

EAST BETHEL CITY COUNCIL MEETING

July 21, 2010

The East Bethel City Council met on July 21, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter (at 8:33 PM)
Kathy Paavola

MEMBERS EXCUSED: Steve 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 July 21, 2010 City Council meeting was called to order by Acting Mayor Boyer at 7:30 PM.**

Adopt Agenda **Channer made motion to adopt the July 21, 2010 City Council meeting. Paavola seconded.** Sell said the East Bethel Fire Relief Association Raffle is being added to the agenda if that is okay. **Channer amended his motion to make an addition to the agenda, immediately following the adoption of the agenda will be the East Bethel Fire Relief Association Raffle Drawing. Paavola seconded the amendment; all in favor, motion carries.**

East Bethel Fire Association Raffle Drawing
Sell said the fire fighters are here for the East Bethel Fire Relief Association Drawing. Dan Berry, Asst. Chief, said unfortunately the fire fighters dance was cancelled. He introduced Troy Lachinski, fire fighter and Relief Association member who will be conducting the drawing.

Lachinski said East Bethel Fire Fighters Dance has been a tradition in East Bethel for the past 49 years. He said it is a great opportunity for the Fire Fighters to visit with the public while at the same time raise money for the Relief Association. Lachinski said at 8:00 PM on Saturday evening, a severe thunderstorm roared through East Bethel leveling the tent and damaging High Noon's equipment unfortunately after the storm calmed down the show could not go on.

Lachinski said the tickets that the members of the East Bethel Fire Department sold were for a Raffle. He said by entering the Raffle, the purchaser also received a complimentary entrance to the dance. Lachinski said the members of the East Bethel Fire Fighters Relief Association would like to thank the community for their continued support and we look forward to next year's 50th Anniversary Outdoor Celebration.

Lachinski said we have Princess, Erica Sundem Mallak and Miss East Bethel Katie Mueller who will be pulling the raffle tickets for the winners for us tonight.

1st Place Prize - \$400 Cash – Sydney Lienemann
2nd Place Prize - \$150 Cash – Colleen Satrang
3rd Place Prize - \$100 Cash – Michelle Goldemar
4th Place Prize - \$50 Cash – Craig Wendt

5th Place Prize – Jerry Stepaniar
6th Place Prize – Karen Baldwin
7th Place Prize – Sheree Berg
8th Place Prize – Michelle Anderson
9th Place Prize – Shane Ebertowski
10th Place Prize – Edward Hemmelgarn

Lachinski said the rest of the prizes will be pulled out in the hallway. He said he wanted to thank everyone for their support of the Fire Department and we look forward to seeing you all at our 50th celebration next year.

Sheriff's
Report

Lt. Orlando reported on the custodial arrests/significant arrests for the month of June 2010 as follows:

06-14-10 – Pursuit - Wyoming PD requested assistance on a vehicle that was not stopping, traveling westbound on Viking Blvd. The vehicle was traveling at speeds between 60-70 mph. The van was slowing to avoid spikes which were placed on the road, at which time a deputy 'pitted' the vehicle. The driver of the vehicle was non-compliant, initially, but became compliant after being tased. The squad did not sustain any damages.

06-16-10 - 5th Degree Domestic Assault - Deputies were dispatched to a call of a domestic assault. Upon arrival deputies learned that a juvenile male had assaulted his stepfather by elbowing him in the head. The deputies had been out to the residence several times in the past few days for problems with the juvenile. The juvenile was taken into custody.

06-16-10 - 5th Degree Controlled Substance / Driving after Revocation - Deputies were dispatched to a call of a suspicious person at a known drug residence. Upon arriving in the area, they saw a female rummaging through a vehicle in the driveway, she then got into another vehicle and left. A traffic stop was conducted, in which the male driver was revoked. The plates on the vehicle did not match the VIN numbers. A K9 was called to the scene and trace amounts of meth were located. The male went to jail.

06-17-10 - 5th Degree Domestic Assault / Criminal Damage to Property - Deputies were called to a boyfriend/girlfriend domestic. Prior to arrival the male advised his girlfriend had left. The male advised his girlfriend had slapped him in the face, took off his eyeglasses, threw them to the ground and stomped on them. An attempt to locate was put out for the female and she was arrested.

06-20-10 - Warrant Arrest / Aid a Fugitive - Deputies were attempting a warrant on a female who had two confirmed Felony warrants, after learning that she was at a specific residence. Upon arriving at the residence, they were told by another female that she was unsure if the suspect was in the home or not. They advised her of the specific information they had and she allowed deputies to come into the house, but went downstairs and disappeared for a few minutes. A search was conducted of the basement. One deputy, who was familiar with the house, knew that there was a fake wall in the basement. The suspect was located inside the wall. The other female was arrested for aiding a fugitive.

Lt. Orlando said domestic calls (non-crime) for the month were twenty-one (21) and DWI arrests for this month were six (6). Boyer said he always finds this depressing, but he does

try to look at the bright side.

Nicolle Marie
Schotl –
Marathon/
River City
Coop –
Tobacco Sales
Violation

Sell explained that on May 26, 2010, it is alleged that Ms. Schotl sold tobacco products in violation of City Code, Chapter 18, Article IV, Section 18-176, Prohibited Sales. A copy of the Sheriff's Report is included with your agenda materials as Attachment #1. It is alleged that, as part of a compliance check operation by the Anoka County Sheriff's Department on May 26, 2010, that Ms. Schotl was approached by an underage individual and sold the tobacco products to the underage buyer in violation of City Code.

The City has provided Ms. Schotl the opportunity to be heard based on the provisions of Section 18-181. Notice was provided to Ms. Schotl on June 29, 2010 of the hearing scheduled for July 21, 2010. A copy of that notice was provided with your agenda materials. Pursuant to Section 18-181, Penalties, the City Council has several options as this is the first violation by the employee at this location. The administrative action Council may take includes a civil penalty of \$50 but not more than \$100. The Council may agree with the employee in this case to reduce the penalty to not less than \$50 if the employee agrees to perform eight hours of community service.

Resolution 2010-33 provides for Findings, Conclusions and Administrative Penalties for this case. Council should review the resolution and make a determination of the appropriate penalties to be imposed.

Staff is recommending Council conduct the hearing and provide staff with direction on the penalties to be administered with adoption of Resolution 2010-33.

Nicole Schotl said she made a mistake, she does not deny that, and she is sorry. She said she has made sure in the past to card everyone that looks underage, and has not had this problem before. Paavola asked so this your first offense. Schotl said yes, this is her first offense. Channer asked Schotl if she disagrees with anything in the police report. Schotl said no, she does not disagree with the report.

Paavola made a motion to adopt Resolution 2010-33 Providing for Findings of Facts, Conclusions and Administrative Penalties Pursuant to City Code, Article IV, Section 18-181 with the administrative penalties being Ms. Nicole Schotl shall pay a \$50 fine and shall perform eight (8) hours of community service. Channer seconded; all in favor, motion carries.

Tom Boland –
Marathon/
River City
Co-op –
Tobacco Sales
Violation

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The City has provided the owner and tobacco license holder, Mr. Tom Boland, the opportunity to be heard based on the provisions of Section 18-181. Notice was provided to Mr. Boland on June 29, 2010 of the hearing scheduled for July 21, 2010. A copy of that notice was provided with your agenda materials. Pursuant to Section 18-181, Penalties, the City Council has several options with respect to Administrative action. If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, the licensee shall be subject to a civil fine of \$150 for a first violation. In addition, the

Council may suspend the license for a period up to twenty days. The Council may agree with the licensee to waive up to ten days of suspension at a rate of two days for every eight hours of community service performed by the licensee.

Again, this is Marathon Oil's first violation of the ordinance. Therefore, the City Council must impose a \$150 as a civil fine. In addition, the Council may impose a license suspension up to twenty days. The Council may agree with the licensee to waive up to 10 days of suspension at a rate of two days for every eight hours of community service performed by the licensee.

Resolution 2010-34 that provides for Findings, Conclusions and Administrative Penalties for this case. Council should review the resolution and make a determination of the appropriate penalties to be imposed.

Staff is recommending Council conduct the hearing and provide staff with direction on the penalties to be administered with adoption of Resolution 2010-34.

Channer asked if Mr. Boland is present. No one came forward.

Channer made a adopt Resolution 2010-34 Providing for Findings of Facts, Conclusions and Administrative Penalties Pursuant to City Code, Article IV, Section 18-181 with a ten (10) day suspension to be started on Friday, July 23, 2010 at 12:01 AM. Paavola seconded. Boyer said he does not support a ten (10) day suspension, he thinks that is slightly harsh for a first offense. He said and that crosses two weekends. Channer said okay, he agrees with that. **Channer amended his motion to a seven (7) day suspension; he wants to have one weekend in the suspension. Paavola seconded the amendment. All in favor, motion carries.**

Fat Boys Bar
& Grill –
Liquor
License

Sell explained that the City Attorney has collected and provided a resolution that identifies the facts in this situation as it relates to Fat Boys Bar and Grill. Notice of the hearing on this matter was served on Mr. Troy Parker and Mr. Greg Stewart on July 2, 2010.

Mr. Randall will make a short presentation of the facts as outlined in the resolution and then recommend Council conduct the hearing offering the owners the opportunity to respond. Following the hearing, Council should consider Resolution 2010-35 regarding action against the liquor license issued to Fat Boys Bar and Grille.

Staff is recommending Council conduct the hearing and then consider Resolution 2010-35 imposing sanctions.

Randall said he is going to load Council up with paper; this is singular and new proceedings to Council. He said this is a violation under state law. Randall provided Council and Mr. Troy Parker, Fat Boys Bar & Grill Exhibits A & B, so marked. He said Exhibit A is the provision from City Code and Exhibit B is the posting of Tax Delinquency; Sale of Liquor or Beer. Randall said usually this is private and confidential information, but because liquor is a highly regulated agency AGED releases this information.

Randall said this hearing relates to Fat Boys Bar & Grill. He said at the June 2, 2010 City Council meeting you granted renewals to several liquor licenses, one was to Fat Boys Bar & Grill. Randall said as you can see as of July 20, 2010 at 7:00 PM, Fat Boys Bar & Grill is still posted on the Minnesota Revenue Posting of Tax Delinquencies. He said because of

that Fat Boys Bar & Grill is not in compliance with state law and is subject to suspension or revocation of their liquor license.

Troy Parker of Fat Boys Bar & Grill said this list is more like seventeen (17) pages long. Randall said the pages you have is all we reproduced because it is all that was needed for this meeting. Parker said we are on the liquor posting list. He said we have the statutes that your attorney has provided, and we owe one month of liquor taxes. Parker said we owe the state \$5040. He said he doesn't know how this falls under City Code 6.62. Parker said he is a layman. He asked about the reference to 297.62. Randall said that is part of MN Statute 270C.725. Parker said so that is just in reference of how much we are supposed to pay, and then the next one is how much we are supposed to remit, and then the other one is just that we will be posted if we don't remit. Randall said we are just saying you are not in compliance under state statute 270C.725. He said you violated the statute by not paying your state sales taxes. Parker said there is no provision for a penalty in the city ordinance. Randall said yes there is because you haven't followed the state law. He said he maintains you have and it is up to the Council to decide. Randall said they only put beer and liquor vendors on that list, so to him that law relates to alcohol. He said so you failed to comply with state law.

Parker said the state will still get paid. He said we pay them around \$100,000 a year. Randall said there is a provision in the statute that you can make a deal. Parker said this is if you remit your liquor license. He said he is going to have the \$5000 next weekend. Parker said he knows there is another bar coming to Council in a couple weeks on this same thing, and if he had a couple more weeks like they did it would have been paid. Paavola asked after the fine is paid, how long does it take for them to come off the list. Randall said he thinks they come off within about 24 or 48 hours. Boyer said but the bar did collect this money. Parker said yes. He said but there was a glitch. Parker said he paid February's taxes twice. He said when he made his February taxes; he accidentally paid it twice, so it tied up his money. Parker said then they put \$2200 in penalties on that \$5,000. He said there is seventeen pages on this list of businesses, it is a tough economic time, we just need a couple weeks to pay them. Parker said we had to come up with \$31,000 to renew our license. He said we are kind of out of money right now. Greg Stewart said if we hadn't overpaid in February, March would have been paid. He said this was just a glitch. Stewart said it would have been paid in full if it wasn't for the accidental double payment.

Boyer said in his personal opinion he would be willing to stay the suspension as long as we are provided proof of payment by the next hearing on August 4, 2010 since the other licensee that is on the list is being given until then we should be allowing them the same amount of time. Sell said if you are going to do this, should impose the suspension, but stay it until August 4th to allow them to pay it. Boyer said that sounds good to him. Sell said the question you need to answer is what would the period of suspension be. Boyer said thirty (30) days. Channer asked if they are on this list, does that mean they are not able to buy liquor. Parker said that is correct. Boyer asked we are not going to have repeat of purchasing liquor illegally, from retail and reselling. He said he is asking for Parker's word on that. Parker said that will not happen.

Boyer made a motion to adopt Resolution 2010-35 Suspending the Liquor License of Fat Boys Bar & Grill, Inc. for Failure to Comply with An Applicable Statute Relating to Liquor for 30 days commencing July 21, 2010, stayed pending payment of delinquent taxes posted on the Minnesota Revenue Posting of Tax Delinquencies. Suspension will be lifted and imposed on August 5, 2010 at 12:01 AM if payment is not

made. Paavola seconded, all in favor, motion carries.

Public Forum Boyer opened the Public Forum for any comments or concerns that were not listed on the agenda. Dale Voltin of 190 Grove Road said he is here to ask his elected government officials, he is having a problem with City staff because they say he has a non-compliant septic system, it was that way at point of sale. He said they had to come up with something to do, so they are bothering him about replacing his system. Voltin said the water level was fifty (50) feet down and that was when Noah's ark was there. He said the septic system doesn't have three (3) foot of separation. Voltin said we all know the water table is 16 to 18 feet down.

Boyer said this is a state statute and the City Building Official has to enforce it. Voltin said the inspection was in 1997 and it has been ignored since then. Boyer said this law has been around a long time. Sell said he thinks part of the issue is Voltin is asking why we are enforcing it now. He said but since Mr. Martin has been here, we are enforcing it. Sell said he thinks Voltin purchased the property. Voltin said yes, in 2007. He said he has his well tested every year. Voltin said he would understand if there was a bad smell, or even open sewage. He said you can't get money from a bank, why are you doing it now in these times. Boyer said he finds it hard to believe that we were not doing this before Martin started here. He said he was told to do this a long time ago by the City. Voltin said he is not in this alone, he has eight (8) names of people that live in his area that are having this problem. He said they are getting together to hire an attorney. Sell said there are alternatives available. He said Voltin should come in and talk to the building official about the alternatives.

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

Consent Agenda Boyer asked to remove Item C) Purchase Public Works Truck – Equipment Replacement Schedule for more discussion. Sell asked to remove Item E) Appoint Administrative Support I Position. **Paavola made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, July 7, 2010, Regular Meeting; D) Woodcroft Development – Letter of Credit Release; G) Adopt Ordinance 27, Second Series, Amending Chapter, Businesses, Article IV, Regulating the Sale of Tobacco; H) Site Restoration Agreement Remove-All (Rite Choice Development LLC). Channer seconded; all in favor, motion carries.**

Purchase Public Works Truck – Equipment Replacement Schedule Boyer said he thinks staff should be commended for getting the prices and descriptions for a new single axle truck, but his question really relate to the timing of this. He said he realizes we have budgeted the money in the past, but maybe we should delay this purchase. Sell said part of the reason we put together an equipment replacement program is we frequently run into the problem that the equipment we are using starts to cost more to maintain than it is worth. Channer asked how old is the truck you are looking to replace. Sell said it is a 1997 and it was purchased used. Channer asked what its value is. Sell said about \$7,000. He said we try not to let these get to the condition where they are abusing our maintenance staff. Boyer said for the last ten (10) years we have budgeted for our major vehicle purchases, we put 10% away every year.

Boyer made a motion to approve the purchase of the Freightliner M2 106V single axle dump truck with Aspen plow equipment for a total cost of \$142,048.87. Paavola seconded; all in favor, motion carries.

Mike &
Catherine
Beason – IUP/
Home
Occupation –
the Pine Craft
Center at 3301
Viking Blvd.
NE

Sell explained that the unapproved meeting minutes from the June 22 2010 Planning Commission Meeting are provided for your review and information.

Sell explained that Property Owners/Applicants Mr. and Mrs. Beason are requesting an IUP to conduct a home occupation from the home they own at 3301 Viking Blvd. NE. The home occupation is for a craft center known as The Pines. The Pines is a business designated to serving individuals and groups overnight by offering indoor crafts such as knitting, quilting, scrapbooking, and other similar uses.

The 3,800 square foot home has 5 bedrooms, 3.5 baths, a large craft room, full kitchen for guests to use, and sits on an eight acre parcel. Parking on site is a bituminous surface and can accommodate up to six vehicles. The owners will be required to expand the bituminous parking area to accommodate additional vehicles up to the occupancy load or 12 vehicles. All vehicles are required to be parked on a designated bituminous driveway and must be screened from neighboring residential properties.

One of the requirements for craft centers is the site must be landscaped and screened from abutting lots, as determined by City Council. Attachment #5 is an aerial photo of the site. The aerial shows existing mature tree coverage along the property lines. Staff is suggesting that this should fulfill the screening requirement of the code subject to Council approval.

The owners are proposing occupant load for the craft center at 16. The Building and Fire Inspector have made an inspection of the property and have established an occupancy load of 16 as appropriate for this facility.

Planning Commission recommends approval of the request by Mr. and Mrs. Beason for an IUP for a craft center known as The Pines to be operated from 3301 Viking Blvd, NE, East Bethel, PIN with the following conditions:

1. Property owners must execute an IUP Agreement prior to operating the business from the property.
2. All conditions of the IUP must be met no later than August 21, 2010 or the IUP will be considered void.
3. Occupant load will be determined by building and/or fire department, not to exceed guest occupancy of 16 persons.
4. Guests are limited to a length of stay of no more than seven (7) consecutive nights.
5. Food preparation and cooking in guest rooms is prohibited.
6. On-site parking sufficient for all residents and guests shall be provided, not less than 12 spaces.
7. The craft center requires a yearly health and safety inspection by the Fire/Building Departments. Property owner is responsible for scheduling yearly health and safety inspections through the Building Department. The property owner will be required to satisfactorily address Building and Fire Department requirements and comments.
8. A Certificate of Occupancy must be obtained by the East Bethel Building Department prior to the operation of the business.
9. The duration of the IUP is three (3) years; at which time the property owner is responsible for requesting the continuance of the IUP.
10. Business signage must meet requirements set forth in East Bethel Code, Chapter 54, Signs.
11. Business must remain in compliance will all other East Bethel City Codes.

12. Failure to comply with City codes will be grounds for IUP termination.

Paavola made a motion to approve the request of Michael and Catherine Beason for an Interim Use Permit (IUP) for a craft center known as The Pines to be operated from 3301 Viking Blvd, NE, East Bethel, (PIN 27-33-23-14-0024) with the following conditions: 1) Property owners must execute an IUP Agreement prior to operating the business from the property; 2) All conditions of the IUP must be met no later than August 21, 2010 or the IUP will be considered void; 3) Occupant load will be determined by building and/or fire department, not to exceed guest occupancy of 16 persons; 4) Guests are limited to a length of stay of no more than seven (7) consecutive nights; 5) Food preparation and cooking in guest rooms is prohibited; 6) On-site parking sufficient for all residents and guests shall be provided, not less than 12 spaces; 7) The craft center requires a yearly health and safety inspection by the Fire/Building Departments. Property owner is responsible for scheduling yearly health and safety inspections through the Building Department. The property owner will be required to satisfactorily address Building and Fire Department requirements and comments; 8) A Certificate of Occupancy must be obtained by the East Bethel Building Department prior to the operation of the business; 9) The duration of the IUP is three (3) years; at which time the property owner is responsible for requesting the continuance of the IUP; 10) Business signage must meet requirements set forth in East Bethel Code, Chapter 54, Signs; 11) Business must remain in compliance with all other East Bethel codes; 12) Failure to comply with city codes will be grounds for IUP termination. Channer seconded; all in favor, motion carries.

Park Comm Minutes Sell explained that the unapproved meeting minutes from the June 9, 2010 Parks Commission meeting are provided for your review and information.

Road Comm Minutes Sell explained that the unapproved meeting minutes from the June 8, 2010 Road Commission meeting are provided for your review and information.

2011-2015 Roads CIP Sell said the Streets Capital Improvement Plan was developed by the Roads Commission to prioritize street improvement projects over the next five years. The Commission has examined current economic conditions and factored this information into the projections of this report. The Roads Commission adopted the 2011-2015 Streets Capital Improvement Plan at their June 8, 2010 meeting. The plan is presented in the attachments to this report.

With changes in the construction market and the City's ability to obtain potentially lower project costs through the JPA Maintenance Agreement, staff is projecting that additional street projects can be completed in 2011 with only minor inflationary increases over the 2010 costs. All 2011 projects will be seal-coat projects.

Municipal State Aid (MSA) projects will be construction of the service road between 221st and 215th Avenue. The City has been awarded a Cooperative Agreement Project grant for nearly half of the cost of this project. Work to identify the route and obtain necessary easements/ROW has begun. The City share of the project cost is from the City's MSA funds. MSA funding can be "Advanced Funded" to meet certain requirements. The City is permitted to advance fund up to two years allocations. This opportunity will be necessary with the reconstruction work on Jackson Street scheduled for 2012.

The pavement rating system is also included in the attachments to your agenda materials. The Pavement Evaluation Rating System is based on a visual inspection of streets and

provides a grading system based on surface distress. The system is a 1-10 scale in reference to the wear of the surface of the road and evaluates the severity of cracking, raveling, polishing and structural deterioration of the street.

Commitment to this plan requires the dedication of resources for 2011. Projects beyond 2011 are identified and prioritized by the Roads Commission to provide Council with recommendations for improvements in 2012 through 2015. Commitment to projects beyond 2011 would be considered as part of subsequent years budgets.

The estimated cost of the Street Capital Projects is \$513,000 and \$600,000 for the MSA Project. These amounts are available to from dedicated resources in the Street Capital Fund and Municipal State Aid Fund respectively.

Staff recommends approval of the 2011-2015 Streets CIP with direction to move forward with the 2011 projects.

Boyer asked he thought the trail improvements along Bataan was part of the street improvements. Jochum said that is part of this years plan. .

Boyer made a motion to approve the 2011-2015 Streets Capital Improvement Plan (CIP) with direction to move forward with 2011 projects. Channer seconded. Channer said he thinks two of the projects for 2011 and 2012 are good projects, the service road and Jackson Street, both need to be done. Paavola said she is looking at this plan and wondering if the coon lake roads are ever going to be done. She said this needs to be looked at. Boyer said coon lake beach has been pushed off every year since 2004. He said he agrees, this is something we need to deal with. **All in favor, motion carries.**

2010
Improvement
Projects –
Plans and
Specifications
and Direction
to
Bid

Sell explained that the City Engineer has prepared plans and specifications for the 2010 Improvement Projects based on Council direction on April 7, 2010. The three projects are the Booster West Parking Lot Expansion, 5th Street Surface and Drainage Improvements, and the Bataan Street Sealcoat.

Estimated costs for each of these projects are Booster West Parking Lot Expansion \$95,000; 5th Street Surface and Drainage Improvements \$255,000 and Bataan Street Sealcoat \$44,000. A final draft set of plans were attached to your agenda materials. A full set of construction plans and specifications for this project are available at City Hall.

The total estimated project cost for the Booster West Parking Lot Expansion, the 5th Street Surface and Drainage Improvements, and the Bataan Street Sealcoat is estimated to be \$394,000. This project is proposed to be financed with \$95,000 from the park capital fund, \$255,000 from the street capital fund, and \$44,000 from the municipal state aid construction fund. Funds, as noted above, are available and appropriate for these projects.

Staff is recommending approval of Resolution 2010-36 Approving Plans and Specifications for the 2010 Improvement Projects and Directing Bids be Solicited.

Boyer asked where are we at with the trail on Bataan. Jochum said the trail plans and specs are in great condition. He said we are working with eight (8) property owners to get easements, but we have some easements and we have commitment to get all of the easements.

Hunter made a motion to adopt Resolution 2010-36 Approving Plans and Specifications for the 2010 Improvement Projects and Directing Bids be solicited. Boyer seconded; all in favor, motion carries.

Code Enforcement Report

Sell explained that the code enforcement report is provided for your review and information. Paavola asked about the property at 204 Dahlia Drive, she sees that the structure is slowly coming down. She asked how long does the property owner or their designee have to do this. Sell said he knows that the property owner he got an extension. He said he knows the building official goes out to check on this every couple days. Hunter said originally they were going to go neighborhood to neighborhood checking on this after the snow melted. He asked how far have they gotten. Sell said they have gotten bottle necked at Castle Towers.

Fire Dept Reports

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

Resolution 2010-37 Amending Meeting Dates for 2010

Sell explained that in the 2010 Regular Session, the Minnesota Legislators made several changes to the election laws. One of the changes is the canvassing of the election results for the primary election. The legislature set the canvass meeting date for three following the election as this will allow for all absentee ballots to be counted and included.

City Council adopts a resolution every year, setting meeting dates for the next year. Council set the meeting dates for 2010 by adopting Resolution 2009-111. Resolution 2010-37 Amends Resolution 2009-111 by adding Friday, August 13, 2010 as a meeting date to canvass the primary election results.

Staff is recommending Council adopt Resolution 2010-37 Amending Resolution 2009-111 Setting Meeting Dates for 2010 and provide staff direction as to the time Council wishes to meet for this additional meeting.

Boyer made a motion to adopt Resolution 2010-37 Amending Resolution 2009-111 Setting Meeting Dates for 2010. The special City Council meeting will be scheduled Friday, August 13, 2010 at 6:30 PM to canvass the primary election results. Channer seconded; all in favor, motion carries.

Ice Arena Lighting Retrofit Project

Sell explained that the City was recently awarded a grant to replace the lighting at the ice area with energy efficient fixtures. At its June 2, 2010 meeting, Council approved specifications for the project and directed staff to request quotes.

The City received three quotes for the lighting retrofit project that were summarized in your agenda materials.

	Aid Electric	Budget Lighting	Premier Lighting
Option A- Base Bid (W/O Wire Guard)	\$14,820.00	\$13,972.00	\$9,306.14
Green Lights Recycling	\$1001.95	\$1001.95	\$1001.95
Total:	\$15,821.95	\$14,973.95	\$10,308.09
Option B-Base Bid plus Wire Guard	\$15,993.00	\$18952.00	\$15923.44

Total:	\$16,994.95	\$19,953.95	\$16,925.39
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Premier Lighting was the lowest quote at \$9,306.14 for option A (no wire guard) and \$15,923.44 for option B (with wire guard). In addition, the City is required to provide a Waste Management Plan for disposal of existing fixtures. Green Lights Recycling has submitted a proposal for \$1,001.95 to dispose of the current sodium vapor lamps that include disassembly and recycling of lamps and ballasts, and containers for transport. Green Lights Recycling will provide Certificate of Recycling when the project is complete as required.

The total project cost was estimated at \$16,500 with funding from a state grant of \$10,500, rebate from Connexus Energy of \$4,800 and the City match of \$1,200. Should the City move forward with Option A (no wire guards), the lighting retrofit project is within the proposed budget. However, should Council prefer Option B, the proposed project would be approximately \$16,925.39 or \$425.39 over the original estimate.

The City is currently providing a \$1,200 match from the ice arena and has the additional \$425.39 in the ice arena budget. The energy savings is estimated at \$5,762 on an annual basis. The City's investment of \$1,200 with no wire guards or \$1,625.39 with wire guards in matching funds would be recouped within one year. Wire guards for this lighting retrofit project are suggested because of the potential environmental impact and, as an added safety feature.

Staff is recommending the City Council consider awarding the Ice Arena Lighting Retrofit Project to Premier Lighting, Option B with wire guards in an amount not to exceed \$15,923.44 and disposal services to Green Lights Recycling in an amount not to exceed \$1,001.95.

Channer made a motion to award the project Ice Arena Lighting Retrofit Project to Premier Lighting, Option B with wire guards in an amount not to exceed \$15,923.44 and disposal services to Green Lights Recycling in an amount not to exceed \$1,001.95. Hunter seconded. Boyer asked since there is a significant difference in the amount of bid, he wonders if one contractor is significantly better than the other. Sell said we have worked with Premier and they were good. Channer said wire guards are a great idea in an ice arena. **All in favor, motion carries.**

Discuss 2011 Budget

Sell said on Friday, July 2, 2010, staff provided Council with a proposed 2011 Budget. At the July 7, 2010 City Council meeting, Council set July 21, 2010 as the date to begin review and discussion of the proposed 2011 Budget.

Total proposed 2011 general fund expenditures are reduced 1.86% or \$96,264 from the 2010 adopted budget. The general fund levy would also be reduced by 1.0% or \$48,236.

Total proposed levy for general fund and debt would increase \$47,446 or .94%. This includes levying for lost 2010 Market Value Homestead Credit of \$240,497 and an increase in the debt levy of \$98,280 for the 2008 Sewer Revenue Bonds. The levy does not include the levy back of lost 2011 Market Value Homestead Credit aid of \$228,932.

With the decline in market value of 12%, the proposed levy would increase taxes for residential property owners less than 1%.

Sell said staff is looking for direction regarding the 2011 budget and proposed tax levy.

Boyer said he thinks the City has two opportunities that Council would be remiss not to entertain. He said one is the possibility of obtaining seven (7A) acres next to Norseland park, the bank is trying to sell. Sell said he hasn't gotten a price from bank yet, he hasn't heard back from them yet. Boyer said the more presiding matter in his mind is the one room East Bethel school house. He said the resident that has it will donate it, but wants it moved. Sell said the property owner wants it to be moved quickly. Boyer said the quote to move it is \$25,000 and these are two things the budget doesn't address. He said he would certainly think rescuing the school house would be high on our list. Boyer said we could put a slab at Booster Park. He said the scouts have expressed interest in doing part of the restoration. Channer said he is wondering if there are abatement issues and if so, they have to be addressed before it is moved. He said it is something to think about. Paavola said she thinks we need to look at where we can find the money to move it. She said and it might be a problem if we don't move it soon. Sell said there was an alternative to use this as a trail head at Booster East. Hunter said as far as the budget, we need to keep things tight.

Channer asked with the Fire Relief Association are we playing catch up on that. Sell said you don't use the current underfunded amount you go back to the \$200,000 and do 10% of that. He said so by the end of 2011 they will be black. Channer said it is counter intuitive. Sell said hopefully by the end of 2011 they will be caught up.

- Union Negotiations Sell said he provided Council with information relative to wages based on the union contract. He said he highlighted the July CPI numbers which is 1.5%. Sell said what he would like from Council is direction to move forward with negotiations with the union based on the 1.5% CPI. Hunter asked and at that time can you also negotiate the holidays, they have way too many holidays.
- Roads Tour Paavola said she had a rather busy week. She said she went on the tour with the Road Commission Tuesday night. She said we have some really bad roads not far from here.
- Parks Tour Paavola said on Wednesday night she went with the Park Commission on the parks tour. She said we toured several parks, and she has been to the parks but not for a while. Paavola said it was an enjoyable tour.
- Booster Day Paavola said Booster Day was fun. She said she was in the parade with the Coon Lake Community Center Float. Paavola said there were a lot of people out there and it was fun to see so many people out there. She said it was a fun time for all.
- Booster Day Boyer said thankfully we were spared any serious damage by the storm on Booster Day. He said he also went to Booster Day, but he went early, he had to leave before the parade. Boyer said he had some really good pancakes.
- Booster Day Channer said it was a fun day. He said the Mayor got the 5K race started with his gun. Channer said they had ninety-two (92) runners. He said the thinks the winner was a high school student. Channer said he thinks when the runners are coming down Palisade we need to get the cars off. He said the parade was great. Channer said it was fun watching all the kids with political stickers on shirts, they just put any stickers on and it was funny to see all the conflicting parties on their shirts.
- Reschedule Fireworks – Sell said we have a commitment from the company that does the fireworks to do them on Tuesday, August 3, 2010 at Night to Unite. He asked is 9:30 PM okay. Hunter asked do we

July 21, 2010
August 3,
2010 at Night
to Unite

need to notify our residents. Sell said we will do that. Boyer asked can we put out the sandwich signs since our billboard is damaged and we can't put anything on it. Channer said and get it on our website and send out an e-mail notification.

Channer said he wanted to share his experience after the storm the night of the fire fighters dance. He said after the storm he did his usual walk up along block and there was a tree across 215th and his neighbors all got together and chopped it up and cleaned it up that night themselves. Channer said it was nice to see the neighbors get together to do this. He said it was an interesting conclusion to that evening.

Adjourn

Boyer made a motion to adjourn at 9:20 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk