

EAST BETHEL CITY COUNCIL MEETING

July 7, 2010

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

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

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

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

Adopt Agenda **Voss made a motion to adopt the July 7, 2010 City Council agenda. Boyer seconded; all in favor, motion carries.**

Elwyn Tinklenberg – The Tinklenberg Group Sell explained that Mr. Tinklenberg is with us this evening to update the City Council on their efforts to secure funding for the Trunk Highway 65 study and potential for trail funding.

Tinklenberg said he is going to give a brief report and update on the activities he has been engaged in for the City of East Bethel. He said as you know, we have gotten a resolution of support for the Highway 65 Study from Isanti County and the Highway 65 Coalition and the Anoka County Board and resolutions of support for trail requests. Tinklenberg said he is looking forward to the process of request in terms of development of details for the request. He said he went to a forum for Congressmen Walz.

Tinklenberg said as you know, the MnDOT Study and accidents of Hwy. 65 were released and generated some helpful press and with that we were able to reinforce the request and need of request relative to this being the one of the most dangerous corridors in the state. He said there is an allocation of \$250,000 for the corridor study in Congressman Franken's request list and \$500,000 for the trail study in Senator Klobuchar's request list, there was no support in the house side. Tinklenberg said this opens the door in the process for additional funding in going down the road. He said the importance of the allocation of the \$250,000 is it gets you started in prioritizing improvements, and then you can go back and ask for the funding for those improvements. Tinklenberg said we need to continue to monitor the appropriations bills. He said it is unlikely that they will move forward with the appropriations bills and it is unlikely anything will be passed until after the elections. Tinklenberg said Congress has been unable to agree on the first step. He said the good part is it that it continues to allow us to build support in Franken and Klobuchar's offices. Tinklenberg said then when they finalize their lists we can maintain our place on those lists. He said he had a chance to meet with Congressman Oberstar. He said early in the design of our request it was stated that we needed to work with Isanti county, so it has been helpful to meet with Oberstar. Tinklenberg said he is happy with our progress.

Voss asked what do you think is the best case in terms of timing. Tinklenberg said sometime around the end of September they will have to pass a resolution to allow funding and then the end of November, after the elections, they will take up the larger omnibus bills. He said they will be late in getting that done. Tinklenberg said the one that is more difficult to predict is the reauthorization of the federal transportation bill, a six year funding bill and this is not moving forward at all, he thinks they are holding off until after midterm elections, and will probably hold off until 2011.

Boyer said he is wondering if Tinklenberg has an update on the process of the Amtrak line between Duluth and the Twin Cities. Tinklenberg said significant progress is being made. He said his office is monitoring this, but not following it. Tinklenberg said money is being put in it for the study and they are still talking about 2014 for the work starting. He said they have been doing a lot of work on high speed rail in the country. Tinklenberg said the approach they are taking in Illinois is very similar to here, incremental improvements along the way. He said this is very typical in this country.

Council thanked Tinklenberg for coming in and for taking his time to update them. Tinklenberg said it is a pleasure to work with East Bethel.

Public Forum Hunter opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the public forum was closed.

Consent Agenda **Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, June 16, 2010, Regular CC Meeting; C) Appoint 2010 Election Judges; D) Renew Recording Secretary Agreement; E) Appoint Administrative Support Position; F) Change Order #1 – Project One Construction – Cedar Creek Pavilion; G) Resolution 2010-30 Declaring Night to Unite; H) Resolution 2010-31 Approving St. Francis Youth Hockey Association Premises Permit for Fat Boys Bar & Grill; I) Accept Resignation Administrative Support I; J) Approve Grant Contract with the State of Minnesota. Voss seconded; all in favor, motion carries.**

2011-2015 Parks CIP Sell explained that the City of East Bethel Parks Commission adopted a Parks and Trails Capital Improvements Plan for 2011-2015 at their May 12, 2010 meeting. This plan identified a number of capital projects that should be completed at a number of City parks. From this draft of projects, funding recommendations and revenue projections were developed to produce a prioritized schedule for improvements for the planning period. This list is part of your agenda materials beginning on page 41 through 43.

The Parks and Trails Capital Improvement Plan factors in the major downturn in the housing and credit markets that has occurred over the past 2 years. This has had a significant impact on the number of new housing starts in the City of East Bethel. A significant portion of the funding required to complete a number of these projects are generated by the park and trail dedication fees charged as a part of the development process. No additional funds from these fees are anticipated through the remainder of 2010 or projected for 2011.

The schedule of projected revenue identified as part of the write-up has been revised to reflect the reduction of funds available as a result of the economic downturn. The attached schedule of capital projects has been revised to correspond with the projected revenues through 2015.

Staff is requesting review and direction to implement the 2011-2015 Parks and Trails CIP with direction to proceed with 2011 projects.

Voss said isn't this just a planning document and the projects will come forward for approval later. Sell said we are asking to move forward with the 2011 projects. Voss asked about the mulch and edging projects for 2011 are we doing something different, the cost is very high for mulch and edging. Sell said it is a quantity project. He said this gets rid of the pea rock and replaces it with wood chips. Boyer said it is engineered mulch. He said we are hoping to cut down on sandburs. Boyer said we have been having problems with pea gravel for years. Paavola asked is the new mulch supposed to help with that. Boyer said yes and the new mulch is supposed to last much longer. Channer asked what do we do with the pea rock after we remove it. Sell said he doesn't know, but he will find out. Boyer said we really aren't talking about much rock, but they do make use of it.

Voss made a motion to approve the 2011-2015 Parks and Trails CIP as submitted and direction to proceed with the 2011 improvement projects as presented. Paavola seconded; all in favor ,motion carries.

Interview
Road
Commission
Applicants

Sell explained that there has been a vacancy on the Road Commission for several months with the resignation of Mr. Joe Pelawa. In response to this vacancy, the position has been advertised in the City's newsletter, on our community bulletin board and in the Anoka Union over the past several months. This position would be an 18 month appointment as Mr. Pelawa's term ends December, 2012.

The City has received a letter of interest from Tanner Balfany in response to the ads. A copy of Mr. Balfany's letter of interest is included as part of your agenda materials.

Staff is recommending Council interview Mr. Tanner Balfany for the Road Commission vacancy.

Hunter asked Balfany so you want to jump into the ring of politics. Balfany said he figured he would give it a shot. Voss asked if Balfany had attended a Road Commission meeting. Balfany said no he hasn't, but he has been trying to play catch up, reading a lot of the minutes online. Voss asked why he wants to be on the Road Commission. Balfany said to try something different. He said he saw the notice on the community billboard and it just seemed like something to get involved in the community. Balfany said when the Wild Rice Drive project got going he got interested and he thought it would be a way to give more time back to the community. He said he is currently on the Young Insurance Professionals committee, but he said our meetings don't run so fast. Balfany said he gets to be on that committee until he is 45 years old. He said it is a constant joke that he is over the age requirement. Channer said and then five (5) years later you are eligible for AARP.

Boyer made a motion to appoint Tanner Balfany to the Road Commission for a term ending December 2012. Voss seconded; all in favor, motion carries.

2011-2015
Road CIP

Sell explained that 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 with the exception of the proposed overlay work on Deerwood Street and 182nd Avenue.

Municipal State Aid (MSA) projects will be the 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 made a motion to approve the 2011-2015 Streets CIP as submitted and direction to proceed with the 2011 projects. Paavola seconded.

Hunter said he doesn't see any crack sealing is that a different part of the budget. Sell said that is part of seal coating and it is funded through the general fund budget. Voss said he has two things as it pertains to future sewer. He said Deerwood and 182nd on the CIP it says pending final sewer design, he doesn't understand how it can say this when we are not anywhere near talking sewer in this area. Voss said he understands the road needs attention, but why overlay and not sealcoat if this is the case. Sell said the only thing he can think of is based on condition of the road that was the commission's recommendation. Paavola asked when was the last time this road was done.

Channer asked if Jochum knows anything about this road. Jochum said no, unfortunately, he does not. Boyer said he has been on this road lately and nothing stands out in his mind. Sell said he would suggest that Council approve this plan except Deerwood and 182nd. Boyer said he has no problem with that, he can amend his motion.

Voss said he also has an issue with the 215th to 221st Service Road. He asked does it make sense to build the utilities now if we are building the service road. Voss said he would think we should at least look at what it would cost to build the utilities. Jochum said we have had some discussions with the landowner and he would just be crossing it. He said that would be the best situation to put them in now. Jochum said you are taking a larger right-of-way (ROW), you could put them in the ROW. He said if you take money from MSA for this, you cannot take it off your MSA system for 25 years, but if you have a good road MSA will not pay you. Sell said everything from here is down from there. He said there might be some advantages to looking at putting pipe in the ground now. Boyer asked isn't this a mile north. Sell said we might want to explore it if MCES is going to be in the ground anyway. He said we need to see how far the plans are. Voss said there could be a cost savings in this for someone. Sell said he will check this out and see what side of the highway MCES is going to be going up. Channer asked what about fiber optic and signal connectors. Jochum said he thinks signal connectors are all wireless now.

Boyer withdrew his motion to approve the 2011-2015 Streets CIP.

Voss made a motion to table the 2011-2015 Streets CIP until the next City Council meeting as more information is needed. Boyer seconded; all in favor, motion carries.

and has submitted all the required documentation to consider this project for final payment. Attached is Resolution 2010-32 which accepts the project and starts the one year warranty period. The warranty is secured by the performance bond currently in place.

Staff recommends approval of Resolution 2010-32 Accepting Work for the Cedar Creek Pavilion project.

Boyer made a motion to adopt Resolution 2010-32 Accepting Work for the Cedar Creek Pavilion project. Paavola seconded; all in favor, motion carries.

Final Payment
– Project One
Const. – Cedar
Creek Pavilion
Project

Sell explained that the Contractor has completed all construction work including punch list items and has submitted all the required documentation to consider this project for final payment. The final contract amount is \$ 48,950.00. Previous payments were \$46,217.50 leaving a balance of \$2,732.50.

Staff recommends approval of final payment in the amount of \$2,732.50 to Project One Construction Company for the CCESR Pavilion project.

Boyer made a motion to approve the final payment in the amount of \$2,732.50 to Project One Construction Company for the CCESR Pavilion project. Paavola seconded; all in favor, motion carries.

Pay Est. #3 –
Dresel
Contracting –
Wild Rice
Drive

Sell explained that a copy of Pay Estimate No. 3 to Dresel Contracting, Inc for the Wild Rice Drive Reconstruction Project was included in your agenda materials. The major pay items for this pay request include installation of aggregate base and bituminous base and wear. The Pay Estimate includes payment for work completed to date minus a five percent retainage. The total construction cost for this project is estimated to be \$982,244.32. Construction costs for this project are financed through the City's Municipal State Aid Construction fund.

Staff recommends approval of Pay Estimate No. 3 in the amount of \$480,378.78 for the Wild Rice Drive Reconstruction Project to Dresel Contracting, Inc.

Boyer made a motion to approve Pay Estimate No. 3 in the amount of \$480,378.78 for the Wild Rice Drive Reconstruction Project to Dresel Contracting, Inc. Voss seconded; all in favor, motion carries.

Pay Est. #3 –
Municipal
Builders –
Whispering
Aspen Well
Project

Sell explained that a copy of Pay Estimate No. 3 to Municipal Builders, Inc for Well No. 2 Construction was included with your agenda materials. The major pay items for this pay request include well development, sandstone removal, piping and valve installation. The Pay Estimate includes payment for work completed to date minus a five percent retainage.

Staff recommends Council consider approval of Pay Estimate No. 3 in the amount of \$36,161.18 for Well No. 2 Construction to Municipal Builders, Inc.

Boyer motion to approve Pay Estimate No. 3 in the amount of \$36,161.18 for Well No. 2 Construction to Municipal Builders, Inc. Paavola seconded; all in favor, motion carries.

Set 2010
Budget Work
Meetings

Sell explained that on Friday, July 2, 2010, staff provided Council with a proposed 2011 Budget. Staff is requesting Council set a work session(s) meeting date(s) to review the proposed 2011 Budget.

Staff is seeking guidance from Council on dates for these work sessions.

Voss said he thinks that we put this on the end of the next City Council agenda. He said that will

give us a flavor of where we are at. Voss said he thought it looked good, after giving it a brief overview. Council consensus was to schedule 2011 Budget Discussion at the end of the July 21, 2011 City Council meeting.

Ord. 26,
Second Series,
An Ordinance
Amending
Chapter 54 of
the East Bethel
City Code –
Non
Commercial
Signs

Sell explained that in 2010, Minnesota State Legislature amended M.S. Chapter 184 as it relates to the posting of noncommercial signs. M.S. Chapter 184 provides that in any municipality, whether or not the municipality has an ordinance that regulates the size and number of noncommercial signs, must allow all commercial signs of any size may be posted in any number from 46 days before the state primary in a state general election year until 10 days following the state general election.

This change to the statute makes the current City ordinance noncompliant. The proposed language was provided as part of your agenda material and brings the City's Ordinance in compliance with State Statute.

Staff recommends approval of Ordinance 26, Second Series, An Ordinance Amending Chapter 54 of the East Bethel City Code to comply with Minnesota Statutes, Chapter 184 relating to noncommercial signs and direction to publish the ordinance.

Voss made a motion to adopt Ordinance 26, Second Series, An Ordinance Amending Chapter 54 of the East Bethel City Code to comply with Minnesota Statutes, Chapter 184 relating to noncommercial signs and direction to publish the ordinance. Paavola seconded; all in favor, motion carries.

Rescind
Resolution
2010-29
Denying the
Premise Permit
for MN/USA
Wrestling for
Fat Boys Bar
& Grill

Sell explained that on June 4, 2010 the City received an application for a Gambling Premises Permit from MN/USA Wrestling Inc. for a charitable gambling operation located at Fat Boys Bar and Grill. Council reviewed this application at their June 16, 2010 City Council meeting and adopted Resolution 2010-29 Denying the Premises Permit. Staff informed MN/USA Wrestling of Council's decision on June 17, 2010 and included the appeal process in that letter.

Mr. Dan Chandler of MN/USA Wrestling contacted staff on June 22, 2010 via e-mail. He indicated that GCB had approved their lease and site license and they did not need a premises permit.

Staff contacted GCB and they indicated that MN/USA Wrestling did not need the City to issue a resolution in support of the premises permit because it is not a new site. Mr. Chandler indicated by e-mail on June 24, 2010 stating he would like to withdraw his premises permit application previously submitted as it is no longer required. Staff is recommending Council consider rescinding Resolution 2010-29 as requested by Mr. Chandler of MN/USA Wrestling.

Hunter made a motion to rescind Resolution 2010-29 Denying the Premise Permit for MN/USA Wrestling for Fat Boys Bar & Grill as requested by Mr. Chandler of MN/US Wrestling. Voss seconded. Boyer asked so they are not planning on operating there anymore. Sell said he believes once Saint Francis Youth Hockey Association moves in there, MN/USA Wrestling will move out of there. Boyer said he would like to point out that the Council denied this premise permit because of the violations. **All in favor, motion carries.**

Meeting
Update with
Met Council

Sell said we had a good meeting with Met Council. He said they were going to run their EAW concurrently with ours, now they are going to run two weeks behind ours. Sell said they will be working through their thirty (30) day comment period. He said we are on schedule to meet our October deadlines. Voss said he wants it clear that negative declarations are a good thing. Sell said the MPCA began calling residents for a meeting next Wednesday in the community center at 7:00 p.m. He said they are calling them to personally invite them and are following up with a hand delivered letter. Voss said they are giving them less than a weeks notice. Sell said that

- was our concern as well. Hunter asked will someone from City staff be at this meeting. Sell said yes.
- CLB
Community
Center Paavola said the park work is finally getting under way at the Coon Lake Beach (CLB) Community Center. She said the weather was a deterrent to the work getting started. Paavola said they planted trees today. She said the Public Works Manager told her that the irrigation will probably be started Friday and they will be pouring cement probably tomorrow or Friday.
- Paavola said the 4th of July was pretty safe and successful. She said we had water patrol on the lake. Paavola said it came to her attention that there been an accident with a sling shot or potato gun with water balloons. She said water balloons are fine, but we don't have to have things with excessive force. Paavola said so she is hoping when you have those types of things you be safe with them. Hunter asked how many boats were in the boat parade. Paavola said they said 200 but it didn't look like it. She said it was nice, there were a lot of people over there. She said there were many that didn't participate because of the water balloon issues. Paavola said if you are out there, be safe, think of the other people out there.
- Park
Commission
Meeting Boyer said he cannot attend the Park Commission meeting on July 14th. He asked if one of the other Council members or the Mayor could attend for him. Channer and Paavola said they will check their schedules and let City staff know.
- Fire Dept.,
Image Trend
Training,
Monthly
Meetings Channer said he attended the fire department meeting last night. He said because of the holiday technically falling on Monday, the meeting had to be moved to Tuesday. Channer said they did some preview training on Image Trend, the official training is on August 27th. He said this program is based on the internet, and they all seem to agree publically that it is a good thing. Channer said the monthly meetings are no longer required, however, fire fighters are responsible for any training that is held that night, anything that is covered at the meeting has to be taken care of.
- Emergency
Power Channer said a question came up about emergency power and the internet and phone service. He said they have emergency power at the fire station, but there is no emergency power at City Hall. Channer asked so what happens if the power goes down here at City Hall. Sell said we do have an analog phone. He said the connect/disconnect here was pretty spendy. Voss said he thinks we looked at it as part of the remodel. Boyer said we should find out pricing again.
- Hunter asked with the fire department, this Image Trend and fire calls, is this something the public can access in the future. Channer said not now, it is password protected. Sell said this replaces the Firehouse software. He said most Fire Departments in the state are going to Image Trend. Sell said it is easier to operate and easier to access. Channer said it is live data, real time.
- Road Projects
Update Voss asked is the Wild Rice Drive Project nearly done. He said it looks good. Voss said he is sure the neighbors like it. He asked is 209th Lane getting paved. Jochum said yes, Wild Rice Drive is almost done. He said 209th Lane is getting paved, but this is a separate contractor. Jochum said this project should be starting in the next week. Voss asked but it will only take a couple days. Jochum said there is some catch basin work, but the work should be done in a few days.
- 2nd Annual
Family Fun
Night &
Booster Day Voss said Family Fun Night and Booster Day are coming up. He said Family Fun Night is July 16th and Booster Day is July 17th.
- Schutta said yes, the Family Fun Night schedule is as follows: Kiddie Parade registration starts at 6:30 pm, parade at 7:30 p.m. Chops Inc. Demonstration at 8:10 p.m., Free Outdoor Movie Feature – SHORTS at 9:00 p.m. and all is at Booster Park. She said there will be free ice cream donated by Village Bank and a concession stand hosted by Boy Scout Troop 733. She said if it

rains the movie will be moved to the Ice Arena.

Schutta said the Booster Day schedule is as follows: Pancake breakfast at 7:00 am, Flag Raising at 9:00 a.m., 5K at 9:00 a.m., Parade at 11:00 a.m., Bingo and the Fire Fighters Dance at 8:30 p.m. and Fireworks at dusk and the other events are on the City web site.

Accident on East Bethel Blvd.

Boyer asked if Sell had an update on the accident on East Bethel Blvd. Sell said there was a horse involved and the horse threw the rider. He said the rider was wearing a helmet. Sell said the rider was brought to hospital and discharged two days later. Boyer said he didn't see a horse when he came up on the accident, he thought it was a bicycle accident.

Vandalism in the City

Sell said we have had some significant vandalism in the City. He said we have had several porta potties at Booster West park burned. Sell said we have asked the sheriff's office for extra patrol at the park. He said it wasn't just our community. Sell said he saw on the news that this happened in Elk River, they burned ten (10) to fifteen (15) porta potties.

Closed Session – Discussion of Real Estate Purchase – MN Stat. Sec. 13D.05

Staff is recommending Council consider closing the regular Council meeting pursuant to M.S. 13D.05, Subd. 3 to discuss real property purchase.

Hunter made a motion to close the regular City Council meeting pursuant to M.S. 13D.05, Subd. 3 to discuss real property purchase. Voss seconded; all in favor, motion carries.

Boyer made a motion to reconvene the July 7, 2010 City Council meeting. Voss seconded; all in favor, motion carries.

Adjourn

Boyer made a motion to adjourn at 9:13 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk