

City of East Bethel
City Council Agenda
Regular Council Meeting – 7:30 p.m.
Date: July 3, 2013



	Item	
7:30 PM	1.0	Call to Order
7:31 PM	2.0	Pledge of Allegiance
7:32 PM	3.0	Adopt Agenda
7:33 PM	4.0	Presentation
	Page 3-4	A. Ed Fiore, Anoka County Airport Commission
7:50 PM	5.0	Public Forum
8:10 PM	6.0	Consent Agenda
		<i>Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration</i>
	Page 6-10	A. Approve Bills
	Page 11-20	B. June 10, 2013 City Council Work Meeting Minutes
	Page 21-37	C. June 19, 2013 City Council Meeting Minutes
	Page 38	D. Res. 2013-37 Acknowledging and Accepting Donation from Hakanson Anderson Assoc.
	Page 39-44	E. Pay Estimate #23, S.R. Weidema, Phase 1, Project 1, Utility Project
		New Business
	7.0	Commission, Association and Task Force Reports
		A. EDA Commission
		B. Planning Commission
		C. Park Commission
		D. Road Commission
	8.0	Department Reports
		A. Community Development
		B. Engineer
		C. Attorney
		D. Finance
		E. Public Works
		F. Fire Department
8:15 PM		G. City Administrator
	Page 45-51	1. Electronic Sign Policy
	Page 52-68	2. Ordinance 45, Second Series, Regulating Waterworks and Sanitary Sewer
	Page 69-80	3. Oak Grove Building Official Contract
	Page 81-83	4. MCES/City Force Main Project Cost Split
	Page 84-90	5. City Force Main Project Bid Award

9.0 Other

9:00 PM

A. Staff Reports

9:05 PM

B. Council Reports

9:10 PM

C. Other

9:15 PM Page 91

D. Closed Session - Union Negotiations - Minn. Stat. § 13D.03, subd. 1 (b).

9:30 PM

10.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 4.0 A

Agenda Item:

Presentation – Ed Fiore, Anoka County Airport Commission

Requested Action:

Information Only

Background Information:

Ed Fiore, East Bethel Citizen Representative on the Anoka County Airport Commission will be giving a presentation.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 6.0 A-E

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Approve Bills

Item B

June 10, 2013 City Council Work Meeting Minutes

Meeting minutes from the June 10, 2013 City Council Work Meeting are attached for your review and approval.

Item C

June 19, 2013 City Council Meeting Minutes

Meeting minutes from the June 19, 2013 City Council meeting are attached for your review and approval.

Item D

Resolution 2013-37 Acknowledging and Accepting Donation from Hakanson Anderson Assoc.

The City of East Bethel has received a donation of two sets of four tickets to Minnesota Twins games valued at \$192.00 from Hakanson Anderson Assoc to be used towards the Family Fun Night scheduled for Friday, July 19, 2013.

Staff is recommending adoption of Resolution 2013-37 Accepting and Acknowledging Donation from Hakanson Anderson Assoc.

Item E

Pay Estimate #23, S.R. Weidema, Phase 1, Project 1, Utility Improvements

This item includes Pay Estimate #23 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include restoration and plant installation. Two separate payments will be made. One payment will be to S.R. Weidema and the other will be to the escrow account established at TCF Bank. Staff recommends partial payment of \$31,410.75. A summary of the recommended payment breakdown is as follows:

Contractor Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$6,901,005.80	\$6,872,947.48	\$28,058.32
City	\$4,211,159.28	\$4,209,377.38	\$1,781.90
County	\$1,891,149.63	\$1,891,149.63	\$0.00
Total	\$13,003,314.71	\$12,973,474.49	\$29,840.22
Escrow Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$363,210.83	\$361,734.08	\$1,476.75
City	\$221,639.96	\$221,546.18	\$93.78
County	\$99,534.19	\$99,534.19	\$0.00
Total	\$684,384.98	\$682,814.45	\$1,570.53

The payment includes \$29,840.22 to S.R. Weidema and \$1,570.53 to the escrow account for a total of \$31,410.75. Payment for this project will be financed from the bond proceeds and County proceeds in accordance with the Joint Powers Agreement. Funds, as noted above, are available and appropriate for this project. A copy of the Pay Estimate is attached.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval July 3, 2013

Bills to be Approved for Payment	\$94,105.17
Electronic Payments	\$26,195.10
Payroll City Staff - June 20, 2013	\$31,741.17
Total to be Approved for Payment	\$152,041.44

City of East Bethel

July 3, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
215-221st East 65 Service Rd	Architect/Engineering Fees	31629	Hakanson Anderson Assoc. Inc.	402	43125	4,980.03
Arena Operations	Gas Utilities	372851529	Xcel Energy	615	49851	281.39
Arena Operations	Refuse Removal	419424	Walters Recycling, Inc.	615	49851	0.00
Building Inspection	Office Supplies	661502619001	Office Depot	101	42410	38.30
Building Inspection	Telephone	332373310-139	Nextel Communications	101	42410	21.67
Building Inspection	Travel Expenses	061913	Steve Lutmer	101	42410	99.44
Central Services/Supplies	Office Equipment Rental	5896486-JN13	Pitney Bowes	101	48150	137.10
Central Services/Supplies	Office Supplies	138	MLB Printing, Inc.	101	48150	570.00
Central Services/Supplies	Office Supplies	661502619001	Office Depot	101	48150	27.36
Central Services/Supplies	Office Supplies	663048617001	Office Depot	101	48150	29.38
Central Services/Supplies	Postage/Delivery	5751-01	Do-Good.Biz	101	48150	1,082.66
Central Services/Supplies	Printing and Duplicating	82088	Catalyst Graphics, Inc.	101	48150	625.00
Central Services/Supplies	Telephone	11007464	Integra Telecom	101	48150	224.71
City Administration	Telephone	332373310-139	Nextel Communications	101	41320	9.12
City Administration	Travel Expenses	62613	Davis, Jack	101	41320	154.81
Engineering	Architect/Engineering Fees	31633	Hakanson Anderson Assoc. Inc.	101	43110	2,772.84
Finance	Auditing and Acct g Services	313610	Abdo, Eick & Meyers, LLP	101	41520	4,066.00
Fire Department	Conferences/Meetings	2013	MN State Fire Marshal Division	101	42210	50.00
Fire Department	Employer Paid Expenses	062513	Brody Radenbaugh	231	42210	150.00
Fire Department	Gas Utilities	372851529	Xcel Energy	101	42210	968.56
Fire Department	General Operating Supplies	11167	Atlas Outfitters	101	42210	448.75
Fire Department	Office Supplies	663048617001	Office Depot	101	42210	149.98
Fire Department	Professional Services Fees	06 2013	City of East Bethel	231	42210	1,666.67
Fire Department	Refuse Removal	419424	Walters Recycling, Inc.	101	42210	42.25
Fire Department	Telephone	11007464	Integra Telecom	101	42210	140.47
Fire Department	Telephone	332373310-139	Nextel Communications	101	42210	3.44
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	10070	Betz Mechanical, Inc.	101	41940	1,454.73
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	10548	Betz Mechanical, Inc.	101	41940	356.35
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	101898	Rogers Electric	101	41940	402.44
General Govt Buildings/Plant	Gas Utilities	372851529	Xcel Energy	101	41940	307.90
General Govt Buildings/Plant	Park/Landscaping Materials	8976	Green Barn Garden Center	101	41940	27.79
General Govt Buildings/Plant	Refuse Removal	419424	Walters Recycling, Inc.	101	41940	31.62
Mayor/City Council	Commissions and Boards	2013-2	Sunrise River WMO	101	41110	7,693.61
Mayor/City Council	Travel Expenses	062413	Heidi Moegerle	101	41110	177.95
MSA Street Construction	Architect/Engineering Fees	31628	Hakanson Anderson Assoc. Inc.	402	40200	47.50
MSA Street Construction	Architect/Engineering Fees	31630	Hakanson Anderson Assoc. Inc.	402	40200	4,906.36
Park Maintenance	Bldg/Facility Repair Supplies	65011140	John Deere Landscapes	101	43201	35.79
Park Maintenance	Bldg/Facility Repair Supplies	65013903	John Deere Landscapes	101	43201	13.26
Park Maintenance	Bldg/Facility Repair Supplies	65042209	John Deere Landscapes	101	43201	34.29
Park Maintenance	Bldg/Facility Repair Supplies	S3089820.001	Pipeline Supply, Inc.	101	43201	50.16
Park Maintenance	Bldgs/Facilities Repair/Maint	7229	Mork Well Company, Inc.	101	43201	395.00
Park Maintenance	Chemicals and Chem Products	65083296	John Deere Landscapes	101	43201	201.37
Park Maintenance	Clothing & Personal Equipment	1182561623	G&K Services - St. Paul	101	43201	19.46
Park Maintenance	Clothing & Personal Equipment	1182572926	G&K Services - St. Paul	101	43201	19.46
Park Maintenance	Conferences/Meetings	061913	Nate Ayshford	101	43201	200.00
Park Maintenance	Equipment Parts	418959	Ham Lake Hardware	101	43201	21.28
Park Maintenance	General Operating Supplies	418433	Ham Lake Hardware	101	43201	10.22

City of East Bethel

July 3, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	General Operating Supplies	27027	Menards Cambridge	101	43201	19.02
Park Maintenance	Motor Vehicles Parts	256300	S & S Industrial Supply	101	43201	31.69
Park Maintenance	Other Equipment Rentals	64157	Jimmy's Johnnys, Inc.	101	43201	815.27
Park Maintenance	Park/Landscaping Materials	16327	Bjorklund Companies, LLC	101	43201	282.15
Park Maintenance	Personnel/Labor Relations	94332	Allina OccMed	101	43201	65.00
Park Maintenance	Repairs/Maint Machinery/Equip	02-14909	Lano Equipment, Inc.	101	43201	493.11
Park Maintenance	Small Tools and Minor Equip	332373310-139	Nextel Communications	101	43201	25.64
Park Maintenance	Telephone	11007464	Integra Telecom	101	43201	51.49
Park Maintenance	Telephone	332373310-139	Nextel Communications	101	43201	71.78
Payroll	Insurance Premiums	5166737	Delta Dental	101		920.40
Payroll	Insurance Premiums	C0031662584	Medica Health Plans	101		10,848.79
Payroll	Union Dues	05 2013	MN Public Employees Assn	101		419.00
Payroll	Union Dues	06 2013	MN Public Employees Assn	101		483.00
Planning and Zoning	Escrow Reimbursement	061713	Professional Finance Inc.	907		2,550.00
Planning and Zoning	Legal Notices	IQ 01815701	ECM Publishers, Inc.	101	41910	46.13
Recycling Operations	Gas Utilities	372851529	Xcel Energy	226	43235	69.93
Recycling Operations	Other Equipment Rentals	64157	Jimmy's Johnnys, Inc.	226	43235	52.87
Recycling Operations	Professional Services Fees	06 2013	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Refuse Removal	419424	Walters Recycling, Inc.	226	43235	265.21
Sewer Operations	Bldgs/Facilities Repair/Maint	21318	Westco Environmental Services	602	49451	750.00
Sewer Utility Capital Projects	Architect/Engineering Fees	31631	Hakanson Anderson Assoc. Inc.	434	49455	200.25
Sewer Utility Capital Projects	Architect/Engineering Fees	31634	Hakanson Anderson Assoc. Inc.	434	49455	34,747.93
Street Maintenance	Bldgs/Facilities Repair/Maint	1182561623	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	1182572926	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	101896	Rogers Electric	101	43220	907.94
Street Maintenance	Bldgs/Facilities Repair/Maint	101897	Rogers Electric	101	43220	276.16
Street Maintenance	Clothing & Personal Equipment	1182561623	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Clothing & Personal Equipment	1182572926	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Equipment Parts	418456	Ham Lake Hardware	101	43220	7.21
Street Maintenance	Equipment Parts	1539-222762	O'Reilly Auto Stores Inc.	101	43220	17.72
Street Maintenance	Gas Utilities	372851529	Xcel Energy	101	43220	108.06
Street Maintenance	General Operating Supplies	100394	River Country Cooperative	101	43220	14.99
Street Maintenance	General Operating Supplies	256145	S & S Industrial Supply	101	43220	21.19
Street Maintenance	Motor Vehicles Parts	C241150689.01	I State Truck Inc.	101	43220	58.87
Street Maintenance	Refuse Removal	419424	Walters Recycling, Inc.	101	43220	247.86
Street Maintenance	Safety Supplies	26035	Menards Cambridge	101	43220	58.91
Street Maintenance	Street Maint Materials	16159	Bjorklund Companies, LLC	101	43220	(213.79)
Street Maintenance	Street Maint Materials	16207	Bjorklund Companies, LLC	101	43220	377.06
Street Maintenance	Street Maint Materials	16210	Bjorklund Companies, LLC	101	43220	396.29
Street Maintenance	Street Maint Materials	16328	Bjorklund Companies, LLC	101	43220	382.98
Street Maintenance	Telephone	11007464	Integra Telecom	101	43220	51.49
Street Maintenance	Telephone	332373310-139	Nextel Communications	101	43220	174.14
Water Utility Capital Projects	Architect/Engineering Fees	31631	Hakanson Anderson Assoc. Inc.	433	49405	200.25
Water Utility Capital Projects	Improvements Other Than Bldgs	24665	Ferguson Waterworks #2516	433	49405	1,206.93
Water Utility Operations	Gas Utilities	061813	CenterPoint Energy	651	49401	25.50
Water Utility Operations	Gas Utilities	061813	CenterPoint Energy	601	49401	32.23
Water Utility Operations	Utility Maint Supplies	26228	Ferguson Waterworks #2516	651	49401	357.71

City of East Bethel

July 3, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Electronic Payments						
Payroll	PERA					\$6,640.00
Payroll	Federal Withholding					\$5,964.71
Payroll	Medicare Withholding					\$1,498.38
Payroll	FICA Tax Withholding					\$6,407.20
Payroll	State Withholding					\$2,324.02
Payroll	MSRS					\$3,360.79
						\$26,195.10

EAST BETHEL CITY COUNCIL WORK MEETING

June 10, 2013

The East Bethel City Council met on June 10, 2013 at 6:30 PM for a work meeting at City Hall.

MEMBERS PRESENT: Ron Koller Richard Lawrence Tom Ronning

MEMBERS EXCUSED: Bob DeRoche Heidi Moegerle

ALSO PRESENT: Jack Davis, City Administrator
Colleen Winter, Community Development Director/City Planner

Call to Order **The June 10, 2013 City Council work meeting was called to order by Mayor Lawrence 6:30 PM.**

Adopt Agenda **Lawrence made a motion to adopt the June 10, 2013 City Council work meeting agenda. Koller seconded; all in favor, motion carries.**

MIDS Presentation Winter explained that Minimum Impact Design Standards is a program used in conjunction with existing storm water management practices to help communities deal with development and how to best address storm sewer and surface water runoff. As an MS 4 Community, the City of East Bethel is already required to address best management practices related to storm sewer. The State of Minnesota has mandated that these practices include minimum impact design standards. Jay Michels of Emmons and Olivier will be presenting information on MIDS and next steps for the City of East Bethel.

The Planning Commission has had three meetings with Jay and they are recommending it go to the next steps.

Jay Michels of Emmons and Olivier, "We went through this with Planning over the in a course of three sessions earlier this spring and those were about 1 ½ to 2 hours. I have to be with the Commissioner of the DNR tomorrow morning at 9:00 a.m. in Stormlake, Iowa which is five hours away, so you are going to get me talking really fast tonight."

"Governor Anderson in the 70's called it the good life in Minnesota and Time Magazine made a big deal about our Land of 10,000 Lakes, which is actually 11,642 lakes. Is almost 70,000 miles of rivers and streams and about 93 million acres of wetlands. But, all is not good in Minnesota. 40% of the waters of the state that we have looked at, and we have looked at less than 10%, are found to be impaired for one reason or another. Here in East Bethel we have one impaired and that is Cedar Creek up on the north where it is crosses Highway 65. Coon Lake is border line right now. The list on a statewide basis and nationally continues to grow. We are adding 100's of waters every couple years when the list is updated by the pollution control agency. And we are not taking any off. It took decades to create the problem. And it will take decades to solve the problem."

"To understand this you have to know a little bit about the Hydrologic cycle. There is very little of the rain water that hits the earth that comes off the storm water runoff. Less than 10% runs off. 50% soaks its way back down into the ground where it is used by the trees and processed by the vegetation. The remaining is evaporated back up and that is what is creates the Hydrologic Cycle."

“When we come in and develop the same site, all of a sudden we put rooftops and asphalt and concrete and parking lots and streets in and that equation completely flip flops and what used to go in the ground now runs off. Now we are in the 55% range of runoff. We are very good of getting it off the site as fast as we can. It is caused by impervious surfaces. Anything that won't let the water get back in the ground, rooftops, parking lots, streets, driveways, sidewalks, etc. Fellow by the name of Tom Schueler is a national guru of storm water management and he started a place called the Watershed Protection out in Maryland and he worked with us in 2005 to write the Minnesota Storm water Manual. One of his early research projects was to establish the relationships between impervious surface and the impact it has on receiving waters. What he found was when you get above 10% impervious surface you are going to start impacting receiving water. When you get above 25% impervious surface you are going to start degrading the receiving water.”

The first battle is this water quantity battle and what used to go in the ground is not running off. We get a disruption of the water balance, our floods are higher, and they last longer, stream bank erosion because of that and that leads to habitat loss and the water that soaks back into the ground is what keeps the ground wet during the dry months. It keeps it gurgling during the dry months. We have eliminated that with the impervious surfaces so now we have a raging torrent in the spring and a dry gulley come August and September. This is changing dramatically too. As engineers we are always required to look at what this will look like after it is built. Analyzing pre-construction to post-construction.”

“The numbers we have been using for these rainfall events, whether it be 2 years, 10 years, 50 years, 100 year storms, which is a volume that was predetermined called TP40. Technical Paper 40. It looked at storm data in the 40's and 50's. It was established back in 1961. It hasn't been updated since 1961 and our weather patterns have been drastically changing. We now have Atlas 14 which was just approved and you can see the difference that we are looking at. All of sudden that 100 year storms we are dealing with 32% more water from the sky and we are wondering why we are having so much more flooding. As you increase water quantity you will decrease water quality. Then we throw in pollutants. We make a big deal out of sediment and erosion control. Sediment is a serious pollutant, but we also get other things coming with it and washing off into the streams. We have created a big problem, what we do in our backyards has a significant impact on other areas.”

“How much water are we really talking about? When we make this change from a prairie or forest and change it into a housing development? We took a look at a project in Rosemount in 2002. It was a wet year, we had 43 inches of rain that year and it was a 25 acre site. One corner of the site was forest. We run it through a program called TR55. Program we use to determine runoff. Based on curve number. As you add more impervious surface, that curve number goes up. As it was sitting the curve number was 62. That is 1.2 inches of rain to generate runoff to come off that site. Now we are going to take that 25 acres and turn it into residential housing and we determine the curve number is 79. Our impervious surface has gone up. Goes from 1.3 inches to a little under 1/2 inch that is generating runoff. Then we are generating impaction on this. Then we are up to a curve number of 86. And it takes a 1/3 inch to generate runoff. Pretty serious. Our concept has been to capture it in a pond. Most of our phosphorus problem has been caused by this. Even a residential house, 1500 square foot house in a 1 inch rain will generate 925 gallons of runoff. 1,000 square foot driveway in a 1 inch rain will generate 617 gallons of runoff. Hence our problems.”

“All of the rules we have been working with up to this point are based on the National Urban

Runoff Program (NURP). Developed back in 1983 where we took a look at how do we deal with this issue. We can put it in a pond; we can capture it and meter it out and rate control. If we adjust our design on this, we can capture about 85% of the sediment. That was the program everyone starting running to back in 1983. And it lead to a proliferation of ponds. And that lead to a proliferation of Geese and now we have goose poop which is one of our most significant pollutants in an urban setting. Our traditional storm water runoff approach has been to get it out of here as fast as we can. Off the roof, down the street and into the catch basin, centralize it; put it into a pipe and in most communities this is a direct line into our receiving waters.”

“When we look at the state of storm water today, the National Academy of Sciences did a study two years ago that reflected the state of storm water and it said that: Past Practices have been ineffective in protecting water quality. And only partially effective in meeting flooding requirements. It went to say that storm water control measures that harvest, infiltrate, and evaporate, are critical in reducing the volume from small storms. So based on that, our mantra for two decades has been get it in a conveyance and get it in some place we can store it and then get it off the site, meter it out. Now we have gone to filtration and infiltration, getting it back down in the ground and doing it through vegetation before we do that. Our paradigm has shifted from trying to control the rate and metering it out to trying to control the volume and that is what MIDS is all about. Volume is now the number one pollutant. If we can capture 90% of the rainfall, then we will be addressing this.”

“We have regulatory drivers that affect us. MS4 is part of the National Pollutant Discharge Elimination system. This is part of the Clean Water Act that was enacted back in 1972. NPDES Program is a part of that. We also have what is known as total maximum daily loads, that you are part of the impaired waters and the anti-degradation that you as a City need to be dealing with. It is all part of your MS4 permit process. The NPDES has three basic components to it. First is an industrial component that says a dirty type of industry has to have a permit and they have to be maintaining their sites and treating runoff coming off of their sites. The next is the Construction Storm water Runoff Program which here in Minnesota is administered by the Pollution Control Agency. It requires that any project that is greater than one acre and produces more than one acre of impervious surface has to produce a Storm Water Pollution Prevention Plan (SWPPP). The third component is the MS4 Program and it addresses that the communities put together a public awareness program, construction site runoff control, need to have an ordinance in place that addresses erosion and sediment control, a review program for plans coming in, an enforcement capacity within the City, as well as a post construction runoff control program. As well as pollution prevention and good housekeeping.”

“The other one that comes into play is called the Total Maximum Daily Load, if the State determines that water is impaired it goes on the 303 list. If you are on this list, you have to figure out how we are going to solve this problem. You go through a study process and put together a plan. We have one of those for the Sunrise River. The St. Croix is just wrapping up their plan. The other thing we need to keep in mind is anti-degradation. This is also required by the Clean Water Act. This requires that a City go back to 1998 and make sure the water quality and the impacts that have been put in since 1998 have had no anti-degradation of the receiving water. This one came as a complete surprise to us from the EPA. You are lucky you are an MS4. The MPCA has the power.”

“Builders are saying they will get on board, because generally when they use the low impact techniques, I can reduce the pipe sizes, I can reduce the project costs, and I can get more lots

out of it. This is a win, win situation for most builders. Requirements say you have to build a pond this big and treat this much water. Minnesota Cities Storm water Coalition said that NURP was great because the standards were all the same for everyone. But now all of a sudden we don't have anything that says if I put a rain garden in, or a green roof, we don't have that in our system today. So we need to take a look at that and come up with some kind of credit calculator to allow for some kind of better review process of these. And then it was at the same time we had environmental and natural resources groups that are continuing to say the water resources are degrading and we need a better system to protect and store the 10,000 lakes of Minnesota. And where the rubber really meets the road, is the Public Works Association is saying how are we going to maintain this? How are we going to put this together? The storm water pond was pretty easy to manage. Now all of a sudden you are going from one thing at the bottom of the watershed to all kinds of different practices on different sites. So who is going to own them? Who is going to maintain them? How are we going to be able to do this?"

"So the overall mission is to take that subdivision that generates about 3 to 6 hundred parts per billion of total phosphorus act like that forest or meadow which is going to generate about 20-50 parts per billion in total phosphorus. And we do it through mimicking Mother Nature. We do it through design principles that keep that equation of 10% runoff and 50% going into the ground. Infiltrating that volume and matching, mimicking what Mother Nature gives. Restoring the natural landscape. We call this Low Impact Development (LID). Conventional development, we have two storm water ponds at the lowest point of the development, we have curb and gutters and pipes and everything would be going directly to that and that is our storm water management."

"We used to think the NURP Study said that this would be 90% + effective in managing storm water. You say the National Academy's Study. When we wrote the Storm water Manual in 2005 we did some research on that and found that we are lucky to get 62 to 63% efficiency out of storm water pond. Our goal when we looked at a LID Development is to look at each development to mimic the sites natural hydrology. The first thing you look at is using the non-structural approaches. Better planning, better site design. Where we try to eliminate the impact by our development. Through maintaining natural flow areas, protecting buffers, protecting sensitive areas, especially sandy areas where we can get the water back down in the ground. Reducing impervious surfaces where we can by sharing parking lots, narrowing streets, whatever we can do to reduce the impact of impervious surfaces."

"Then we start getting into Best Management Practices, (BMP) these are the real tools. Rain gardens or bio-detentions, infiltration trenches, vegetated swales and filters, green roofs just capturing it. Right now we are designing a High School where traditionally we would have put in a pond and it would have sat there and waited for the next rain storm all the time. Now we are hooking that up to pumps and running it back up and irrigating all the property. We almost have a zero impact of taking a farm field and putting a High School on it. It can be done, it is a new world."

"The backbone of this is called bio-retention or the more common term is rain garden. What happens with a rain garden is it is a shallow area where the water flows into it and it fills up, the water soaks down in. If we got sandy soils it will wind up soaking its way into the subsurface, in heavier soils, then we go from infiltration to filtration and we can put a drain tile system down in the bottom of that bio-retention cell. So the water comes in and it is filtered by the vegetation on the top and it creates it way down through a sand/compost mix

and then into the drain tile and it has been filtered. We end up with clean water. Can capture the phosphorus with the new technology we are working with. Backbone of it.”

“One of the best studies that were done in Minnesota was done over here on County Road E and 35E at the HB Fuller Company parking lot. In the 1990’s they built a parking lot that is a benchmark for these Low Impact Designs. The water comes off the lot, the curbs are flat curbs, directed off to grassy areas to drop the sediment off that comes off the parking lot, and then it goes into the bio-retention area where it goes into the ground. It reduced storm water discharge and sediment by 94%. And phosphorus loading by 70%. It has become a nature setting up there.”

“More and more we are using engineered swales, where we can actually design these ditches so they will infiltrate. This was done in Burnsville. We can get the water back down in the ground, a lot easier to troubleshoot and maintain, and a lot easier than putting a pipe in.”

“Buffers are another golden opportunity to capture the sediment before it reaches the receiving waters. There are a lot of different ideas on the width of the buffers. Basically, our state law is the ditch law, which says we need a little over 16 feet between the crop and the receiving ditch. If you talk to a trout stream person, they are going to say you need a 100 feet. Most have adopted 35 feet.”

“Pervious pavements have become vogue. A lot of different types of these. Urban forests have become a new way of doing things. Maplewood Mall did this. Green roofs in Europe have been around for decades. It is one thing to do this in a new development, but we also have this world of retrofitting existing development. Crystal Lake was built up in the 70’s and we took a neighborhood there and retrofitted it. The first year we did it, we monitored the project and we hadn’t hooked the system up. June 8th rainfall event, area we did the retrofit was an 85% reduction.”

“Minnesota was the first state that has Low Impact Design requirements. It requires that the MPCA develop the Minimal Impact Design Standards which is based on LID, a storm water development approach that mimics the natural hydrology and using this approach storm water is managed onsite at the rate and volume of predevelopment of storm water runoff rates. We are mimicking the natural hydrology. Mimicking how the land has been used and what has been out there. And it was pretty big that the calculation should be based on predevelopment hydrology. What it goes back to not TR55 and the curve number, but it goes back to that natural hydrology of natural prairie and natural forest.”

“When we look at MIDS and it was adopted with the support of the Builders Association and the Minnesota Cities Coalition, our goal was to put a program together to reduce cost to developers, help City’s meet their requirements and put this all in a packet to improve the water quality in the State of Minnesota.”

“It all breaks down into three areas, we need an approach to storm water management that mimic’s the site’s natural hydrology. We needed new modeling methods that gave credits for new storm water techniques and developing an ordinance package that reflects all these new rules and these credits versus the traditional approach. As a result of this we have come up with the Community Assistance Package which is you were sent out only a part of. There is a subdivision ordinance, illicit discharge ordinance, storm water and erosion control ordinances, conservation ordinances, checklists and worksheets and all kinds of things that when this is adopted in the next couple of months this will be the package that communities

will be using for the requirements of the MS4. And it is all built around and reviewed by the MS4 communities, the Minnesota Center, the Minnesota Storm water Coalition.”

“When we talk about the MIDS Standards and concepts, our goals are adopting these. Our funding will run out next week. Goals to implement MIDS Standards, maximizing infiltration, giving credit for this, adapting standards and regulations for cold weather, using buffers and vegetative management, maintaining soil stability and implementing a cost effective inspection, enforcement and maintenance program.”

Ronning, “You say we are an MS4 community, what are Oak Grove, Ham Lake and Linwood?” Michels “I am not sure off the top of my head. I believe Ham Lake is also an MS4 community but it is on the MPCA website. Basically there are 240 communities that were put in the MS4 program. It was handed down by the EPA back in the early 2000’s as the result of a lawsuit. The EPA said the first phase of the MS4 did not go far enough to protect the impacted waters of Minnesota. They EPA came back after a lawsuit and developed this program where East Bethel became a part of it. It is based on population size and rapid growth and development.” Ronning, “What is the time frame for rapid development?” Michels, “From census to census.” Ronning, “What was our population change from that last census.” Davis, “From 2000 to 2010 our population changed about 800. The latest projections we received from Met Council shows that we are about even between now and 2010. Our growth was rapid from 1980 to somewhere in the mid 2000’s. And it has leveled off since then.” Michels, “When you look at the development in the community, I would guess most of it is going to be in the corridor. In the south end of town where you have put sewer and water in and that is what is going to be spurring development in East Bethel. You get out in the more outlying areas, it won’t be a problem. But in the south end of town you will see problems.” Ronning, “Some of the home density you are showing there doesn’t exist anyplace here.” Michels, “But within the MUCA line, the Met Council will require 3 units per acre within the sewer system. It will be a new regulation you will have to deal with.”

Michels, “Let’s dive into what the actual structure of what the ordinance will look like. All have these tables of contents. Starts out with authorization and contents. Rules and statutes. EPA hands these down from the Clean Water Act. Second phase of the ordinance is the findings. State the problem. Then break it down into the individual threats. Third part of ordinance is the purpose. And the purpose is to meet the MIDS performance standards. And to meet the MPDES and MS4 permitting standards. This is the reason we are doing MIDS for communities. So that is why we are helping communities. You have a program that you have to do this on your own. Our mission with the MIDS thing is from a City point of view. Within the body of the ordinance we have taken the requirements of a construction permits. We will adjust some of these things once we get the final rule. Our purpose is to help communities meet the anti-degradation requirements. Protect life and property from flooding. Provide a single, consistent set of performance standards that apply to all developments.”

“We want to provide a single set of performance standards that will apply to all developments. Your new MS4 permit become law about four weeks ago and it goes down the path of promoting MIDS. It is volunteer at this point. With the MS4 program it is getting pretty darn close to being required. Then we move into the scope and get into the nitty-gritty. Basically, what we have set up here is a two-headed program that addresses the larger developments as well as smaller developments. The SWPPP Program starts with any development that disturbs anything that disturbs more than one acres of land. The City has

fourteen days to determine if the development meets the requirements. As far as time for the development, can vary dramatically, but nine months is typical. The application needs to be consistent with the NPDES Construction Permit and we have developed an application checklist. Any one that is in the business realizes that a plan is only as good as the day you write it. If there is problems, if there are changes, than we expect the plan will be updated. Once the project is completed, the developer will work with the City. The entire ordinance is built on better site design and trying to protect the natural features. Trying to protect green space. Reducing impervious cover. I mentioned the credit calculator; the goal with this was to provide developers an incentive to us the LID. We plug information into the calculator and it tells us how much water we need to manage on the site. The first thing we need to put in is a rain garden and it tells us what size it needs to be, the requirements for drain down, and it tells us how us the phosphorus load we are treating. It also takes a look at sediment removed.”

“For all developments we are looking at rate control. Generally that is the two year storm we are looking at for protecting our channels. The 100 year storm is the big flood storm. Volume control in some cases there are more traditional approaches and we spent about a 1 ½ year discussing this. The 90% storm has become the threshold. Linear projects are unique. MIDS is designed to meet the anti-degradation threshold. In some cases we need to be more aggressive. We need to be flexible. If we can’t achieve 1.1 inch what can we achieve? Shallow bedrock, high groundwater we might not be able to infiltrate, so we might have to build it with filtration instead. If we have hotspots and contamination or excessive costs we need to deal with those. We might have to look at getting half of that. The calculator will tell us what we are going to achieve. If we can’t meet it where we are, then we have to start taking a look at other practices that might work. Or we can look at dig this on a larger scale.”

“The next section of the ordinance is inspection and records keeping. Developers are expected to pay the fee for this. Where we aren’t meeting our goals, we have stop work orders. City Council has the right to make sure this is taken care of. Financial security is required. Number of different ways you can determine what your financial security is going to be. Remaining amount is in a bond or cash. Real goal is to make this a reason to do it right. Bonding capability. We also have enforcement action. The ordinance also provides right of entry and inspections.”

Lawrence, “So far we have discussed the rain water runoff, and that we have problems with phosphorus and all these other issues. That you are labeling the lakes and streams as problematic. What are we doing to reverse that issue of being contaminated?” Michels, “Low Impact Development is the ticket in the urban area. Anything to promote volume control is one of our big ones. We still have issues and we are not going to solve the problem overnight. Agriculture is a huge issue.” Lawrence, “Is that our major problem we have?” Michels, “Yes, I would guess that 70% of our bed load in the Minnesota River Valley is our major contributor of sediment. If you take a boat down through North Minneapolis and through Saint Anthony Falls to below Fort Snelling, that water is relatively clean. The water coming through Minneapolis picks up a lot of stuff. The water coming through is pretty good. By the time it hits Fort Snelling we got a line of sediment. Drain tile systems, those pipes coming to the edge, can’t imagine that we can drain off anymore than we are draining off. All these things are contributors to the problem.”

Lawrence, “You discussed the stream up in the northern part of the City. That had to be coming from the farming area. And, now we have Coon Lake Beach which is almost

problematic. Isn't the swamp itself causing problems?" Michels, "It can be and that is one of the things we try to figure out. What can we correct? How can we correct it and how can we minimize what is happening to it in the future." Doug Tierney, resident, "If you read the report on page 56, the water coming in is actually cleaner than Coon Lake. The only thing is it is real long on oxygen. The county report is on the website."

Davis, "Can you address what affect MIDS would have on economic development, is it a plus or negative or neutral?" Michels, "When I take a look at a project, the first thing I am hampered with is the community's rules. The ones that say that you have to build this pond, this big and we don't give you any credit for it. And, a regulatory, environment that is different from town to town. One of the biggest negative incentives is all the different sets of rules. One of the goals of MIDS is to level that playing field so we are all playing with the same sets of rules. We did a project in a community and our costs got smaller using MIDS. In the end this project was as extreme I had ever seen and what wound up happening is our practices might have cost more, but we were able to offset that with more lots within the development and more open space that brought the lots prices up. Worst case scenario, it was a breakeven deal. We had another project that went from \$350,000 to \$150,000. With the cost benefits you see, why developers are open to this stuff."

Glenn, "On the topic of narrowing streets, are you giving up safety? Especially when people are going to bike and walk on those streets." Michels, "You design it for the use you are looking for. There is not one set amount. There have been a number of studies that show that usually people don't drive as fast on those streets. Usually the issue would be fire protection. It is determined by the need you have. The National Fire Code is a 22 foot wide street." Ronning, "When I am looking at this, MS4 is defined as a not publicly owned." Michels, "It is not necessarily just City's. The prison is a MS4. The Watershed Districts are MS4's." Ronning, "MS4's are only added if the storm water system is located in an urban area that meets the criteria established in the" Michels, "You were put in the program in 2005. I don't think you are going to get out of the program." Ronning, "You said it wasn't a mandatory thing." Michels, "It leads us down the path of becoming a regulatory tool. It says we will provide ordinances and tools." Ronning, "I have been through 5 or 6 hours of it. It is a good program. We are going to be competing for residents. I don't know of one particular place this is going to be applicable in this City. Everyone says this is going to be applicable. I keep asking where and no one answers." Michels, "You have a new sewer coming in, a new Community Development Director, I would think you would want to have this done. With that being the case, you will need to address some of these issues."

Lawrence, "Will this help streamline with your plan, versus what we are doing with our own? Also, we are already with a developer and he has an adjacent lot to this and I was talking to the developer and he said he had to build another ditch, so two side by side. Will this take this away when we implement this plan?" Michels, "I believe it would. I can't say specifically without looking at the project. The more you are managing as it is coming off the roof, the less you are managing on the ground." Lawrence, "What I am getting is trying to standardize what is done, so that everyone is working with the same standards." Michels, "I would love that. When the MS4s came out, my supervisor came to my desk on a Friday afternoon and I was one of the few at work. I ended up with the program. Next steps, our program is funded through a grant through September. We are testing this out. There will be changes. There is a new construction permit coming out. An ongoing process. Your Planning Commission went through this and was supportive of going on to the next step and that is the ordinances. Open to suggestions on how to go about doing this, we can get it into the ordinance form and then go back to the Planning Commission and work out the details

and get the City Attorneys involved. Your weakest point is storm water management and sediment control.”

Winter, “For the Planning Commission, for us it is really critical to make you aware of where we are at. We would like to have your blessing to move forward with this.” Ronning, “I don’t believe we can take an action like that. It is a work meeting, we can’t vote.” Davis, “We are just here for information.” Winter, “We are not asking you to vote, we are just asking for a sense.” Lawrence, “This will be helpful, bringing the development in and keeping the planning part more consistent. I think it is a good idea.” Koller, “I would have to agree. We have an awful lot of water around here. It would be good to keep our waters clean.”

Ronning, “Leon Mager was here and he was very knowledgeable and there are no impaired waters in East Bethel.” Michels, “Cedar Creek is on impaired.” Davis, “There is Crooked Brook. It was listed as impaired water.” Michels, “It is the upper part of town.” Davis, “It is pretty pristine. There is that part where it is Crooked Brook and maybe that is where it is impaired. I would think that park of Cedar Creek wouldn’t be impaired in the upper reaches.” Ronning, “In my opinion it is ill-timed and ill-advised. When development comes in it will be an excellent thing keeping the waters clean and safe. In June of 1965 we moved into Blaine. It was the Village of Blaine. They had just put sewer and water in. It was 30 to 40 years before anything came of it. I would have to see us be on the edge that we are jumping ahead.” Michels, “It is voluntary, but you are going to end up with the requirements of your MS4 permit requiring a lot of these things here tonight. And it is a lot easier to do it when you don’t have developers knocking on your door. It is difficult to change ordinances when you are in the middle of the stream. You are limited with your MS4 requirements. It is voluntary. East Bethel is your community and it is up to you.”

Ronning, “In the long run, it is up to the people of East Bethel.” Koller, “I can see it scaring off some developers.” Michels, “Most of the developers deal with this on a daily basis.” Winter, “Keep in mind what we need to be focused on is the corridor. I do believe strongly we will have a lot of development in the corridor. To your comment Ron, the folks that will be developing in the corridor, they are used to the MS4s and this kind of development. They have been developing in the Andover and the Blaine’s and they have that experience.” Ronning, “We have heard “Build it and they will come.” And this will increase their costs.” Winter, “Regardless, they will have costs. They will have to figure out a way to manage storm water either way and if there is a way to reduce cost, which I believe MIDS will do, this is a good way to go.”

Davis, “Maybe we should look at some of these things such as costs, whether under MIDS, or traditional, which is the best cost alternative.” Winter, “I have one example, and I can get more and provide it to you.” Plaisance, “It does sounds like there will be pluses and minuses. Some projects it will be more expensive and some less. But as representatives of our community, we have to look at eth long term. I am looking at increasing businesses along 65. The creek we were talking about runs right under Viking Blvd. and Hwy. 65 and right past my house. My wife and I have always been concerned if you make all these changes the landscape how it will affect me. Where is all that runoff going to go? Will it affect my septic system? And over and above that, but looking as stewards of the City, we need to control our own water and make sure it controls properly. And, it might scare off a developer.” Ronning, “If there is a problem with that water, we should look at taking care of the source.” Plaisance, “We should look at everything when a developer is going to come in. Being proactive.”

Davis, "I think this subject might be worthy of another work meeting, and we can cover the cost prospective and anything else." Ronning, "Rain Gardens, if the water doesn't go in, it is a mosquito farm. Since we moved here in 2004 there are some areas in Hidden Haven that we have never seen dry." Michels, "We need to design them so they drain down in 48 hours. The pipes are mosquito producers. Our goals are to design them so they are safely draining down in 48 hours." Davis, "What Tom is saying is there are probably some areas where rain gardens aren't going to work." Michels, "We need to design them so we have three feet of separation so we can look at the soil. We take that into consideration in the design." Koller, "What happens with a creek that runs through a cow pasture?" Michels, "There are programs within feed lot operations that are supposed to take care of it. MPCA has permits that are supposed to take care of that. It depends on how many animals that farmer has; he might not even trip the trigger on the program." Koller, "So with those kinds of things we are not really gaining much."

Lawrence made a motion to adjourn at 9:23 PM. Ronning seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

EAST BETHEL CITY COUNCIL MEETING

June 19, 2013

The East Bethel City Council met on June 19, 2013 at 7:40 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tom Ronning

MEMBERS ABSENT: Richard Lawrence Heidi Moegerle

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

Call to Order Davis explained that since the Mayor and Acting Mayor are not present tonight, it is up to the three members to nominate a Council Member in attendance to preside over the meeting.

Koller nominated Council Member DeRoche to preside over the June 19, 2013 City Council Meeting. Ronning seconded; all in favor, motion carries.

The June 19, 2013 City Council meeting was called to order by City Council Member DeRoche at 7:30 PM.

Adopt Agenda **DeRoche made a motion to adopt the June 19 2013 City Council agenda with removal of Item G.1 Lakepoint Drive Easement Vacation. Koller seconded; all in favor, motion carries.**

Res. 2013-33 Davis explained at the May 15, 2013 City Council meeting, Council directed that several
Authorizing actions be taken to secure bids for the sale of G.O. Refunding Bonds.
the Issuance

and Awarding The bid was advertised on June 6, 2013. The bid closing date is June 19, 2013. Todd
Sale of G.O. Hagen from Ehlers, Inc. has the compiled bid results for this bond issue and is here to
Bonds, 2013A provide the tabulations.

Todd Hagen from Ehlers and Associates our Financial Advisor, "Stacy was out here in May and discussed refinancing your 2010 bonds. This is a very large bond issue, over \$18 million. I have some good news. Standard and Poor's provided your rating service and they have given the City of East Bethel a AA- rating. Standard and Poor's is the way to go as far as the bonding rating issue. This rating reflects their view of the city's proximity and access to the metropolitan area, strong income levels and market value per capita indicators, maintenance of very strong unreserved general fund balance and overall moderate debt burden. This is a nice score in the financial management practice. The report talks about the frequency of staff informing Council where they are in the financial procedure, maintaining some sort of fund balance policy and to have that policy memorialized. Policies and procedures are very important. What could lower the rating is if the tax capacity continues to contract, creating financial pressure for the city. The report we supplied is easy reading. I see Rita is leaving us, but one of her last hurrahs can be that we got a good credit rating for the City."

Next is the Bond Sale Summary. We received six bids today. It was really good to receive

six bids; again it is a rather large bond. The lowest bid was from Mesirow Financial at 4.0481% and the second was Piper Jaffray at 4.1392%. There were a lot of folks looking at these bond issues and there is quite a spread on the bids from 4.0 to 4.3. But the market wasn't going our way today. We wanted to see a 3.5%. This is a long bond issue and 50 basis points were our minimum savings. We monitor this bond issue weekly. The next page shows Mesirow Financials Reoffering Scale. We ran it at \$17,620,000 and the yields were still too high. The next page has the summaries, this is information you have seen before. Under savings it would be minus \$1,100,000. We would have liked to have seen at the pre-sale at least a \$300,000 savings. The bonds are callable in 2021. The snapshot we took on the 15th of June was a respectable savings. Even with a \$200,000 minimum average and then saving a little after that and maybe looking at refinancing in 8 or 9 years."

"So we called the seller and told them to pull the G.O. Refunding Bonds, Series 2013A. The stars didn't align on this bond issue. The stock market did a little dancing today. We have come up with a Plan B. We have a resolution that Dorsey Whitney prepared that we would like you to consider. First, we need you to formally reject all bids today and then we would like to have you consider the proposed resolution that is the last page of the documents submitted to you. This resolution would authorize the Mayor, City Administrator and staff from Ehlers to continue negotiating with the low bidder to try to continue the purchase of the refunding. Sometimes we see cities getting everyone together in a month and coming up with a proposal, but we need parameters for accepting it. If you pass this resolution, you are saying the Council would want to continue pursuit of the refund. And, it would appoint the Mayor, City Administrator and Ehlers to work with (it doesn't have to be the low bidder) bidders, but not to exceed \$18,500,000 on the bond, and I would say that is a pretty easy parameter of the true bond cost. Section 2 talks about years 2014 to 2018 and what happens after that. If we could meet the \$200,000 we would go forward with the sale with this smaller group and then come back to the Council to ratify it. With this concept there would be an end to this, we don't want it to go on forever, so it would terminate on August 1, 2013. We wanted to at least present to the Council a Plan B. All afternoon I have been trying to think of how to craft this idea. And, this is not costing the City anything until we have a bond issue you like. The rating agency has a cost of \$15,000 and we are holding them off for about 60 days. If this expires the only person that you will have to pay is the rating agency.

DeRoche, "What do you think the chances are of us having a special meeting on Monday?" Davis, "We just have to post notice of it tomorrow and we can have a special meeting on Monday." Ronning, "What I see here is the current bond issues are very restrictive, you can only pay them certain ways when the object is to save money. This would give us breathing room for 2014." Davis, "We wanted to get breathing room for the next 3 to 4 years and then we would have a call date in 8 years." Ronning, "And with this the Mayor and the City Administrator have the final say on what goes or doesn't go? Because I think we should probably discuss this when the Mayor can be here if he is going to have this kind of responsibility." Todd, "Yes, the Mayor is part of that and it makes sense to talk about this when he can be here." DeRoche, "I personally have a problem with three people on the Council constantly making decisions. I think we need to call a special meeting. Especially if it is going to be the City Administrator and the Mayor that will be authorized to do this." Todd, "We want to keep it within certain parameters. We understand it will be difficult to set parameters. This is a large bond issue and you are probably not going to get savings during the entire bond issue."

DeRoche made a motion to schedule a special meeting on Monday, June 24, 2013 to

discuss the Series 2013A Refunding Bonds and the XXX Resolution. Ronning seconded. Running, "With the rules we have to deal with, we can't really talk about this outside of here. The bonds we have currently, essentially we have no control what happens to them?" Todd, "Yes, they have been issued and you have to pay them." Davis, "In regards to the 2010A & B Bonds, the federal tax credits we received this year will be reduced by \$41,000. Nobody knows what will happen in the next year or the next year. When this was proposed in May and the market was different, it was a no-brainer." Ronning, "With the new bonds, do you have to put them in now? Todd, "Yes." Ronning, "Up to August 1st there is no control that escapes the City Council." Todd, "As long as Standard and Poor knows we are planning on doing our work, we have gone through that process. Again, it is the parameters you don't want to be too tight." **All in favor, motion carries.**

Res. 2013-34
Acknowledg-
ing Rita
Pierce's
Service to the
City of East
Bethel

Davis, "We all know how valuable Rita has been to the City. It gives me pleasure to read this resolution:

Whereas, Rita Pierce began her employment with the City of East Bethel in September 2008 and is admired and respected by City Council, Staff and residents of the City as a result of her work ethic, integrity and regard for others ;

Whereas, Rita Pierce has set a standard for excellence in the performance of her duties as Fiscal and Support Services Director;

Whereas, Rita Pierce has been a leader in guiding the City through the financial challenges of the Municipal Utilities Project;

Whereas, Rita Pierce has performed her responsibilities over and beyond the expectations of the position;

Whereas, Rita Pierce will retire from her position as Fiscal and Support Services Director on July 1, 2013;

Now therefore be it resolved, by the City Council of East Bethel, that Rita Pierce's contributions and accomplishments are, hereby, publicly acknowledged and recognized and City Council extends their sincere appreciation to Rita Pierce for her services to the City.

Adopted this 19th day of June 2013 by the City Council of the City of East Bethel."

DeRoche made a motion to adopt Resolution 2013-34 Acknowledging Rita Pierce's Service to the City of East Bethel. Koller seconded. DeRoche, "You are surely going to be missed. You have done a great job since I have been here. You always have the answers and are very helpful." Ronning, "We are fairly new and you have been very reassuring since before we started. I appreciate it." **All in favor, motion carries.** Rita thanked the Council. She reminded them to reject the bond resolution.

Koller made a motion to reject Resolution 2013-33 Authorizing the Issuance and Awarding Sale of G.O. Bonds, 2013A. Ronning seconded; all in favor, motion carries.

Sheriff's
Report

Lt. Orlando gave the May 2013 report as follows:

DWI Arrests: There were two DWI arrests in May. Both arrests were the result of traffic

stops for driving conduct. One driver had a bac of .27.

Thefts: There were 16 thefts reported. There were two theft reports of scrap metal. One was from a business the other was from a residence, where metal tubing had been left outside. There was a suspect vehicle in the residence, described as a white Ford F-350. Unfortunately there was no license plate to go with the vehicle. There were four different reports involving the theft of jewelry. Three of the reports had acquaintances as suspects. One theft involved a vehicle which was left unsecured, having items taken from it, including a laptop. One report involved patio furniture that was taken from a home. The homeowner was in the process of moving and had been gone from the residence for a few days. When he came back home, his patio furniture was gone. He was able to locate two chairs, which a neighbor had. The neighbor advised the chairs had been out in the weeds, so he put them by his fire pit. The neighbor returned the chairs. There was a theft of a bicycle from a yard. A chainsaw theft produced an old roommate as a suspect. There was one reported identity theft, where a female received a notice from PayPal that her account was overdue. The female did not have a PayPal account and found that someone had opened an account under her maiden name. Finally, there were three gas no-pay reports, one which resulted in an arrest.

Burglaries: There was one reported burglary in May. This involved tools, fishing poles, and other miscellaneous items being taken from a residence. The homeowner thought it occurred over the Memorial Day weekend.

Damage to Property: Two damage to property reports were made in May. One involved a house and garage being spray painted. There are no suspects. The second report involved a window being broken out of a vehicle while it was parked in the driveway. Nothing was taken from the vehicle.

Assaults: There was one arrest for a felony 2nd degree assault and terroristic threats. An ex-boyfriend went to his ex-girlfriend's residence to pick up some of his items, as the relationship had ended. The girlfriend's father came out of the house and was yelling at the boyfriend. Things became physical between the two males, and the boyfriend had two friends with him, who jumped in on the altercation. The father went back to the deck at which time he pulled a handgun from his waist area and pointed it at the ex-boyfriend. The ex-boyfriend, believing he was going to be shot, dove behind a vehicle on the property. The father was taken into custody.

Disorderly Conduct: There were two arrests for disorderly conduct. One arrest involved a male who had come to a business to get a vehicle shrink wrapped. When the business owner refused to accept the vehicle, the male became belligerent, and took out a pocket knife and held it in his hand. The male did not open up the knife so the blade showed, nor did he make any threatening gestures with the knife. The male denied having his pocket knife out, when deputies spoke with him. The male was arrested for disorderly conduct.

Controlled Substance: There were two arrests in May for controlled substance violations. One report involved a suspicious vehicle that deputies were called to. The deputies arrived and found two people sleeping in the vehicle. The suspects had conflicting stories as to why they were there. A K9 Deputy was on scene and his dog alerted while walking around the vehicle, indicating there were narcotics present. A search of the vehicle revealed 18 grams of meth and 4 grams of marijuana, along with some oxycodone pills. Both occupants were arrested.

Lt. Orlando, "Then recently the new water treatment plant had some theft of copper. There was some evidence left at the scene which will be processed." DeRoche, "It's a good thing we are having a fence put up." Davis, "The sooner we get that up there, the sooner we will be protected." DeRoche, "I remember there was resistance to the fence. Did you see any instances at the lake?" Lt. Orlando, "There was damage to vehicle and graffiti at the lake. An extra patrolling word has been giving to the deputies to watch over there. As the weather gets nicer we will see those types of issues." DeRoche, "It was a little crazy on Saturday on Coon Lake. There were many, many boats and people probably shouldn't be driving those boats because they don't know how to control them." Lt. Orlando, "Call us, because water patrol is at many lakes and if there is something going on at a certain lake they can go patrol it."

2014-2015
Anoka
County
Sheriff's
Contract

Davis explained that the City contracts with the Anoka County Sheriff's Department, (ACSD) for police services. The current two year contract with the City expires on December 31, 2013. The City currently contracts for 36 hour per day patrol service and 20 hours per week for a Community Service Officer (CSO). The cost for this service for 2013 is \$961,144.

The City evaluated the feasibility of a City Police Department in 2008 and concluded that providing this service as an in-house City only function would not decrease costs or add value as compared to contracting the service with the ACSD.

At this time Lt. Orlando will present the 2014-2015 proposal.

Lt. Orlando, "The sheriff sends his regrets, he couldn't be here tonight he had another commitment. Our proposed contract for 2014 has gone up by just under 3%. Through union negotiations the deputies were awarded a 2% wage increase and PERA has increased. The total cost to the City of East Bethel with your state aid is \$981,312. That would include 36 hours of deputy patrolled areas and 20 hours of CSO service." Davis, "Can you explain the thresholds for minimum standards?" Lt. Orlando, "We determine your calls for service in 2012. Then there is a formula that determines the amount of time the deputies are off the road transporting someone to jail, writing reports, etc. 50% is the amount of time they would be responding to calls and those types of things. The other 50% of time, they are doing proactive types of activities. The sheriff recommends we continue the 50% proactive time. It allows the deputies to do speed enforcement, monitor construction zones, and spend time in neighborhoods where there are issues such as when there have been break-ins. The minimum amount the sheriff's office will allow it to go to is 40% and we don't recommend that you go up and down."

"The former sheriff recommended 60/40 and when the new sheriff came in and realized how challenged the budgets where he acknowledged that the 40-50% would be easier. 2008 is the last time East Bethel had 32 hours of contracted service. To go backwards, I think it would be prudent to stay where we are at." DeRoche, "I don't have a problem with that."

Davis, "I requested this budget be presented and questions be answered so we know what we are dealing with for our budget discussions." Ronning, "Do you have an estimate of what percentage your deputies are first responders to accidents and medicals and those types of calls?" Lt. Orlando, "Do you mean if there is an accident, is an East Bethel deputy always the first one there?" Ronning, "I am just wondering how many calls your deputies are the first responders on accidents and such. Other calls besides speeding, giving out

tickets.” Lt. Orlando, “You always have a deputy here. They might be in Anoka because they are taking someone to jail. But, during 12 hours daily you do have two deputies. And we do have county-wide deputies that will come in to priority calls.” Ronning, “I am just trying to point out that there is a lot more to the service you provide than writing tickets and arrests.” Lt. Orlando, “Yes, that is true. We search for lost children, we do business checks, and we do service events. There could be several deputies in your City at different times.”

DeRoche, “There was an incident in Ham Lake a few weeks ago and it was an East Bethel deputy that rescued the person. I don’t know if they are all licensed first responders, but it used to be that they all were licensed first responders. The word got out that it was the individuals that were there that saved this person and they didn’t want any Atta boys. They said it was their job.” Lt. Orlando, “Yes, they saved a life.”

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

Consent Agenda Ronning, “I would like to remove Item E) Res. 2013-36 Transferring Funds from the EDA for further discussion.” DeRoche, “I also would like to discuss Item E.”

Ronning made a motion to approve the consent agenda including A) Approve Bills; B) June 5, 2013 City Council Regular Meeting Minutes; C) Liquor License Renewals; D) Res. 2013-35 Acknowledging Donation from CLIMB, Theatre; E) Res. 2013-36 Transferring Funds from the EDA. DeRoche seconded; all in favor, motion carries.

E) Res. 2013-36 Transferring Funds from the EDA DeRoche, “Item E) Res. 2013-36 Transferring Funds from the EDA is this is to transfer the money to pay for the sign?” Davis, “Yes, we are transferring the money from the EDA to the equipment replacement fund. It should be funded and replaced from the equipment replacement fund. The EDA doesn’t want to own and take care of the sign.” DeRoche, “I mentioned to you about a couple letters that were out, did they get fixed?” Davis, “Nate contacted them today to get them back out to work on it.” Ronning, “And this was a warranty item?” Davis, “That is correct.”

DeRoche made a motion to adopt Resolution 2013-36 Transferring Funds from the EDA. Koller seconded; all in favor, motion carries.

IUP/Home Occupation – Thomas Van Elsberg – 4991 201st Avenue NE Winter explained that the property owner/applicant is requesting an IUP for a home occupation that would allow the buying and trading of firearms. Obtaining a permit for a Home Occupation – IUP is a necessary step in order for Mr. VanElsberg to obtain a Federal Firearm License from the ATF. In Mr. VanElsberg’s case, the home will be used as an office only and no retail sales of any firearms will take place on the premises. His business model is that he will buy, sell and trade firearms at trade shows and on the Internet. He will have a limited supply of firearms at his residence, but will utilize drop shipments from manufacturers and wholesalers directly to the buyers. Mr. VanElsberg will not have any employees, and no signage associated with the business will be displayed at the home.

Home occupations are a permitted use in the RR- Rural Residential District as long as the Applicant can meet the requirements of the City Code and can comply with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Staff requests approval from City Council for an IUP for a home occupation for the buying and trading of firearms, located at 4991 201st Ave. NE, Dellwood Acres, Lot 6, Block 1, PIN 24-33-23-14-0008 with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Home will not be used as a point of retail on site sales.
3. No signs associated with the business will be displayed at or on the premises.
4. Must obtain all appropriate ATF permits and follow all ATF regulations related to firearms.
5. Violation of conditions and City Codes shall result in the revocation of the IUP.
6. All conditions must be met no later than July 31, 2013. An IUP Agreement shall be signed and executed no later than July 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

DeRoche made a motion to approve the request for Thomas Van Elsberg for an Interim Use Permit for a home occupation for the buying and trading of firearms, located at 4991 201st Ave. NE, Dellwood Acres, Lot 6, Block 1, (PIN 24 33 23 14 0008) with the following conditions: 1) Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18: a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation, b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence, c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation

signage must be no larger than two (2) square feet (City Code Chapter 54-4.3), d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved. e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved, f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance, g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation, h. Parking needs generated by the home occupation shall be provided on-site, i. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use, j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation, k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation. 2. Home will not be used as a point of retail on site sales; 3. No signs associated with the business will be displayed at or on the premises; 4. Must obtain all appropriate ATF permits and follow all ATF regulations related to firearms; 5. Violation of conditions and City Codes shall result in the revocation of the IUP; 6. All conditions must be met no later than July 31, 2013. An IUP Agreement shall be signed and executed no later than July 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP. Ronning, seconded.

Ronning, “Condition #4, is that something that is on file with the City? Is it just to know that it is up to date?” Winter, “Yes and I have already received those permits from the applicants.” Koller, “Will he have a gun safe?” Winter, “He is required to for safety.” Mr. Val Elsberg. DeRoche asked Mr. ValElsberg, “Will you keep your ammunition in a safe? I personally looked on the website and that the ATF does come out to the home and check these permits. They are very strict. Do you plan on having a lot of ammunition?” ValElsberg, “No, I don’t plan on having a lot of ammunition.” **All in favor, motion carries.**

IUP/Home Occupation – Heather Hime – 4349 Viking Blvd. NE

Winter explained that the applicant, Heather Hime, is requesting an IUP to operate a home-based business named “Lucky Paws.” The business will provide dog training and a dog play care center. There are several types of programs offered through her business including playgroup services, daytime boot camp training services, and one-on-one training services. The hours of operation for those programs are Monday – Friday, 8 am – 4 pm.

In addition to the three programs offered above, there is also a boot camp program where dogs stay overnight in the residence at 4349 Viking Blvd NE and go home on weekends. The maximum number of dogs in this type of program is three (3). Programs offered include a 4-week program and a 2-week program.

Ms. Hime’s business plan is attached and includes details outlining all of the programs that she offers as well as the facilities, fencing, flooring, cleaning, waste disposal, and other requirements. Her Business Plan is included as Attachment #1.

Home occupations are a permitted use in the RR - Rural Residential District as long as Ms. Hime can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the

IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Staff requests approval from City Council for an IUP for a home occupation known as Lucky Paws, located at 4349 Viking Blvd. NE, PIN 25 33 23 32 0009, with the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.\
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. In addition, Ms. Hime shall be required to obtain a private kennel license and meet all of the requirements of Sections 10-54 and 10-55 as set forth:

Sec. 10-54. - Kennel license.

The maximum number of dogs allowed without a kennel license is two. The maximum number of dogs allowed with a private kennel license is to be determined by the number of acres:

- a. Five acres or more but less than ten acres: six dogs.
- b. No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel

licenses in zones other than commercial and industrial districts.

- c. No person shall maintain a private or commercial kennel in the city without securing a license from the city council. The fee for the license shall be as established by resolution of the city council.
- d. Prior to issuance of a private kennel license from the city council, a hearing before the planning and zoning commission must be held. Notice must be given to all affected property owners within one-quarter mile of the outside dimensions of the parcel where the kennel is contemplated. The planning and zoning commission will make a recommendation to the city council on the request.
- e. Prior to issuance of a commercial kennel license from the city council, a hearing before the planning and zoning commission requesting an interim use permit must be held. Notice must be given to all affected property owners within 500 feet of the outside dimensions of the parcel where the kennel is contemplated, and published in the city's official newspaper at least ten days before the public hearing. The planning and zoning commission will make a recommendation to the city council on the request.
- f. Private kennel licenses do not confer any property rights upon the licensee, and the issuance of said licenses does not assume that future licenses will be granted. Licensees will need to independently assess whether any improvements made in relation to city requirements will be amortized during the initial time period of the license. Licenses will be issued for a set number of dogs, which shall not be exceeded. Licensees who wish to add a dog need to reapply for a private kennel license. Licensees who relocate to another area of the city need to reapply for a private kennel license. Licenses are not assignable to other parties.
- g. The initial term for a private kennel license shall be one year; subsequent licenses, if so granted, will be for a term of up to three years.
- h. Licensees authorize city staff to perform periodic, random inspections of the kennel for the purpose of determining compliance with the conditions of their license.
- i. No party, person, corporation, or other entity will be allowed more than one private kennel license.
- j. Kennel licenses in effect on residential property at the time of adoption of the ordinance from which this article is derived that do not meet the requirements of this article are considered legal, nonconforming licenses and can continue to keep up to the number of dogs authorized by the kennel license at the time of adoption of the ordinance from which this article is derived. Adding more dogs to an existing license would require meeting the requirements of subsection (f) of this section.

Sec. 10-55. - Conditions for issuance of a private kennel license.

The following conditions are mandatory for the issuance of a private kennel license:

- a) Housing enclosures shall be located as not to create a nuisance and shall not

- b) Dogs shall be confined to their own property by a provable means.
 - c) Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
 - d) Accumulations of feces shall be located at least 200 feet from any well.
 - e) All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
 - f) All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
 - g) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
 - h) Kennels shall be considered an accessory structure for setback purposes.
7. All conditions must be met no later than August 30, 2013. An IUP Agreement shall be signed and executed no later than August 30, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

DeRoche, motion to approve the request Heather Himes for an Interim Home Permit for a home occupation known as Lucky Paws, located at 4349 Viking Blvd. NE, (PIN 25 33 23 32 0009), with the following conditions: 1) Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18: a) No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation, b) No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence, c) Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3), d) The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved, e) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved, f) The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance, g) There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation, h) Parking needs generated by the home occupation shall be provided on-site, i) The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space, j) No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation, k) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation. Also Conditions of Kennel License: a) Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area, b) Dogs shall be confined to their own property by a provable means, c) Housing and shelter must be provided which will keep animals comfortable and protected from the elements, d)

Accumulations of feces shall be located at least 200 feet from any well, e) All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly, f) All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m., g) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose, h) Kennels shall be considered an accessory structure for setback purposes. 2. All conditions must be met no later than August 30, 2013. An IUP Agreement shall be signed and executed no later than August 30, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP. Ronning seconded. DeRoche, "I happened to be at the Planning Commission when this came before them. She is very organized and has been doing this for a long time. I didn't hear anyone that night that had any problems with it." Ronning, "I was impressed as well." **All in favor, motion carries.**

Setback
Variance –
Matthew
Saarloos –
18429
Lakeview
Point Drive
NE

Winter explained that Mr. Saarloos is requesting a variance from both the front and side yard setbacks in order to build a 24' x 28' foot detached garage. Mr. Saarloos currently has an existing dilapidated structure that is unsafe; he will be demolishing that garage and putting a new garage in its place. The new garage will be on a floating slab. The proposed garage would be setback an additional 2 feet from the front yard setback and 5 feet from the side yard setback. The old garage was located 3 feet off of the front yard property line and 3 feet off of the side yard property line. So the proposed setbacks for the new garage are 5 feet from the front yard setback and 8 feet off of the side yard setback. Staff has worked with Mr. Saarloos and this is the only place that he can locate a garage on his property and have a driveway where he can pull into the garage. On the east side of his property there is a dedicated permanent easement for a road and he is not able to locate his garage on that side of the property and comply with the appropriate setbacks and still have room to put in the type of driveway that is necessary to turn in to his garage. His drainfield is located in the middle of his lot and staff felt that it was very important that he comply with the setback of 10 feet from the drainfield, he therefore has no choice as to where he can locate the new garage. As proposed, this is the best and only site.

It should be noted that many of the garages in this area sit close to the boulevard. **Attached are pictures that show the location of Mr. Saarloos' garage and several garages in the neighborhood.**

The property is zoned Single Family residential and is in the Shoreland Overlay District; normal setbacks are:

Detached accessory structure		
(a)	Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street
(b)	Side street	25 feet and cannot be located between the principal structure and the street
(c)	Side yard	10 feet
(d)	Rear yard	10 feet

There are three variances that are required:

1. Front yard variance – Must meet required setback of principal structure – 25 ft. The variance request is for 20 feet.
2. Front yard setback of principal structure – Garage would be located between the principal structure and the street. This is somewhat debatable as you could make the determination that his front yard is the lake side.
3. Side yard variance – the variance request is for 2 feet.

Variance Findings of Fact:

1. The property owner proposes to construct a 24' x 28' detached garage which will replace an existing dilapidated structure.
2. The proposed location of the new garage is setback further from the front and side property lines than the existing structure.
3. The proposed location of the new garage will be in line and in some cases set back further than neighboring detached garages.
4. Due to the location of Mr. Saarloos drainfield and septic tank, the garage needs to be setback 10 feet from the drainfield.
5. Due to the setback requirement and the narrowness of Mr. Saarloos property, the proposed location of the new garage is the only place to locate a detached garage and have a driveway that provides an adequate turning radius to get into the garage.
6. The new garage will not alter the essential character of the neighborhood
7. The strict enforcement of the zoning ordinance would cause undue hardship because of circumstances unique to the individual property under consideration.

City Staff requests approval, based on the findings of fact, to City Council for the following variances:

1. Front yard variance – Must meet required setback of principal structure – 25 ft. The variance request is for 20 feet.
2. Front yard setback of principal structure – Garage would be located between the principal structure and the street.
3. Side yard variance – the variance request is for 2 feet.

Ronning made a motion to approve the request of Matthew Saarows for a Front Yard setback variance for 20 feet, a front yard setback of the principal structure to allow the garage to be located between the principal structure and the street and a side yard variance for 2 feet. Saarows, “Actually the side yard is for 4 feet, not 2 feet.” **DeRoche amended the motion to make the side yard variance 4 feet. Ronning accepted the amendment. Koller seconded.** Ronning, “I was out there with another Council Member and Saarows is more in compliance than some of the other residents.” DeRoche, “He is more in compliance and the garage is more than a little rough. And the other option is to ask the city to vacate property next to him.” **All in favor, motion carries.**

Castle Towers
/ Whispering
Aspen
Forecmain
Project
Update and
Assessment
Determination

Jochum explained that the City and the Metropolitan Council of Environmental Services (MCES) will consider approval of an agreement to construct a joint project from Viking Boulevard to 229th Avenue upon the submission of final bids for this work. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the City connection from Klondike Drive to Sims Road and from 229th Avenue to Castle Towers will be constructed

as a City only project. Attachment on page 108 shows the proposed pipe routes and the location of the rapid infiltration basins.

MCES bid this project on February 12, 2013. Four bids ranging from \$8,423,076 to \$9,454,255 were received. MCES concluded that the second bidder, S.M. Hentges and Sons, Inc., offered the lowest responsive bid of \$8,588,125.92. The City’s share of the construction was \$1,606,128.31. Due to contract award issues the MCES has decided to rebid the project. The new bid date is June 20, 2013.

The City’s forcemain project Base Bid consists of the construction of 6-inch, 8-inch and 10-inch forcemain and one lift station. Bids were opened on May 14, 2013. There were also three alternate bids received. The Alternate Bids were as follows:

Alternate Bid No. 1: Construct a gravity pipe between the existing lift station on Pierce Street to the new lift station. This alternate will allow the City to eliminate the current lift station on Pierce Street.

Alternate Bid No. 2: Replace the proposed 8 inch forcemain with 10 inch forcemain. This alternate will provide capacity of an additional 375 connections.

Alternate Bid No. 3: Replace the existing lift station that services the Castle Towers Mobile Home Park.

A summary of the Base Bid and Alternate Bids for the two lowest contractors’ is as follows:

Contractor	Base Bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
Latour Construction	\$1,849,982.69	\$182,379.00	\$50,398.50	\$338,404.29	\$2,421,164.48
Minger Construction	\$1,942,278.25	\$110,030.25	\$64,650.60	\$271,327.20	\$2,388,286.30

Assuming the previous Base Bid and all three Alternate Bids remain relatively unchanged, the total construction cost for this project would be \$3,994,414.61. Adding costs for easements, overhead, and contingency the total estimated project cost is \$4,600,000.

Staff has analyzed cash flow scenarios based on a project cost of \$4,600,000. The analysis assumes capacity of the forcemain system ranging from 70 percent to 100 percent by the year 2042. The required initial City Sewer Access Charge (SAC) that would be required to cash flow this project and the MCES SAC is estimated as follows:

Percent of Capacity	Number of ERU’s	MCES SAC	City SAC	Total SAC
70	916	\$2,600	\$3,350	\$5,950
80	1042	\$2,600	\$2,675	\$5,275
90	1168	\$2,600	\$2,175	\$4,775
100	1294	\$2,600	\$1,800	\$4,400

The cash flow analysis assumes that the existing property owners will not be assessed.

Staff recommends that the existing property owners not be assessed for this project for the following reasons:

1. The primary reason for this project is to decommission the existing wastewater treatment plant that is at the end of its design life.
2. It may be difficult to prove benefit since municipal wastewater service already is provided to the benefitting properties.
3. Initial cash flow analysis provides reasonable City SAC charges without assessing the existing property owners.

If the City assesses a portion of this project to the existing property owners, an improvement hearing would need to be held prior to the project award. Based on the project contract documents this project must be awarded by July 12, 2013. The hearing would therefore, be proposed to be held on July 10, 2013. A workshop prior the July 10, 2013 meeting would be suggested to review assessment alternatives.

Staff recommends that the existing property owners not be assessed for this project and is requesting direction regarding the question of assessment for the proposed Castle Towers/Whispering Aspen Forcemain Project.

Jochum,” I apologize, there was a misprint in the write-up. The workshop would be proposed prior to the July 10th meeting.” DeRoche, “This has come up before. The plant has issues and it is a benefit.” Davis, “Assessment of the current property owners is not what we are recommending. The primary reason for the project is to decommission this plant and get out of the sewer and water business. We can still recover our costs through this without an assessment. A lot of those existing properties have the highest assessment costs and highest sewer rates.” DeRoche, “I would like to get legal advice.” Vierling, “If the Council choice to assess, you would have to publicize this for the next two weeks. I don’t know what the benefit would be, and if challenged you would have to do an assessment on the benefit. If you don’t do one, then you can’t go back and do it later.”

Ronning, “Are we obligated to repair, fix everything with the current system?” Davis, “Yes, we are. I think we have a good case, the cost ratio plus we will be getting out of the wastewater treatment business.” Ronning, “We are going to pay more than it costs to get rid of it.” Koller, “Once this plant is decommissioned, do we have plans for demolishing it?” Davis, “Once we get plans from MCES, we will need to take care of that. There are approximately six residential lots there that could be sold. There are also eight acres there that could be sold or used.” Vierling, “The project has merit economically. It is just a case of how you pay for it.” Ronning, “The lagoon, who owns that?” Davis, “We do.”

Ronning made a motion to not assess the existing property owners for the proposed Castle Towers/Whispering Aspen Forcemain Project. Koller seconded; all in favor, motion carries.

Fire Dept.
Report

Davis explained that the Fire Chief has provided reports of Fire Department emergency calls, fire inspections, and emergency medical calls from May 2013. Koller, “It has been really quite at the Fire Department.”

Staff Reports

Vierling, “I want to update Council. Obviously we supply the City with legal services, but we also supply the City with Employment Law services. Our attorney that has been

providing these services, Jennifer Nodes has left our firm to go work with a Minneapolis firm. She has been working on the John Schaser Veterans Preference issue. The last item with that case is the argument to the appellate court. She would like to complete this case, so we are making arrangements so she can complete that process. In the same vein, we have already secured a new attorney that has 10 years of experience in Employment Law. Although we wish Jennifer well, we went out in the marketplace and secured a good employee in that area. Jennifer did some of your prosecution and we will be doing some shifts there until we have some permanent placement. I will be reporting back to you. It is nice when you get a Minneapolis firm trying to poach your attorneys. If you ever have any questions on any of our personnel, I welcome any calls.”

Davis, “MCES will open the third rebid of the forcemain tomorrow and we will advise you of the results as soon as we have them.”

Council
Member
Report –
Koller

Koller, “Well, I already gave the fire department report. It has been slow which is good. The League of Minnesota Cities conference is going on. I went there today for about four hours. I will be going there tomorrow and Friday. I am not enjoying the traffic, 35E was stopped, and 694 at a complete stop. So if you are going there, give yourself plenty of time.”

Council
Member
Report –
Ronning

Ronning, “The last meeting I asked about details of the cost estimate. I received a great report from the city engineer. Thank you. I was going to ask Colleen and Jack, the MIDS presentation we had; there were a lot of holes in there. And, it seems it is not just for rainwater. Can we approach the gentleman that gave the presentation and ask him for a typical design?” Winter, “We were thinking we need to have one more meeting to explain what are the costs, what does a typical design look like. Is there desire on the part of the Council to do that? Maybe prior to a regular city council meeting?” Ronning, “Who is on the hook for the design cost?” Winter, “The developer would be. It is an alternative way of doing storm water practices.” Ronning, “What is the status of Oak Grove, Ham Lake, Linwood, we are competing with growth. We don’t want to take ourselves out of the game.” Jochum, “They are all MS4s. The requirement is 1 inch of infiltration. That is the general rule. I believe Andover and Ham Lake are MS4s.” Davis, “Some of those standards have changed in the MS4s. Colleen and I have discussed ways we can all understand it better. Maybe we could break it down into simpler components and show it in a cost standpoint. And, also have testimony of builders and developers on how it affects them personally. We will be working on this.”

Council
Member
Report –
DeRoche

DeRoche, “I don’t have much; it has been a nice quite night. Smokey’s had their Grand Opening. The beach is a unique place. I recommend anybody go through there on a weekend. Just sit on a bench and watch. Some think it is off the way and backwards. But, whenever something goes down over there, or there is a graduation, wedding, whatever, they all pull together. They help each other out. I run extension cords to my generator to help my neighbors when a storm goes through. We do have a problem though, there seems to be an awful lot of White Pines that are dying off and if we cut them down and haul them off if something is causing this problem, we will be spreading it. It has been crazy on the lake; I wish you could make them take a class to drive a boat. There was an accident. The gentleman that got hit fell off a ski boat and got hit. The weather has been pretty nice. I drove through the parks, and the parking lots are full, the kids are in the parks playing. That is good to see our parks getting used. We have some parks that could be put to bed, when

there is no one around using them. It would be better to let the animals have it back.

Adjourn

Ronning made a motion to adjourn at 9:20 p.m. Koller seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-37

**RESOLUTION ACKNOWLEDGING THE DONATION FROM
HAKANSON, ANDERSON ASSOC.**

WHEREAS, the City of East Bethel has received a donation of eight Minnesota Twins Tickets valued at \$192.00 from Hakanson Anderson Assoc to be used towards the Family Fun Night scheduled for Friday, July 19, 2013.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council of the City of East Bethel acknowledges and accepts the Minnesota Twins Tickets valued at \$192.00 from Hakanson Anderson Assoc.

BE IT FURTHER RESOLVED THAT: the City Council of the City of East Bethel expresses its thanks and appreciation to Hakanson Anderson Assoc for the Minnesota Twins Tickets for Family Fun Night.

Adopted this 3rd day of July, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

CONTRACTOR'S PAY REQUEST		DISTRIBUTION:
East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project		CONTRACTOR (1)
CITY OF EAST BETHEL, MN		OWNER (1)
PROJECT NO. C12.100028		ENGINEER (1)
Pay Estimate No. 23		BONDING CO. (1)
TOTAL AMOUNT BID		\$11,686,468.20
CHANGE ORDER NO. 1 (REVISED)		\$324,949.43
CHANGE ORDER NO. 2		\$43,536.10
CHANGE ORDER NO. 3		-\$9,078.08
CHANGE ORDER NO. 4		\$18,823.65
CHANGE ORDER NO. 5		\$0.00
CHANGE ORDER NO. 6		-\$137,342.33
CHANGE ORDER NO. 7		\$2,414,658.18
CHANGE ORDER NO. 8		\$54,245.25
CHANGE ORDER NO. 9		\$193,092.02
CHANGE ORDER NO. 10		-\$43,419.21
EXTRA WORK		\$12,610.25
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS		\$14,558,543.46
MCES STORED MATERIALS TO DATE		\$1,294,983.05
EAST BETHEL STORED MATERIALS TO DATE		\$948,118.25
TOTAL, STORED MATERIALS TO DATE		\$2,243,101.30
DEDUCTION FOR MCES STORED MATERIALS USED IN WORK COMPLETED		\$1,272,584.87
DEDUCTION FOR EAST BETHEL STORED MATERIALS USED IN WORK COMPLETED		\$921,848.57
TOTAL DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED		\$2,194,433.44
TOTAL DUE MCES STORED MATERIALS TO DATE		\$22,398.18
TOTAL DUE EAST BETHEL STORED MATERIALS TO DATE		\$26,269.68
TOTAL DUE, STORED MATERIALS TO DATE		\$48,667.86
TOTAL, MCES COMPLETED WORK TO DATE		\$7,241,818.45
TOTAL, EAST BETHEL COMPLETED WORK TO DATE		\$4,406,529.56
TOTAL, COUNTY COMPLETED WORK TO DATE		\$1,990,683.82
TOTAL, COMPLETED WORK TO DATE		\$13,639,031.83
TOTAL, COMPLETED MCES WORK & STORED MATERIALS		\$7,264,216.63
TOTAL, COMPLETED EAST BETHEL WORK & STORED MATERIALS		\$4,432,799.24
TOTAL, COUNTY COMPLETED WORK TO DATE		\$1,990,683.82
TOTAL, COMPLETED WORK & STORED MATERIALS		\$13,687,699.69
MCES RETAINED PERCENTAGE (5%)		\$363,210.83
EAST BETHEL RETAINED PERCENTAGE (5%)		\$221,639.96
COUNTY RETAINED PERCENTAGE (5%)		\$99,534.19
TOTAL RETAINED PERCENTAGE (5%)		\$684,384.98

TOTAL EARNED LESS RETAINAGE MCES TO DATE	\$6,901,005.80
TOTAL EARNED LESS RETAINAGE EAST BETHEL TO DATE	\$4,211,159.28
TOTAL EARNED LESS RETAINAGE COUNTY TO DATE	\$1,891,149.63
TOTAL EARNED LESS RETAINAGE TO DATE	\$13,003,314.71
TOTAL, MCES AMOUNT PAID ON PREVIOUS ESTIMATES	\$6,872,947.48
TOTAL EAST BETHEL AMOUNT PAID ON PREVIOUS ESTIMATES	\$4,209,377.38
TOTAL COUNTY AMOUNT PAID ON PREVIOUS ESTIMATES	\$1,891,149.63
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES	\$12,973,474.49
MCES THIS ESTIMATE	\$28,058.31
EAST BETHEL THIS ESTIMATE	\$1,781.90
COUNTY THIS ESTIMATE	\$0.00
PAY CONTRACTOR AS ESTIMATE NO. 23	\$29,840.21

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: S.R. Weidema, Inc.
17600 113th Avenue North
Maple Grove, MN 55369

By *San Guzman* Name *Superintendent* Title

Date 6-21-13

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LANE SUITE 200 CHASKA, MN 55318

By *[Signature]*, PROJECT ENGINEER

Date 6/10/13

APPROVED FOR PAYMENT:

OWNER:

By _____
Name Title Date

And _____
Name Title Date

STORED MATERIALS

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

PAY ESTIMATE NO. 23

SUMMARY OF STORED MATERIALS: PAYMENT FOR APPROVED MATERIALS STORED ON SITE:	Invoice Unit Price	MCECS		CITY		MCECS		CITY		MCECS		CITY		MCECS		CITY	
		TOTAL STORED MATERIALS Quantity	Amount	TOTAL STORED MATERIALS Quantity	Amount	MATERIALS USED IN PROJECT Quantity	Amount	MATERIALS USED IN PROJECT Quantity	Amount	STORED MATERIALS ON HAND	Amount	STORED MATERIALS ON HAND	Amount	STORED MATERIALS ON HAND	Amount	STORED MATERIALS ON HAND	Amount
8" PVC SEWER PIPE SDR 35	\$ 2.84		\$ -	1232 LF	\$ 3,498.88		\$ -	1232 LF	\$ 3,498.88		\$ -		\$ -		\$ -		\$ -
8" PVC SEWER PIPE SDR 26	\$ 3.79		\$ -	2940 LF	\$ 11,142.60		\$ -	2940 LF	\$ 11,142.60		\$ -		\$ -		\$ -		\$ -
12" PVC SEWER PIPE SDR 26	\$ 8.74		\$ -	672 LF	\$ 5,873.28		\$ -	672 LF	\$ 5,873.28		\$ -		\$ -		\$ -		\$ -
15" PVC SEWER PIPE SDR 26	\$ 12.92		\$ -	168 LF	\$ 2,170.56		\$ -	168 LF	\$ 2,170.56		\$ -		\$ -		\$ -		\$ -
15" PVC SEWER PIPE SDR 35	\$ 9.53		\$ -	1428 LF	\$ 13,608.84		\$ -	1428 LF	\$ 13,608.84		\$ -		\$ -		\$ -		\$ -
24" PVC SEWER PIPE SDR 26	\$ 34.77		\$ 121,686.00	3471 LF	\$ 120,686.67		\$ -	3471 LF	\$ 120,686.67		\$ -		\$ -		\$ -		\$ -
24" PVC SEWER PIPE PS46	\$ 25.22		\$ 14,123.20	560 LF	\$ 14,123.20		\$ -	560 LF	\$ 14,123.20		\$ -		\$ -		\$ -		\$ -
16" PVC SEWER PIPE SDR 26	\$ 2.42		\$ -	854 LF	\$ 2,066.68		\$ -	854 LF	\$ 2,066.68		\$ -		\$ -		\$ -		\$ -
60" SN72/RP25 GRAVITY SEWER PIPE WFWC	\$ 255.00		\$ 302,850.75	1187.65 LF	\$ 302,850.75		\$ -	1187.65 LF	\$ 302,850.75		\$ -		\$ -		\$ -		\$ -
24" PVC C905 DR 21 WM	\$ 49.02		\$ -	1780 LF	\$ 87,255.60		\$ -	1780 LF	\$ 87,255.60		\$ -		\$ -		\$ -		\$ -
12" PVC C900 DR 18 WM	\$ 13.17		\$ -	820 LF	\$ 10,799.40		\$ -	820 LF	\$ 10,799.40		\$ -		\$ -		\$ -		\$ -
8" PVC C900 DR 25 WM	\$ 4.45		\$ -	2400 LF	\$ 10,680.00		\$ -	2400 LF	\$ 10,680.00		\$ -		\$ -		\$ -		\$ -
16" PVC C905 PIPE DR 21 WM	\$ 19.61		\$ -	4220 LF	\$ 82,754.20		\$ -	3691.5 LF	\$ 72,390.32		\$ -		\$ -		\$ -		\$ -
4" GATE VALVE	\$ 411.05		\$ -	17 EA	\$ 6,987.85		\$ -	17 EA	\$ 6,987.85		\$ -		\$ -		\$ -		\$ -
6" GATE VALVE	\$ 524.88		\$ -	23 EA	\$ 12,072.24		\$ -	23 EA	\$ 12,072.24		\$ -		\$ -		\$ -		\$ -
8" GATE VALVE	\$ 835.46		\$ -	10 EA	\$ 8,354.60		\$ -	10 EA	\$ 8,354.60		\$ -		\$ -		\$ -		\$ -
HYDRANT	\$ 2,544.46		\$ -	23 EA	\$ 58,522.58		\$ -	23 EA	\$ 58,522.58		\$ -		\$ -		\$ -		\$ -
16" PVC C905 DR 14 DISCHARGE PIPING	\$ 44.46		\$ 180,507.60	4060 LF	\$ 180,507.60		\$ -	3718.5 LF	\$ 165,235.59		\$ -		\$ -		\$ -		\$ -
42" 7/72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 113.00		\$ 239,921.60	2123.2 LF	\$ 239,921.60		\$ -	2123.2 LF	\$ 239,921.60		\$ -		\$ -		\$ -		\$ -
48" 7/72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 135.00		\$ 2,740.40	20.15 LF	\$ 2,740.40		\$ -	20.15 LF	\$ 2,740.40		\$ -		\$ -		\$ -		\$ -
42" 1/60 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 125.00		\$ 60,225.00	481.8 LF	\$ 60,225.00		\$ -	481.8 LF	\$ 60,225.00		\$ -		\$ -		\$ -		\$ -
42" 1/46 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 100.00		\$ 88,270.00	882.7 LF	\$ 88,270.00		\$ -	882.7 LF	\$ 88,270.00		\$ -		\$ -		\$ -		\$ -
36" 7/72 SN 25 PN GRAVITY SEWER PIPE WFWC	\$ 95.00		\$ -	400.5 LF	\$ 38,448.00		\$ -	400.5 LF	\$ 38,448.00		\$ -		\$ -		\$ -		\$ -
11 6" OD HDPE DR 7 DIPS DISCHARGE PIPING	\$ 84.97		\$ 284,649.50	3350 LF	\$ 284,649.50		\$ -	3278 LF	\$ 278,531.66		\$ -		\$ -		\$ -		\$ -
19 5" OD HDPE DR 11 DIPS WATERMAIN	\$ 46.75		\$ -	1350 LF	\$ 63,112.50		\$ -	1313 LF	\$ 61,382.75		\$ -		\$ -		\$ -		\$ -
32" OD HDPE DR 11 DIPS WATERMAIN	\$ 128.29		\$ -	4050 LF	\$ 519,574.50		\$ -	3938.5 LF	\$ 505,398.46		\$ -		\$ -		\$ -		\$ -
TOTAL:			\$ 1,294,983.05		\$ 948,118.25		\$ 1,272,584.87		\$ 921,048.67		\$ 22,398.18		\$ 2,194,433.44		\$ 48,667.86		\$ 26,269.68
					\$ 2,243,101.30				\$ 2,194,433.44				\$ 48,667.86				\$ 48,667.86

CITY BOND SPLIT CALCULATIONS

SECTION	SUBTOTALS	SEWER	WATER	DESCRIPTION	CHECK TOTALS
MOBILIZATION	\$235,690.91	\$105,951.09	\$129,739.82	Apportioned	
REMOVALS	\$84,886.61	\$38,159.42	\$46,727.19	Apportioned	
DISCHARGE PIPING	\$0.00	\$0.00	\$0.00	Apportioned	
STREET & STORM SEWER	\$349,541.20	\$157,130.68	\$192,410.53	Apportioned	
EROSION CONTROL & RESTORATION	\$66,561.68	\$29,921.74	\$36,639.94	Apportioned	
OPTION 1 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
OPTION 2 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
CHANGE ORDERS	\$407,087.98	\$203,543.99	\$203,543.99	50%	
STORED MATERIALS	\$ 26,269.68	\$ -	\$ 26,269.68	By Type	
SANITARY SEWER	\$1,466,722.27	\$1,466,722.27			\$26,269.68
WATERMAIN	\$1,796,038.90		\$1,796,038.90		\$4,406,529.56
TOTALS		\$2,001,429.20	\$2,431,370.04		\$4,432,799.24
Total - Retainage		\$1,901,357.74	\$2,309,801.54		\$4,211,159.28
PREVIOUS ESTIMATE 1		\$69,994.94	\$50,473.59		\$120,468.53
PREVIOUS ESTIMATE 2		\$286,687.28	\$276,737.92		\$563,425.20
PREVIOUS ESTIMATE 3		\$44,077.24	\$84,713.16		\$128,790.40
PREVIOUS ESTIMATE 4		\$191,282.62	\$235,041.58		\$426,324.20
PREVIOUS ESTIMATE 5		\$313,878.85	\$148,606.65		\$462,485.49
PREVIOUS ESTIMATE 6		\$181,701.39	\$102,733.31		\$284,434.70
PREVIOUS ESTIMATE 7		\$66,939.64	\$49,857.34		\$116,796.99
PREVIOUS ESTIMATE 8		\$305,900.74	\$0.00		\$305,900.74
PREVIOUS ESTIMATE 9		\$1,385.27	\$10,042.23		\$11,427.50
PREVIOUS ESTIMATE 10		\$52,826.63	\$136,304.28		\$189,130.91
PREVIOUS ESTIMATE 11		\$68,744.47	\$671,388.44		\$740,132.90
PREVIOUS ESTIMATE 12		\$210,686.86	\$170,005.16		\$380,692.02
PREVIOUS ESTIMATE 13		\$1,113.60	\$99,315.77		\$100,429.38
PREVIOUS ESTIMATE 14		\$21,933.72	\$54,886.92		\$76,820.64
PREVIOUS ESTIMATE 15		\$49,773.93	\$59,307.56		\$109,081.49
PREVIOUS ESTIMATE 16		\$630.94	\$654.24		\$1,285.18
PREVIOUS ESTIMATE 17		\$0.00	\$0.00		\$0.00
PREVIOUS ESTIMATE 18		\$5,042.56	\$5,228.74		\$10,271.30
PREVIOUS ESTIMATE 19		\$181.31	\$188.00		\$369.31
PREVIOUS ESTIMATE 20		\$11,839.89	\$132,539.13		\$144,379.01
PREVIOUS ESTIMATE 21		\$4,578.28	\$6,890.23		\$11,468.51
PREVIOUS ESTIMATE 22		\$11,356.57	\$13,906.41		\$25,262.98
THIS ESTIMATE		\$801.02	\$980.87		\$1,781.90
		Sewer Total	Water Total		Check Total



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Reader Board Policy

Requested Action:

Consider approving a City Reader Board Policy

Background Information:

The City of East Bethel installed an electronic reader board sign at the intersection of Hwy. 65 and Viking Boulevard in April 2013. The sign was financed by City authorized funds through the City's EDA and by donations of \$5,000 from the East Bethel Seniors and an insurance settlement of \$2,800 from damage to the previous sign. The sign is maintained and operated by the City of East Bethel and Staff is requesting the approval of a policy that specifies the types and sources of information that can be displayed.

Staff has researched reader board policies of other Cities and found three, which are included in the attachments, which are simple but seem to be effective for establishing priorities and directives for considering message requests.

A proposed City Reader Board Policy is included in the attachments for your consideration.

Attachments:

1. Sample Reader Board Policies-Lino Lakes, Ham Lake and Zimmerman
2. Proposed City of East Bethel Reader Board Policy

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends adoption of the Reader Board Policy as presented in the attachment.

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of Lino Lakes Reader Board Sign Policy

This policy specifies what information can be posted on the City's electronic reader board sign, which is located at Lake Drive and Town Center Parkway.

Requests to post information on the sign will be prioritized in the following order:

1. Information related to City business or other government agencies.
2. Requests from Centennial School District 12.
3. Requests from all registered non-profit organizations located in Lino Lakes.

No commercial or religious messages are allowed on the sign. Churches located in Lino Lakes may request that community events of a non-religious nature be posted. Fundraising events for a charitable organization or an individual that are not sponsored by a registered non-profit organization will not be allowed.

An application for posting information should be made 30 days in advance of the event.

To submit a request, please fill out the following information:

Name of Organization: _____

Event or Message: _____

Date(s) and Time(s): _____

Contact Name: _____

Phone No.: _____ Email: _____

Please Note: Only four messages are posted on the sign at any given time, so the City may not be able to accommodate every request. But every effort will be made to post the message one week in advance of the event.

This information may also be posted on the City's government information channel. Would you like this information placed on Channel 16? Yes: _____ No: _____



CITY OF HAM LAKE
City Sign Policy

The City of Ham Lake has a City Sign located on Highway 65. The following is a policy to be followed for requests for information to be posted on the City Sign.

The scheduling of information on the City Sign will be at the discretion of the City Administrator. All requests that are received, that follow the policy, will be considered and every effort will be made to place the information on the City Sign.

PRIORITY WILL BE GIVEN IN THE FOLLOWING ORDER:

1. Information relating to the City (i.e. City meetings) and/or other government agencies.
2. Requests from Anoka Hennepin District 11 and Forest Lake School District 831 (both located in the City of Ham Lake) and/or the schools within those districts. Pre-school programs, operated by registered, non-profit organizations, located in the City of Ham Lake.
3. Requests from all registered non-profit organizations. There are no commercial or religious messages allowed on the City Sign. Churches, located in the City of Ham Lake, may request to post information for community events of a non-religious nature. Events for a charity, an individual, fundraisers, etc. that are not being directly held by a registered, non-profit organization, will not be allowed.

Application for posting information on the City Sign should be made in advance, 30 days prior to the event, if possible. The request should state the name of the organization, the message (as brief as possible), the dates and times of the event, and must include the name of a contact person and phone number or email address.

NAME OF ORGANIZATION _____

EVENT OR MESSAGE _____

DATE(S) AND TIMES _____

CONTACT NAME _____

PHONE NO. OR EMAIL ADDRESS _____

NOTE: THIS INFORMATION CAN ALSO BE POSTED ON THE CITY'S GOVERNMENT INFORMATION CHANNEL 16. WOULD YOU LIKE THIS INFORMATION PLACED ON THAT CHANNEL?

_____ (yes)

_____ (no)

CITY OF ZIMMERMAN

COMMUNITY INFORMATION SIGN POLICY

The City of Zimmerman is proud to serve its citizens with an electronic Community Information Sign, a variable message board located at the intersection of County Road 4 (Fremont Avenue) and County Highway 45. The sign, which was donated in part by the Zimmerman Lions and the ISD 728 Zimmerman Booster Club, is owned, maintained, and operated by the City of Zimmerman. A portion of the sign is also maintained and operated by the Zimmerman Booster Club and is regulated by School District and/or Booster Club rules and policies.

The following rules shall apply to requests for placement of display messages on the information sign:

1. Priority access shall be given for messages relating to City business or City sponsored events. Livonia Township and Sherburne County emergency announcements (not storm, severe weather or tornado watches and warnings) may also be posted on the Community Information Sign.
2. For a nominal fee, messages for other community-wide events may be displayed by non-profit civic groups, community organizations, the Chamber of Commerce, area churches and/or other educational/sporting groups originating in the Zimmerman/Livonia area. Use by Zimmerman High School/Middle School will be limited to that portion of the sign operated and maintained by the Zimmerman Booster Club.

The following groups and activities will be allowed to advertise on the Community Information Sign:

- a. Community Education meetings, events, announcements, and activities, excluding sporting events
 - b. Zimmerman Civic Club events and announcements
 - c. Greater Zimmerman Area Chamber of Commerce events and announcements
 - d. Local Youth Athletic Association activity information
 - e. Non-profit group meetings, fund raisers and announcements
3. The following types of announcements will not be allowed on the Community Information Sign:
 - a. Advertising material designed to directly promote the sale of commercial and retail products or services.
 - b. Nothing that involves directly or indirectly any lottery information or which involves a lottery.
 - c. No personal business "For Profit" ads.
 - d. No message including obscene or indecent material.
 - e. No editorial or personal messages.
 - f. No political statements or campaign messages.
 4. Requests for display messages should be made to the City Administrative Assistant on an Information Sign Request Form (available at www.zimmerman.govoffice.com) at least one week prior to the date requested. This rule does not in any way preclude last minute requests due to special situations. In those cases, City staff will attempt to accommodate requests as quickly as possible. No messages will be accepted without the Request Form and payment. Groups and individuals may use one of the following means to submit their message, however, no message will be displayed until payment in full is received:
 - a. In person at City Hall during regular business hours.
 - b. Via fax to 763-856-4787.
 - c. Via email to mcantebury@izoom.net
 - d. Via mail to City of Zimmerman, 12980 Fremont Avenue, Zimmerman, MN 55398.

5. The fee to display a message on the Community Information Sign by any entity or group other than local government agencies (City, Township or County) will be \$5 per message.
6. Perpetually running messages will not be allowed. The maximum amount of time any message will be displayed on the Community Information Sign is 30 days.
7. The City of Zimmerman reserves the right to edit all submissions to accommodate space limitations as necessary. All disputes arising from the display of any electronic message shall be resolved by the City Administrator or referred to the Zimmerman City Council.



City of East Bethel Reader Board Sign Policy

This policy specifies and prioritizes what information can be posted on the City's electronic reader board sign, which is located at the intersection of Hwy. 65 and Viking Boulevard

Requests to post information on the sign will be prioritized in the following order:

1. Information related to City business or other government agencies.
2. Requests from the East Bethel Seniors and local School Districts
3. Requests from all registered non-profit organizations located in East Bethel.

No commercial or religious messages are allowed on the sign. Churches located in East Bethel may request that community events of a non-religious nature be posted. Fundraising events for a charitable organization or an individual that are not sponsored by a registered non-profit organization will not be allowed.

An application for posting information should be made 30 days in advance of the event.

To submit a request, please fill out the following information:

Name of Organization: _____

Event or Message: _____

Date(s) and Time(s): _____

Contact Name: _____

Phone No.: _____ Email: _____

Please Note: Only [number] messages are posted on the sign at any given time, so the City may not be able to accommodate every request. But every effort will be made to post the message one week in advance of the event.

This information may also be posted on the City's government information channel. Would you like this information placed on Channel 10? Yes: _____ No: _____



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.2

Agenda Item:

Ordinance 45, Regulating Waterworks and Sanitary Sewer

Requested Action:

Consider approving Ordinance 45, Regulating Waterworks and Sanitary Sewer

Background Information:

The City approved the Waterworks and Sanitary Sewer Ordinance on April 4, 2013 that required all non-residential customers in the area served by the new City Municipal Utilities System to connect to the system by December 31, 2013. After meeting with all the affected business owners, the main concern, from their perspective, is the lack of time that they have been given to complete the connections. There were some sound reasons brought forth at these meetings that timing would be an issue in completing the physical connections by the new deadline. The other concern is financial and some of the owner's we've talked with have indicated it would cause them less hardship if the costs for the connections could be extended into 2014.

As a result of these discussions, Staff is proposing that Council approve Ordinance 45 to extend the time to make the physical connection to the system (the actual connection from the curb to the building) from December 31, 2013 until August 31, 2014. We would still require that all SAC and WAC fees be paid by December 31, 2013 but that the date of physical connection to system would be extended from December 31, 2013 to August 31, 2014.

This extension for the physical connection would not affect the revenues we would generate for bond payments and the temporary reduction in user fees would not affect the long range revenues of the system during this time period. The short term impacts in the loss of flow for system operation and usage revenue can be overcome, but the postponement of SAC and WAC fees would have major implications and repercussions in regards to bond payments. Therefore, the City and MCES SAC and WAC fees would still be due by no later than December 31, 2013. It should also be noted that any costs the individual businesses would owe for the actual physical connection would be paid to private contractors and not the City.

We anticipate that at minimum East Bethel Theatre and Shaw Trucking will connect to the system in 2013 regardless of approval of any extension policy. This would leave a maximum of 10 connections that could be extended into 2014. An estimate of their combined monthly flows is 125 gpd X 21 ERU's X 240 days = 630,000 gallons. This would be equivalent to \$1,890 in water use charges and \$2,992.50 in sewer use charges. Base and Plant use charges would add an extra

\$3,360 to this revenue stream. Therefore, an extension of time to August 31, 2014 for physically connecting to the system would result in the loss of \$8,242.50 based on the above calculations.

It is estimated that the water use for Theatre, Shaw Trucking and Aggressive Hydraulics will be approximately 36,000 gallons per month. These estimates are based on usage amounts supplied by the Theatre and Aggressive Hydraulics and an estimated usage for Shaw Trucking.

While any postponement in system revenue is not to be minimized, the \$8,242.50 potential reduction in usage fees will not have long range consequences to the projects financial situation as long as this reduction can be limited to first 8 months of 2014. . In addition to providing financing for the connection fees and negotiating the MCES SAC fees from \$3,400 to \$2,600 for 2013, the extension of time for physical connection to the system would be another step that the City has taken (if approved) to minimize the impact on the affected property owners.

Attachments

Ordinance 45, Red-line version

Fiscal Impact:

As noted above

Recommendation(s):

Staff is recommending the approval of Ordinance 45, Second Series, Chapter 74, Article V, Regulating Waterworks and Sanitary Sewer as presented in the attachments and direction to publish.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Ordinance 45, Second Series

An Ordinance Amending Chapter 74, Utilities, Article V, Regulating
Waterworks and Sanitary Sewer

DIVISION 1. - GENERALLY

Sec. 74-119. - Purpose.

It is the purpose of this article:

- (1) To provide for paying the cost of building, constructing, reconstructing, repairing, enlarging, improving or In any other manner obtaining waterworks and sanitary sewer facilities, or any portion of such facilities; and
- (2) To establish charges to be imposed to pay for the waterworks and sewer systems and for the maintenance, operation and use of system facilities.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-120. - Utilities division established.

There is hereby established a public utilities division within the public works department in the city.

(Ord. No. 200, § 2, 9-21-2005)

Sec. 74-121. - Operation and maintenance of facilities.

The waterworks and sanitary sewer facilities as they are now constituted or shall hereafter be enlarged or extended shall be operated and maintained under the provisions of this article subject to the authority of the city council at any time to amend, alter, change and repeal the same. The city administrator shall manage the waterworks and sanitary sewer facilities subject to the direction of the city council. The city administrator may designate other city employees to carry out duties and responsibilities under this article.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-122. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Account means a record of utility services used by each property and the periodic costs and charges imposed for those utility services.

Company, grantee and franchisee mean a public utility company or a public utility system, depending on the context, to/for which a franchise has been granted by the city.

Customer means any owner, authorized agent, lessee, building permit applicant, utility service applicant or user of non-residential real property as of April 3, 2013.

Facilities means and includes waterworks and sanitary sewer systems or any portion thereof.

Connection means the original connection of real property to a utility or, in the case of obtainment of a utility by the city after the original connection to the utility for a property, the continuation of the connection to the utility after its obtainment.

Initial Customers means all those non-residential real property owners that were noticed pursuant to Minnesota Statute 429, and as noticed on October 6, 2010 the 429 assessment procedure for the Municipal Utilities Project

Real Property means all real property, except real estate owned, zoned and taxed for the purpose of residential habitation as of April 3, 2013.

Sanitary sewer means sanitary sewer systems, including sewage treatment works, disposal systems and other facilities for disposing of sewage, industrial waste and other wastes.

Service means the provision of a particular utility to a customer.

Utility means a waterworks or sanitary sewer system, whether the same are city-owned facilities or those owned by a public utility company.

Waterworks means waterworks systems, including mains, valves, hydrants, service connections, wells, pumps, reservoirs, tanks, treatment plants and other appurtenances of a waterworks system.

(Ord. No. 200, § 4, 9-21-2005; Ord. No. 200A, § 3, 10-19-2005)

Sec. 74-123. - Mandatory connection to city systems.

It shall be unlawful for any person to install or for any real property to be connected to a private waterworks system intended to provide water for human consumption or for any person to install or for any real property to be connected to a private sanitary sewer system, except in cases where the city waterworks or sanitary sewer system is not available to a property. The city administrator shall refer all questions of availability to the city engineer. The city engineer shall make a recommendation if either of the city waterworks or sanitary sewer systems is available to a premises either requesting or requiring installation or connection. Mandatory physical connection to city systems will be required by August 31, 2014¹. Service availability shall be presumptively demonstrated by written Notice to Connect provided to the property owner by the City confirming the availability of municipal water and/or sanitary sewer systems adjacent to the owner's addressed property.

Initial Customers must physically connect to the system by **August 31, 2014** and pay all required SAC and WAC fees by December 31, 2013.

¹ See Minn. Stat 412.221 and Minn. Rule 4715.0310.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-124. - Fixing rates and charges for city utility services.

- (a) All rates and charges for city utilities, including, but not by way of limitation, rates and charges for use, availability and connections, contributions to a system, services, permits, deposits, , meters and meter testing, disconnections, reconnections and delinquencies, shall be determined, fixed and amended by the city council from time to time by resolution. All resolutions, each containing the effective date thereof, shall be kept on file and open to public inspection in the office of the city clerk-treasurer and shall be uniformly enforced. For the purpose of fixing rates and charges, the council may categorize and classify under various types of services or by contributions to a system, provided that such categorization and classification is just and equitable and is included in the resolution authorized by this section.
- (b) The city council shall by resolution also establish the number of certification cycles per year. At least one certification cycle shall be timed each year to coincide with the county's requirements for certification to the following year's taxes. Additional certification cycles may be set by resolution. The council must establish one or more certification cutoff dates each year. All city utility accounts, unless exempt for legal reason, which have been billed a delinquent bill and remain unpaid as of the certification cutoff date, will have the balance on the account included in a preliminary certification list.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 1(6), 10-19-2005)

Sec. 74-125. Liability of city.

The city shall not be liable for any deficiency or failure in the supply of water to customers, whether occasioned by shutting the water off for the purpose of making repairs or connections, or from any other cause whatever. In case of fire or alarm of fire, or in making repairs or construction of new works, water may be shut off at any time and kept off as long as reasonably necessary to implement repairs.

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-126. - Delinquent accounts.

- (a) *Shutoff for nonpayment.* Water and/or sanitary sewer service will not be shut off until notice and an opportunity for a hearing before the city council or an official designated by the city council have been provided to the occupant and owner of the premises involved.
 - (1) If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and will state that if payment is not made within 20 days of the mailing of the second bill, water and/or sanitary sewer service to the premises will be shut off for nonpayment.

- (2) The second bill and shutoff notice will contain the title, address and telephone number of the city official in charge of utility billing. The title, address and telephone number must be clearly visible and easily readable.
 - (3) The notice also will state that any customer has the right to a hearing before the city council prior to the water and/or sanitary sewer service being shut off; that the customer may be represented in person and by counsel or any other person of his choosing; and that the customer may present orally or in writing his objection to the city official in charge of utility billing before the service is shut off. The city official will be authorized to order continuation of the customer's service and will have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.
 - (4) The shutoff notice also will state that a hearing before the city council will be provided if requested by written request delivered to the city official in charge of utility billing within the 20-day period. If a customer requests a hearing, the water will not be shut off until the hearing process is complete.
 - (5) If a customer fails to pay and fails to request a hearing under this section, service will be shut off at the time specified in the notice but in no event until the charges have been due and unpaid for at least 30 days.
- (b) *Certification for collection with taxes.* Unpaid charges on sewer and water accounts will not be certified to the county auditor for collection with taxes until notice and an opportunity for a hearing before the city council have been provided to the customer of the premises involved. The notice must be sent by first class mail, at least 30 days before the certification date, and must state that if payment is not made before the date for certification, the entire amount unpaid plus penalties will be certified to the county auditor for collection as other taxes are collected. The notice also must state that the customer may, no later than 20 days before the certification date, request a hearing on the matter to object to certification of unpaid utility charges.
- (1) The customer will have the option of paying the balance due on the account until the date the notice of the certification hearing is mailed. After the date the notice of certification hearing is mailed, payments will still be accepted but will include unpaid penalties.
 - (2) A hearing will be held on the matter by the city council prior to the county certification date. A customer with unpaid utility charges will have the opportunity to object to the certification of unpaid charges to be collected as taxes are collected. If, after the hearing, the city council finds that the amount claimed as delinquent is actually due and unpaid and that there is no legal reason why the unpaid charge should not be certified for collection with taxes in accordance with this article, the city may certify the unpaid charges to the county auditor for collection as other taxes are collected.
 - (3) For each certification sustained, the customer will have the following options after the hearing:
 - a. To pay the delinquent amount listed on the preliminary roll, but without additional interest after the hearing, within ten days of the hearing date or before the county certification date, whichever is first.

- b. To pay the certified delinquent amount after the hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 11th day following the hearing date through the date of payment.
 - c. To pay the certified charges as billed by the county on the customer's property tax statement with a collection term of one year.
- (c) *Delivery of certified roll.* Twelve days after the hearing, the certified roll, minus any payments, will be delivered to the county.
- (Ord. No. 200A, § 2(8), 10-19-2005)

Sec. 74-127. - Penalty.

Any person violating any provision of this article shall be guilty of a misdemeanor punishable as provided in section 1-14. The city also may seek injunctive or other relief and the costs of prosecution in any case.

(Ord. No. 200, § 11, 9-21-2005; Ord. No. 200A, § 9, 10-19-2005)

Secs. 74-128—74-150. - Reserved.

DIVISION 2. - WATER

Sec. 74-151. - Water use, availability and connection charges.

The city council has determined that in order to pay for the cost of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city waterworks system, the cost of compliance with state and federal regulations and the principal and interest to become due on obligations issued or to be issued, it is necessary to impose just and equitable charges for the use and for the availability of the facilities and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-152. - Water usage and service charges.

From and after the connection of any premises to the city waterworks system, the customer must pay for such waterworks service, including availability and connection charges, and for water usage on the basis of the charges and rates fixed by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.

(1) *Penalty charge and interest on unpaid bills.* Water charges will be billed to the customer served by water and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the customer. All bills and notices

shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application with the city. All notices shall be effective when sent using first class mail. All delinquent accounts will be subject to a penalty calculated as follows:

- a. A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
 - b. Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.
- (2) *Availability of water service.* Owners or users of any real property within those areas where city water service is available may not use a private water system with the exception of a private waterworks system used solely for irrigation purposes and is maintained as physically separate from the municipal water sources with separation valve or other device as approved by the City Public Works Department.

(Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 5(2), 10-19-2005)

Sec. 74-153. - Water availability charges.

- (a) Minimum charges for the availability of water service and the City Water Availability Charge (WAC) will be imposed for all real property with a principal structure abutting on streets or other places where city water pipes and lines are located and available for connection, whether or not connected to them.
- (b) In determining the charges to be imposed for the availability of water service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the waterworks system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-154. - Water connections and connection charges.

All connections to the city's waterworks system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying such waiver:

- (1) *Separate connection.* Every premises served by a water hookup shall have a separate connection and a separate meter.
- (2) *Permit required.* No person shall install any water connection or meter to the city waterworks system without first obtaining a permit from the city. The initial connection and turn on operation for any waterworks system connection shall be performed only by a city employee or authorized agent. The stopcock at the main and the curbstop at the property line, together with box and cover, are the property of the city, and all persons are forbidden to interfere with them.

- (3) *Licensed plumber required.* No person may hook up or service, or assist therein, any water service pipe or line connected to the city waterworks system unless such person holds a plumber's license under the laws of the state or the ordinances of the city.
- (4) *Inspection.* In constructing such water service pipe or line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or applicable plumbing code. After the water service pipe or line connection has been completed, the plumber shall notify the city. It shall be unlawful to cover the water service pipe or line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (5) *Connection charges.* Connection charges shall be imposed by the city for the connection of a property to the city's waterworks system. The charges shall be set by a duly adopted resolution of the city council.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.
- (6) *Nonresidential users.* Equivalent Residential Units (ERU's) will be established for non-single-family residential users. The number of ERUs per nonresidential user will be as per the current version of the Metropolitan Council Environmental Services SAC Procedure Manual. The city reserves the right to charge the equivalent number of ERUs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city.
- (7) *Sanitary sewer connection.* No person shall connect and no property shall be connected to the city waterworks system without also connecting or being connected to the available city sanitary sewer system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-155. - Separation of supplies.

Whenever a building is connected to the city's waterworks system there shall be a complete physical separation between the city's system to the building and any private water supply system so that it is not possible, intentionally or unintentionally, for water from a private water supply system to be mixed with water from the city's waterworks system.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-156. - Meters.

All water shall be measured by a city-provided meter. Every customer shall provide a suitable place where a meter can be installed. The customer shall pay for the meter, pay for all costs of meter installation in an approved location and pay for any maintenance or replacement costs of the city. For the purpose of reading or maintaining meters, shutting off or starting service or other emergency situations, duly authorized employees or subcontractors of the city shall be afforded entry to premises at a reasonable hour. The city reserves the right to require that the customer shall install, at the customer's expense, a water meter or sewage flow meter on a private water supply to determine amount of sanitary sewer usage.

(Ord. No. 200, § 6, 9-21-2005)

Sec. 74-157. - Accounts in name of property owners; deposit; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the customer. The owner shall at all times be personally liable for all water consumed upon the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the water service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this section are hereby made a lien upon the premises served by the water connection. All such accounts and charges which are 30 or more days past due may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in section 74-126. The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 7, 9-21-2005; Ord. No. 200A, § 4(7), 10-19-2005)

Sec. 74-158. - Taking water without authority.

Any person who takes water from the municipal water system without complying with the provisions of this article, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-159. - Right to discontinue service reserved.

The city shall have the right and authority to discontinue water and/or sewer service to any property that is delinquent in payment or is in violation of this article or any other city ordinance.

- (1) *Notice and hearing.* Prior to discontinuance of service the city shall follow the notice and hearing procedures set forth in section 74-126.
- (2) *Shutoff.* Service will be discontinued to premises where the customer has not made arrangement with the city regarding the payment of a delinquent account. The city shall

also have the authority to shut off service immediately without notice pursuant to any emergency action involving the property.

- (3) *Charges.* The city shall charge service fees as established by resolution for discontinuance of service and to reinstate service to a delinquent account. Any charges incurred by the city in discontinuing service shall be assessed to the property.
- (4) *User/owner shutoff request.* The customer may request that the services to the property be shut off. The city will then shut off the services with a service fee as established by resolution. Turning on the services and reinstalling a meter will cost an additional service fee. While the services are shut off, the customer will be billed for the minimum charge as established by city council resolution.

(Ord. No. 200, § 9, 9-21-2005; Ord. No. 200A, § 6(9), 10-19-2005)

Sec. 74-160. - Responsibility for repairs.

- (a) The service pipe from the building to the curbstop and the connection thereto shall be the property of the customer and must be protected and maintained by the customer. If the customer shall fail to make any necessary repairs to such service connection or pipe within 24 hours after being notified to do so by the city, the city shall make such repairs, and the cost thereof shall be charged to the customer and shall be collected in the same manner as other bills for utilities are collected.
- (b) While installing or repairing service pipes, the street must be open at a time and in a manner which will cause the least inconvenience to the traveling public and every precaution must be taken to ensure the public safety and the safety of property. All excavations remaining open overnight shall be protected by substantial barriers, with sufficient flashing lights.
- (c) While filling trenches in streets, the contractor must carefully tamp in the material so that the street will be in the same or better condition than it was before the trench was opened. The contractor shall replace or repair all curb, sidewalk, pavement, boulevard or street surfaces so that it will be in the same or better condition than it was before the contractor commenced working, and the contractor will be responsible for all costs of replacement or repairs. All work within the city right-of-way must be coordinated with and approved by the city. No trenches may be backfilled without prior inspection by the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-161—74-188. - Reserved.

DIVISION 3. - SEWER

Sec. 74-189. - Sewer use, availability and connection charges.

The city council has determined that in order to pay for the costs of construction, reconstruction, repair, enlargement, improvement or other obtainment and the maintenance, operation and use of the city sanitary sewer system and wastewater treatment plant; the cost of compliance with state and federal regulations; and the principal and interest to become due on obligations issued or to be issued in connection therewith, it is necessary to impose just and equitable charges for the use and for the availability of the sanitary sewer system and treatment plant and for connections with them pursuant to Minn. Stats. § 444.075, subd. 3.

(Ord. No. 200, § 1, 9-21-2005)

Sec. 74-190. - Sewer usage and service charges.

- (a) *Payment.* Sanitary sewer usage and service charges, including availability and connection charges, must be paid by the customer from and after the connection of the premises to the city sanitary sewer system on the basis of the charges and rates established by resolution of the city council, and the charges and rates so established may be amended at any time by duly adopted resolution of the council.
- (1) *Basis of charges.* Sanitary sewer usage charges shall be based on the water usage for the affected premises. In cases where premises are not connected to the city's waterworks system, the charges shall be based on the volume of the wastewater treated, and in such cases a sewage flow meter must be installed to measure the volume of the wastewater treated or a water meter must be installed on the private waterworks system to measure water usage. Additionally, certain industrial, large volume or high strength usage rates may be determined separately by special agreement with the city. Sanitary sewer usage charges will be a charge against the customer, and unpaid charges will be certified to the county auditor with taxes against the property served for collection as other taxes are collected.
 - (2) *Establishment of strength charges.* For the purpose of paying the additional costs incurred by the city each year that are based upon the strength of discharge of all industrial users receiving waste treatment services within or served by the city, there is hereby approved, adopted and established, in addition to the sewer charges based upon the volume of discharge, a sewer charge based upon strength of industrial waste discharged into the sewer system of the city, which charge shall be referred to in this section as the "strength charge."
 - (3) *Establishment of strength charge formula.* For the purpose of computation of the strength charge established in this section, a strength charge formula will be set by resolution; the formula will be based upon pollution qualities and difficulty of disposal of the sewage produced through an evaluation of pollution qualities and quantities in excess of an annual average base and the proportionate costs of operation and maintenance of waste treatment services provided by the city. The strength charge shall be set by agreement between the city and individual high strength users.

- (4) *Strength charge payments.* It is hereby approved, adopted and established that the strength charges established in this section shall be paid monthly by each industrial user receiving waste treatment services, in full within 30 days of billing, and such payments shall be deemed to be delinquent if not paid before the due date. Furthermore, it is hereby established, approved and adopted that if such payments are not paid before such date an industrial user shall pay interest compounded monthly at the rate of 1½ percent per month on the unpaid balance due.
- (5) *Establishment of tax lien.* As provided by Minn. Stats. § 444.075, subd. 3, it is hereby approved, adopted and established that if payment of a strength charge established in this section is not paid within 30 days of the due date, the delinquent charge plus a service charge and accrued interest as established in this section shall be deemed to be a charge against the property served, and the city or its agents shall certify such unpaid delinquent balance to the county auditor with taxes against the property served for collection as other taxes are collected pursuant to the provisions of section 74-126; provided, however, that such certification shall not preclude the city or its agents from recovery of a delinquent sewer strength charge and interest thereon under any other available remedy.
- (b) *Penalty charge and interest on unpaid bills.* Sanitary sewer charges, including availability and connection charges, will be billed to the customer of each premises served by sanitary sewer and will be payable to the city in full within 14 calendar days from the date on which the bill is issued. All accounts shall be kept by the house and street number and under the account number assigned thereto and by the name of the customer. All bills and notices shall be sent to the house or street number of the property. If non-resident owners or agents desire personal notice sent to a different address, they shall file an application with the city. All delinquent accounts will be subject to a service charge calculated as follows:
- (1) A bill paid in full within 30 days after the due date will pay a service charge as established by resolution of the city council.
 - (2) Beginning 30 days after the due date, all unpaid balances will accrue interest at a rate to be established by resolution of the city council. The interest will be added to the service charge.
- (c) *Availability of sewer service.* Owners or users of any real property within those areas where city sewer service is available may not use a nonmunicipal sanitary sewer system.
- (Ord. No. 200, § 2, 9-21-2005; Ord. No. 200A, § 7(2), 10-19-2005)

Sec. 74-191. - Sewer availability charges.

- (a) Minimum charges for the availability of sewer service, the City Sewer Availability Charge (SAC) and the Met Council Environment Services SAC will be imposed for all real property with principal structures abutting on streets or other places where city sewer pipes or lines are located, whether or not connected to them.
- (b) In determining the charges to be imposed for the availability of sewer service, the city may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions

necessary to serve adequately the territory of the city, including the principal and interest to become due on obligations issued or to be issued.

(Ord. No. 200, § 3, 9-21-2005)

Sec. 74-192. - Sewer connections and connection charges.

All connections to the city's sewage treatment system shall be in conformity with the following rules and regulations, except that the city council by resolution may waive the same upon showing of special conditions justifying a waiver:

- (1) *Separate connection.* Every premises served by the municipal sewage system shall have a separate connection.
- (2) *Permit required.* No person shall connect any sewage connection to the city sewage collection system without first obtaining a permit from the city; if any premises has been connected to the city's sewage collection system prior to the effective date of the ordinance from which this article is derived, a permit for the connection must be obtained within 60 days of the effective date of the ordinance from which this article is derived.
- (3) *Licensed plumber required.* No person may connect or service, or assist therein, any sewage line connected to the city sewage collection system unless such person is a plumber duly licensed under the laws of the state. In constructing such sanitary sewer service line, the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by city regulations and/or city or state plumbing codes. After the sewer service connection has been accomplished, the plumber shall notify the city. It shall be unlawful to cover the sanitary sewer service line until an inspection has been completed to ensure that a proper and suitable connection has been made.
- (4) *Connection charges.* Connection charges imposed by the city must be paid for every connection of premises to the city's sanitary sewer system. The charges will be set by duly adopted resolution of the city council. The cost of installing the sanitary sewer service line between the building and main service stub shall be borne wholly by the customer.
 - a. Charges for connections may be fixed by reference to the portion of the cost of connection which has been paid by assessment of the premises to be connected, in comparison with other premises, as well as the cost of making or supervising the connection.
 - b. In determining connection charges the city council may give consideration to all costs of the establishment, operation, maintenance, depreciation and necessary replacements of the system, and of improvements, enlargements and extensions necessary to serve adequately the territory of the city including the principal and interest to become due on obligations issued or to be issued.
- (5) *Nonresidential users.* Equivalent residential units (ERU's) will be established for non-single-family residential users. The number of ERUs per nonresidential single-family user will be as per the current version of the Metropolitan Council Environmental

Services SAC Procedure Manual, except as modified by Resolution of the City Council. The city reserves the right to charge the equivalent number of ERUs as would exist if the subject property were developed residentially using the smallest allowable residential lot size permitted in the city. Any charges so established may be amended at any time by a duly adopted resolution of the city council.

- (6) *Waterworks connection.* No person shall connect and no property shall be connected to the city sanitary sewer system without also connecting/being connected to the available city waterworks system.

(Ord. No. 200, § 4, 9-21-2005)

Sec. 74-193. - Meters.

In cases where a property is connected to the city's sanitary sewer system but is not connected to the city's waterworks system, the city may require a meter (as approved by the Public Works Department) to be installed to measure the flow of wastewater into the sanitary sewer system or a water meter to measure the water usage. The meter must be located in a suitable place in order to accurately measure all wastewater treated by the sanitary sewer system or water usage. The customer must pay for the meter, pay all costs of installation and pay for any maintenance or replacement costs. Duly authorized employees or subcontractors of the city must be afforded entry to the premises at all reasonable times.

(Ord. No. 200, § 5, 9-21-2005)

Sec. 74-194. - Accounts in name of property owner; lien for delinquent accounts.

- (a) *Account name.* All accounts shall be carried in the name of the customer. The owner shall at all times be personally liable for sewage treatment service at the premises whether the owner occupies the same or not.
- (b) *Deposit.* The city also reserves the right to demand of each and every customer, before the service is turned on, a deposit with the city in an amount established by resolution.
- (c) *Lien on property.* All accounts and charges imposed by and pursuant to this article are hereby made a lien upon the premises served by the sewage treatment connection. All such accounts and charges which are 30 or more days past due, may be certified by the city clerk-treasurer to the county auditor as unpaid and delinquent pursuant to the procedures set forth in section 74-126. The amount so certified shall be extended by the county auditor on the tax rolls against such premises in the same manner as other taxes and shall be collected by the county treasurer and paid to the city clerk-treasurer.

(Ord. No. 200, § 6, 9-21-2005; Ord. No. 200A, § 8(6), 10-19-2005)

Sec. 74-195. - Use of sewer without authority.

Any person who uses or connects to the city sanitary sewer system without complying with the provisions of this division, or without other authorization, or who assists any other person in so doing, shall be guilty of a misdemeanor.

(Ord. No. 200, § 7, 9-21-2005)

Sec. 74-196. - Classification and change of rate.

The city council shall have the power by resolution to classify all types of sewage discharged into the city's sanitary sewer system based on the quantity, concentration, cost of disposal and other pertinent facts, and to fix, increase or decrease the rates charged for the use of said sanitary sewer system on any equitable basis the city council may deem appropriate as the proper basis for measuring the use of the sanitary sewer system.

(Ord. No. 200, § 8, 9-21-2005)

Sec. 74-197. - Reservation of right to restrict waste discharges.

The city reserves the right to regulate the disposal of any waste through the sanitary sewer system both in quantity and character.

- (1) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.
- (2) Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designed as storm sewers or to a natural outlet approved by the city administrator. Industrial cooling waters or unpolluted process waters may be discharged upon approval of the city administrator to a storm sewer or natural outlet.

(Ord. No. 200, § 9, 9-21-2005)

Sec. 74-198. - Responsibility for repairs.

The cost of all repairs and replacement of any sewer service lines between the residence or structure and the public sewer main line shall be borne entirely by the customer of the premises affected, and if such repair or replacement work is performed by the city, the cost of time and material shall be assessed against the affected premises, except that no excavation shall be performed in the street property without first having obtained a permit from the city.

(Ord. No. 200, § 10, 9-21-2005)

Secs. 74-199—74-210. - Reserved.

For the City:

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

Adopted: July 3, 2013
Published: July 12, 2013
Effective: July 12, 2013



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.3

Agenda Item:

Oak Grove Building Official and Inspections Services Contract

Requested Action:

Considering amending the Oak Grove Building Official and Inspections Services Contract

Background Information:

On November 21, 2012 the East Bethel City Council approved a contract to provide Building Official and Inspection Services to the City of Oak Grove. The contract fee schedule was structured so that Oak Grove would be charged 95% of their building inspections fees and 100% of the plan review fees for our services. Their previous contractor, Inspectron, Inc. billed for 65% of their fees for inspections and 100% of fees for plan reviews.

When we negotiated the contract with Oak Grove we told them we were not comfortable with the 65% charge for inspections and needed 95% of this fee until we confirmed that we could cover our costs. Our cost for providing these services to Oak Grove through May 2013 has been \$23,941. Twenty-eight per cent (28%) of our time has been spent on Oak Grove Building Official and Inspection Services for 2013. Based on these expenses through May, our costs for providing this service for the year of 2013 are projected to be \$57,002.

Total amounts billed for the Oak Grove Building Official and Inspections Services through the end of May have been \$70,321. Total fees for this service for 2013 from Oak Grove were projected to be \$60,000. The fees we charge Oak Grove are based on a percentage of inspection and plan review fees that are conducted. The May billing for Oak Grove was \$31,405.

Oak Grove, in a very diplomatic way, brought up the subject of renegotiating the percentage charged for the inspection fee and has requested that we consider a modification in the fee schedule that would reflect our cost/revenue experience to date and make any adjustments that would be appropriate. Even though we want to maximize our potential for revenue from the Oak Grove contract, we don't want the City of East Bethel to be perceived as exhibiting an unreasonable position in terms of fairness and equity in the contract. Although Oak Grove currently prefers to contract with the City of East Bethel for this service, we must avoid the perception of avariciousness on our part as to the charges for fees should we wish to maintain Oak Grove's interest in the continuation of the contract.

We have seen that our current billing arrangement more than covers our expenses. I would feel secure in recommending lowering our percentage of the inspection fees to 85%.

We estimate that an 85% percent charge for inspection fees and the 100% charge for plan reviews would have produced \$66,192 in total billings, or a total reduction of 5.9% of what we have collected/billed to date. A reduction in our fee would accomplish the following:

- Serve as a good faith act on our part:
- Provide the revenues necessary to cover our costs and generate additional income needed to fund our Building Department from fees as opposed to levied General Funds; and,
- Serve to strengthen our relationship with Oak Grove as we move forward with joint ventures in the future.

Attachments:

1. Oak Grove Building Official and Inspection Service contract with proposed change in inspection fees

Fiscal Impact:

I-Current Fee Structure with Oak Grove- Costs/Revenues(through May 31, 2013)

Costs to Date	Projected Costs - 2013	Revenues to Date	Projected Revenues - 2013
\$23,941	\$57,002	\$70,321	\$171,170

II-Proposed Fee Structure for the Oak Grove Contract-Costs/Revenues*

Costs to Date	Projected Costs-2013	Revenues to Date	Projected Revenues-2013
\$23,941	\$57,002	\$66,192	\$157,600

III-City of East Bethel Building Department Costs/Revenues with the Oak Grove Contract**

Operation Costs-2013	Projected Revenues-2013
\$195,540***	\$274,812

IV-City of East Bethel Building Department Costs/Revenues **without** the Oak Grove Contract

Operation Costs- 2013	Projected Revenues-2013
\$186,940	\$117,212

*Projected Revenues and Revenues to Date are based on the 85% proposed fee schedule

**Contract as approved but includes the proposed revised fee schedule of 85%

***Includes \$8,600 as additional travel expense

As part of the understanding between the City of East Bethel and the City of Oak Grove, the contract for services is open for recommendations for amendment. The intent of the consideration of the fee adjustment is to achieve the balance that insures that both Cities find it in their interests to continue the agreement.

Recommendation(s):

Staff recommends that the fee billed to the City of Oak Grove for Building Official and Inspections Services be reduced from 95% of their inspection fees to 85% of their inspection fees effective June 30, 2013.

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____

EXHIBIT A

City of East Bethel

Proposal for Building Inspection Services

To

**City of Oak Grove
Anoka County
State of Minnesota**

_____, 2013

Building Inspection Scope of Services

The City of East Bethel will provide full Building Code Administration, Onsite Sewage Treatment Service administration and Zoning Enforcement. This shall include but not be limited to full building department administration, plan review, permit issuance, field inspections, correction notice issuance and re-inspection, certificate of occupancy issuance, monthly, quarterly and annual reports to the Oak Grove City Clerk, City Council and outside agencies. We will also interact with project developers, contractors and general public on specific project issues; complaints; and code question. The City of East Bethel will calculate the project valuation for determination of state surcharge and building permit fees for every valuation based permit.

Residential service shall be considered 1 & 2 family dwelling units. Any structure containing more than 2 dwelling units shall be considered commercial buildings.

Permits will be issued for all construction work as required in MN State Building Code Chapter 1300.00120. These permits will include but not be limited to:

1. New construction, addition, alteration, repair, remodel, modification, demolition, or moving of all non-residential and accessory structures.
2. Roofing, siding, window replacement.
3. Signs
4. Plumbing new, addition, alteration, remodel, repair or modification.
5. Mechanical new, addition, alteration, remodel or modification.
6. Fire Suppression Systems
7. Fire Alarm Systems

The service will also include coordinating with the planning department for review of permit applications with the City's Zoning ordinance and land use compliance. This will involve routing all permit application to the planners for compliance with setback dimensions, lot coverage limits and minimum lot dimensions. The project will be field inspected by the City of East Bethel to insure compliance with the Zoning Ordinance dimensional standards.

The average turn around time for all non-maintenance projects will be 5-7 days after receipt of all necessary information. Project proponents will be encouraged to use handout materials from The East Bethel Building Department for completion of project plans to avoid delays and "code surprises" upon application for building permit.

A plan submittal checklist will be provided to all permit applicants outlining required submittals to accompany the application. Written plan review comments are provided to every applicant when plan review is performed.

Our office receptionist will schedule all inspections when the permit holder calls the East Bethel Building Department at 763-367-7856 or 763-367-7844. A 24-hour notice is required for all inspection. All inspections will be scheduled within 24 hours of the time requested.

Computerization

The City of East Bethel will prepare the electronic surcharge reports for submittal to the State Treasurer. The City shall forward the report with appropriate fees.

Fee Schedule

The City of East Bethel. proposes to use the 1997 UBC Table 1-A fee schedule to establish building permit fees. The City of East Bethel. will review the fee schedule with the Oak Grove City Clerk regularly for conformity with the needs of the City.

The building permit fee will be calculated on the valuation of the proposed project. The building official will calculate the project valuation using the Construction Cost Data published by the State Building Codes and Standard Division annually around the month of May.

A plan review fee of 100% of the valuation schedule will be charged for every project which in the sole discretion of the building official requires a plan to be submitted to demonstrate or clarify the project being permitted.

In addition to the building permit and plan review fees the applicant must also pay a surcharge fee in accordance with Minnesota Statutes 16B.70.

Over the Counter Permits

Separate plumbing and mechanical permits will be required in addition to the building permit for all construction projects that involve installation or changes to the plumbing and mechanical systems.

The City of East Bethel will utilize the existing Oak Grove over the counter permits for the issuance of minor maintenance permits such as roofing, siding, windows, furnace and water heater replacement.

Terms

Payments for permits will be made by the applicants directly to the City of Oak Grove, with all checks made payable to the City of Oak Grove.

The City of East Bethel will have personnel available as needed 5 days per week to cover the building inspection services outlined in the Building Inspection Scope of Services. This schedule will be adjusted as necessary to meet the needs of the public and City staff.

The City of East Bethel. will provide the services listed in the Building Inspection Scope of Services for **85%** of the building permit fee plus 100% of the plan review fee. Services will be billed to the City on a monthly basis. A report of all building permit activity will be provided with the billing.

All transportation, communication, tools and insurance costs will be the direct responsibility of the City of East Bethel. All records will be maintained in accordance with the City's adopted record retention schedule. The records will be available to the City for examination at anytime during normal business hours or any other pre-arranged time. Records for all closed projects will be delivered to the City on a quarterly basis.

Inspections requested outside of normal business hours, M-F 8:00 a.m. to 4:00 p.m. will be billed to the City of Oak Grove at \$60.00 per hour in addition to the permit fee. Any after-hours inspections must be approved by the City of Oak Grove. A 1-hour minimum will apply. The City of East Bethel will retain 100% of this fee.

Additional plan review required by changes, additions or revisions to an approved plan will be billed to the city of Oak Grove at \$60.00 per hour in addition to the permit fee. A 1-hour minimum will apply. The City of East Bethel will retain 100% of this fee. Minor adjustments or changes to the plan that do not affect the scope or structural elements of the project will not require additional review.

The City of East Bethel will bill the City an hourly rate of \$60.00 per hour for all other services requested by the City.

The City of East Bethel, at the direction of the Oak Grove City Council, will also perform General Nuisance zoning enforcement and assist the City with development of a procedure and necessary forms to carry out this responsibility. This will include any junk and blight sweeps made in residential neighborhoods.

The City of East Bethel will provide Fire suppression plan review and inspection on all systems that may be required by the Building or Fire code. The City of East Bethel will do this work as required for the hourly rate of \$60.00.

The terms of this agreement will be reviewed and adjusted on an as needed basis.

**BUILDING OFFICIAL AND
INSPECTION SERVICES CONTRACT**

This agreement is entered into this _____ day of _____, ~~2012~~ 2013 by and between the City of East Bethel, MN, a statutory City, with its principle place of business located at 2242 221st Ave NE, East Bethel, MN 55011 (hereinafter "East Bethel") and the City of Oak Grove MN a Statutory Minnesota City, with its principle offices located at 19900 Nightingale Street NW Cedar, MN 55011 (hereinafter "Oak Grove").

WHEREAS, the Oak Grove has enacted the Minnesota Building Code (the "Code");

WHEREAS, Oak Grove requires designation of a building official, provision of building inspection services to ensure compliance with the Code, and provision of Subsurface Sewage Treatment System ("ISTS") inspections and services;

WHEREAS, East Bethel and or its employees are licensed to serve as the City's building official and provide such inspection services;

WHEREAS, Oak Grove desires to enter into an agreement for the purchase of building official and building inspection services with East Bethel; and

WHEREAS, East Bethel desires to provide such services to Oak Grove.

NOW THEREFORE, upon adequate consideration, the receipt and sufficiency of which is acknowledged, the parties hereto agree as follows:

1. **Inspection services.** During the term of this agreement, East Bethel agrees to perform inspection services as outlined in the proposal dated _____, ~~2012~~ 2013 (attached hereto as Exhibit A), and as further detailed below:

- a. Provide all services necessary to fulfill designation as the Oak Grove's building official;
- b. Provide Code inspections as required by Minnesota Statutes and local ordinance;
- c. Provide re-inspections as required;
- d. Issue occupancy permits upon final completion of the structure;
- e. Review building plans for compliance with building code requirements;
- f. Review ISTS designs for compliance with MN Rules 7080 and local ordinance, approve designs for installation; complete all required paperwork associated with ISTS installations; and
- g. Provide ISTS inspections as required by applicable law and local ordinance

East Bethel further agrees to assist in zoning enforcement matters as requested, including making interpretations, inspecting non-compliant sites, notifying violators, and follow-up as necessary to gain compliance. Such zoning enforcement work shall be compensated at the hourly rate for additional services as indicated in Exhibit A.

2. **Condition of Inspection Services**

- a) Oak Grove agrees to provide East Bethel with access to pertinent information, records, systems and data, as determined necessary in the discretion of Inspectron. Oak Grove shall provide all required forms. East Bethel shall assist in the responsibilities of administration and enforcement of its zoning ordinance by reviewing all building permits for final zoning approval and land use.
- b) East Bethel shall perform the services under this contract at such location and at such times as East Bethel deems appropriate while providing the coverage requested by the Oak Grove.
- c) East Bethel shall provide all tools, transportation, and communication devices it deems necessary to carry out the field services of this agreement.
- d) East Bethel agrees to proceed diligently and in accordance with its usual course and manner of business. East Bethel agrees to perform additional services, to which the parties agree during the term of this contract under the terms and conditions of this agreement.

3. **Term of Agreement.** This agreement is effective commencing _____, ~~2012~~ 2013 and shall consist of a period of twelve months of service. Upon the mutual agreement of the parties, this agreement may be extended, in writing, upon the terms and conditions contained herein.

4. **Payment.** In consideration of such consulting work, the Oak Grove agrees to pay to East Bethel under the following schedule:

- a) In accordance with the proposal attached as Exhibit A.

Hourly charges are inclusive of equipment charges, communication charges and overhead.

Work will be billed on a monthly basis and shall be due and payable upon receipt of such billing. Oak Grove upon receipt of such billing shall pay within 30 days.

Payments more than 30 days delinquent shall accrue a 1.5 percent monthly finance charge.

5. **Modification of Proposal.** Notwithstanding the terms outlined in the proposal attached as Exhibit A, Oak Grove does not by this Agreement, contract with East Bethel for a minimum number of hours per week. The number of hours required of East Bethel shall be at the sole discretion of East Bethel while providing the time necessary to carry out the terms of this agreement.

6. **Relationship.** Nothing in this agreement shall be construed to create employment, a partnership, joint venture, license or agency relationship and neither party shall have the right or authority to bind the other. For the purpose of this Agreement, East Bethel shall be deemed an

independent contractor. East Bethel employees shall not be entitled to any employment benefits customarily given to Oak Grove employees.

7. **Termination.** This agreement may be terminated by either party upon thirty (30) days written notice. Such termination shall not affect the rights and obligations of the parties accrued prior to the termination date or rights under paragraph 3 and 4.

9. **Assignability.** This agreement shall not be assignable by either party without the written consent of the non- assigning party.

10. **Law.** This contract shall be governed by the law of the State of Minnesota. The parties agree that the venue of any legal action arising under the agreement shall be Anoka County, Minnesota. The parties further agree that in the event either party brings an action against the other to enforce any condition or covenant of this agreement the prevailing party shall be entitled to recover its court costs and reasonable attorney fees in the judgment rendered in such action.

11. **Severability.** If any provision of this agreement shall be held by any court to be illegal, invalid or unenforceable, such provision shall be construed and enforced as if it had been more narrowly drawn so as to be legal, valid or enforceable. Such illegality, invalidity or unenforceability shall not have effect upon or impair the enforceability of any other provision of this agreement.

12. **Indemnification.** East Bethel shall indemnify, hold harmless Oak Grove, its officers and employees against any and all liability, loss, cost, damages, expenses, claims or actions resulting from omission or negligent acts of Inspectron employees during the performance of this Agreement.

Oak Grove shall indemnify, hold harmless East Bethel, its officers and employees against any and all liability, loss, cost, damages, expenses, claims or actions resulting from omission or negligent acts of City employees during the performance of this Agreement.

East Bethel shall further indemnify Oak Grove against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contributions imposed or required under employment insurance, social security and income tax laws with respect to Inspectron employees engaged in performance of this Agreement.

13. **Entire Agreement.** This agreement constitutes the entire agreement between the parties. This agreement may be amended only by written agreement of both Oak Grove and East Bethel.

14 DATA PRACTICES.

All data collected, created, received, maintained, or disseminated for any purposes by the activities of East Bethel because of this contract is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such act now in force or as adopted, as well as federal regulations on data privacy.

Trade Secrets: Assuming that the material that the organization would supply is not just proprietary, but also constitutes a trade secret under the Uniform Trade Secrets Act definition, it could be protected under Minn. Stat. Section 13.37 subd. 1(b) and subd. 2. The MGDPA definition of "trade secret information" tracks the language of the UTSA, and thus includes "government data, including a formula, pattern, compilation, program, device, method, technique or process (1) that was supplied by the affected individual or organization, (2) that is the subject of efforts by the individual or organization that are reasonable under the circumstances to maintain its secrecy, and (3) that derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use." If it meets this definition, then subd. 2 makes it nonpublic data with regard to data not on individuals, and private data with regard to data on individuals. Beyond the protections of this provision, it would be difficult for a city to keep a promise of confidentiality.

15 RECORDS - AVAILABILITY AND RETENTION.

The East Bethel agrees that the City or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the East Bethel and invoice transactions relating to this Agreement.

East Bethel agrees to maintain these records for a period of three (3) years from the date of termination of this Agreement.

16.MERGER AND MODIFICATION.

A. It is understood and agreed that the entire Agreement between the parties is contained here and that this Agreement supersedes all oral agreements and negotiations between the parties relating to the subject matter. All items referred to in this Agreement are incorporated or attached and are deemed to be part of this Agreement.

B. Any material alterations, variations, modifications, or waivers of provisions of this Agreement shall be valid only when they have been reduced to writing as an amendment and signed by the parties.

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IN WITNESS WHEREOF, the parties hereto have executed this agreement on the day and year first written above.

Oak Grove

East Bethel

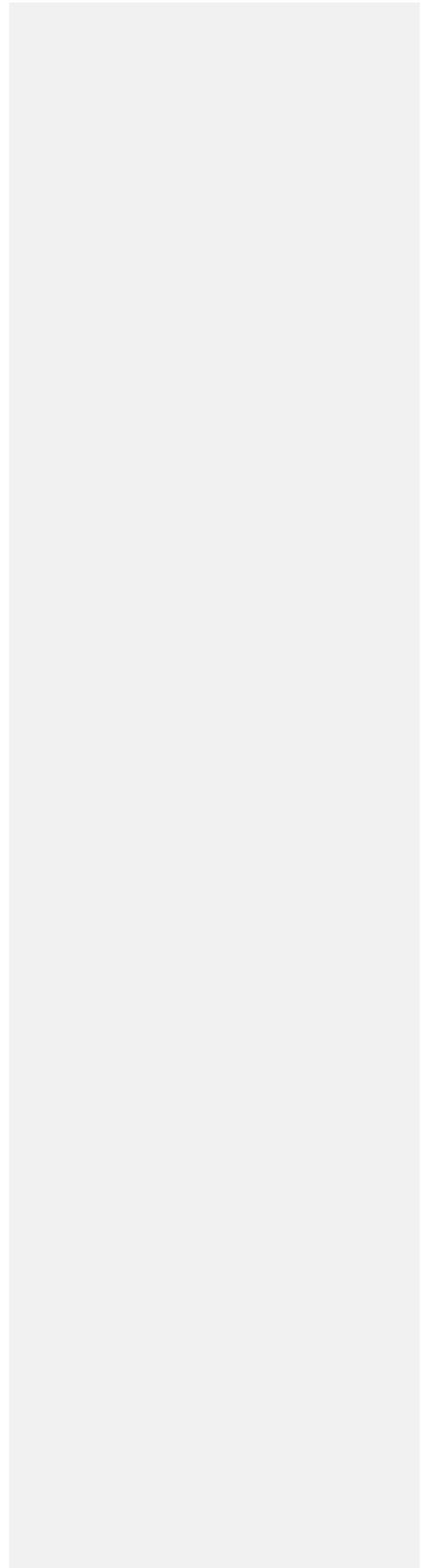
By: _____
Mayor

By: _____
~~Mayor~~

Attest: _____ Attest: _____

By: _____ By: _____
City Clerk City Clerk

By: _____
City Clerk





City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.4

Agenda Item:

MCES/City Force Main Project Cost Share Split

Requested Action:

Consider approving the City’s Preliminary Cost Share Amount for the MCES Castle Towers/Whispering Aspen Joint Forcemain Project

Background Information:

Bid results for the MCES Forcemain Project (Viking Boulevard to 229th Avenue) were originally received by the City on November 26, 2012. Those bids were higher than anticipated by the City and were as follows:

1. LaTour Construction - \$11,758,141.30
2. S.R. Weidema - \$11,844,051.93
3. Ames Construction - \$13,166,637.30
4. S.M. Hentges - \$13,362,753.20
5. Lametti & Sons - \$14,737,700.00
6. S.J. Louis Construction - \$16,149,000.00.

Based on those bids and the City’s share of the costs, 29.6 % on shared items and 25% on dewatering, the City’s cost would have been \$3,496,000 which is approximately \$900,000 more than we had anticipated.

Staff and Jason Peterson, MCES project engineer, met on December 3, 2012 to discuss the bids and their implications for our participation in the project. At the time it was explained to MCES that unless we can negotiate reductions in the shared costs, our proposal to be a partner in the project was in jeopardy. We estimated that it will cost approximately \$2,700,000 to complete the connection between 229th Avenue and the collection system that serves Castle Towers/Whispering Aspens. This cost coupled with the cost for the shared extension with MCES of a minimum of \$3,496,000 would could have exceeded our bond fund balance of 5.5 million dollars. The 5.5 million dollar balance is part of the original bond sale of 18.8 million dollars for the project and must be spent on infrastructure. Unfortunately, these funds cannot be used to pay down the indebtedness.

The matter of reduction of our cost share percentages was discussed and negotiated with Bryce Pickart, MCES Assistant General Manager of Technical Services. As a result of these discussions, MCES decided to reject the bids for this project. The City began working with

MCES to determine line item costs that may be eliminated from our share of the project and to explore the possibility of the removing our section of line from their contract between Klondike Drive and 215th Avenue as part of a the project re-bid. The removal of this section eliminated our cost share participation of two road crossings and approximately 1,000 ft. of street restoration. These items represent a significant cost reduction and were eliminated from the MCES contract and added to our responsibility for the connection from 229th to 241st Avenue.

The MCES/City Forcemain Project (Viking Boulevard to 229th Avenue) was re-bid by MCES and the bids were opened on February 12, 2013. Included in the re-bid were a number of deducts and an alignment change in the location of the City's forcemain between Klondike Drive and 215th Ave City staff provided MCES. The re-bids were as follows:

S.R. Weidema - \$8,423,076.44
LaTour Construction - \$8,668,082.95
S.M. Hentges - \$8,588,125.92
S.J. Louis Construction. - \$9,454,255

Based on the re-bid the City's share of the MCES project was \$1,964,502.19. That cost included \$140,000 for design, \$53,000 for easement costs and \$1,773,377 for construction and contingencies. However due to contract issues all bids were again rejected and no contract was awarded by the MCES.

The MCES Forcemain Project was again re-bid by MCES and bids were opened on June 19, 2013. The re-bids were as follows:

S.M. Hentges & Sons - \$8,162,824.07
S.R. Weidema - \$8,329,266.92
LaTour Construction - \$8,628,516.95
S.J. Louis Construction - \$9,666,482.50
Lametti & Sons - \$10,327,700.00

Based on the second re-bid, the City's share of the MCES project, based on the preliminary information supplied by the MCES on June 26, 2013, is \$2,222,560. This cost includes costs for easements, design, and contingency

In addition to our share of this project, the City will also have to construct the remainder of the project that won't be included in the MCES work. This involves the extension of the forcemain from 229th Avenue to the Castle Towers Treatment Plant and an additional segment between Klondike Avenue and Sims Road. This project will be presented in agenda Item 8.0 G.5. The estimated cost of this portion of the work was 2,700,000 million dollars. As will be discussed further in agenda Item 8.0 G.5 staff is recommending that Council award the Base Bid and all three alternative bids. This would bring the total estimated project cost for the City only project to \$ 2,674,880.

In summary, the total estimated project cost for the complete forcemain construction from Viking Boulevard to Castle Towers/Whispering Aspen, construction of lift station No. 2, reconstruction of lift station No. 1, upsize of the forcemain to 10 inch, and elimination of the existing lift station on Pierce Street is \$4,897,440. Currently the City has 5.5 million dollars in excess bond funds as the funding source to pay for this project.

Both of these projects can be conducted simultaneously and we hope to be substantially complete by the end of this year. The decommissioning of the Castle Towers Waste Water Treatment Plant

with the extension of forcemain sewer service is a crucial goal for the City. Completion of this project will permit the City to save approximately 4 to 5.0 million dollars over the next 30 years with the alternative sewer service to Castle Towers/Whispering Aspens and provide selected sewer service at developable commercial intersections north of Viking Boulevard to 241st Avenue.

Fiscal Impact:

As described above. The cost amount for the City share of the project must be approved and submitted to the MCES by July 8, 2013 for their submission to the Environmental Committee for approval on July 9, 2013.

Recommendation(s):

Staff recommends approval of the preliminary cost share amount of \$2,222,560 with MCES for the Castle Towers/Whispering Aspens Joint Forcemain Project from Viking Boulevard to 229th Avenue.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 8.0 G.5

Agenda Item:

Castle Towers/Whispering Aspen 2013 Forcemain Project Award

Requested Action:

Consider Approval of Resolution 2013-38 Accepting Bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project

Background Information:

As was approved in Item 8.0 G.4, the City has agreed to participate with the Metropolitan Council Environmental Services (MCES) to enter into an agreement to construct a joint project from Viking Boulevard to 229th Avenue. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the City connection from Klondike Drive to Sims Road and from 229th Avenue to Castle Towers will be constructed as a City only project. Attachment 1 shows the proposed pipe routes and the location of the rapid infiltration basins.

MCES bid this project on June 19, 2013. Five bids ranging from \$8,162,824.07 to \$10,327,700.00 were received. As discussed in agenda Item 8.0 G.4, the City's share of the joint project is to be \$2,222,560.00.

The second part of this project consists of the City only force main which would connect Castle Towers/Whispering Aspens to the MCES/City Joint Project at 229th Ave. Bids were opened for the City only project on May 14, 2013 for the construction of 6-inch, 8-inch and 10-inch force main from 229th to 241st Avenue and one lift station. There were also 3 Alternates to the base bid and these are received as follows:

Alternate Bid No. 1: Construct a gravity pipe between the existing lift station on Pierce Street to the new lift station. This alternate will allow the City to eliminate the current lift station on Pierce Street.

Alternate Bid No. 2: Replace the proposed 8 inch forcemain with 10 inch forcemain. This alternate will provide capacity of an additional 375 connections and will reduce the energy consumption of the lift station pumps.

Alternate Bid No. 3: Replace the existing lift station that services the Castle Towers Mobile Home Park. This lift station is approximately 41 years old and is in very poor condition.

A detailed summary of the Base Bids and the Alternate Bids for all the contractors is included on the attached resolution. A summary of the Base Bid and Alternate Bids for the two lowest contractors' is as follows:

Contractor	Base Bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
LaTour Construction	\$1,849,982.69	\$182,379.00	\$50,398.50	\$338,404.29	\$2,421,164.48
Minger Construction	\$1,942,278.25	\$110,030.25	\$64,650.60	\$271,327.20	\$2,388,286.30

The following summarizes the bid scenarios for this project:

Award Decision	Lowest Contractor	Total Bid
Base Bid Only	LaTour Construction	\$1,849,982.69
Base Bid and Alternate No. 1	LaTour Construction	\$2,032,361.69
Base Bid and Alternate No. 1 and No. 2	LaTour Construction	\$2,082,760.19
Base Bid and Alternate No. 1, No. 2 and No. 3	Minger Construction	\$2,388,286.30

Staff is recommending the Council award the Base Bid and all three Alternate Bids to Minger Construction, Inc. in the amount of \$2,388,286.30. Adding costs for easements, overhead and contingency the total estimated project cost is \$2,674,880.00. This contract must be awarded by July 13, 2013.

Attachment(s):

1. Project Layout
2. Resolution No. 2013-38 Resolution Accepting Bid

Fiscal Impact:

This project will be financed by the excess bond funds from the Phase 1, Project 1 Utility Project. These funds are available and appropriate for this project.

Recommendation(s):

Staff recommends approval of Resolution 2013-38 Accepting Bids and awarding the contract for the proposed Castle Towers/Whispering Aspen 2013 Foremain Project to Minger Construction, Inc. in the amount of 2,388,286.30, contingent on the MCES Environmental Committee approval of the cost share agreement approved in Item G.4.

City Council Action

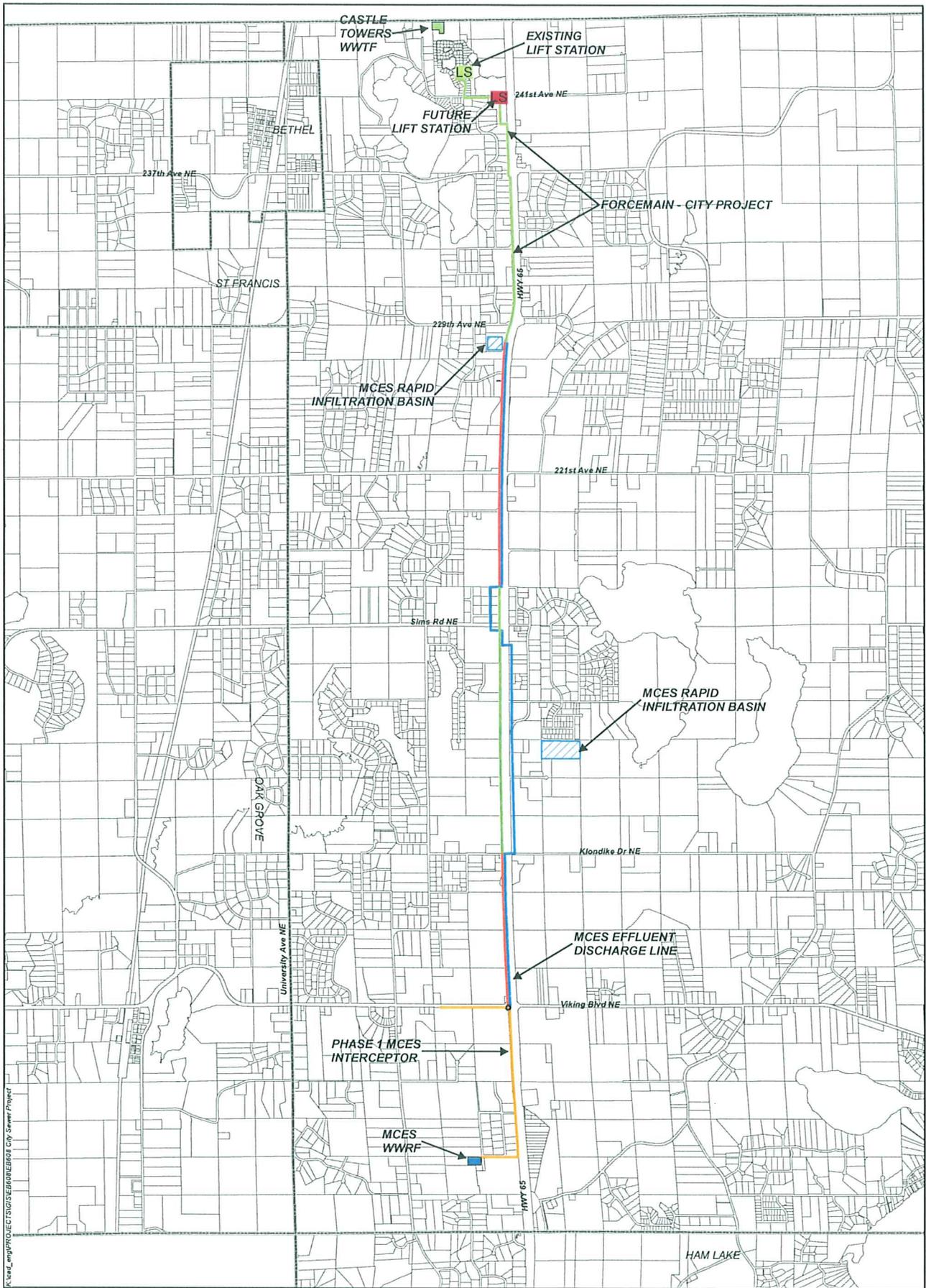
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



K:\env\proj\PROJECTS\GISE\BETHEL\BETHEL City Sewer Project



**MCES/CITY
FORCEMAIN
PROJECT**



SOURCE: ANOKA COUNTY SURVEY DEPARTMENT, MCES, CITY OF EAST BETHEL & MNDNR

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2013-38

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to the advertisement for bids for the Castle Towers/Whispering Aspen 2013 Forcemain Project, bids were received, opened and tabulated according to law, and the following Base Bids were received complying with the advertisement:

LaTour Construction, Inc.	\$1,849,982.69
Minger Construction, Inc.	\$1,942,278.25
R.L. Larson Excavating, Inc.	\$1,989,641.25
S.R. Weidema, Inc.	\$2,115,348.08
Douglas-Kerr Underground, Inc.	\$2,136,796.78
Northdale Construction Company, Inc.	\$2,156,335.15
Redstone Construction Company, Inc.	\$2,202,626.55

AND WHEREAS, the City received Alternate Bid No. 1, which replaces the proposed forcemain from the Whispering Aspen Lift Station to the New Lift Station No. 2 with a gravity sewer line;

AND WHEREAS, the following Alternate No. 1 Bids were received complying with the advertisement:

Minger Construction, Inc.	\$154,492.45
Northdale Construction Company, Inc.	\$193,085.94
R.L. Larson Excavating, Inc.	\$197,583.00
S.R. Weidema, Inc.	\$199,617.05
LaTour Construction, Inc.	\$217,409.10
Douglas-Kerr Underground, Inc.	\$221,348.64
Redstone Construction Company, Inc.	\$317,885.55

AND WHEREAS, certain bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 1 Bids are as follows:

Minger Construction, Inc.	\$110,030.25
S.R. Weidema, Inc.	\$155,722.05
Northdale Construction Company, Inc.	\$158,701.40
R.L. Larson Excavating, Inc.	\$159,079.50
LaTour Construction, Inc.	\$182,379.00
Douglas-Kerr Underground, Inc.	\$185,642.34
Redstone Construction Company, Inc.	\$279,971.45

AND WHEREAS, the City received Alternate Bid No. 2, which upsized all 8 inch PVC forcemain to 10 inch PVC forcemain;

AND WHEREAS, the following Alternate No. 2 Bids were received complying with the advertisement:

LaTour Construction, Inc.	\$434,148.75
Minger Construction, Inc.	\$477,583.10
R.L. Larson Excavating, Inc.	\$489,948.00
Northdale Construction Company, Inc.	\$499,134.94
S.R. Weidema, Inc.	\$520,082.00
Douglas-Kerr Underground, Inc.	\$529,008.25
Redstone Construction Company, Inc.	\$547,840.80

AND WHEREAS, certain Bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 2 Bids are as follows:

S.R. Weidema, Inc.	\$32,453.00
LaTour Construction, Inc.	\$50,398.50
Minger Construction, Inc.	\$64,650.60
Douglas-Kerr Underground, Inc.	\$68,118.90
R.L. Larson Excavating, Inc.	\$70,460.00
Northdale Construction Company, Inc.	\$83,608.41
Redstone Construction Company, Inc.	\$103,044.10

AND WHEREAS, the City received Alternate Bid No. 3 which replaces existing Lift Station No. 1 which services the Castle Towers Mobile Home Park;

AND WHEREAS, the following Alternate No. 3 Bids were received complying with the advertisement:

S.R. Weidema, Inc.	\$220,012.25
Minger Construction, Inc.	\$283,971.70
Northdale Construction Company, Inc.	\$328,365.05
LaTour Construction, Inc.	\$351,107.29
Redstone Construction Company, Inc.	\$437,496.20
R.L. Larson Excavating, Inc.	\$463,458.00
Douglas-Kerr Underground, Inc.	\$628,696.61

AND WHEREAS, certain Bid items would be eliminated from the Base Bid if this Alternate was selected, therefore, the adjusted Alternate No. 3 Bids are as follows:

S.R. Weidema, Inc.	\$205,165.25
Minger Construction, Inc.	\$271,327.20
Northdale Construction Company, Inc.	\$310,613.37
LaTour Construction, Inc.	\$338,404.29
Redstone Construction Company, Inc.	\$423,891.00
R.L. Larson Excavating, Inc.	\$448,944.00
Douglas-Kerr Underground, Inc.	\$609,850.16

AND WHEREAS, Staff recommends that Council accept the Base bid, Alternate Bid No. 1, Alternate Bid No. 2 and Alternate Bid No. 3;

AND WHEREAS, it appears that Minger Construction, Inc. of Chanhassen, Minnesota is the lowest responsible bidder;

AND WHEREAS, the City accepts the bid proposal in the amount of \$2,388,286.30.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:

1. The Mayor and City Administrator are hereby authorized and directed to enter into a contract with Minger Construction, Inc. of Chanhassen, Minnesota in the name of the City of East Bethel for the Castle Towers/Whispering Aspen 2013 Forcemain Project, according to the plans and specifications therefore approved by the City Council and on file in the office of the City Clerk.

2. The City Engineer is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this 3rd day of July, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

July 3, 2013

Agenda Item Number:

Item 9.0 D

Agenda Item:

Closed Session, Union Negotiations, Minn. Stat. § 13D.03, subd. 1 (b).

Requested Action:

Staff requests Council hold a Closed Session per Minn. Stat. § 13D.03, subd. 1 (b) Review Union 2014-2016 Contract Negotiations

Background Information:

Fiscal Impact:

Recommendation(s):

Staff requests Council hold a Closed Session per Minn. Stat. § 13D.03, subd. 1 (b) Review Union 2014-2016 Contract Negotiations.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____