

EAST BETHEL CITY COUNCIL MEETING

May 5, 2010

The East Bethel City Council met on May 5, 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 May 5, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the May 5, 2010 City Council agenda. Paavola 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. Mike Beason of 3500 190th Avenue NE, said he is here in case there is any discussion on Ordinance 19, Second Series concerning retreats. He said he is here in case there are any questions or concerns. Beason said his concern is the ongoing 500 foot setback from all sides of the property for retreat centers that were presented at the last meeting. Hunter said this will be under discussion under 8.0 A.1.

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

Prosecution Attorney Clelland Sell explained that Mr. William Clelland, the City's prosecuting attorney, has his report for Council as requested.

Mr. Clelland thanked the Council for the invitation to attend the meeting. He said he pretty much what we have been doing is prosecuting your garden variety, DWIs, domestic assaults, etc Clelland said these are generally resolved by talking and sometimes by trial. He said he thought he would talk about properties we have been in court about. Clelland said the first one is 204 Dahlia Drive NE, Joshua Sternum, every time Mr. Sternum appears in court without a lawyer the court gives him more time. He said but this time, he finally agreed that the property is hazardous so we gave him sixty (60) days to comply and he has agreed to remove the buildings and fill with clean fill or the City can do it and then we will return to court to recoup all the cities costs including attorney fees, etc.

Clelland said we began enforcement at 191 Elm Road which is a habitual property. He said the county acquired this property and they removed the structure. Clelland said the property owner is homeless and she returns to the property and uses the garages as a residence. He said we might have to renew our efforts to remove the garage. Clelland said the City ordinances provide that you cannot have an accessory structure without a house. He said the property owner inherited the structure, but we don't think she will comply with the orders. Clelland said we thought the county might acquire the whole property.

Clelland said we had success at 171 Juniper Road, the structure was removed.

Clelland said the property at 221 Birch Road the house burned and the foundation is open, covered with boards. He said we are in touch with the lender and St. Hiliare is in the redemption period with Wells Fargo. Clelland said Wells Fargo is taking the initiative to bring the property into compliance and will be paying all the costs. He said the laws that you have are effective in dealing with these properties. Boyer asked will Wells Fargo be talking care of the ongoing issues. Clelland said they should. He said they have been responsive, we had a flurry of activity last week.

Paavola said she is concerned that if Wells Fargo takes over nothing will be done. She said she has seen it happen that when a bank takes it they do nothing, if there is a mowing issue or whatever to make sure it looks decent, we need to make sure it gets taken care of. Clelland said that is his expectation, they were very responsive. He said he would be very surprised if they wouldn't address it at this point, he thinks we have good communication at this time. Sell said he thinks the good thing right now is our building official has a contact person right now, he can pick up the phone and talk to them about the needs at this property.

Council thanked Mr. Clelland for his efforts and coming and giving them an update.

Joshua Smith
– Potentially
Dangerous
Dog – 1543
Viking Blvd.
NE

Sell explained that this hearing was requested by the animal owner, Mr. Joshua Smith and relates to a dog bite incident which occurred April 5, 2010. The Anoka County Sherriff's office reported that a dachshund was attacked by the owner's bulldog at 1543 Viking Blvd NE and it caused significant harm.

The incident was unprovoked and it is now sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City Code. Staff has included a copy of the incident report and Mr. Smith's request for a hearing with your agenda materials. A review of City records indicate that the dog is not currently licensed with the city.

On April 26, 2010 Mr. Smith submitted a request for a hearing before Council. Pursuant to City Code, Chapter 10, Section 10-72, they are to be granted a hearing before the City Council. The City Council, pursuant to Section 10-72, has several obligations and options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. or, allow the owners to keep the animal with restrictions.
3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The requirements for maintaining the animal should the potentially dangerous dog determination be sustained were outlined in your agenda materials and include eight separate items. The City Council may impose all or some of these requirements. Or, the Council may move to remove the potentially dangerous dog determination and not impose any of the requirements.

City Staff seeks a direction regarding the potentially dangerous dog determination in this incident pursuant to City Code, Chapter 10, Animals, Article II. Dogs, Division 3.

Joshua Smith of 1543 Viking Blvd. NE, owner of Daisy said he wanted to address some issues. He said first, Daisy has her license, he previously had gotten her licenses at the East Bethel Pet Clinic, but this year he was late and got it done at City Hall on Monday. Smith said he does not believe this falls under the statute or ordinance because it says the incident was unprovoked and it was not unprovoked. He read his definition of unprovoked from his dictionary.

Smith said he has a civil claim from the owner of the other dog that says her dog growled at his dog Daisy and he can't see how that is not provocation. He said her dog consistently provoked his dog, but his dog happened to be a lot bigger than her dog and one of these times it took a bad turn. Smith said one time we gave them bones together and they had an altercation and we knew not to give them dog bones together ever again. He said when this happened she was at his house and he wasn't there because he had gone to class and she gave them special bones with bone marrow in them and that is when it happened.

Smith said she knew what the trigger was and took the risk and was more than 50% at fault here. He said he doesn't know how he could be at fault here or his dog, when the behavior was something she knew would happen when she gave them dog bones. Smith said it is hard to find how his dog was not provoked, when her dog growled at his dog. Hunter asked how old is dog is, and her name. Smith said her name is Daisy and she is 8. He said he understands the potentially dangerous dog determination is not the end of the world.

Channer said he stopped by Mr. Smith's house pretty much unannounced, and he went there, knocked and there was no barking and within 5 minutes one of the dogs was sleeping on his feet. He said the only witness to the incident is Ms. Renville. Channer said that is his first hand experience with the dog. Voss asked what part of our ordinance covers an animal on animal attack. He said most of these are animal to person and are not in a person's house. Boyer said one of the first ones we had was in a person's house. Voss said any one that has had two animals is going to know that one or the other is always after the other. Channer asked when was the police report filed. Smith said April 10th and the incident was April 5th. He said he had offered to pay half the bill and she said she would sue him then he withdrew his offer.

Tina Renville of 570 Kennedy Street, Anoka, MN said our dogs knew each other we lived together for about six (6) weeks and we had given them bones together. She said so what happened is they each had their own bones that night and her dog was at her feet. Renville said her dog said in a little growl that this is my bone and his bulldog Daisy attacked her dog and was swinging her around like a stuffed animal. She said she was fighting to get her away and she finally ripped her dog out of Daisy's mouth. Renville said Daisy was out of control, she was unresponsive. She said she took her dog in the bathroom she thought she was dead. Renville said her dog was as stiff as could be. She said she took her dog to the vet and Josh was refusing to help me pay and she doesn't have a credit card. Renville said she has e-mails from him saying he would pay her half of the vet bill.

Voss said just so we all understand this is not a civil courtroom we are not talking about reimbursing dollars. He said we are trying to find out what happened, we are talking about the potentially dangerous dog determination. Renville said that Smith made the comment that before this happened there were indications. She said this was the very first time, besides when they met each other. Voss said but you understand that with dog's things happen. Renville said but for Smith to say she wasn't supposed to be at his place, we took a nap together before he went to school. She said she doesn't understand why he wouldn't

want to pay for half. Renville said it is terrible what his dog did to her dog and he doesn't feel bad about it at all.

Tony Olson of 570 Kennedy Street, Anoka, MN said he is Tina's brother. He said this wasn't a dog bite, this dog went for the kill. Olson said if Tina hadn't been there, her dog would have been dead. He said a growl is saying don't approach me, the dog said a warning of please leave me alone and then was almost killed.

Hunter made a motion to determine that the dog known as "Daisy" owned by Joshua Smith at 1543 Viking Blvd. NE, East Bethel, MN 55011 as potentially dangerous and that requirements 1-6 be stayed as long as there are not same or similar in the next 24 months and requirements 7 & 8 as follows be imposed: 7) The dog must have a lifetime license and be up to date on rabies vaccination; 8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council. Boyer seconded; all in favor, motion carries.

Smith asked how could you determine that this was unprovoked. Sell said the Council has made their decision. He said they stayed all the requirements by #7 & #8. Hunter said we recognized that and that is why we stayed it. He said if there are no recurrences for 24 months then it goes away.

Karen Kae
Reiter –
Potentially
Dangerous
Dog – 19227
Greenbrook
Drive NE

Sell explained that this hearing was requested by the animal owner and relates to a dog bite incident which occurred on April 6, 2010. The Anoka County Sheriff's office reported that a FedEx employee was approached and bit by a German Sheppard at 19227 Greenbrook Drive NE.

The incident was unprovoked and it is now sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City Code. Staff has included a copy of the incident report. A review of City records indicate that the dog is not currently licensed with the city.

On April 30, 2010 Ms. Reiter submitted a request for a hearing before Council. Pursuant to City Code, Chapter 10, Section 10-72, they are to be granted a hearing before the City Council.

1. Conduct the hearing allowing the owner to present reasons why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. or, allow the owners to keep the animal with restrictions.
3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The requirements for maintaining the animal should the potentially dangerous dog determination be sustained were outlined in your agenda materials and include 8 separate items. The City Council may impose all or some of these requirements. Or, the Council may move to remove the potentially dangerous dog determination and not impose any of the requirements.

City Staff seeks a direction regarding the potentially dangerous dog determination in this

incident pursuant to City Code, Chapter 10, Animals, Article II. Dogs, Division 3.

Jerry Reiter of 19227 Greenbrook Drive NE, East Bethel introduced himself. Hunter said he read the letter his letter. Reiter said he doesn't know what happened and his wife was gone. He said we have a ½ mile driveway and the FedEx man and Anoka County Sheriff were there. Reiter said we haven't had any problems with the dog, and we don't think he is dangerous. Hunter said you and I probably have a dog for the same reason. He said he would be disappointed if his dog didn't show some aggression if someone was in his yard. Reiter said a couple years ago at 4:30 am there was a big bus in his yard and a big guy got out with a gun in his hand. He said he asked him what was he doing and he said he was going duck hunting he said he had talked to his son. Reiter said that is the reason he got the dog but now the FedEx man got bit.

Voss asked do you think the FedEx man provoked the dog. Reiter said he doesn't know. He said he is going to put up a gate on the end of the driveway and put a box at end of driveway, they can put the delivery boxes there. Voss said that is a good resolution, because what if a young kid comes around selling raffle tickets. He said he thinks the police report said the dog was wagging his tail. Boyer said he has no problem dealing with this the same way as we did the last one. He said in his mind and for the record, having 100 acres mitigates the circumstances, the dog for good reason is not used to someone tramping along on his property.

Boyer made a motion to determine that the dog known as "Charlie" owned by Gerald and Karen Reiter at 19227 Greenbrook Drive NE, East Bethel, MN 55092 as potentially dangerous and that requirements 1-6 be stayed as long as there are not same or similar in the next 24 months and requirements 7 & 8 as follows be imposed: 7) The dog must have a lifetime license and be up to date on rabies vaccination; 8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council. Reiter asked what does he do for fire department, so they can get in. He said he wants to put a red release button on it. Sell said if they come in the middle of the night, they probably will drive right through it. Channer asked does Charlie he have his shots, since he bit someone he is concerned about the chance of rabies. **Paavola seconded.** Voss said we have had situations similar to this and he doesn't think we handled them like this. He said the property had to be posted., the dog had to be kenneled, and he thinks the dog had to be tagged. Voss said the only point he is making is if you know there is a dog there then you might not go in, so if there is a sign up that there is an issue then even a kid will think twice. Boyer asked Reiter if he would have a problem putting a sign up. Reiter said no. **Hunter amending his motion, adding condition 2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the City, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes, Sec. 347.51 in the case of a dangerous dog. The owner must pay a reasonable fee to cover the cost of the warning symbol. Paavola seconded the amendment; all in favor, motion carries.**

Hunter asked to pull items F) IUP Renewal – Lowell Friday – 18215 Greenbrook Drive NE and I) Proposal for Geotechnical Services for 2010 Improvement Projects and Booster Park/Cedar Creek Trail Project from the consent agenda to be addressed immediately following the consent agenda. **Boyer made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, April 21, 2010, Regular CC Meeting;**

Consent
Agenda

C) Meeting Minutes, April 21, 2010, Board of Appeals and Equalization; D) Meeting Minutes, April 22, 2010, Town Hall Meeting; E) Cedar/East Bethel Lions – Booster Day – July 17, 2010 – One Day Temporary Consumption and Display Permit; G) Personnel Policy Amendment – Respectful Workplace; H) Resolution 2010-20 Directing Application for RZED Bonding Authority to State of Minnesota; J) Personnel Policy Amendment – Vacation Leave Accrual. Voss seconded; all in favor, motion carries.

Interim Use Permit (IUP) – Lowell Friday

Sell said he believes the City Planner is recommending approval for the IUP Renewal for Horses for Lowell Friday at 18215 Greenbrook Drive NE. **Boyer made a motion to approve the request of Lowell Friday for an Interim Use Permit (IUP) Renewal for the keeping of horses at 18215 Greenbrook Drive NE, East Bethel, MN for one (1) year. Hunter, nay; Boyer, Channer, Paavola, and Voss, aye; motion carries.**

Geotechnical Services for 2010 Improvement Projects and Booster Park/Cedar Creek Trail Project

Hunter said he wanted this pulled because he wanted to know what would be the cost on an additional boring depth. Jochum said the additional cost would be about \$120. Hunter said then we would have something to reference to later. He said he would like to go down this additional 25 feet for the water table and other issues.

Boyer made a motion to approve the Proposal for Geotechnical Services for 2010 Improvement Projects and Booster Park/Cedar Creek Trail Projects adding one additional boring at the cost of \$120. Hunter seconded; all in favor, motion carries.

Ord. 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code

Sell explained that East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to apply these regulations for two years. During this period, staff has discovered several areas within the zoning code that need to be refined and areas which require change.

On November 24, 2009, Planning Commission held a public hearing on the proposed changes and continued the hearing on January 23, 2010. Upon conclusion of the hearing, Planning Commission directed staff, based on comments from the Public Hearing, to make additional changes.

These changes were incorporated and presented to Council on March 17, 2010, April 7, 2010 and April 21, 2010 as part of work and regular meetings to discuss the proposed changes. The final changes relating to Retreat Centers has been developed and is incorporated under sections Section 1.9 Definitions and 10.33 Retreat Center in Rural Residential Districts. The changes are highlighted in gray in your agenda materials, pages 67 for Definitions and pages 72-73 for Retreat Center in Rural Residential Districts

With these changes, the Planning Commission recommendation for approval of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with stands.

Hunter said this is really down to the retreat center thing and the way he looks at it is it would be nice if we could attempt to do it with the setbacks of 500 feet but the one Beason is proposing is on a County Road in an open field next to a gas station. He said but he doesn't want to put a carte blanche on these, he thinks we need to look at these things individually, to see what the impact is to the neighborhood.. Boyer said his mother lived in a neighborhood where a mega church went in, the entire population of the town was less than 20,000 and then this church went in and the pollution on church days was huge.

Voss said the hang up was the broad definition of retreat center. He said having the building control and allowing these in the right situations would hopefully solve the issues. Voss said he doesn't think Planning offered these changes, these came from staff. He said he is going to offer changes, drop retreat center. Voss said keep retreat center out of this thing, change it to craft center. He said do a word search of the document and make sure retreat isn't in there. Voss said and also make the change to page 77, 33A, must not be located in a platted subdivision, so they are really only allowed in a metes and bounds. Boyer said he doesn't like collector roadway, how about MSA roadway. Sell said the problem with that is MSA can change. Voss asked Jochum for street names of the MSA roads. Jochum said some are Jackson, Polk, Wild Rice, they are made to carry traffic. Voss said he would rather not have it in there. Boyer said the problem he has is lets be a little more clear. He said even in Beason's case, they might have a problem. Boyer said it might be different if we controlled access off of county roads. Voss said we have the say on the driveways. Boyer said yes, we do, but if they had access either off of Viking or Rochester, he would rather it was off of Rochester. Voss said the issue is access. Randall said Channer suggested using the word direct access. He said he thinks access means the road to get to your house from.

Boyer said the same on page 42 do we to add D, single family homes. He said and on page 72 add converted, renovated or enlarged so we are in compliance with City Code.

Boyer said on page 72 he still has a problem with sever (7) consecutive nights, it seems like they can move in forever. Voss said if we say three (3) days then it is more turnover. Boyer said if we assume it is going to be successful, we need to give them enough time to stay. Hunter said he thinks a week is fine. Paavola said she also is fine with seven (7) days. Hunter said they are going to have the turnover. Channer said he would like to see it become a problem. Boyer asked do we even need item (K). Hunter said we needed to add the language per city code above. Sell said and the former business owner had stuff there that will be getting removed. Paavola said and it goes along with what we were talking about with the HRA.

Voss said and he would suggest since Beason was here during public forum we allow him to speak now. Beason said it has been a long year and it looks like we are getting this settled, you will be proud of his business. Boyer said he never had concerns about you guys. Beason thanked the Council. .

Boyer said on page 64 this could cost us a lot of money for taking a 1/10 of an ace. He said he believe what you came up with is under 73 and it is clear and great. Boyer asked do we want to put an upper limit. He said say someone has 25 acres and gives the City 20 acres for a water tower that leaves him with five (5). Voss said there is something fundamentally wrong here, because if someone gives us some right of way as a donation and then they get a street and then they still get to plat with the whole value of what he could have got if he would have split it before giving what he needed to before he split. Sell said we can table section 11. Council consensus was to table Section 11.

Voss made a motion to adopt Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with changes as discussed, retreat changed to craft, strike the 500 feet, strike Section 11 this will be discussed at a later time, and the other minor changes. Boyer seconded. Randall said his answer to Sell's question about the public hearing, if Section 11 is redone, yes, you will now have a new ordinance, so you will have to hold a public hearing. Sell asked can we do this at Council.

Randall said yes, we can hold the public hearing at Council.

Summary for
Publication of
Ord. 19,
Second Series,
An Ordinance
Amending
Appendix A
Zoning of the
East Bethel
City Code

Sell explained that City Council has adopted Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. State law requires publication of adopted ordinances or a summary of an amended ordinance. A summary of Ordinance No. 19 will be published upon approval of the summary by City Council. A copy of the summary was included with your agenda materials.

Staff recommends adoption the Summary of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code and direction to publish in the City's official newspaper.

Randall said you will need to delete section 11 and renumber the summary.

Boyer made a motion to adopt the Summary for Publication of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with changes to reflect the changes made to Ordinance 19 and direction to publish. Voss seconded; all in favor, motion carries.

MSA Mileage
Designation

Sell explained to address pavement issues and street repair needs in Coon Lake Beach, the Road Commission and staff have explored options to extend MSA street designation to Lincoln Drive and Longfellow Drive. The City has recently received its 2009 Annual Certificate of Mileage from MnDOT and an additional ¼ mile has become available for MSA designation. This additional MSA mileage presents an opportunity to re-assign some of our existing MSA eligible streets to address our current needs and provide an additional financing option for street improvements in Coon Lake Beach. There are currently no MSA streets in Coon Lake Beach.

To meet these needs and create MSA designations for Lincoln Drive and Longfellow Drive and to create an MSA street loop around Coon Lake Beach, other MSA city streets would to be removed from MSA status. The reassignment of existing MSA street status in addition to the extra MSA mileage acquired as a result of our 2009 Annual Certification of Mileage would allow the Coon Lake Beach streets to receive the MSA designation.

A review of the existing MSA City street designations indicates that there are 6.8 miles of proposed but unconstructed roads with MSA designation. 3.9 miles are candidates for removal from our current MSA street list as they are not part of the City's frontage road projects, have no dedicated right of way and are those whose construction would likely be developer driven when these roads are constructed.

These sections include the proposed extension of 197th Avenue between Polk Street and TH 65; the extension of 217th Avenue between East Bethel Blvd and Durant Street; and, the proposed extension of Baltimore Street between Briarwood Lane and TH 65 at 187th Lane. These road segments are identified as a tabular summary in Attachment #2 and in by map location in Attachment #3. The total mileage for the streets to be removed from the MSA designation is 2.1 miles or approximately 11,200 lineal feet.

Should Council direct that these sections be removed from MSA designation, it would permit the designation of an additional 2.1 miles plus the ¼ mile in the system. These changes could be applied to the streets in the Coon Lake Beach area and include Lincoln Drive, Lakeshore Drive, Laurel Road, Maple Road and Longfellow Drive as the total

mileage is 2.35 miles.

The proposed MSA designation for road segments in the Coon Lake Beach area would be a loop route and as such would require approval from MnDOT. Current program requirements recommend connectivity on each end of an MSA street with a county road, county state aid highway or state trunk highway. However, the City can apply for a variance to this requirement with justification being the traffic count on Lincoln Drive and Longfellow Drive; its connection with Lexington Avenue which is a county state aid highway (CSAH); and, the fact that these streets provide the primary access to Coon Lake Beach for residents and emergency services.

Approving this loop as a MSA street would provide the City an alternative to financing improvements to Longfellow Drive and Lincoln Drive. The projected cost for the reconstruction of the Longfellow and Lincoln Drive segment of this loop is estimated at \$1.0 to \$1.2 million.

Road Commission recommends the deletion of the sections identified in you agenda materials. It is further recommended that the mileage now available. 2.35 miles, be applied to the Coon Lake Beach Loop including Longfellow Drive, Lincoln Drive, Lakeshore Drive and Laurel Road and Maple Road. Staff is directed to request a variance from MnDOT for the reassignment of the MSA mileage as outlined above.

Boyer made a motion to delete the 197th Avenue extension, segment #203-117-010, 217th Avenue extension, segment #203-105-005 and the Baltimore Street extension, segment #'s 203-111-060, 201-113-020, and 203-113-030 as MSA streets. With the deletion of these segments the mileage made available be applied to the Coon Lake Beach Loop including Longfellow Drive, Lincoln Drive, Lakeshore Drive and Laurel Road and Maple Road and direction to staff to request a variance from MnDOT for the reassignment of the MSA mileage as directed. Paavola seconded.

Voss asked for the proposed new loop route what does that do in terms of road width and speed limits. He said wouldn't you need to change these to a minimum speed limit of 30 if not higher. Voss asked what are the speed limits of these streets now. Paavola said she thinks they are 25 MPH now. Voss asked can we do it as 25 MPH. Jochum said not without a variance. Boyer said it would have to be close to an urban district. Voss said the part off of Lexington he doesn't have a problem with it. Boyer said the same with Laurel.

Paavola asked so we would have to go to MnDOT for a variance. She said she thinks we would have to do that. Boyer said but to not do it over a speed limit would be a terrible thing. Voss said but this doesn't need to be done now, why are we even doing this now. Sell said he thinks Davis's intent here is to provide money to help offset the cost of doing the roads when the utilities are done. Voss said and he appreciates that. He said he is still trying to figure this out. Jochum said he would caution you on this, because MnDOT would say it wouldn't be the intent of a collector road if you want it to be a 25 MPH. He said he doesn't think you can make 25 MPH, it will be constructed better so it will be easier to be traveled. Jochum said it would be 30-32 foot. Sell said Lakeshore was chosen to connect the route. Voss said at some time Longfellow was a county road. **Channer and Voss, nay; Boyer, Hunter and Paavola, aye; motion carries.**

Pay Estimate
#1 –

Sell explained that a copy of Pay Estimate No. 1 to Municipal Builders, Inc. for Well No. 2 Construction provides for \$70,696 for worked completed less the 5% retainage of \$3,534

resulting in a net payment of \$67,162.10. Major pay items for this pay request include completion of the test well and water analysis; installation of the 24 inch casing for Well No. 2; and, the water main and hydrant installation. Funding for this project is through the PFA and includes a grant for \$298,403 and a low interest loan of \$74,601.

Staff recommends approval of Pay Estimate No. 1 in the amount of \$67,162.10 for Well No. 2 Construction, Well Pump, Piping and Electrical Revisions to Pumhouse No. 1.

Voss made a motion to approve Pay Estimate No. 1 in the amount of \$67,162.10 to Municipal Builders, Inc. for Well No. 2 Construction, Well Pump, Piping and Electrical Revisions to Pumhouse No. 1. Channer seconded; all in favor, motion carries.

Pay Estimate
#1 – Dresel
Contracting,
Wild Rice
Drive NE

Sell explained that attached is a copy of Pay Estimate No.1 to Dresel Contracting, Inc. for the Wild Rice Drive Reconstruction Project. The major pay items for this pay request include clearing and grubbing; bituminous pavement reclamation; traffic control; and, common excavation. The Pay Estimate includes payment for work completed to date less a five percent retainage. We recommend partial payment of \$85,399.87. The total construction cost for this project is estimated at \$935,470. Construction costs for this project are financed through the City's State Aid Construction fund.

Staff recommends approval of Pay Estimate No. 1 in the amount of \$85,399.87 for the Wild Rice Drive Reconstruction Project.

Boyer made a motion to approve Pay Estimate No. 1 to Dresel Contracting, Inc. in the amount of \$85,399.87 for the Wild Rice Drive Reconstruction Project. Voss seconded; al in favor, motion carries.

Resolution
2010-21 –
2010 Budget
Amendment

Sell explained that as the 2010 Budget was prepared in late 2009, the State provided its estimate for Market Value Homestead Credit (MVHC) to the City for payments to be made in 2010. This was followed by notice from the State that the City would not receive all of the allocation originally estimated at \$240,497. Instead, the State indicated it would reduce the MVHC payments to the City by \$228, 932. This would have resulted in a payment of \$11,565 for 2010.

The State, as a result of its budgetary issues, has subsequently notified the City that it will not receive any MVHC payments in 2010. This results in a budget "out-of-balance" condition in the City's General Fund of \$11,565.

Staff has reviewed each budget within General Fund and developed recommendations to City Council to address the revenue shortfall by amending the 2010 General Fund Budget. These changes were identified in your agenda materials and include reductions for operating supplies, travel and conferences and insurance premiums.

Staff is recommending adoption of Resolution 2010-21 amending the 2010 General Fund Budget as identified in the resolution.

Boyer made a motion to approve Resolution 2010-21 Amending the 2010 General Fund Budget. Boyer said we had to amend the budget because the Governor decided to put his hand in the City of East Bethel's pockets again. Voss seconded. Voss said staff did a good job of making these cuts. He said we are cutting a lot of training. Voss said obviously if we

are cutting training to the extent of losing some value to the staff, he would rather not put some fencing up. Sell said especially for the fire department, they found more free training to do, more training can be done in house. He said and we still have people going to St. Cloud for training. Sell said we did pick and choose. **All in favor, motion carries.**

Extended
Office Hours

Sell explained that the City of East Bethel offered expanded service hours in 2009. The pilot program began in January and ran through December. Residents were able to stop by City Hall from 4:00 p.m. – 7:00 p.m. on the first Wednesday of the month. Work schedules were adjusted such that no additional overtime was necessary for the extended hours on these days. Staff worked with management to facilitate these extended hours.

In December, 2009, City Council reviewed traffic volume and determined it wasn't practicable to continue offer extended service hours at that time. City Council discussed the possibility of offering extended hours during the summer months, June through September and asked staff to return this program for consideration in May.

Your agenda materials provide a summary of the traffic during the period May to August of last year. This traffic included 11 phone calls, 4 walk-ins and 5 scheduled appointments.

Staff is seeking Council direction on extended office hours for the period June through September, 2010.

Boyer said in his mind it does not seem to be worth continuing, he apologizes to the four people that called, and the walk ins, but it just isn't worth it. Voss said when things change in the future and we get busier, he thinks we need to look at changing our delivery of things such as offering our permits on line, but obviously we don't need to offer that now. He said but now would be the time to look at how we can offer it, get ready so when the time comes we are ready to offer it. Boyer said he would like eventually like to do this on Saturday, be open on Saturday morning when we get busy enough. Voss said in Elk River you can send in scans of your building plans. Sell said there are a fair number of people that want to come in and talk to the building official or the building inspector..

Coon Lake
Beach
Recycling
Day

Paavola said we held Coon Lake Beach (CLB) recycling day last Saturday. She said it was successful, we got a lot of stuff cleaned out. Paavola said the Public Works Manager was there with four other staff members. She said we had only ordered one or two iron dumpsters and two for trash. She said they ended up ordering a third for trash, she doesn't think they ended up filling it, but it was great.

Mayor
Absence

Hunter said he apologizes for missing the last couple meetings, but he couldn't avoid it. He said there were rumors he was evicted from the City and moved to Fridley. Hunter said of course those rumors are untrue.

Adjourn

Boyer made a motion to adjourn at 9:27 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk