

## EAST BETHEL CITY COUNCIL MEETING

January 20, 2010

The East Bethel City Council met on January 20, 2010 at 7:30 PM for their regular meeting at City Hall.

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

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

Call to Order **The January 20, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Voss made a motion to adopt the January 20, 2010 City Council agenda. Paavola seconded; all in favor, motion carries.**

Sheriff's Report Lt. Orlando reported on the custodial arrests/significant arrests for the month of December 2009 as follows:

**12-08-09 - Disorderly Conduct** - Deputies were called to a bar on a female refusing to leave. The deputy arrived and advised the female she needed to leave. The female was uncooperative and would not respond. The deputy advised the female that she was under arrest for disorderly conduct and she was taken to jail.

**12-23-09 - Burglary/Stolen Vehicle** - During the late evening hours, a deputy stopped a vehicle for a speeding violation. The deputy found the vehicle to have a broken window. The deputy believed the vehicle may be an unreported stolen as one of the windows was broken out. The deputy attempted to contact the owner but was unable to. The vehicle was towed and held for proof of ownership. During follow up with the registered owner, it was determined that his unattached garage had been broken into and the vehicle stolen. There was a second stolen vehicle located near the residence of the registered owner. The suspect was arrested the next day.

**12-29-09 - DAC-IPS/Display Wrong Plates** - A deputy stopped a vehicle upon running the registration of a truck where the owner was cancelled as inimical to public safety. The driver, who was not the owner of the plates, was also cancelled as inimical to public safety. The driver was the owner of the vehicle, who had taken the plates off his friend's vehicle, and put them on his. The male was taken to jail. (Moral to the story – know what your friends license status is before trying to use their plates to make you legal)

Lt. Orlando said domestic calls (non-crime) for the month were nine (9) and DWI arrests for this month were three (3). Hunter asked that wasn't an East Bethel resident that had switched plates was it. Lt. Orlando said the suspect was not a resident.

Boyer said he is looking at the numbers provided for year end, and it seems to him that the most serious categories such as criminal sexual conduct, assault, and harassing and felony arrests seem to be rising. He said that is rather disturbing. Boyer asked why have we seen those increases. He said the numbers are small, but it is a significant increase. Lt. Orlando

said there are a number of different factors on that type of reported crime. She said 10 to 15 years ago criminal sexual conduct was very underreported and now we encourage reports, we let people know it is okay to report.

Lt. Orlando said she thinks a lot of the crimes you see, such as burglaries and damage to property have gone down. Boyer said yes and that is one of the reasons this stands out. Lt. Orlando said she reads all the criminal reports that we get through our office and there is not a serial thing going on. She said this past year you had a deputy that worked a lot more traffic than others do. Lt. Orlando said traffic arrests can lead to felony level arrests. Boyer asked have you noticed anything about felony assaults because they went up significantly, almost 50%. Lt. Orlando said she doesn't know why this is. Hunter asked when you have the DWI task force in the area, are those numbers included in our report. Lt. Orlando said yes, but we haven't had a task force up here for a while. Hunter said we had one on Co. Road 22 in December.

Boyer said he is not trying to second guess what the deputies are doing; he is trying to understand why these numbers have increased. Lt. Orlando said she can run a report to find out how many are 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup> degree assaults. She said most of these could be just misdemeanor assaults. Lt. Orlando said they can be the fighting type of stuff.

Hunter asked do you renew officers on a yearly basis. Lt. Orlando said she has some new officers this year, and some of the same. She said the deputies bid their shifts on a yearly basis. Voss asked will the deputies be coming in next month to meet us. Lt. Orlando asked if Council wants them to come in. Voss said yes, we do this every year. Boyer said and it is a good way for us to recognize them for their service. Hunter and it is good to get them on camera. Voss said so consider this a request to have them come to a Council meeting next month to be introduced.

**Public Forum** Hunter opened the Public Forum for any comments or concerns that were not listed on the agenda.

Joshua Sturman of 226 Elm St. NE said he has a brief statement to make. He said this is in regards to trying to abate some conditions with his property at 204 Dahlia St. NE. Sturman said in conjunction with housing redevelopment; he is having difficulty coming up with the funds to do anything with the property. He said he is not sure council is aware of the statement on May 11th of 2009, from Paul Merwin a land use attorney at the LMC, to the extent the plaintiff seeks relief, basically they were saying come back here and see what the Council wants to do with this. Sturman said he has never addressed the Council at large about this issue.

Hunter said he believes the prosecuting attorney for the City is dealing with this. Randall said yes, and he doesn't know if he took action. Sturman said he received another statement within the last week or two. Randall said Sturman mentioned Merwin, how is he involved. Sturman said he is from the LMC. He said he told me to take it down. Sturman said he was required to submit an answer in 20 days. Randall asked how did he get involved. Sturman said he contacted me. Randall said it is unusual that someone from the LMC contacted Sturman. Boyer said this is at the very least a staff matter, not a Council matter.

Sturman said he is willing to work with the Council. He said he is not sure how the transfer is going with the county and the City, but the county told him that since Dahlia is not his personal address the HRA couldn't help him. Sturman said then he contacted the HRA

again and they told him the City is administering the HRA now themselves. Hunter directed Sturman to talk to Schutta and she can discuss this with the building official and go from there. He said if there is something the Council needs to do, we need the whole background, so we can have a discussion and make a decision.

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

Anoka County  
Highway  
Department –  
Grants for  
Signalization  
Project at TH  
65 and 221<sup>st</sup>  
Ave. NE and  
Bussing  
Service in  
East Bethel

Schutta explained that Ms. Kate Garwood from the Anoka County Highway Department is with us this evening to bring Council up to date on two grants that will affect the City. The first is the signalization project at Trunk Highway 65 and County Road 74 (221<sup>st</sup> Avenue NE). The second grant has implications for Park and Ride opportunities in the community.

Kate Garwood introduced herself. She said she spoke to the East Bethel Road Commission late last year about these projects the county got grants for. Garwood said one is to install a signal at TH 65 and Co. Road 74; we received that grant from the Met Council. She said this scored 4<sup>th</sup> highest. Garwood said safety issues are being corrected here. She said the grant is for \$1,080,000 and the county will put in \$120,000 for a total of \$1,200,000. Garwood said the funding is for 2013 and 2014 and we have environmental work to do before then. She said we have had discussions with the Road Commission and the City Administrator about moving this up, but 2013 is starting on July 1, 2012 and it will take that long to get the environmental and design work done.

Hunter said there were comments made at the Road Commission that we were really pushing for an overpass there but we will gladly take the lights. He said we have had two major accidents there since we met the last time. Hunter said every time the call goes to that area it shows that we need to make it safer. Boyer said he got calls from people involved in the accident as well, and one of the complaining factors is when they have done snow removal in the past, they piled snow up in the sides of the crossing there and have amplified the bad situation. He said if they could shove the snow off to the east or west, as opposed to piling it up in the median that would help. Garwood said so they are piling snow in the median, that is causing some issues. Boyer said yes, he knows it is state right of way, but it is hard enough to see. He said he would like to add on to the Mayor's comments, this is the worst intersection in East Bethel, and so we are glad to have any improvement there. Garwood said she understands, she was hit on TH 65 on the way to the Road Commission. She said this was in Ham Lake, but TH 65 is a nasty road.

Garwood said during the same grant process the county got a grant for congestion mitigation for transit service on TH 65. She said the grant program is for 2013 and 2014, and again the second half of 2012 is the soonest we can get access to the funds. Garwood said we will have \$8,500,000 once we put the federal funds with the local funds. She said this grant was supported by East Bethel, Blaine, Ham Lake, etc. Garwood said there are 45,000 trips a day by the time you get to Bunker Blvd, the bulk of the traffic is up here. She said the route we are proposing passes through nine of the most congested corridors, four of them are on TH 65. Garwood said the project costs include acquisition of 6 1/2 acres of land, six coach buses and three years of operation. She said there is growth up this way and traffic is growing.

Garwood said the grant was submitted for nine trips a day, from 9am to 9pm. She said the map shows the route. Garwood said there is a park and ride noted on the map in Blaine, we need more park and ride slots, so we included the park and ride in Cambridge at the Holiday on the west side of TH 65, East Bethel has a park and ride at the Ice Arena, and there are

park and rides in consideration in Isanti and also by Athens Town Hall. She said when she talked to the Isanti Council Commissions the information she was working with was from Met Council that 45% of their adult population works in the Twin Cities. Garwood said but one of the commissioners told her no, it is 75%. She said in Chisago County 65% of their residents work in the Twin Cities. .

Garwood said so what are the issues. She said some of the things we are challenged by as we go to make this happen is we need to figure out how to cross some boundaries. Garwood said once we are out of Blaine we are out of Metro Transit Taxing District. She said Columbus and Forest Lake just joined this year. Garwood said she pays \$25 a year and lives in Blaine. She said that is the average. Garwood said if we go to Cambridge we are crossing MnDOT Metro Distribution and District 3. She said what we need to figure out is how we can work on this together. Garwood said they seem amiable to that.

Garwood said the other boundary is the Anoka County/Isanti County boundary. She said they have the Heartland Express in Cambridge and Chisago. Garwood said maybe the Heartland Express would be amiable to come down to the park and ride in East Bethel at the Ice Arena. She said she had discussions with City staff about having a park and ride on the west side of Co. Road 22 and TH 65. Garwood said the majority of traffic is just outside of Blaine at Bunker Blvd. She said we need to figure out how many need to go to Cambridge. Garwood said her next step is to do a market study. She said she can figure this out with the data that is available. Garwood said she also needs to figure out where the park and rides need to be placed. She said that is how we are working on this right now.

Garwood said if the Metro Transit Taxing District operates the service, they will need East Bethel to join the transit taxing district for them to stop in East Bethel. Voss said looking at the map that shows the route, we are looking at buses coming up this far. Garwood said the way we set this up was to win, so we had to stay within the taxing district however, she knew there was interest in this going further. She said with the grant a scope change is allowed. Garwood said we could shuffle the money, we need to see what makes sense. She said once this study is done she will come back and tell you what the study says you need. Hunter said as you are progressing with grant money (it sounds like it has been approved) so the county handles this thing from this point forward. Garwood said yes, but she is nothing if she is not collaborative. She said if you are interested in having this happen, you need to decide where it should happen.

Voss asked when it comes to the point of whether we join the Metro Transit Taxing District, does the complete City need to go in. Garwood said yes. Voss said half of the City goes travels on TH 65 and half doesn't. Garwood said she did this with Columbus, told them to decide what they want, do you want to get the Met Council to the table to talk about other service for other areas. She said Columbus did that and now they are working on service to St. Paul and they already have service to Minneapolis. Garwood said this is how it is done. She said another question is there a possibility that the Anoka Traveler could take over this business. Garwood said and when asked about Ham Lake, if the transit taxing participants need to be contiguous cities, and they do not. She said you are a little contiguous with Columbus. Garwood said but Ham lake was favorable when she talked to their committee.

Boyer asked can you send us the info on the taxing district. Garwood said yes, she did already send information to the City Administrator. Boyer asked can we get this in our update. Garwood said if you are going to consider it, you have to join before the levy is set for the next year by the September of the year previous to when you will join. Boyer said he

thinks it would make sense to have some members of Council meet with the Metro Transit members to discuss other service needs. Voss said his question is dealing with fact that there is no real impact for the east side of the City, they never drive TH 65. He said he is anticipating what our resident response would be with the issue of the transit tax. Boyer said he knows from looking at the data, you can plot the City and say here is where everyone works and here is where they live. He said from that there was like 8 or 9% in Minneapolis, 7% in St. Paul and a large number worked along 10. Boyer said if you could add that corridor for the two cities, it would be nice. Garwood said the worst thing they can tell you is no. Hunter said next time bring Commissioner Lang and tell him we miss him. Paavola asked when will you have the next update for us. Garwood said you can get information from us at any time. She said as far as the market service study, she has to get a RFP out and she would like to have this out by the middle of February so we can get it started by April.

Planning  
Commission  
Interviews

Schutta explained that as a result of the additional advertising, there are four applicants for the three Planning Commission positions. Two of the openings are for terms that will expire on February 1<sup>st</sup> while the third position is a result of Mr. Channer resigning to accept the City Council position. The applicants include Ms. Lorraine Bonin, Mr. Tim Landborg, Ms. Sherry Allenspach and Ms. Heidi Moegerle. Mr. Landborg and Ms. Bonin are current members of the Planning Commission.

Staff is suggesting that each applicant be given the opportunity to present their qualifications and interest in the position. Later on the agenda, Council will have the opportunity to appoint three members to fill the positions.

Voss asked candidates to come forward and introduce themselves and say why they want to serve on the commission.

Lorraine Bonin of 1950 209<sup>th</sup> Ave. NE said she would like to serve another term because she feels like we are just getting to a point that we are going to do the things we have been wanting to do. She said with the water and sewer coming, we are coming to a time when we are going to make changes and she would like to be a part of that.

Tim Landborg of 1507 205<sup>th</sup> Ave. NE said he has served on the Planning Commission for four years, and he was a Council Member for four years. He said he has been involved in the sewer work and the comprehensive plan and hopefully we are going to get some more stuff going. Landborg said he thinks he should stay on the commission, he has knowledge of planning and zoning, development and Council issues.

Sherry Allenspach of 3427 217<sup>th</sup> Ave. NE said as she put in her intro letter, she wants to be on the East Bethel Planning Commission, she is aware of the functions of the Planning Commission and its role as an advisory committee to the City Council. She said she served on the East Bethel Park Commission for four years and served as the chair of the commission for one year. Allenspach said she is on the East Bethel EDA and this is just another way to be connected, growth is exciting and she wants to be a part of it.

Heidi Moegerle of 179 Forest Road at Coon Lake Beach said until 6 1/2 years ago she didn't know where East Bethel was. She said by training she is a biologist and brings an ability to be involved to do research, learn and she is fresh blood ready to be spilt. Moegerle said she has met with Mr. Martin, the city planner, the mayor and Council Member Paavola, she wants to get involved. She said she is interested in the planning commission specifically, because we have two construction businesses. Moegerle said she has had two issues that

have come before the building official, she brings no baggage, and she is completely open to hear all sides,. She said she likes the rural atmosphere and wants to preserve it and still have transportation.

Hunter asked do we want to ask all three questions, or how do we want to proceed. Paavola said she thinks the questions we have listed here, she thinks they have answered unless we have something specific. It was the consensus of the City Council to ask question three (3) of all the applicants.

Hunter asked the following question of all of the applicants: What are the most significant issues facing our community over the next year and the next five years?

Moegerle said she believes it is the same for both, economic. She said this affects council and what they can do with the money. Moegerle said and the idea of transportation are we going to develop this to a center of employment or are we going to develop transportation to send it all south. She said our comp plan was done in the anticipation of a booming economy and that has changed. Moegerle said we need to assess is this still where we are headed, what if the economy doesn't bounce back, what are we going to do.

Allenspach said she is certainly right about the economic piece. She said what is really important is transportation and development of the TH 65 corridor. Allenspach said she was at all the public hearings on the corridor and can that happen now, does that need to change, what type of people can we bring in, we need housing, but we need to keep the rural feeling, so how do we do that.

Landborg said the most important issue for next year is sewer and water. He said without sewer and water, we won't get businesses and we won't get development. Landborg said the primary thing in the next five years is can we commit to businesses that are going to have sewer and water. He said then look at development to spur the ability to put in park and ride and transit things.

Bonin said she agrees that sewer and water are one of the main things we need to work on. She said also, developing a sense of the City which is what we were looking at doing with the City Center, so we are not just a pass through. Bonin said she hopes we can do something along that line, she knows it won't be as much as soon as we hoped it would be, but she hopes to be able to do something.

Voss said he suggests we continue on with the agenda and after the consent agenda, we have it on our regular agenda to appoint the Planning Commission members.

Consent  
Agenda

**Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, January 6, 2010, Regular CC Meeting; C) Res. 2010-03 Supporting Continued Funding of the ACCAP Senior Outreach Program through the Anoka County CDBG Program; D) Res. 2010-04 Setting Date of Local Board of Appeals and Equalization; E) Res. 2010-05 Resolution Relating to Financing of the Construction of the Whispering Aspen Well Project by Acceptance of a Grant from Disadvantaged Community Funds and a Financing Agreement for a Public Facilities Authority Loan. Paavola seconded; all in favor, motion carries.**

Appoint  
Planning

Schutta explained that earlier, Council interviewed several applicants for three positions on the City Council. Council now has the opportunity to appoint three individuals to fill these

positions.

Voss asked are we doing this the same as when we appointed a Council member. He said he sees that staff made a selection form and all the candidates are on it. Voss said we have three positions to fill, so we can check three and pass it down it will be tallied and then a motion can be entertained.

Hunter said it has been nice that the last vacancies we have had a choice and good people to choose from. He said it is fun to be in this position, to know that we make a choice and can't go wrong. Hunter said we are really blessed in that fashion, good quality people to fill these vacancies.

**Voss made a motion to appoint Lorraine Bonin to the Planning Commission for a term of February 1, 2010 to December 31, 2012, Tim Landborg to the Planning Commission for a term of February 1, 2010 to December 31, 2012 and Heidi Moegerle to the Planning Commission for a term of February 1, 2010 to December 31, 2011. Channer seconded; all in favor, motion carries.**

Park Comm  
Minutes

Schutta explained that the unapproved meeting minutes from the December 9, 2009 Parks Commission meeting are provided for your review and information.

Appoint Park  
Commission  
Members

Schutta explained that at the December 2, 2009 meeting, City Council adopted a Commission Appointments Policy that was effective immediately. The purpose of the policy is to identify the process for the consideration and appointment of Commission Members serving on the Parks, Roads and Planning Commission. This policy requires that all Commission vacancies are advertised.

Commission vacancies were advertised in the Anoka Union, on the City's web site and bulletin board. Applications were accepted through noon on December 31, 2009. No additional applications were received for the Parks Commission openings.

The City has received letters from Ms. Bonnie Harvey and Mr. Ken Langmade requesting reappointment to the Parks Commission. Ms. Harvey has served on the Parks Commission since 1995. Mr. Langmade has served on the Commission since 2007 and as chairperson for the 2009 term. If reappointed, they would serve from January, 2010 to December, 2013.

Staff recommends the re-appointment of Bonnie Harvey and Ken Langmade to the East Bethel Parks Commission.

**Voss made a motion to reappoint Bonnie Harvey and Ken Langmade to the Park Commission for terms of January 2010 to December 2012. Boyer seconded.** Boyer said there is an error on the term for Bonnie Harvey, he thinks she has been here for 22 years or more. **All in favor, motion carries.**

Road Comm.  
Minutes

Schutta explained that the unapproved meeting minutes from the December 8, 2009 Roads Commission meeting are included for your review and information.

Appoint Road  
Commission  
Members

Schutta explained that at the December 2, 2009 meeting, City Council adopted a Commission Appointments Policy that was effective immediately. The purpose of the policy is to identify the process for the consideration and appointment of Commission Members serving on the Parks, Roads and Planning Commission. This policy requires that all

Commission vacancies are advertised.

The Commission vacancies were advertised in the Anoka Union, on the City's web site and City billboard. Applications were accepted through noon on December 31, 2009. No additional applications were received.

The City has received letters from Mr. Roger Virta and Mr. Jeff Jensen requesting reappointment to the Roads Commission. Mr. Virta has served on the Roads Commission since 2004. Mr. Jensen has served on the Commission since 2007 and as chairperson for the 2009 term. If reappointed, they would serve from January, 2010 to December, 2013.

There is an additional vacancy on the Roads Commission created by the resignation of Joe Pelawa. This position will continue to be advertised on the City's website and the City billboard. This position will also be advertised in the City newsletter. This position would be a 2 year appointment as Mr. Pelawa's term ends December 31, 2012.

Staff recommends the reappointment of Roger Virta and Jeff Jensen to the East Bethel Roads Commission for the 2010-2013 term.

**Paavola made a motion to reappoint Roger Virta and Jeff Jensen to the Road Commission for terms of January 2010 to December 2012. Boyer seconded; all in favor, motion carries**

Res. 2010-06  
Award Bid for  
Whispering  
Aspen Well  
#2

Schutta explained based on approved plans and specifications, the City Council directed that advertisements be placed for bids for the construction of well No. 2 at Whispering Aspen. Notices and advertisements were placed in the City's official newspaper, the Construction Bulletin and on the City's web site. Bids were received and opened on November 12, 2009. Two bids were received. The bids are summarized on the resolution which is included as Attachment 1. A detailed summary of the bids is shown on the Bid Tabulation, which is included as Attachment 2. A project location map is included as Attachment 3.

Municipal Builders, Inc. was the low bidder at \$300,660. Staff has verified submitted references for example projects, proposed project superintendents, project subcontractors, bank references, and bonding company references. Staff has received positive feedback from the reference sources regarding Municipal Builders, Inc. personnel, work, and financial status.

Project costs were detailed in you agenda materials. The total estimated project cost is estimated to be \$373,004. The City has received notice that it will be awarded a Disadvantaged Community Funds Grant in the amount \$298,403 or 80% of the project cost. The remaining \$74,601 is proposed to be financed through the Public Facilities Authority's Drinking Water Loan program. The loan will be paid back over 20 years at a 1% interest rate. The loan payment will be repaid through user fees.

Staff recommends approval of Resolution 2010-06 awarding the bid to Municipal Builders, Inc. in the amount of \$300,660 with direction to execute an agreement with Municipal Builders, Inc.

**Boyer made a motion to adopt Resolution 2010-06 Awarding the Bid to Municipal Builders, Inc., in the amount of \$300,660 with direction to execute an agreement with Municipal Builders, Inc. Voss seconded.** Voss asked related our status with MDH, they

are aware we are proceeding. Jochum said yes. Voss asked and we submitted a schedule. Jochum said yes, and our date is September 2010. He said the due date is July 30<sup>th</sup> to have it completed. **All in favor, motion carries.**

Code  
Enforcement  
Report

Schutta explained that the Code Enforcement Report for December is submitted for your review and information. Boyer said during the public forum, we had someone from the public talking to us about a property on the code enforcement report. He said we are currently in the court process on this, and probably should not even be talking to him since it is in court.

Fire  
Department  
Reports

Schutta explained that Fire Department reports for the month of December are provided for your review and information.

Town Hall  
Meetings

Schutta explained that over the past several years, City Council has directed that a Town Hall meeting be convened in the spring and fall of the year. These meetings allow for citizens to see and hear about activities in the City as well as provide a forum for questions and answers regarding these activities.

In the past, the spring event has been held in April. Regular Council Meeting dates in April include April 7<sup>th</sup> and April 21<sup>st</sup>. April 28<sup>th</sup>, a Wednesday, would be available for the spring event.

It had been suggested that perhaps a single annual event be considered until such time as there are more frequent updates regarding municipal utilities and related development. If Council should consider this course, it is suggested that the spring event would be more informative as it would provide an opportunity to broadcast information regarding the upcoming construction projects that are part of the roads and parks capital improvement programs

Staff is requesting Council direction on the date for the spring Town Hall meeting.

Voss said he has to agree with staff, if we went to one meeting a year spring is the better time. He said people are more busy in the fall. Boyer said this particular year, we have the sewer meeting tomorrow night. He said so for this coming year, while he generally agrees with this, he thinks fall might be better. Paavola said that along with transportation issues, she doesn't know how fast Garwood can get information to us on those projects, so it might be better to hold this in the fall instead of the spring. Hunter said the public meetings on sewer are not our meetings, we try to get information to the public. He said he feels this is an opportunity for people to talk to staff members. Hunter said he thinks this is the best part, the meeting one on one. Paavola said she think it is a good idea to have two meetings, it doesn't matter if we have 6 or 60 people. She said and if we don't want to do open mike thing, he would be more open to that.

Voss said personally, he thinks whether we have one or two, we need to have it in the spring. Schutta said correct her if she is wrong, but this year is an election year, and in the past if it was an election year, we had it after the election. Boyer said otherwise there is an unfair advantage to the incumbents. Voss said let's do one in April. He said his suggestion is April 14<sup>th</sup>. Boyer said no way, no one will come. He said that is the day before taxes are due. Hunter asked what about April 28<sup>th</sup>. Voss he doesn't think he can make it on the 28<sup>th</sup>. He said it doesn't have to be a Wednesday. Boyer said traditionally we have done this on a Tuesday or Thursday. Boyer said April 20<sup>th</sup> would work. Voss said he prefers doing it here.

Boyer and Paavola said they also would like to do it here. Voss said he didn't like the atmosphere at the school. Paavola said it is more personable here. Council consensus was to have staff to check April 20<sup>th</sup> and April 22<sup>nd</sup> as an alternative if the 20<sup>th</sup> isn't available at the Senior/Community Center.

Tinklenberg  
Group

Schutta explained that based on a conversation and correspondence from Mr. Tinklenberg, the transportation re-authorization legislation before Congress and some related trail infrastructure funding will be considered in the next few months. In the past, the City has worked with the Tinklenberg Group to identify financial resources from various local, state, and federal sources to fund various capital projects to include, but not limited to, upgrades of State Trunk Highway #65, utility infrastructure and the trail system in the City.

In 2009, the City contracted with the Tinklenberg Group to provide services to include identification of potential funding sources for the projects noted above. The contract period was through August 31, 2009 in an amount not to exceed \$20,000. Total cost and expenditures for these services were actually \$7,175 at the time the contract ended. The Tinklenberg Group did not identify any funding sources. However, they did provide our legislative delegation copies of the highway, trails and utility infrastructure needs for the community. Mr. Tinklenberg made it clear that without the aid and support of our Representative, Ms. Bachman, funding for any of these projects would be nearly impossible.

We have placed this item before Council seeking direction. Is the City Council interested in entering into an agreement with the Tinklenberg Group to assist the City of East Bethel in its efforts to identify and pursue a variety of funding sources that would allow for implementation of planned projects and services in East Bethel?

Staff seeks direction. Should Council wish to move forward with any service agreement with the Tinklenberg Group, staff will attempt to identify potential funding sources.

Hunter said we can explore it and find out what their proposal is. He said it sounds like we have one roadblock and in his mind that wouldn't be that hard to overcome. Hunter said for what we are looking for, the best needs of East Bethel, infrastructure needs we need to keep pursuing this. He said we have the chair of transportation committee just to the north of us we can work with. Hunter said staff can move forward and see what the Tinklenberg Group is proposing to do for us in the next year and what the costs will be. Voss said we are still seeking funding for sewer and water.

Metro Transit  
Taxing  
District

Boyer said he thinks we need to move forward with exploring the transit question quickly according to Garwood's information. Schutta said she thinks there is a process to joining the metro transit district. Voss said a lot of that was internal. Boyer said if we do this, it would have to be done by September. He said in the meantime what needs to happen is you need to negotiate with Metro Transit to see what you can get from them. Boyer said if you can get them moving, then fine. Hunter asked is what you are suggesting is put this on the next agenda and have staff find out what Columbus and Forest Lake did. Boyer said and use the newsletter to survey residents. Voss said we have got to make sure we have an education piece to explain what this can do for us, and second get the public's opinion on this. He said and we can discuss this at the Town Hall meeting. Boyer said if you can go to a business and say we have so many cars and they will be parking at your business for a park and ride, and they will be stopping here everyday. He said he doesn't think starting now is too early.

Channer said Paavola and he went to the ribbon cutting at new Anoka County Sheriff's facility. He said we got a tour of CSI area. Paavola said it was a two hour tour. Channer said Sheriff Andersohn has a nice office. He said it was a nice tour and it was very informative and well deserved. Channer said they are bringing all those areas together in one stop to help make services more streamlined.

Met Council Waste Water Plant – Public Meetings  
Voss said the Met Council Waste Water Plant Public Meetings are tomorrow night. He asked how many Council members are going to be there. Both Paavola and Channer said they might be able to attend. Hunter asked if both the meetings are the same. Voss said no, they are different. He said the first one will focus on plans for a rapid infiltration basin site to be located on the west side of Highway 65, south of 229th Ave. NE. and the second one will focus on plans for a rapid infiltration basin site to be located on the south side of 207th Ave. NE, between Davenport and Goodhue Streets.

Cable Broadcast of Council Mtgs.  
Voss asked has the sound issues been figured out and fixed on the cable broadcast of the City Council meetings. Warren said yes, it should be fixed. She said we have a resident that watches the broadcast every Thursday after the City Council meetings, so we should know if there is an issue right away tomorrow when it is broadcast, but it should be fixed.

Castle Tower/ Whispering Aspen Fence/ Boundary Line Update  
Hunter asked Randall about the issue with the Peterson's who own Castle Tower Mobile Home Park. He said this is an issue with the fence line and money that is still owed.

Randall said in January of 2004 the City and Bethel Properties, Inc. the owner of Castle Towers Mobile Home Park, made an agreement to adjust the boundary/fence line along the common boundary of the Castle Towers Mobile Home Park and Whispering Aspen (formerly the Minard Lake Estates plat) plat. The agreement was made in the course of completing the sale of Minard Lake Estates property to Firebird Land, LLC and involved the adjustment of the boundary line to eliminate its close proximity in several places to mobile homes in the Castle Towers park as well as eliminate several encroachments of storage buildings owned by Castle Towers tenants onto the Minard Lake Estates property. The agreement also involved an exchange for deeds between Bethel Properties and Firebird Land and required Bethel Properties to reimburse the City's survey expenses in connection with the reconfigured line. The fence was relocated to the new line some time ago, and the survey work has been completed. The total of the survey expenses and the costs of relocating the fence is \$13,175.02, however, only \$500.00 has been reimbursed to date, leaving \$12,675.22 to be paid to the City. Bethel Properties hasn't been forthcoming in payment of the balance or delivering its deed, despite several requests over the years, that they do so. Firebird Land has kept its part of the agreement and delivered its deed, but because Bethel Properties hasn't done so, the exchange of deeds hasn't taken place.

Randall said Bethel Properties had raised an issue that the survey needed more detail. He said he told the engineer not to do this until they paid for it. Randall said finally about Christmas time they paid and we sent them the new survey. He said Bethel Properties is reviewing it. Randall said this should be wrapped up soon. He has talked to their attorney about this. Randall said the City Administrator asked him what legal recourse we have. There are three possible remedies, they are as follows:

1. A suite for rescission on the agreement between Bethel Properties and the City. Randall said this would mean moving the fence back where it was, and hopefully the court would order the City get their costs back.
2. A suit for the City's damages. Randall said there needs to be an exchange of deeds.
3. A suit for specific performance or to enforce performance of the agreement. Randall said

hopefully if this happened we would get paid and the court would order the exchange of deeds and contempt of court would be declared if they didn't get it done.

Randall said he likes the 3<sup>rd</sup> option. He said a lot of work and effort has been expended by the City engineer and himself. Randall said if we took legal action, he would choose to do the 3<sup>rd</sup> option. He said he thinks the attorney for Bethel Properties, Inc., is very sincere and wants to get this done. Randall said the problem is the attorney doesn't write the check. He said the owner of Bethel Properties doesn't seem to take a lot of things seriously. Randall said the attorney is real sincere, and wants to get this done, we have been after them for five or six years. Randall said he is holding Mundle's deed that needs to be given to Bethel Properties. He said he thinks in fairness we should allow the attorney a week or so to complete his work.

Voss asked we can have this as an agenda item on the next agenda. Randall said he would hope it is done by then. Hunter said and you can tell them we will be discussing further action on this at our next meeting if it isn't done.

Adjourn

**Boyer made a motion to adjourn at 9:08 PM. Paavola seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk