented business practices savings thousands of dollars and/or increasing grant funds flowing to the City”.

Jochum said we have two watershed districts in East Bethel. He said the Upper Rum approved our Water Management Plan in May and Sunrise had just finished their generation plan, and soon they will be both in line with us. Hunter asked are these grants open ended. Sturman said the application deadline was September 15, 2010 and December 15, 2010 is when the grants are awarded. Hunter asked is this something the watersheds should be more aware of. Sturman said the watersheds in bigger communities do this, but this is one instance where it could be done by independents. Sell said our Water Management Plan was in place and then the watersheds updated theirs, then we had to up date ours to come into compliance with theirs. He said our water management plan is current. Sturman said the second generation plan that Sunrise has in place is more than ten (10) years old and so you would not qualify. He said 3.1 million was available and for shoreland improvement 1.3 million was available. Sturman said do to your lack of approving the Sunrise plan. Sell asked since our plan has been approved by the Upper Rum would we be eligible to apply for these grants, or would we need to be approved by both. Jochum said it should make us eligible, but we would still need projects to apply for. Sturman said you would need projects and the projects are around the Coon Lake area and they are in the Sunrise watershed. Jochum said the time has lapsed but it is a yearly program. Sturman said yes, the time has lapsed and he was disappointed to see that.

Christine Howell of 22314 7th Street NE asked as far as salaries go, who is responsible for paying the City Attorney. Randall said he is paid by the hour. Howell asked who pays that. Randall said the City Council approves it. Howell asked and who pays the City Administrator. Sell said the City Council. Howell asked and your salary is how much. Sell said \$133, 348. Howell said so if the City of East Bethel has a population of about 13,000 that is how much per person. Sell said about \$10 per resident.

Howell said the City of Lino Lakes has a population of 21,000 and their City Administrator only makes \$101,000. She said and what about Ham Lake, what does their administrator make. Hunter said they don't have a City Administrator. Howell asked how do you justify this, can you explain to her, justify his salary, justify how much more he makes compared to what the City Administrator makes in Lino Lakes with a higher population. She said and he has an assistant. Howell asked how much does she make. Sell said \$79,000 he believes. Schutta said that is correct. Howell asked do all cities have an assistant. Boyer said it depends on what they do. He said our assistant administrator also does Human Resources.

Howell said let's go back to the City Administrator, what do you do that is above and beyond others that justifies it. She said she is paying that salary. Sell said the community that you picked on has a brand new administrator. He said he has been an administrator in several communities for thirteen (13) years, I have experience in managing quasi government. Hunter said we interviewed several candidates and we needed somebody with experience, we didn't have someone before. Howell said the new position in Lino Lakes is being paid \$101,000. Hunter said it was a new position for us, but Sell was experienced.

Howell asked how long Sell has been with the City. Sell said seven (7) years. Howell said so in seven (7) years you jumped up \$4,000 to \$5,000 a year. Boyer said that is 3% a year, average. Howell said you were the one quibbling over the number of businesses someone

was off at the previous meeting, numbers can mean a big thing. Boyer said he was pointing out the absurdity of arguing over a number. Howell said you have to back up, she doesn't get a \$4,000 to \$5,000 raise a year. Boyer asked do you get a cost of living increase every year. Howell said she didn't throw out the new card, the City Administrator did. She said she wants to know, is this a new position for the City. Boyer explained that what Sell was saying is the Lino Lakes City Administrator did not have experience when he was hired. He said that is not the same as East Bethel hiring an experienced City Administrator. Boyer said the Stanton report lists the salaries of City officials, it is quite an extensive book, and we are not pulling numbers out of air. Howell said really, because out of all the numbers she pulled, our City Administrator was the highest. She said he is the highest paid by \$30,000. Howell said so she wanted to know how he is justified getting paid \$30,000 more of any other City of our size. She asked Council Member Boyer if he is at City Hall during the day, because she would like to schedule a time during the day to be shown information on any other City Administrator in a City of our size that is paid the same as him. Boyer said he is not here during the day. Sell said give him a call he would be happy to show the information to Howell.

Tom Ronning of 20941 Taylor Street NE said it doesn't seem that it was that long ago that the City was looking for concessions from the workforce. Hunter said we have a union. Ronning asked did they negotiate this year. Hunter said yes. Ronning asked did they advance. Sell said they got a 1.5% increase and a reduced benefit of \$25.

Sturman asked what is the difference in the employment agreements, one has a 2011 pay rate and one quotes a 2009 pay rate. He asked what is the reason and why are there two different employment agreements. Hunter said we have employees that are regulated by the union. Sturman said you have the City Administrator, and then the Assistant City Administrator/Human Resource Director, Director of Fiscal and Support Services, Public Works Manager, Fire Chief, City Planner, Chief Building Official and Deputy City Clerk and you have the City Administrator at the 2009 rate and then the others at the 2011 rate. Sell said for the City Administrator he didn't think it was unreasonable to freeze the rate of pay for four (4) years and for the others Council has already set the pay rate and that is what is incorporated in that agreement.

Dan Butler of 20332 Austin Street NE said he noticed in the agenda tonight there is not an update from our attorney on the lawsuit on HRA. Randall said the county has appealed. He said they have filed their appellate brief. Randall said and the attorneys for the City have drafted their brief and he has reviewed it. He said oral arguments will be set next spring. Butler said he thought maybe with turnover at the county there might be a change of heart of some type and there might be a chance of some type of discussion to see if we could have a change on this. Randall said he has done that. He said the new county attorney was out of the office on a leave of absence because of the election, but he can tell you that the county was alarmed with the results and he doesn't think they are going to give up. Randall said you have to remember the party is the Anoka County HRA and he thinks there is one member of the county board that leads the way. He said the county HRA board is different than the county commissioners. Sell said only three (3) out of the four (4) sitting HRA board are sitting county commissioners. Butler said but they are appointed by. Randall said the point of this lawsuit was to save the taxpayers money. Butler said but we are footing the way for other cities to save money. Boyer said the approximate savings for the taxpayers is \$200,000. Butler said but others cities could be filing amicus briefs. Randall said we asked the League of Minnesota Cities (LMC) to file an amicus brief and they decided not to.

Butler said he is not sure on how contract negotiation works with union employees and the City Administrator and he is wondering if someone can direct him to a statute on how it is done. He said when he read through the employment contracts it seemed it was different on how severance was treated. Butler said he is wondering if this opens the City up to a lawsuit for being treated differently. Randall would rather not pine on that until further review. Boyer said there will be a motion about the severance clause.

Howell asked when was the City Administrator position created. Hunter said it was created in 2003. Howell asked was the salary based on experience as a City Administrator before and if so, where were you a City Administrator before this. Sell said the City of Jordan.

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

Consent
Agenda

Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, November 3, 2010, Regular Meeting; C) Meeting Minutes, November 10, 2010, Canvass Election Results; D) Resolution 2010-69 Declaring Commission Vacancies; E) Resolution 2010-70 Delinquent Charges Certification; F) Wetland Replacement Credit Purchase – Booster Park/Cedar Creek Trail; G) Resolution 2010-71 Norlyn Farms Warranty Letter of Credit Release; H) MCES Service Agreement. Channer seconded; all in favor, motion carries.

Planning
Minutes

Sell explained that the meeting minutes from the October 26, 2010 Planning Commission meeting are provided for your review and information.

LaVonne
Murphy –
IUP/Farm
Animals –
2557 225th
Avenue NE

Sell explained that LaVonne Murphy at 2557 225th Avenue NE is requesting an IUP for the purpose of keeping three cows and up to one-hundred chickens for egg production on her property. The parcel is 5.12 acres.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three acres. The 5.12 acre parcel is not located within a platted subdivision and exceeds the minimum parcel requirements.

City Code has a limit on the number of animals allowed per parcel. Per code, the three cows require 4.2 grazable acres and the one-hundred chickens require 1 grazable acre. The property contains approximately 3.25 acres of fenced grazable lands. However, there is land available to expand the pastured area if needed. The cows and chickens will not have free reign of the fenced acreage, rather the animals will be rotated into different pastured areas so the land is not over-grazed and degraded. Rotating livestock is a common farming practice and Ms. Murphy practices organic/sustainable agricultural practices.

There is shelter provided for the cows and the chickens will have access to portable shelters that have roosting boxes. These shelters will be rotated between the pastured areas along with the animals. Ms. Murphy has plans of breeding two of the Lowline heifers and to possibly have one dairy cow. City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

Planning Commission recommends approval of an IUP to allow no more than 3 cows and 92 chickens at the property 2557 – 225th Avenue NE with the conditions noted in your agenda materials. There is a reduction to the number of chickens as the calculation of acreage limits the number of chickens to 92, not 100.

Boyer made a motion to approve the request of LaVonne Murphy at 2557 225th Avenue NE (PIN 043323140026 & 043323140012) for an Interim Use Permit (IUP) to allow no more than 3 cows and 92 chickens with the following conditions:1) An Interim Use Permit Agreement must be signed and executed by the applicants and the City; 2) Applicants must comply with City Code Section 10. Article V. Farm Animals; 3) Permit shall expire when: a. The property is sold, or, b. Non-compliance of IUP conditions; 4) Property owner shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP; 5) Property will be inspected and evaluated annually by city staff; 6) Conditions of the IUP must be met no later than December 1, 2010. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Paavola seconded; all in favor, motion carries.

Tim
Christensen –
IUP/Home
Occupation –
1507 205th
Avenue NE

Sell explained that the property owners, Ken and Lois Landborg, and applicant, Tim Christensen, are requesting an IUP for an automotive repair business and a vehicle dealer's license for the 6.41 acre parcel located at 1507 205th Avenue NE. Mr. Christensen has indicated an interest in this property and has made a conditional offer to purchase subject to the granting of an IUP for his home occupation.

The automotive repair business entails the repair of approximately 3-5 vehicles on a daily basis, possibly 5 courier deliveries per week and vehicle storage in the detached accessory structure or in an existing fenced area adjacent to the structure. If approved, all exterior storage must be screened from neighboring properties and the right-of-way.

The Minnesota Vehicle Dealer License is required such the applicant can sell vehicles. Minnesota law requires a Vehicle Dealer License with the sale of more than five vehicles per year. The intention is not to have an inventory of more than five vehicles for sale at any given time. Marketing of the vehicles will be done by internet. It is presumed that some customers will visit the location, however, generally, it will not be open to the public.

The license application form for a Minnesota Dealer's License and Minnesota Statutes 168.27, subd 1 requires that the business have a commercial building, which means a permanent, enclosed building that is on a permanent foundation and is connected to local sewer and water facilities or otherwise complies with local sanitation codes. Further, the structure is adapted to commercial use and conforms to local government zoning requirements.

The State requirement for sanitary sewer connections and facilities conflicts with East Bethel City Code Appendix A, the Zoning Code. This section of the City Code precludes a detached accessory structure from having sewage treatment facilities. If the request for the Motor Vehicle Dealer License is approved, this particular requirement of the license cannot be met as it would be in violation of city code. The applicant and landowners could submit a variance request, however, the applicant must show that the property in question cannot be put to a reasonable use without the variance.

According to Mr. Christensen, the business will not be open to the public as a commercial entity. There will be no sales of parts, materials, or other services. Customers will only be on site to drop off for repairs and pick up. If the IUP is approved, the IUP will not be issued until all code requirements are met. The Building Official will make the final determination.

At this time Mr. Christensen will be the only employee. However, city code states that no

more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation. Mr. Christensen would be allowed to have up to two additional employees as long as he lives in the principal structure.

Automotive repair facilities generate hazardous waste. The applicant has not submitted an application for a Hazardous Waste Generator License through Anoka County. If the IUP request is approved, the applicant is required to obtain the appropriate license from Anoka County prior to the issuance of the IUP. In addition, the applicant would be required to submit the license to staff along with yearly inspections reports.

Mr. Christensen's letter states that no road signage is anticipated other than the minimum required by Minnesota Law. Staff does not know the signage requirements by the state, however, Mr. Christensen would be required to comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed.

Staff has received two comment letters from the public regarding concerns of the IUP request. These items were part of the public hearing record at the Planning commission and have been provided to you in your agenda materials.

Planning Commission recommends approval of an IUP for a automotive repair facility and MN Vehicle Dealer License at 1507 205th Avenue NE with the conditions noted in your agenda materials.

Boyer made a motion to approve the request of Tim Christensen at 1507 205th Avenue NE (PIN 17 33 23 43 0010) for an Interim Use Permit (IUP) for an Automotive Repair Facility and a Minnesota Vehicle Dealer License in the R-1 – Single Family Residential District with the following conditions: 1) Vehicles waiting for repair, vehicles for sale, or vehicles waiting for customer pick up are not allowed to be stored outside in view of the public right-of-way or neighboring properties; 2) Signage must comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed; 3) No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation; 4) The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure; 5) The IUP will be reviewed by staff and renewed on a yearly basis by City Council in which City Council may require additional conditions where deemed fit; 6) City staff is allowed on the property to conduct random inspections to ensure compliance. Staff will give at least a two hour notice prior to a site inspection; 7) Structure must be inspected by the Fire Inspector on a yearly basis; 8) Site plan with required information must be submitted to the Building Official for review and approval prior to the issuance of the IUP. Building Official will make the final determination of occupancy change and codes to be administered to bring the structure into compliance; 9) Mr. Christensen must submit an approved Hazardous Waste Generator License issued by Anoka County Environmental Services. Inspection reports and annual license renewal must be submitted to City Staff within 30 days after renewal/issuance; 10) Mr. Christensen must submit an approved MN Vehicle Dealer License to the City of East Bethel and obtain a City of East Bethel Automobile Dealer License. Each license is to be renewed on an annual basis. A copy

of the renewed annual MN Vehicle Dealer License is to be submitted to City Staff within 30 days of renewal/issuance; 11) Conditions must be met and an IUP Agreement executed no later than January 20, 2011. Failure to comply will result in the null and void of the IUP; 12) Body work and detailing is not allowed as part of the business.

Paavola seconded. Boyer said his motion is conditional on the fact that we are not allowing the sale of vehicles displayed in the yard. Sell said that is correct and that will be a condition of the IUP. Hunter said with the IUP, with this particular business, what is the time frame when it needs to be reapplied for, when it needs to be reviewed. Sell said in one year. Channer said he is all for a business coming into the City, but he is having a problem with this business paying residential taxes and the rest of our businesses having to pay commercial taxes. Hunter said he discussed this with the City Administrator and he said if they have a business even on a residential property, then they will be taxed for it. Channer said it will be in the future though. Hunter said yes, he had a business on his property. He said he doesn't anymore, but he is still paying that higher amount, but it will decrease because he doesn't have the business anymore. Channer asked is there a zoning change planned for this area in the future. Boyer said he doesn't think so. Paavola said they still have to get an Anoka County license. Hunter said yes, for waste generation. He said if you have fluorescent lights you're supposed to have one. **Channer, nay; Boyer, Paavola, and Hunter, aye; motion carries.**

Parks Comm.
Minutes

Sell explained that the meeting minutes from the October 13, 2010 Parks Commission meeting are provided for your review and information.

Road Comm.
Minutes

Sell explained that the meeting minutes from the October 12, 2010 Roads Commission meeting are provided for your review and information.

Code
Enforcement
Report

Sell explained that the Code enforcement Report is included for your review and information.

Fire Dept.
Minutes

Sell explained that the Fire Department reports are provided for your review and information.

Schoolhouse
Task Force

Sell explained that earlier this year, the City Council directed the relocation of a historical schoolhouse to Booster East Park. The move was completed on October 21, 2010. It has been suggested that the schoolhouse could be used as a trail head and interpretive center.

The schoolhouse is in reasonable shape. The hardwood flooring is in good shape but will require refinishing. The windows are damaged or missing. Doors in the structure need to be replaced. The electrical is antiquated and will require upgrading to meet current code. Because it was not part of the original schoolhouse structure, the 10' x 14' addition was removed prior to relocating it. As a result, the back of the schoolhouse needs to be framed and siding applied. The siding was salvaged from the 10' x 14' addition and will be used.

It has been suggested that City form a Historical Schoolhouse Renovation Task Force consisting of three to five volunteers. The Task Force would be responsible for determining the next steps for the renovation of the schoolhouse, establishing a renovation budget and draft a timeline for the project.

Staff seeks Council direction to begin the process of seeking volunteers to serve on a Historical Schoolhouse Renovation Task Force.

Boyer said he would be happy to serve on this task force and if anyone has any picture of this in your collection it would be nice to have it, so the City could approximate what it looked like. Beryl Anderson said the Bakers and Andersons, and Broadbents would have information on this. Channer asked do we want to open this up like the commissions. Boyer said should we recruit a scout master. Beryl Anderson said she knows some of the old timers would have memories, it would be appropriate to call them and ask them. Schutta said she was going to invite Linda Mundle to be a part of the task force. She said Mundle has been very active in this project and has found some of the teachers. Channer said he doesn't want it to get too big. Boyer said seven (7) is a reasonable number. Sell said we can put a booth up at the Town Hall meeting. Council consensus was to move forward with the Historical Schoolhouse Renovation Task Force. Ken Langmade said he is sure that Linda Mundle would be happy to serve on this task force, she has attended some of the senior meetings and talked with some of the seniors about this.

Appraisal
Services –
Easement
Acquisitions

Sell explained that fourteen different easement sites will be required to accommodate the City's water and sewer utility infrastructure construction. The City's consulting engineer has identified these parcels and they are shown on Attach #1 in your agenda materials.

Prior to any offer/negotiation the City is required to obtain an appraisal for the easements involved. Staff developed an RFP for these services and has solicited quotes from several appraisal service firms. A copy of the RFP and responses to the RFP are attached for your review.

Two quotes were received for these services. Nagell Appraisal and Consulting, \$5,600 and Lake State Realty Services, Inc., \$10,500.

Staff recommends the appraisal services agreement be awarded to Nagell Appraisal and Consulting in an amount not to exceed \$5,600 with all work and reports completed no later than November 24, 2010.

Boyer made a motion to award the appraisal services agreement to Nagell Appraisal and Consulting in an amount not to exceed \$5,600 with all work and reports to be completed no later than November 24, 2010. Voss seconded. Voss asked why there is such a vast difference in cost. Sell said this has been Nagell's M.O., we have used them many times. He said their quality of work is great. **All in favor, 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. All financial implications and provisions within these agreements are provided for in the City's budget for 2011.

Staff is asking Council to consider approving these Employment Agreements.

Hunter asked about the sunrise clause that Jungbauer brought up. Randall said he has heard about the sunrise clause. He said he did not review the employment agreements in terms of the sunrise clause. Hunter said in lieu of that, he would like to table this item and have this covered. He said he heard comments from the residents on these agreements and if you would like to share those comments, he would like to hear from you. Boyer said and Channer had some changes. Channer said yes as far as progressive discipline, it is in the second contract but not the first. Randall said he thinks the City policy provides for progressive discipline. Channer said but the question was brought up on how is it done for the City Administrator position. Boyer said he thinks it would come from Council. Voss said he thinks it is a good point to have it in there. Randall asked Channer to send him his suggestions.

Boyer made a motion to table the employment agreements until the December 1, 2010 City Council meeting. Channer seconded. Hunter asked for more information about sunrise clause from Randall. Resident said they can't hear Council Member Boyer and the City Attorney Randall. Randall said he has been asked to see if there is any thing in the sunshine clause that Council should be aware of. **All in favor, motion carries.**

Town Hall Meeting

Sell said he wants to remind everyone about the Town Hall meeting tomorrow night at 6:00 PM at the East Bethel Community/Senior Center, then we will move into Council Chambers at 7:00 PM for a Question and Answer Session and at 8:00 PM we will move back into the East Bethel Community/Senior Center for more one on one questions.

Boyer said he just wants to reiterate that we are going to have something on the Historical Schoolhouse Renovation Task Force for tomorrow night. Schutta said yes, she is. Hunter said if someone reminds him, he will also say something at the beginning of the night.

Vandalism in East Bethel Parks

Channer said we made the front page of Star Tribune for all our arson/vandalism in our parks. He said it was in the North Metro section. Sell said yes, he had received a call from Star Tribune reporter, Maria Baca. Channer said and they interviewed Jack Davis. He said the article said our police are on to the vandals. Boyer said there is more information in the parks meeting minutes and we are doing more for security. Voss said and he knows the sheriff's department started patrolling more right after the schoolhouse was delivered.

Snowplowing

Voss said he wants to apologize for being late; he was on a business trip. He said he got a couple calls on the snowplowing about mailboxes being taken out. Voss said these were on county roads and they were the new style mailboxes that are supposed to swing away. He said he knows we don't do the plowing on county roads but he had them call City Hall and report it so we knew about it anyways. Voss said he also knows there was a little yard damage.

Microphones

Voss said another thing is he has heard two comments about this, can we do something about the sound system because he is having a hard time hearing the City Administrator. He said we need someone to come out and look at the system. Voss said this is not the correct technology. Paavola said even though she thinks that is true, we are not always mindful to talk into the system. Voss said but these are wrong microphones.

Adjourn **Boyer made a motion to adjourn at 10:02 PM. Paavola seconded; all in favor, motion carries**

Attest:

Wendy Warren
Deputy City Clerk