

EAST BETHEL CITY COUNCIL MEETING

February 3, 2010

The East Bethel City Council met on February 3, 2010 at 7:30 PM for their regular meeting at City Hall.

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

ALSO PRESENT: Douglas Sell, City Administrator
Tammy Schutta, Asst. City Administrator/HR Director
Jerry Randall, City Attorney
Craig Jochum, City Engineer

Call to Order **The February 3, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the February 3, 2010 City Council agenda. 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.

Delores Crass of 1150 216th Ave. NE, East Bethel, said her and her husband Robert are here. She said they live on the corner and their neighbor is parking his tractor and trailer, but not always his trailer in his driveway. Crass said and every time we go outside and look to the left we see this great big tractor. She said many years ago it started with dogs, then they got an electronic fence, and then the batteries run out. Crass said the dogs wrecked her garden. She said her neighbor trained his dogs to go on here property line and do their duty. Crass said he was ordered by council to clean it up and he never did. She said he comes in on Fridays and goes out on Tuesdays. Crass said we are tired of it. She said we have a lot of little children in the neighborhood.

Hunter asked does your neighbor only park his tractor on his property. Crass said yes. She said he parks it on the street and in the summer he uses a refrigerated trailer and we are up all night because of it. She said she is only about 200 feet from him, maybe a little more, all these years and she has never been on his property. Crass said he is giving us an awful lot of trouble. She said she can't understand when he comes back from run he has to get rid of the trailer, why can't he park tractor where he parks the trailer and have his wife pick him up, she doesn't work.

Voss asked about the City code, what are the regulations. Sells aid the traffic control states the tractor can be parked in their driveway for 24 hours, but the zoning code restricts parking a tractor trailer in R1 and R2 zoned locations in the City. Voss said and they are zoned R1. Sell said yes, they are. Hunter said he can understand combination tractor trailers and restricting them from parking in driveways. He said but he drives a one ton truck and if these are the restrictions, he cannot park his own personal vehicle in his driveway. Hunter said he is assuming this is the same situation as we had talked about before.

Crass said her neighbor was here at Council complaining that he had to leave his van parked where he parks his trailer when he goes out on a run. She said no he doesn't, he has a wife

that doesn't work. Hunter said we really need to just deal with the ordinance. Crass said she has a copy of the ordinance. She said Larry Martin gave this to her, he highlighted what her neighbor cannot do. Crass said Martin said neighbor cannot park there. She said he parks there and we can't do anything about it. Crass said he parks his tractor on Friday night and doesn't move it until Sunday. She said if one part states he is not supposed to park at all and one says he can park for 24 hours, he is not in compliance. Sell said that is right, one says you can park for 24 hours and one says you can't. He said this is what Council is going to be looking at correcting. Sell said it will say where you can park them, in what zoning districts.

Crass said she has not seen another tractor/trailer in another driveway from 219th Ave. Ne to Coopers Corner. Sell said we had another incident but he has found another place to park it. Voss said it sounds like there will be other changes not just the parking of tractor/trailers, but with this issue is there a hearing required. Randall said it has already been held. Crass said we have a lot of children there and you know how they are, if they are riding a bike they are going to scoot out in the street. Voss said what staff is saying is the conflict in the ordinance is going to be resolved. Sell said it will be back before Council on March 3rd and we can send Mr. and Mrs. Crass a notice on this. Crass said this has been going on since January. She said and Martin told her to just let it go. Sell said part of the problem is if we issue a citation it will just be thrown out because our ordinance is in conflict. He said so if we get the ordinance fixed, then we can issue a citation and it will not be in conflict. Crass said she had a real estate company come out and they told us that with that tractor parked there her house would go down \$10,000 to \$12,000. Hunter said he would like a copy of that. Sell said he would also like a copy. Crass said she had this done four years ago. She said this has been going on for nine years. T

Channer said if the truck running, is that a violation of noise ordinance. Sell said it could be if it violates the noise standards. Voss said it would be a nuisance. There were no more comments so the Public Forum was closed.

Census 2010 Hunter explained that every 10 years, the number of elected representatives we send to Congress is recalculated using the results of the Census. Current population projections indicate that Minnesota could lose a seat in the US House of Representatives.

In addition to representation, approximately \$300 billion dollars in federal dollars are distributed to the states annually based on the results of the Census. Over a decade, this means our state loses \$10,000 for every person missed in the 2010 Census. This money is needed for things like roads, clean water, transit and housing to name a few.

Surveys will be mailed in mid-March. Please return the completed census questionnaires to make Census 2010 a Success! Let's make sure every "1" counts in Minnesota!

Economic Value of Open Space Sell explained that Embrace Open Space (EOS), a collaborative including McKnight Foundation, Met Council and the Trust for Public Land that serves as a catalyst for conserving and stewarding natural areas including parks, lakes and rivers in the expanded 11-county Twin Cities area. In 2009-2010, EOS sought to share information directly with community leaders regarding measurable impacts of open space on community property values based on their proximity to parks, wetlands and other open space. This evening, Mr. Schiffman will make that presentation to the City Council.

Mr. Schiffman has created and managed a local government outreach effort to share the open space information. Since August 2009, he has conducted more than 20 presentations to

metro area city councils, planning commissions, park boards and other local government organizations introducing the concept of open space value/benefits.

Mr. Schiffman spent 12 years in local government in Waconia as Mayor, City Councilmember and Planning Commissioner. Mr. Schiffman currently teaches State and Local Government Process and PR/marketing courses at the University of Phoenix, Minneapolis/St. Paul campus and has been invited to teach Public Relations in the Public Sector at Hamline University this fall.

Mr. Schiffman has a presentation he will share with Council on Wednesday evening on the value of Open Space and its relationship to over all City goals and objectives regarding preservation.

Schiffman said it is a pleasure to be here. He said he wants to thank Council and staff for your work in local government, as someone who has served 12 years doing the same job it is a big job. Schiffman said this information is purely educational. He said he thinks you will find this information interesting. Schiffman said Embrace Open Space is a collaborative of Twin Cities organizations to protect open space in our region. He said he thinks this information is useful to you and your future. It looks like you will be moving ahead with things like this in the near future. Schiffman said we have given resources to the City Planner for grants and such so as you go through the process of open space she has the tools she needs. He said when we say open space there is no formal definition of what open space means. Schiffman said we are talking golf courses, etc. He said the challenges have been anecdotically, people understand that we need open space, but don't know how to do it.

Schiffman said what does this mean in the Twin Cities. He said the challenge the Twin Cities faces is there is 255,000 acres, only 32% is currently protected, 68% is at risk of being developed. He said the open space is going at a premium. In 2007 a single family home with one acre or less within 200 feet of open space went for \$16,570 more. Schiffman said this can be compared to when someone buys a home on a lake; they pay more to be on the lake. He said it is an open space premium; homeowners are willing to purchase homes near open space and willing to pay a premium.

Schiffman said in 2009 Embrace Open Space conducted the same kind of study in Hennepin County. He said 218,000 properties sold benefitted from an "Open Space Premium". These were single family homes on one acre or less. Schiffman said from the city wide prospective the open space premium was \$16,300. He said there was a countywide property tax value impact of \$3.6 billion and an annual countywide property tax revenue impact of \$36 million. Schiffman said both of these projects were done with assessment and GIS information. He said in many cases they did site visits. Schiffman said a sample model was used.

Schiffman said so the question is how you can use this information. He said many communities are having this type of discussion. Schiffman said many communities park planning boards are using this information to plan. He said a lot of communities are struggling with plats and developments that are half or a quarter way done and how do we get this done. Schiffman said this information might help to make those decisions.

Schiffman said the lake analogy brings home the message, communities that embrace open space find out there is a market impact. He said in discussion with developers this is a mutual decision. Schiffman said again, he is optimistic about the future. Hunter asked is this information on line. Schiffman said yes, at embraceopenspace.org. He said the studies are

there and a copy of the slide show is there. Schiffman said if you have more specific questions, he can put you in touch with if more specific questions can put them in touch with the people from Embrace Open Space. Schiffman said what he has tried to put out here for you is a scaled back version.

Sell said we also have an electronic copy of the PowerPoint. Council thanked Mr. Schiffman for coming out and presenting this information to them.

Consent
Agenda

Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, January 20, 2010, Regular CC Meeting; C) SafeAssure Contract from March 1, 2010 to February 28, 2011. Voss asked that Item D) Contract Addendum No. 4 to City Engineer Agreement for Booster East/Cedar Creek Trail be moved to Item 7.0 B.2. **Voss seconded with that amendment.** Sell said there was a typo in the agenda write up and the January 20, 2010 City Council Minutes should be changed as follows: , Page 7, ninth paragraph change as follows: **January 2010 to December 2012** and Page 8, fifth paragraph: **January 2010 to December 2012. All in favor, motion carries.**

Booster
East/Cedar
Creek Trail

Sell explained that the Parks Commission recommended approval of the first phase of the Booster East to Cedar Creek Trail on August 12, 2009. Phase I begins in Booster Park East, connects to 224th Avenue and then to Xylite Street. This segment is reflected on Attach #1.

The trail follows Xylite Street to 222nd Lane to Bataan Street as reflected on Attach #2. The trail then follows Bataan Street to 229th Avenue to the University of Minnesota property as reflected on Attach #3.

The trail alignment was presented and reviewed by City Council on September 2, 2009, September 16, 2009 and again on October 7, 2009. City Council directed that the 2010 Trail CIP projects move forward as presented including the Booster Park East to Cedar Creek trail, Phase 1 portion at the October 7, 2009 meeting.

Since the October meeting, staff has developed the specific trail alignment maps such that all necessary easements and/or ROW is identified. The easements/ROW requirements are reflected on Attach #1 - #3. Staff is requesting direction to proceed with negotiation for necessary easements/ROW.

Following the negotiation of easement/ROW agreements, the agreements will be returned to Council for approval.

If Phase 1 is scheduled over a two year period, 2010 would include the trail across the Oney easement and 224th Avenue to Xylite and, 2011 would include Xylite to 222nd Lane to Bataan Street, the costs can be managed within budget. It is recommended that engineering for this entire segment, Booster East to Bataan Street, be included in the 2010 budget for this project as it more cost effective to perform the survey and related design work at the same time. The project costs for phasing this project were provided in your agenda materials.

Final Plans and Specifications for the 2010 and 2011 projects will be returned to Council for review and direction to solicit bids. It is anticipated that the Plans and Specifications for the Trail Capital Fund portion of Phase 1 in 2010 will be completed and returned no later than April, 2010. The MSA Fund Plans and Specifications for the Bataan Street portion of these improvements in 2010 will be completed and returned no later than May, 2010.

Consider directing staff to negotiate easement agreements for Phase 1 of the Booster Park East to Cedar Creek Trail project and the MSA Funded project along Bataan Street.

Boyer made a motion to direct staff to negotiate easement agreements for Phase 1 of the Booster Park East to Cedar Creek Trail project and the MSA Funded project along Bataan Street with the exception of on page 34, on Xylite and 222nd as was presented to Council the trail shall be completely on the north side of the street. Voss seconded.

Jochum said typically it is desired that bikes drive with the traffic. He said this is the option the Park Commission choice was to have the trail on both sides. Voss said he wants to build this on both sides. He said he just wants to stripe it on one side. Jochum said the Park Commission is recommending three feet on each side. Hunter said we are just approving negotiation for Right of Way tonight. Boyer said he said he thinks staff is incorrect in what was presented to Council.

Voss said he was thinking it was a separated trail. Jochum said the costs go up a lot for easements. He said as Boyer stated it was presented to Council all on the north side. Jochum said we went to the Park Commission with a number of options and this is the option they chose. Boyer said the residents on north side were more in favor of the trail than the residents on the south side at the public hearing. Voss asked we had a public hearing on this. Sell said we sent letters inviting the residents to the meeting. Voss said as a parent we teach our children to ride with the traffic, we would be forcing them to ride against the traffic. Jochum said the only odd part is the crown has shifted. Channer said this could cause the cars to veer especially on corners.

Voss said all we are doing is spending money to widen the road in a neighborhood that doesn't get a lot of traffic right now and never will. Sell said as the Mayor indicated, we are just approving negotiating the right of way right now. Voss said but the next thing we will be approving is the design. He said we didn't even think about the crown design. Jochum said if you choose to do this at a later date, at least both sides were surveyed. Voss asked have we had discussion with Mr. Oney. Sell said yes, he asked us to see if the neighbor was interested. Sell said the neighbor was not interested. He said so we will need to discuss this with Oney. Voss asked what if Oney doesn't want to give this to us. Sell said there are other things Oney wants that makes him eager to do this.

Channer asked about ground line placement. Jochum said 5 feet on Bataan. Channer said so we are 15 feet out on the slope. He asked is that returning it to the original position. Channer asked if we are only taking temporary easements, we have to return it to the original position. Sell asked are we talking permanent easements. Voss said they are marked as temporary, but it is obvious they are permanent. Channer said if the majority of fill is sloped it will be also hard to fill. Jochum said we would match the current slope. Voss asked with the 6 foot trail does that meet ADA requirements. Jochum said yes. He said we have 8 feet on Bataan to meet state aid rules. **Boyer said his motion was to direct staff to negotiate easement agreements for Phase 1 of the Booster Park East to Cedar Creek Trail project and the MSA Funded project along Bataan Street with the exception of on page 34, on Xylite and 222nd as was presented to Council the trail shall be completely on the north side of the street. Voss said his second stands.** Channer asked do we really want to put the change to the north on there since we are just being asked to authorize staff to negotiate easements. Sell said we will bring back the plans with this change and you will be voting on this before it goes farther. **Voss and Channer, nay; Hunter and Boyer, aye; motion fails.**

Hunter directed staff to put this item on the February 17, 2010 City Council agenda where we can vote on it again and hopefully have more information on whether the easements are temporary or permanent, etc.

Contract Addendum No. 4 to City Engineer Agreement for Booster East/Cedar Creek Trail

Sell explained that the City engineer has submitted a “not to exceed” addendum for engineer services for the design, bid and construction management of the Booster Park East to Cedar Creek Environmental Science Reserve trail project. A copy of that addendum is attached.

Sell asked if there are any questions or concerns with agreement.

Voss made a motion to table Contract Addendum No. 4 to City Engineer Agreement for Booster East/Cedar Creek Trail until the February 17, 2010 City Council meeting where we will consider the Booster East/Cedar Creek Trail negotiation of easements. Hunter seconded. Boyer, nay; Channer, Hunter and Voss; aye; motion carries.

Res. 2010-07 Setting Rural Residential Speed Limits

Sell explained that Minnesota Statutes regulate the posting of speed limits on City streets. This statute was modified in the 2009 legislative session and the new law became effective August 1, 2009. The amendment now allows City Councils more latitude in setting speed limits on City streets. This new legislation allows Cities to designate Rural Residential Districts where speed limits may be posted at 35 mph if the streets meet the density requirements as outlined for this street category.

City staff has reviewed all streets in the City to determine which meet the new definitions and has determined which roads in the City now meet the new criteria for “Rural Residential Streets and Residential Roadways.”

The original definition for a Rural Residential District was deleted in the new legislation. Definitions were refined and incorporated into the new legislation that provides for identification of a rural residential district as the territory contiguous to and including any street or highway that is built up with visible dwelling houses on one or both sides of the road with their primary access points at intervals averaging 300 feet or less for a distance of one-quarter mile or more. (b) For purposes of this subdivision, “interval” means the measured distance between the primary access points for each dwelling house whether houses are on one or both sides of the road.

There are 76 miles of City Streets that qualify for a rural residential district classification. Staff is suggesting that these 76 miles be posted at 35 MPH based on the new statute. Attachment #2 is a map that reflects the 76 miles that are being suggested for the 35 MPH speed limits

There are 40 miles of City streets that don’t meet any of the posting criteria, either Rural Residential or Urban Districts, or, are already posted with reduced speed limits as a result of MnDOT speed studies related to MSA projects or petition by the City.

The City has a total of 138 miles of streets.

Signage costs for the 105 streets that qualify for these speed limit postings will be approximately \$6,000. There is signage in City inventory to post 35 streets. The remainder of the signage which would cost approximately \$4,200 would be paid from the Sign/Striping Repair Materials category in the Street Maintenance budget.

The Road Commission has recommends the approval of the designation of the streets listed on Attachment A to Resolution 2010-07 that qualify for the “Rural Residential Districts” classification and posting of the appropriate speed limit signs on these roadways in accordance with MnDOT standards.

Boyer made a motion to adopt Resolution 2010-07 Setting Rural Residential Speed limits and Attachment A. Voss seconded.

Voss asked so the statute sets the speed limit at 35 mph. He asked if we want to lower it to 30 mph do we have to do a speed study. Sell said we have the urban district for the 30 mph designation, but that is a higher density and we have done that to just about every area that met that criteria. He said these are lower density areas. Sell said the Andover public works manager has been advocating this for many years.

Voss said he is glad it happened, it doesn't sound like much but for traffic calming 30 mph and 35 mph are a big difference. He said if we can't go to 30 mph that is fine. Voss said he has other questions. He said two roads on this drawing we share with neighboring communities, are we able to post them or do they have to agree to post them as well. Sell said we can post our side. Voss said you can't post two different speed limits. Sell said yes we can. Voss said we need to approach Linwood and Oak Grove first. Sell said why doesn't Council pull those two segments from the resolution and we will bring them back if Linwood and Oak Grove are agreeable.

Boyer said he would set a timetable that this has to be done by, for them to agree or disagree. Voss said he doesn't think they will disagree. Boyer said that is probably right, but we know how long City government can take to do things. Channer asked is there a sign there where the speed limit is different. Sell said no. Channer said at least if they see our 35 mph sign then they see 35mph. He said the only problem will be if get a ticket. Sell asked if they agree can we offer to post it. Council said yes. Voss asked and why is Bataan not on here. Sell said it is posted at 45 mph and it was done as a MSA study. Voss said so because it was posted 45 mph under MSA agreement we cannot change it. Jochum said he thinks you can change it. Sell said if it meets the standards.

Voss said on the heels of putting a public trail there, you mentioned this went to roads. He asked did the list go to roads. Sell said the whole thing went to roads. Voss said reason he asked is when we do things like this, it seems there is always a reason we shouldn't do this. He asked some of these roads are a 500 foot dead end, do we need to post it or can we save our dollars. Voss said he just wants to make sure we aren't doing something we shouldn't. He said he suggests staff take another look at the list and make sure they need to be done. Voss said if there are four houses on the road, we might not put a sign on. Channer asked when you enter Polk street from Sims there is a 30 mph sign up. Sell said he doubts it is our sign. Sell asked where the University segment is. Voss said it ought to be north of Viking. He said it is high density there. Voss said on the Oak Grove side it has very few houses on it. Hunter said we have less on ours that post off of University. Voss said he is talking about off of Viking. He said he is taking a close look at it. Boyer said put University and Sunset at the end of the list and talk to them. **All in favor, motion carries.**

Castle
Towers/
Whispering

Sell explained that the City Attorney has updated information on this issue. We are asking for direction following the City Attorney's presentation.

Randall said Bethel Properties attorney has completed his due diligence and is at the stage to deposit the deeds and pay the fees. He said he cannot file the deeds until the taxes are paid. Randall said these two parcels have sizable taxes on them and deeds couldn't be filed until October 15th or a day after. Randall said he discussed this with the attorney for Bethel Properties and Mundel's attorney just before the end of the year. He said Mundel's attorney suggested Randall hold the deeds until October 15 and then he would file them and charge them for it. Randall said in the last couple days he got an e-mail and in it, Bethel Properties attorney proposed how the escrow will work, you will hold escrow and he will hold the deed for Firebird Properties. He said he hasn't talked to him, but he doesn't know why he has suggested why he would hold the deed, and not Firebird Land. Randall said plus the money he is to pay to the city he wants to be applied toward taxes for the Firebird Land property if they don't pay their taxes. Randall said he wrote back and said no, that money has to be paid up front. Bethel properties has got what they are going to get and the City and Mundel have been waiting for their money for six years and he is not going to sit and hold the money for ten months. He said he hasn't had a response to that, but he doesn't think this is going to be a deal breaker, that is where we sit.

Hunter asked weren't we trying to accommodate the Peterson's by moving the fence. Randall said ye. Hunter asked then why don't we put up a temporary fence where it should be. Randall said you can do that, but it will be an expense to the City you won't recoup. Hunter said just a temporary type fence. He said we would be protecting our current property right now. Hunter said it would get some pressure on them. He said they are playing the system. Boyer said let's give them until March 3rd, and then he will agree to run them off. He said we could have liability on this. Hunter said it is just frustrating. Randall said he suggests Council gives us a chance to resolve this before the next meeting, or whatever deadline, and then tell them the City is going to start litigation. He said he believes it will be solved. Council consensus was to wait until the next Council meeting.

Res. 2010-08
and Order for
Correction of
Hazardous
Conditions
and Further
for the
Abatement of
Public
Nuisances at
221 Birch
Road, East
Bethel

Sell explained that Chronology of events is provided for in the resolution document. In summary, Minnesota Statutes, Section 463.15, defines a hazardous building or hazardous property as any building or property which because of inadequate maintenance, physical damage, open excavation, or abandonment constitutes a fire hazard or hazard to the public safety or health. Minnesota Statutes, Section 463.25, specifically provides that if any excavation is open longer than six months without a building erected thereon or if any excavation or basement is not filled to grade or otherwise protected after a building is destroyed, the excavation is considered a hazardous excavation. If these conditions exist, the city has an obligation to correct these situations. Chapter 26 of the City Code of the City of East Bethel Minnesota requires that public nuisances of this nature may be declared to be a hazardous building and with this declaration, the owner is required to make the property safe.

The St. Hilaire's are the owners of the property at 221 Birch Road and Wells Fargo Bank has a mortgage on the property. The dwelling at 221 Birch Road suffered a fire in 2008 that severely damaged the structure. The foundation has been an open excavation for longer than six months without any construction activity on the site. In addition to the open excavation, there is a lack of maintenance. The St. Hilaire's have been served with compliance orders on several occasions but have yet to comply. All permits issued for the correction of the issues on this site have long since expired without any action by the owners.

Staff is recommending that Resolution 2010-08 be adopted to include an order for abatement for the property located at 221 Birch Road, East Bethel, Minnesota.

Voss made a motion to adopt Resolution 2010-08 and Order for the Correction of Hazardous Conditions and Further for the Abatement of Public Nuisances at 221 Birch Road, East Bethel. Channer seconded; all in favor, motion carries.

Joint Meeting
–
Conservation
Design/
Development

Sell explained that the City of East Bethel has taken great strides to achieving the goals as identified in the Comprehensive Plan utilizing natural resources and environmental quality as part of the foundation for planning for future growth and development of the City. The objectives outlined in the Comprehensive Plan can be successfully addressed by requiring conservation design elements be implemented on not only environmentally sensitive parcels, but also on conventional residential and commercial developments. Conservation design is a relatively new concept that is being implemented in a handful of communities throughout Minnesota.

As part of the conservation design ordinance development, there are other supporting components that will need to be developed and/or amended at the same time. These include but are not limited to the following: updating parts of the zoning ordinance such as PUD's and the Significant Natural Environmental Areas (SNEA); creation of a Storm Water Management Ordinance and Storm Water Utility Fund; update the Water Management Plan; and, creation of educational documents/brochures for staff, land owners, stakeholders, etc. explaining the goals and objectives as well as the processes to implement the program.

Staff is suggesting an initial joint work session on March 3, 2010 beginning at 6:00 PM, prior to the regular Council meeting, with an educational presentation along with a request for direction by City Council for project development. The joint meeting would be with Planning Commission and Parks Commission as each will be involved in certain aspects of the project.

Boyer asked while we were at the Planning Commission meeting, just filling in, the Mayor and myself, he was we were lead to believe that the Planning Commission were going to bring the zoning ordinance to Council on March 3rd. Sell said yes, that is the date. Boyer said this concerns him, since their meeting is the 4th Tuesday of the month, which only leaves Council five days to review the zoning ordinance changes. Sell said you will receive the changes this week in the update so you will have more than five days to review.

Voss said this was passed at the last Planning Commission meeting. Boyer said some of it was passed. He said so you want me to start another process when the other process is not done. Sell said the changes they considered at their last meeting you will have in your update. He said he is not sure if there are other changes that were not at the last meeting. Sell said he understands there were some changes brought forward by the new Planning Commission member, but those were generally just housekeeping issues. He said the Planning Commission directed staff to make those changes. Sell said what Planning Commission had at their last meeting; you will have in this weeks update. Boyer said and there are no changes in February. Sell said not that he knows of.

Voss said if the Planning Commission changes something at their next meeting there will not be enough time. Sell said he would agree there is not enough time. Boyer said he is agreeable about going down this path, but wants to ration our work. He said we have been through a similar process with the comprehensive plan; he wants to have text clear before we undertake this new task.

Voss asked what is going to be presented at this joint meeting. Sell said there is an expanding educational part on parks and how the City can best use natural areas to their best use. Voss said so from three of us, this will be at least the third time we have come down this path, so he hopes we are not starting from step one. He said our education curve is very short, this should not take more than 30 minutes, and we have been through this although we might not be in agreement on how to move forward. Voss said and that includes a lot of Planning Commission members. Sell said he will try to get a tentative agenda to you this Friday. Boyer said that is one of his problems with having this be a joint meeting. Voss said he doesn't have a problem with it; these are the groups that will be stakeholders. He said he doesn't want an open forum where we have 16 or 17 people debating what they want. Voss said but a guided discussion is nice. Boyer said he thinks back about other meetings and we have had 10 or 12 people speaking and nothing got done. Voss said he doesn't have a problem having this as long as we are in agreement; we are not going to resolve this in one night. He said we set framework for this in our comp plan. Sell said he will get a tentative agenda out to you and if you have apprehension, we can always change it. Voss said he wants it on the agenda for the next City Council meeting.

Agreement
with HRA for
Administra-
tive Support
Services

Sell explained that the East Bethel Housing and Redevelopment Authority (HRA) is a separate unit of government as defined in state statute. The HRA has used and will continue to use many City services, including shared staff as part of its operational structure. It is important to manage the relationship between the two entities. Staff drafted an agreement between the Housing and Redevelopment Authority and the City of East Bethel to provide administrative support services to support the administrative undertakings of the HRA. At the January 20, 2010 meeting, the HRA reviewed and approved the Administrative Support Agreement. The proposed agreement is presented for City Council for review and approval. Fees for City services will be paid as a transfer of funds from the HRA to the City. The fee for 2010 is \$15,000.

Staff recommends approval of the Administrative Support Agreement with the City of East Bethel HRA.

Boyer asked since the HRA has no funds to transfer at the current moment, hopefully there will be a fund on May 3rd; this seems premature to transfer non-existent funds. Sell said we wouldn't transfer funds until the property taxes come in, and we will bring a resolution before you for this transfer. Boyer asked will the City attorney expect us to have a check in hand on May 13th. Randall said we will not have a check in hand, hopefully have a judgment. Sell said the City has levied \$120,000 for 2010. He said only when those dollars come forward would the monies be transferred.

Boyer made a motion to approve the Administrative Support Agreement with the City of East Bethel HRA. Voss seconded; all in favor, motion carries.

Metro Transit
Taxing
District

Sell explained that this is an informational item. Ms. Kate Garwood of the Anoka County Highway Department made a presentation to the City Council relating to the Congestion Mitigation Air Quality (CMAQ) grant that may have an impact in the City. Under the terms of this grant, the County would receive grant dollars to assist with commuter/express bus service from the City's Park and Ride lot at the Ice Arena to downtown locations. Ms. Garwood suggested the City consider joining the Metro Transit Taxing District. By doing so, this would allow Metro Transit to serve East Bethel.

Over the past several weeks, staff has obtained additional information regarding the Metro

Transit Taxing District. Minnesota Statutes provide that City and Metropolitan Council must agree on a service expansion plan if the City is not currently serviced by the Metro Transit District. The East Bethel Finance Committee met on Tuesday, January 26, 2010, to review this information and discuss steps necessary to join the Metro Transit Taxing District.

The CMAQ grant is set to begin July 1, 2012. Staff has learned that a transit service agreement between Met Council and the City of East Bethel for transit services would not need to be in place until June 30, 2011 for Metro Transit to begin levying taxes in East Bethel for collection in 2012. However, Met Council has expressed their concern to both City staff and Anoka County regarding membership in the Transit Taxing District. Under the current economy, there may not be sufficient resources available to Metro Transit to provide such services.

Staff talked with Ms. Garwood about the CMAQ Grant. As part of this grant, Anoka County High Department is currently preparing an RFP soliciting consulting services to assist the County with the Transportation Service Study. The draft RFP will be completed within the next three to four weeks. Ms. Garwood has stated that she will meet with City officials to review the draft RFP for City input before soliciting proposals. Once a qualified consultant is selected, it will take approximately 4 to 5 months to complete the Transportation Service Study. If Met Council cannot provide transit service, this Transportation Service Study will look at the possibility of Anoka Traveler servicing East Bethel. If the Anoka Traveler were to provide the service in East Bethel, there wouldn't be a need to join the Metro Transit Taxing District.

The Metro Transit District Tax Rate for 2010 is approximately 1.22% of tax capacity value. For the average valued home in East Bethel, this would mean a tax of approximately \$27.06 annually based on the average home value of \$221,753 with a tax capacity value of \$2,217.53. City staff will continue to provide updates to the City Council as new information is obtained.

Sell said this past Monday he had a discussion with an employee of Met Council who said it is not a slam dunk for East Bethel to get an agreement with Met Council, it is not sure that we can even join or get service out here. Voss said the transportation study will give us a better idea of services needed. He said it seems to him we should just wait for this to be done. Sell said Natalie from Met Council was concerned that the City thought if we want in we can get service, it is not that easy.

Fire Dept. Meeting

Channer said he had his first meeting with the fire department on Monday. He said they implemented some sort of training at every meeting, whether something simple or complicated. Channer said they will start training on their new database next week. He said they were very interested in money for new interchange down here. Channer said they made a report on the last accident out here, the victim contacted the chief and thanked him for extricating him, and he only remembered the fire fighter who rescued him. He said the victim may lose his arm. Hunter asked was the victim a resident. Sell said he doesn't believe so. Channer said he knew three fire fighters, but he only knew one was a fire fighter. He said the new system is the official record, no longer is the paper the official record.

Feasibility Study

Hunter said he has a couple questions. Now that Met Council had their meeting, is the feasibility study going forward on the commercial property south of Viking Blvd. and west of TH 65. Sell said yes, he talked to Craig, Bolton Menk today and hoping by May or June they are done and we can start our series of hearings.

Met Council Hearings Hunter said at the meeting that Met Council held, he thinks there was confusion about costs of the wastewater treatment plant for hookups. He said there was a statement made by Met Council about \$4,000 for a hook up. Hunter said that is just a fraction of the cots. He said there will be street costs, and many other costs. Again, that is just the fraction of the cost.

Booster Day Mtg. Hunter said a Booster Day meeting has been scheduled for Wednesday, February 24, 2010 at 6:30 pm at the Senior/Community Center, 2241 221st Avenue NE, East Bethel, Minnesota. He said everyone is welcome to attend.

Adjourn **Boyer made a motion to adjourn at 9:06 PM. Voss seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk