

City of East Bethel
Planning Commission Agenda
7:00 PM
Tuesday, July 23, 2013



Agenda

	<u>Item</u>
7:00 PM	1.0 Call to Order
7:02 PM	2.0 Adopt Agenda
7:03 PM	3.0 Public Hearing, Conditional Use Permit request – TinMan Fabrication, Inc., Jim Crews, 21461 Aberdeen St NE, East Bethel, MN PIN 083323430009, B2 – Central Business District
7:20 PM	4.0 Public Hearing, Variance request – Donald Wargin, 324 Dogwood Rd NE, PIN 363323240034 and 363323240035, Rear yard setback, R1- Single Family/Shoreland Management
7:40 PM	5.0 Comprehensive Plan/Zoning/Ordinance Changes
8:20 PM	6.0 Approve June 25, 2013 Planning Commission Meeting Minutes
8:25 PM	7.0 Other Business
8:30 PM	8.0 Adjournment



City of East Bethel Planning Commission Agenda Information

Date:

July 23, 2013

Agenda Item Number:

Item 3.0

Agenda Item:

Public Hearing: Conditional Use Permit for TinMan Fabrication to operate in the B-2 – Central Business District

Requested Action:

Consider Granting a Conditional Use Permit (CUP) for James Crews, TinMan Fabrication (a custom fabrication and machine shop that specializes in customizing vehicles), in the B-2 – Central Business District.

Background Information:

Property Owner/Applicant:

James Crews
19470 Nightingale St. NW
Cedar, MN 55011

Property Location:

21461 Aberdeen St. NE
East Bethel, MN 55011
08-33-23-43-0009
LOT 2 BLK 2 LINGES EAST BETHEL
CENTER SUBJ TO EASE OF REC

The applicant, James Crews, is requesting a CUP to operate a fabrication and machine shop. Attached to this request is an explanation of TinMan Fabrication, Inc., along with a brochure. Staff has been to Mr. Crews’ shop in Oak Grove. Mr. Crews has outgrown that facility and wants to be in an area that was located close to Highway 65. It is his intent to utilize his existing facility for storage and overflow parts. He has stressed that there will not be any outside storage of parts or vehicles at the proposed location in East Bethel and all storage will be inside the building. A couple of areas that were discussed were:

Noise – Noise levels when doors are closed and machines are operating will have minimal impact. Mr. Crews currently has neighbors right next door to his business and they do not have any issues with noise coming from the business. In fact his neighbor has stated that he would not even know Mr. Crews is running a business at the Oak Grove location. We discussed the noise level when the doors are open and that would be similar to the noise emitted from trucks driving on Hwy. 65.

Permitting for waste – The current septic system is compliant and TinMan does not do any painting, oil changes, engine repair, etc. They fabricate, customize parts, and add on to existing engines, etc., so there is no additional waste generated. They also recycle as much as possible and there is very little waste in the business.

The proposed location is an existing building in the B-2 (Central Business District). The building has been previously used as a veterinarian clinic and a heating/AC business. Mr. Crews has indicated that he and his employees will utilize the back parking lot. He does not generate a lot of walk-in traffic at this time as he does not sell retail parts. He has an office and does internet sales along with sales generated by advertising and word of mouth. His clients range from individuals to other shops. He also makes parts that are marketed by distributors.

Attachments:

- 1. Location Map
- 2. Application
- 3. Site Plan
- 4. Central Business (B-2) District Zoning Information

Fiscal Impact:

Not Applicable

Recommendation(s):

Staff requests Planning Commission recommend approval to City Council for a Conditional Use Permit to James Crews of TinMan Fabrication, Inc. to operate as a builder/fabrication shop for rods, custom and classic automobiles at:

21461 Aberdeen St. NE
East Bethel, MN 55011
08-33-23-43-0009
LOT 2 BLK 2 LINGES EAST BETHEL CENTER SUBJ TO EASE OF REC

Subject to the following conditions:

- 1. No outside storage of vehicles or other parts.
- 2. Signage to comply with all applicable codes and regulations of the City of East Bethel.
- 3. Building to be issued a Certificate of Occupancy for the proposed use once all applicable State and fire building code requirements have been met.
- 4. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 27 Landscaping Requirements.
- 5. Comply with City of East Bethel Code of Ordinances – Zoning, Appendix A, Section 22, Off Street Parking and Loading Requirements.

Failure to comply with the above stated conditions will result in the revocation of the Conditional Use permit.

Planning Commission Action

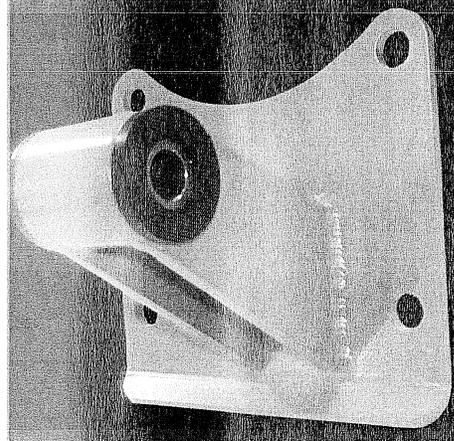
Motion by: _____

Second by: _____

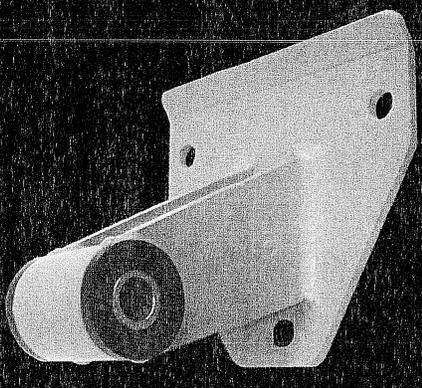
Vote Yes: _____

Vote No: _____

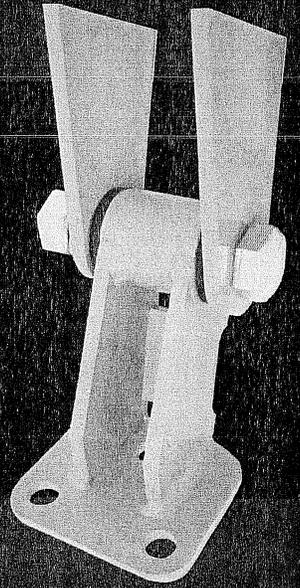
No Action Required: _____



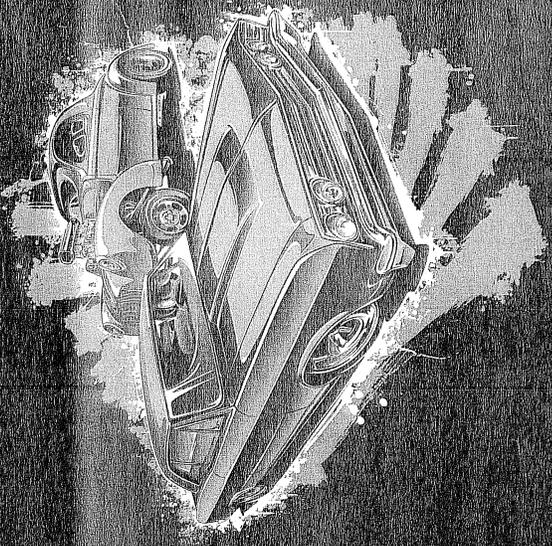
Mopar Hemi 5.7 Liter & 6.1 Liter



Mopar Magnum 5.2 Liter, 5.9 Liter



426 Hemi



763.753.4265

Dealer Inquiries Welcome

19470 Nightingale St. NW
Oak Grove, MN 55011

BUILDER & FABRICATOR

OF

QUALITY

RODS, CUSTOMS & CLASSICS

WWW.TINMANFABRICATION.COM

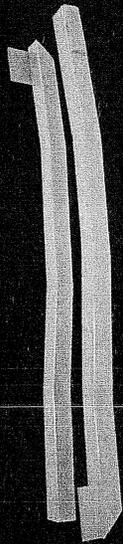
TIN MAN PRODUCTS

Motor Mounts

- 426 Hemi & 426 Based Crate Engines
- 50's Desoto Hemi 276, 291, 330, 341, 345
- 50's Chrysler Hemi 331, 354, 392
- 50's & 60's Chrysler Poly 277, 301, 303, 313, 326, 318
- 5.7 Liter & 6.1 Liter Hemi
- Big Block Mopar B-RB, Wedge 361, 383, 400, 413, 440
- Small Block Mopar LA Series 273, 318, 340, 360, 3.9 Liter, 5.2 Liter, 5.9 Liter
- Viper & Truck V10, SRT10 8.3 Liter, 8.4 Liter
- Mopar Magnum 5.2 Liter, 5.9 Liter
- Ford Windsor 221, 260, 289, 302, 351, 5.0 Liter, 5.8 Liter
- Ford Big Block 385 Series 429, 460
- Ford Modular 4.6 Liter, 5.4 Liter (Triton, Intech)
- Chevy Small Block 262, 265, 283, 302, 305, 307, 327, 350, 400, 5.0 Liter, 5.7 Liter
- Chevy Big Block 396, 402, 427, 454, 7.4 Liter
- GM LS Series: Generation III LS1, LS6, Generation IV L76, L92, LS2, LS3, LS4, LS7, LS9, LSX, LSA
- Big Block Cadillac 368, 425, 472, 500

100% American Made Products

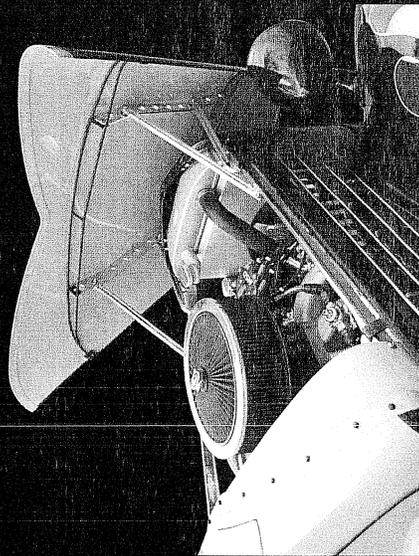
Subframe Connectors



Mustang Subframe connectors are a weld-on design that are bent to follow the contours of the floor. They require no cutting of the floor pans while maintaining good ground clearance for those low cars. Our connectors are built of 2" x 2" x 11 gauge steel to drastically stiffen the structure of your car. These are a must when installing that bigger horse power engine and are a great addition to your convertible Mustang as well!

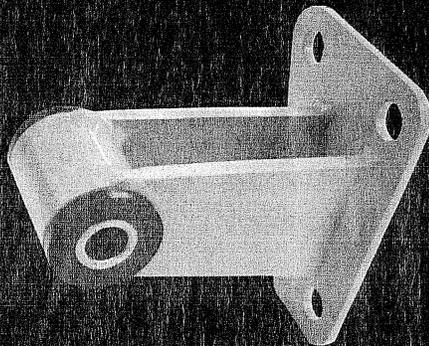
** Some additional cutting and welding required.*

Fast Forward Hood Hinge System

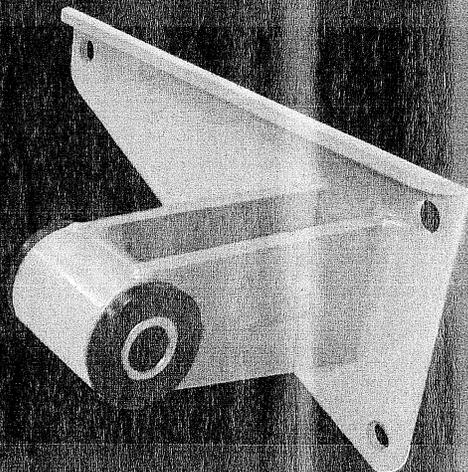


These high-tech hinges are designed for 20's, 30's and some 40's vintage vehicles. This is a tilt forward system intended to give access to the engine compartment while having a clean and stylish appearance. Built from 6061 T6 aluminum and come standard in a brushed finish and can be painted or polished to a mirror finish. All stainless steel hardware is included. Call for info for your specific application.

GM LS Series



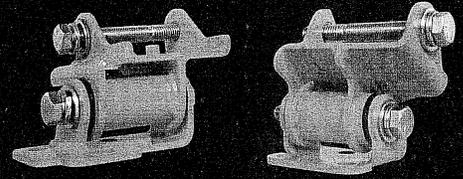
Ford Big Block 385 Series



Ford Modular 4.6 Liter & 5.4 Liter

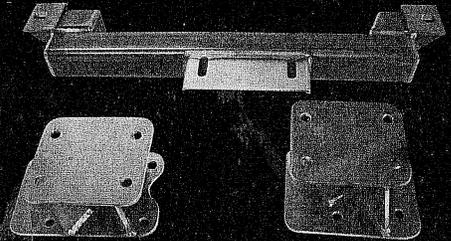
Visit our website to see our growing line of specialty products!
WWW.TINMANFABRICATION.COM

NEW PRODUCTS

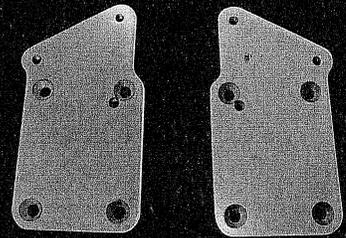


Hemi Conversion Kit

Applications: V8 to Hemi for 66-72 B Body,
70-74 E Body, 66-73 C Body Motor Mounts.



Duramax/Allison into H1 Hummer Conversion Kit



LS Adapter Plate

Applications: Installs GM LS Engines in to Any Car
Previously Equipped with a Small or Big Block Chevy.

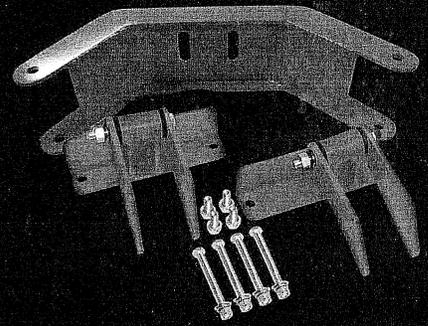


CALL TOLL FREE OR ORDER ONLINE

877.866.2338

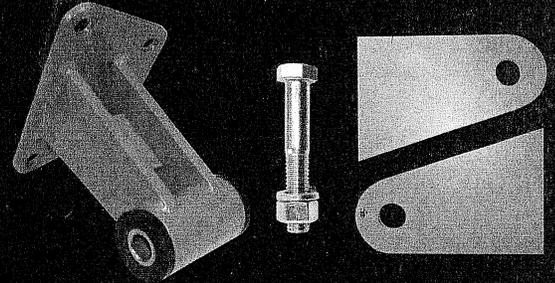
WWW.TINMANFABRICATION.COM

NEW PRODUCTS



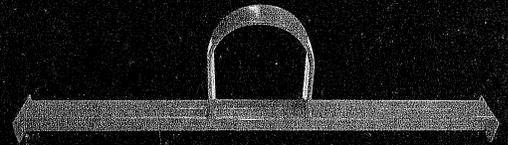
Windsor Engine Mount & T5 Transmission Crossmember Kit

Applications: 67-70 Mustang, 60-65 Falcon & Comet. Installs Ford T5 transmission behind a 5.0, 5.8, 289, 302 or 351 Windsor or a 6-8 Cylinder Falcon or Comet. Available individually or in a kit.



Ford FE

Application: Installation of Ford FE in Street Rod and Custom Applications
332, 352, 360, 361, 390, 406, 427, 428

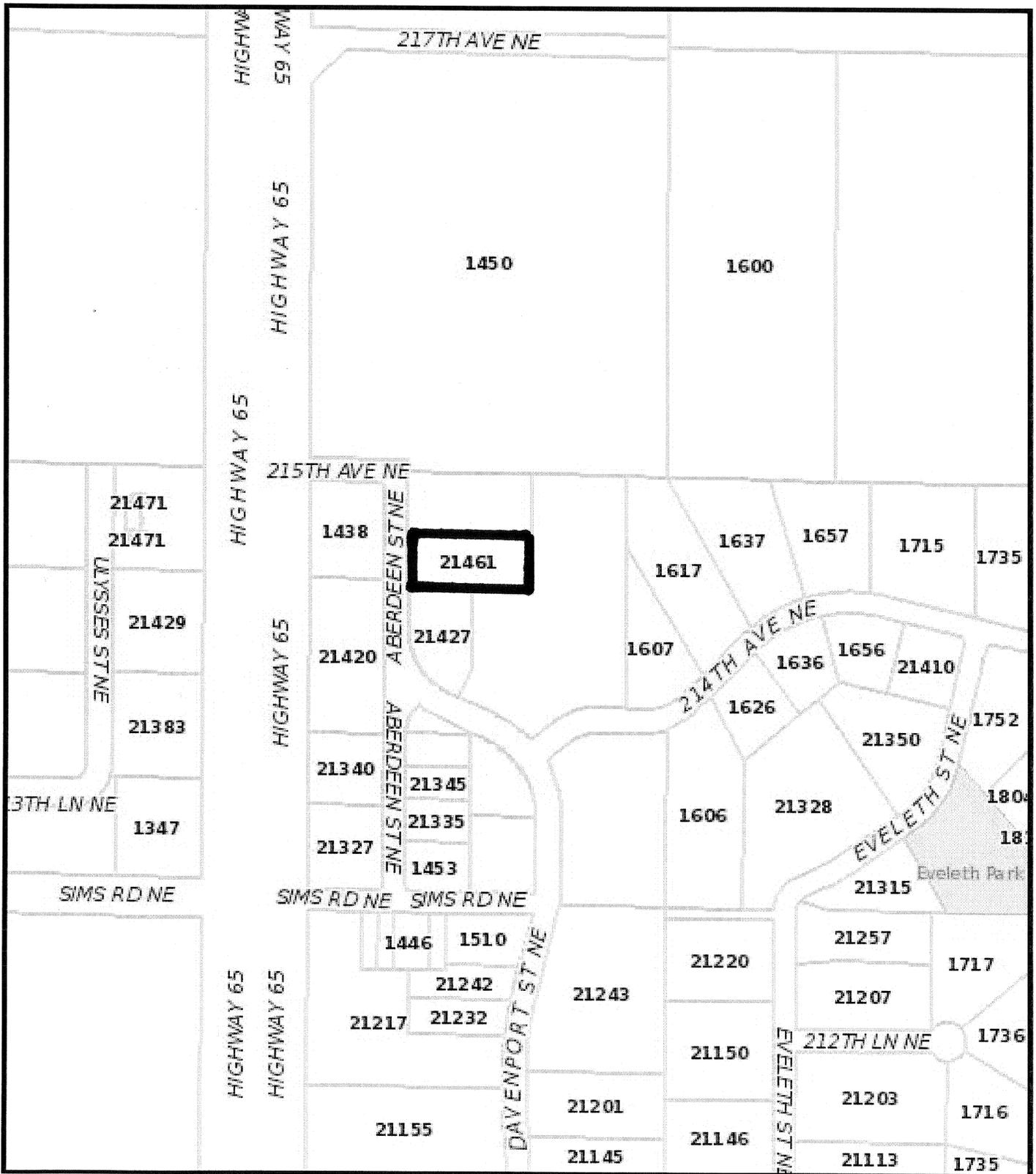


Mustang Drive Shaft Loop

Application: 65-73 Mustang with Tin Man Subframe Connectors Installed

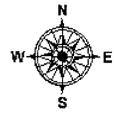


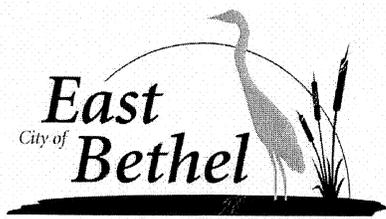
Map



Attachment #1

Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.
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LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	4/12/13
By	JSB
Fee \$	500 app fee 1000 review 55 filing fee

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for Tin Man Fabrication Inc (provide narrative below describing proposed use).

Restoration + Customization of specialty vehicles. Also light manufacturing of products for specialty vehicles.

LOCATION: PID 08-33-23-43-0009 Legal: Lot 2 Block 2 Subdivision _____

PROPERTY ADDRESS: 21461 Aberdeen St NE PRESENT ZONING: _____

PROPERTY OWNER

CONTACT NAME James Crews PHONE 763-753-4265

ADDRESS 19470 Nightingale St NW FAX 866-377-3992

CITY/STATE/ZIP Cedar MN 55011 E-MAIL jim.crews@tinmanfabrication.com

APPLICANT

CONTACT NAME SAME PHONE _____

ADDRESS _____ FAX _____

CITY/STATE/ZIP _____ E-MAIL _____

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

James R Crews
Property Owner's Signature

James R Crews
Printed Name

Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	_____	_____	
Planning Commission	_____	_____	
City Council	_____	_____	
_____ 60 Day		_____ 120 Day	

Attachment #2

Jim Crews founded Tin Man Fabrication, Inc. in August of 2000. Tin Man mainly worked on automotive sheet metal and chassis fabrication, and over the years, has grown to build turnkey cars, specialized suspension work, as well as our own line of Tin Man Products. Jims 35 years of welding and manufacturing experience has allowed Tin Man to broaden its scope to include Muscle Cars and many other specialty vehicles, not just Street Rods and Customs. TMF's vision is to focus on manufacturing a high quality line of products for the specialty vehicle market and continue building unique vehicles for our customers.

Description of business

Tin Man Fabrication, Inc. is a street rod, muscle car and specialty vehicle shop. Whether the customer wants to have their vehicle restored to its original state or radically modified, we are able to complete the project with quality workmanship. Services offered are: chassis and suspension rebuilding modifying and fabrication, engine and driveline set up and installation, brake and fuel system upgrades and installation, body metal repair and custom sheet metal fabrication, final assembly and wiring. Although we do not do finish body filling and paint or upholstery, we do work with several body and upholstery shops to complete the project.

Tin Man Fabrication also manufactures over 25 different products such as Motor Mounts, Subframe Connectors and Hood Hinges for multiple applications. Many of these products were created due to a need on our in house projects and not available on the market.

Summary

Tin Man Fabrication plans to increase employee base from 2 currently to 5 in the next year. We will continue building cars while expanding the manufacturing of Tin Man Products. This includes light manufacturing, cutting, forming machining and assembly.



Attachment #3

East Bethel, Minnesota, Code of Ordinances >> - CODE OF ORDINANCES >> APPENDIX A - ZONING >> SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT >>

SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

1. - Purpose.

The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

2. - Permitted uses.

- A. Club or lodge.
- B. Florist, commercial.
- C. Health/recreation facility.
- D. Dwelling, condominium, when located above the street level floor.
- E. Medical uses—Except for hospitals, long-term inpatient care centers, mobile or transitory medical facilities and laboratories.
- F. Office.
- G. Recreation—Public.
- H. Restaurant—Fast food and full service.
- I. Retail/office/multi-tenant structure.
- J. Retail sales and services conducted completely within the structures.
- K. Financial services.
- L. Tavern or bar.
- M. Motor vehicle service station (with no minor or major repair facilities).
- N. Essential services, government.

3. - Accessory uses.

- A. Outdoor sidewalk cafe.
- B. Trash enclosure service structure.
- C. Other uses customarily associated with but subordinate to a permitted use as determined by the city.
- D. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

4. - Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.
- I. Funeral home.
- J. Crematorium.
- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.

5. - Interim uses.

- A. Grading activities that move more than 1,000 cubic yards of material per acre.
- B. Communication tower.
- C. Other uses similar to those permitted in this section as determined by the city council.

6. - Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. - Development regulations.

A. Minimum lot requirements.

1)	Lot area	
a)	Without sewer and water	10 acres
b)	With sewer and water	No minimum
2)	Lot width	
a)	Without sewer and water	300 feet at the public right-of-way
b)	With sewer and water	No minimum

B. Setbacks. No setbacks are required unless adjacent to a residential district; a setback of 60 feet shall be required.

C. Maximum building height: Measured to the eave, maximum height of three stories or 30 feet, whichever is less.

D. Maximum lot coverage: 80 percent.

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)



City of East Bethel Planning Commission Agenda Information

Date:

July 23, 2013

Agenda Item Number:

Item 4.0

Agenda Item:

Public Hearing: Variance from Rear Setback for Construction of New Home

Requested Action:

Consider Granting a Variance for Donald Wargin from Rear Yard Setback to Construct a New Home in the R-1 – Single Family Residential District

Background Information:

Property Owner/Applicant:

Donald Wargin
324 Dogwood Rd. NE
East Bethel, MN 55092

Property Location:

324 Dogwood Rd. NE
PIN 36-33-23-24-0035
Lots 925-929 Coon Lake Beach

The applicant, Donald Wargin, is requesting a variance from the rear yard setback to construct a new home. On Mr. Wargin’s property there was an existing cabin which, according to Mr. Wargin, he planned on redoing the bathroom and installing a new shower. Mr. Wargin proceeded to demolish the existing cabin and put in a new larger foundation without obtaining any building permits or checking with the City of East Bethel regarding code requirements, property setbacks, and septic system requirements. The City of East Bethel saw that Mr. Wargin was working and placed a stop work order on January 25, 2013. Since that time the Building Official and Community Development Director have met with Mr. Wargin on several occasions and explained to him what is required for a new home permit, as well as septic work, etc. Mr. Wargin has a large lot and has room to set the home closer to the west or front property line and comply with all existing setbacks as required in the R1 – Single Family and Shoreland Management Overlay District. Mr. Wargin insisted that he stayed within the existing footprint of the old cabin. Section 2 and Section 4 in our Code are applicable as follows:

2. - Nonconforming use.

A nonconforming use may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion unless:

- A. The nonconforming [use] or occupancy is discontinued for a period of more than one year.
- B. Any nonconforming use is destroyed by fire to the extent of 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged. In such a case, any such building permit shall be subject to reasonable conditions in order to mitigate any newly created impact on adjacent property.

- C. A nonconforming use may not be changed to another nonconforming use.
- D. When any nonconforming use has been changed to a conforming use, it may not be later changed to a nonconforming use.
- E. A nonconforming use may be changed to lessen the nonconformity, but once lessened, the use may not be changed to increase the nonconformity.

4. - Nonconforming structures.

- A. Nonconforming structures may not be enlarged or altered in a way that increases their nonconformity. They must comply with the following:
 - 1) Expansion or alteration of a nonconforming structure may be permitted provided the expansion meets the required setbacks from the public right-of-way, side and rear lot lines, wetlands, lakes, sewer treatment system, well, and all other requirements of this chapter.
 - 2) Long-term sewage disposal needs can be met on lots that are not served by public sewer.

Staff has advised Mr. Wargin as to what his options are and explained that he will need to remove the foundation that he put up without obtaining a building permit and set it so that it complies with the setback requirements for R-1.

Mr. Wargin maintains that he should be allowed a variance. I explained to Mr. Wargin that a variance requires a hardship related to high water table, geography or other issues out of the control of the landowner and shared with him the variance process and language regarding proving of a hardship as follows:

D. *Procedure.*

- 1) The planning commission shall not recommend approval of any variance application unless it finds that failure to grant the variance will result in undue hardship on the applicant and, as may be applicable, all of the following hardship criteria have been met:
 - a. To hear requests for variances from the literal provisions of the ordinance in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the ordinance. "Undue hardship" as used in conjunction with the granting of a variance means the property in question cannot be put to a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance. Undue hardship also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems.

Mr. Wargin requested the opportunity to go through the variance process.

Attachments:

1. Location Map
2. Application
3. Site Plan
4. Certificate of Survey
5. Photos of Residence
6. R-1 Single Family Residential Zoning Information

Fiscal Impact:

Not Applicable

Recommendation(s):

Staff recommends that the Planning Commission deny Mr. Wargin's variance request as he does not meet the hardship requirements to grant a variance.

Fiscal Impact:

Not Applicable

Planning Commission Action:

Motion by: _____

Second by: _____

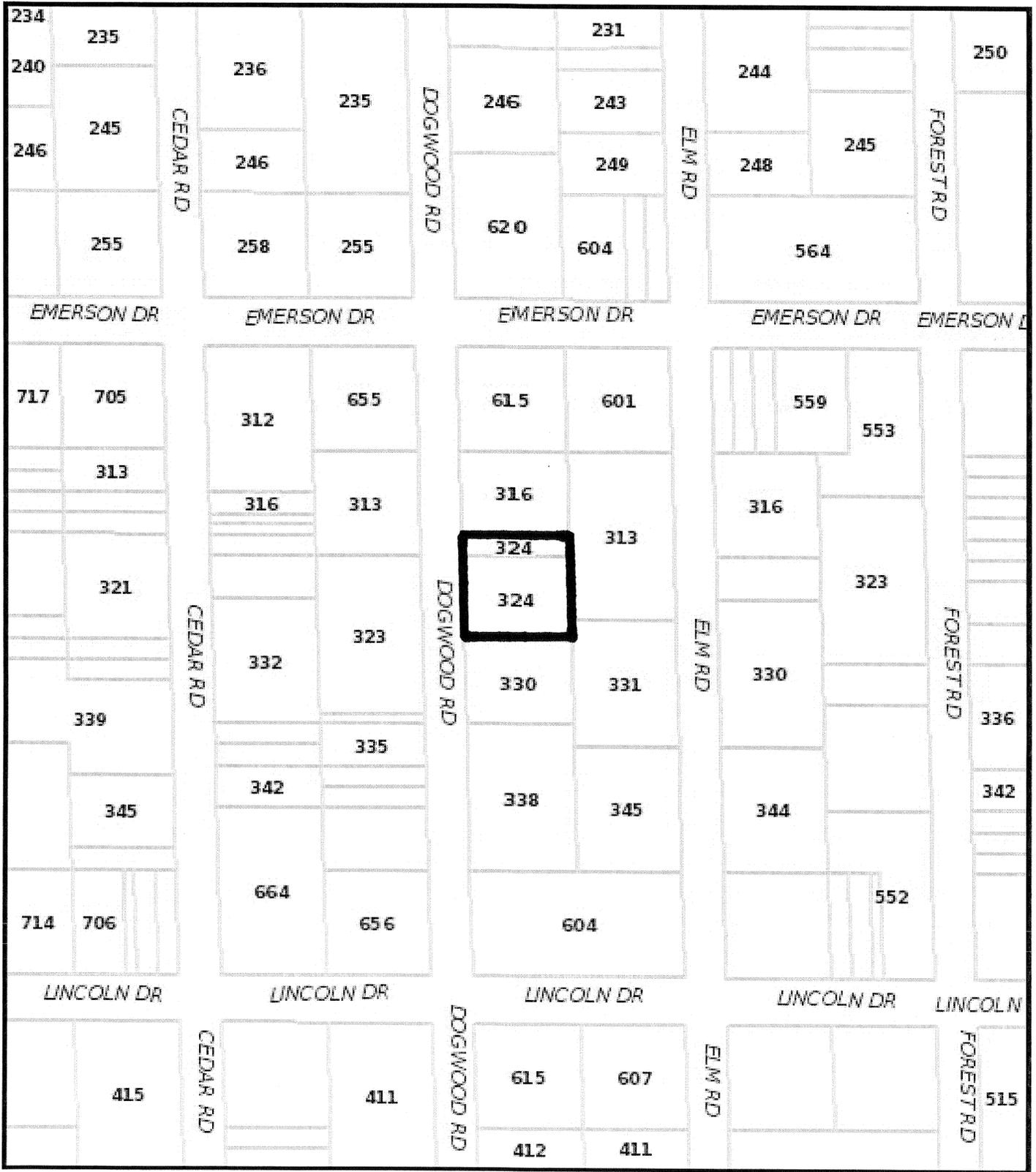
Vote Yes: _____

Vote No: _____

No Action Required: _____

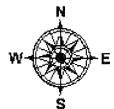


Map



Attachment #1

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Copyright © 2013 City of East Bethel, All Rights Reserved





LAND USE APPLICATION

OFFICE USE ONLY
 Date Rec'd 6/27/13
 By JSB
 Fee \$ 300 fee
55 filing fee
500 escrow

JUN 27 2013

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for Replacing Residence on (provide narrative below describing proposed use).

existing Foundation at 19' setback instead of 25'

LOCATION: PID 363323240035 Legal: Lot 925-929 Block 15 Subdivision Coon Lake Beach
 PROPERTY ADDRESS: 324 Dogwood Road PRESENT ZONING: REC/RES
.18 acre R-1

PROPERTY OWNER

CONTACT NAME Donald Wargin PHONE 651-491-7597
 ADDRESS 324 Dogwood Road FAX _____
 CITY/STATE/ZIP East Bethel, MN 55092 E-MAIL _____

APPLICANT

CONTACT NAME _____ SAME _____ PHONE _____
 ADDRESS _____ FAX _____
 CITY/STATE/ZIP _____ E-MAIL _____

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

Donald E. Wargin
 Property Owner's Signature

Donald E. Wargin
 Printed Name

6/27/2013
 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>6/27/13</u>		
Planning Commission			
City Council			
_____ 60 Day		_____ 120 Day	

Attachment #2

JUN 27 2013

BY: _____
My name is Donald Wargin and I am presenting this narrative in support my application for a variance in the East Bethel requirements regarding building set-back on my property at 324 Dogwood Road in the community of Coon Lake Beach. I am asking for this variance to be granted on the grounds of hardship.

I have owned my home and paid property tax on this property for over twenty years. This is the only home that my son, Harley, has known in his 14 years and I wanted to improve the home and property in order to provide a proper legacy. The subject of my own mortality has been in the forefront as I have had to deal with a number of serious medical issues. In hindsight, this motivation, as well as the great number of medications prescribed to me, may have clouded my judgment and fostered an urgency that precluded bringing the project to the attention of the East Bethel City offices.

In the days prior to city officials visit, and stop work order, it was determined that the walls of the structure would not support the new roof truss (four room additions scabbed together over the years), and the floor would have to be replaced to the rim joist. Each section had its own elevation and floor level. A carpenter friend and I discussed the options. General construction and structural considerations required that they be removed and replaced with new. The new construction exceeded code and structural requirements and used the existing foot print provided by the original structure.

The city building codes follow general state guidelines on building set-back for new construction. My house is approximately 19 feet from the back lot line. Code requires 25 feet for a dwelling; 10 feet for garages and other utility buildings. I have presented photo evidence to building officials that I was building upon a block foundation wall that followed the original building footprint.

As it sits now, my home is a hole in the ground. I managed in the motor home until the cold set in good last winter (a long cold winter as you can remember). The couple months Harley and I stayed with a girlfriend, driving back and forth to get Harley to school and spend time with his friends in the neighborhood. I hope we can get construction started so last winter isn't repeated next winter. We need to be in a proper house.

The project started as repair work to the floor in the bathroom in order to support the installation of a new shower. The old shower sank into the floor. Inspection revealed extensive rot and ground contact with several floor joist. It was deemed that for repairs to be made to the floor space must be provided by raising the structure and excavation within the existing foundation to make working room. When installing the block piers to support the new beams and structure before raising it a couple courses of block, it was found that there was very little that could be called footings and that a quarter of the structure was without any real foundation at all, just blocks on undisturbed soil.

In the spirit of doing the job right, a full basement was soon exposed through the foundation and footing repairs. The beams stayed to support four separate floors scabbed together, much of it 2x4 floor joists. This was the cause of much of the bounce we had. In the excitement of making this shack into a "real" house prompted me to make arraignments for a new roof to replace the four scabbed together roofs, much of which did not have adequate pitch to shed snow. I ordered new roof joist and arraigned for a construction crew to put it together. When the old roof(s) was removed it was found that the walls did

not line up properly and were structurally inadequate to support the new roof. It was already found that the floor was inadequate to support either.

The decision to start fresh with all structural components came just days before the visit from the East Bethel building officials. No permits were pulled. I wanted to think that these were "repairs" and that I could get away from the permit process. I know how wrong this was now. I am truly sorry for that. The project just spiraled out of control. Building officials now required that the structure be moved within the set-back requirements, install a new septic system, and replace the shallow well with a new deep well. The existing water and septic system was adequate for our needs, although I did plan on providing for a new septic system when I knew the city plan for public water and sewer.

The permit process has required me to hire a surveyor to provide a plot map, a septic installer to provide plans and soil tests, and a draftsman to bring it all together for everyone to understand. I concede the water and septic. They were going to be done one way or another. Unfortunately, on top of everything else, this puts me within the definition of an economic hardship.

Moving the footprint within the set-back requirements is untenable. Moving the structure forward would require removing half of the root system of the biggest pine in the lot. I believe that not only would this damage this stately tree, but could also create a safety hazard, making it weak and unstable in severe storms. This is one tree I would hate to see fall.

Trees have always been an issue in Coon Lake Beach. You cannot find many places, even here in Minnesota, that have such a collection of mature pines and oak. It's a defining characteristic of the area. I hate to alter that on this lot in any way. I find that granting a variance on this ground alone, allowing building on the footprint of the former structure, is the only way not to alter the essential character of the locality.

Economically, this build will cost me everything and then some. To require moving structures and remove mature trees would make building this new structure economically unviable. It would be inconsistent with the way I feel about this place, the home that I raised my son and hoped to make his, to log out all the trees, remove all buildings, fill in the hole, and move to somewhere else. This would be the only economically viable action to take if a variance to allow building where the original house stood is not granted. I want to continue with my plans for this property. I will submit complete drawings and avail myself to all building code regulations and inspection throughout the construction process. Although I do not believe that a hearing is necessary in this case, I also avail myself to the administrative process provided.

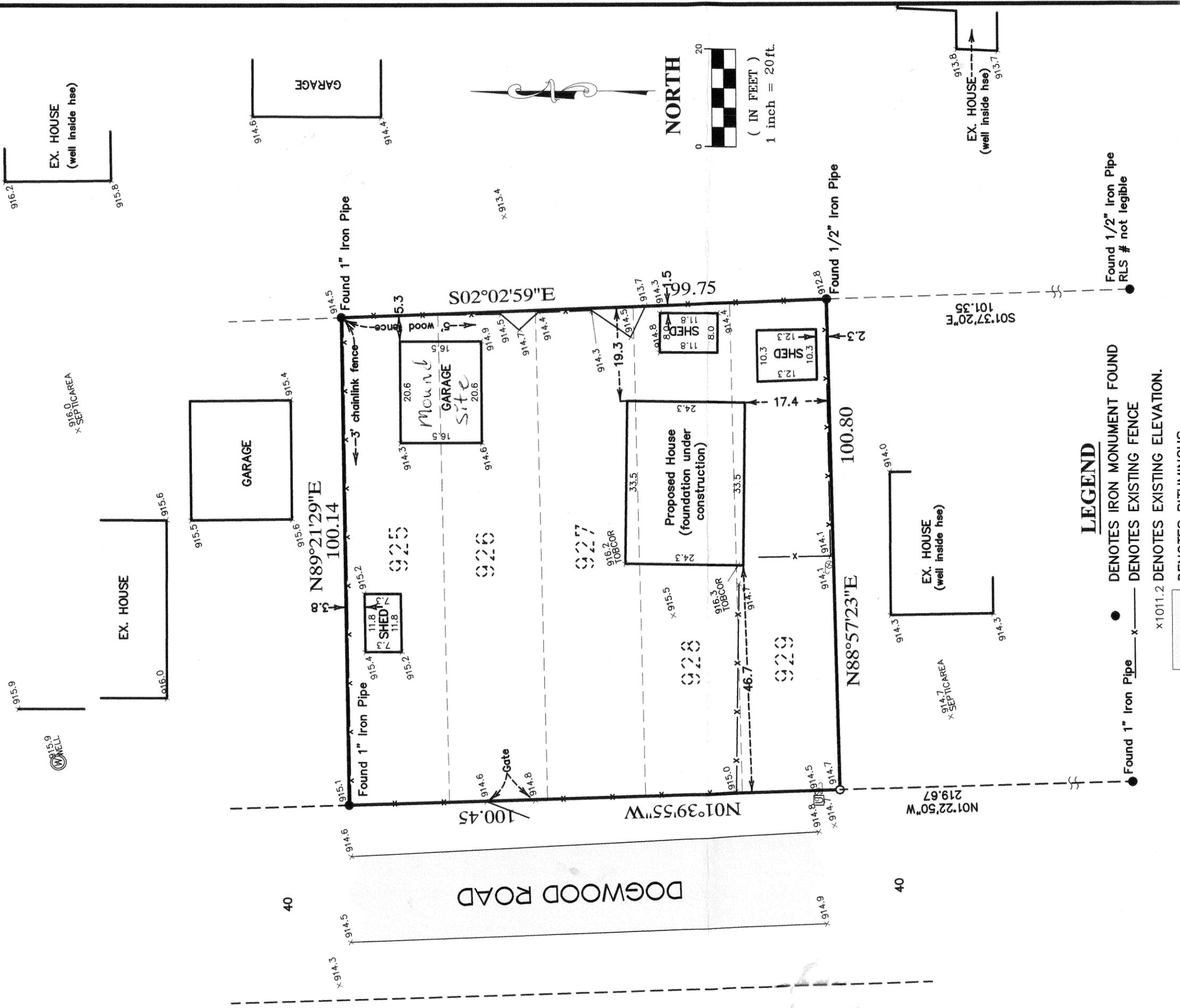
Based upon the above stated reasons, I request that the City of East Bethel allow the building of a home on 324 Dogwood Road, upon existing foundation, in accordance to submitted drawings and city code.



CERTIFICATE OF SURVEY

PROPERTY ADDRESS: 324 Dogwood Road N.E., East Bethel, MN

FOR: Don Wargin



LEGEND

- DENOTES IRON MONUMENT FOUND
- DENOTES EXISTING FENCE
- x1011.2 DENOTES EXISTING ELEVATION.
- ▭ DENOTES BITUMINOUS
- DENOTES IRON MONUMENT SET

EXISTING PROPERTY DESCRIPTION

Lots 925, 926, 927, 928, and 929, all in Block 15, COON LAKE BEACH, Anoka County, Minnesota.

NOTES

- Bearings & elevations shown are on assumed datum.
- Field survey conducted on Feb. 14th, 2013.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

Attachment #4

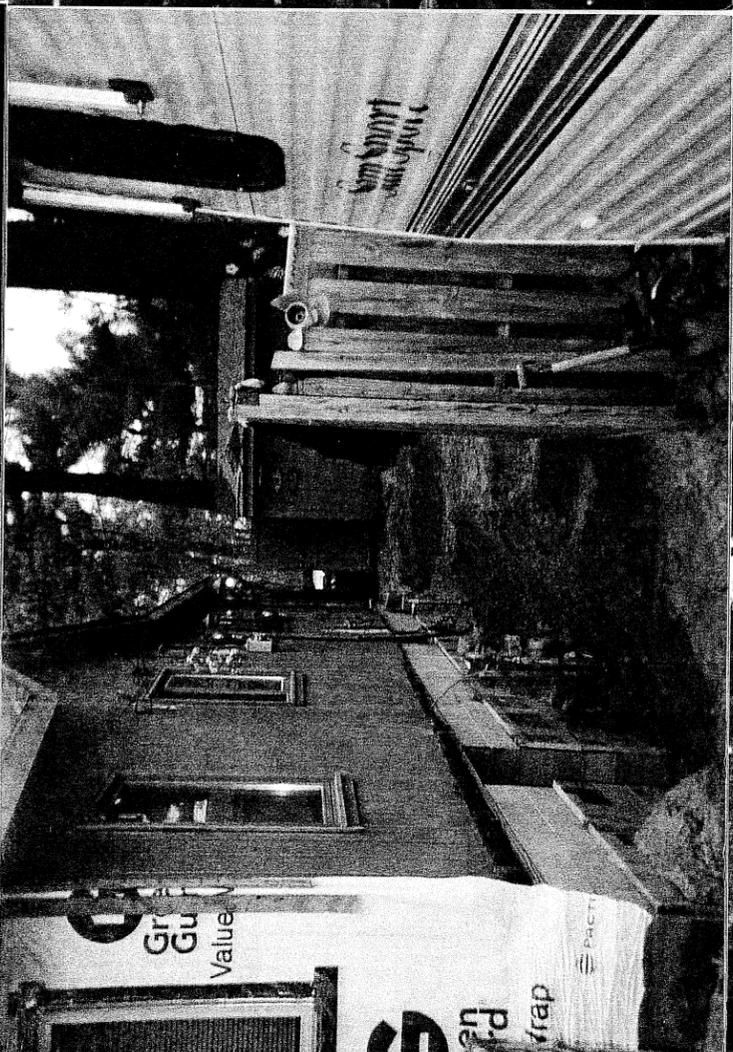
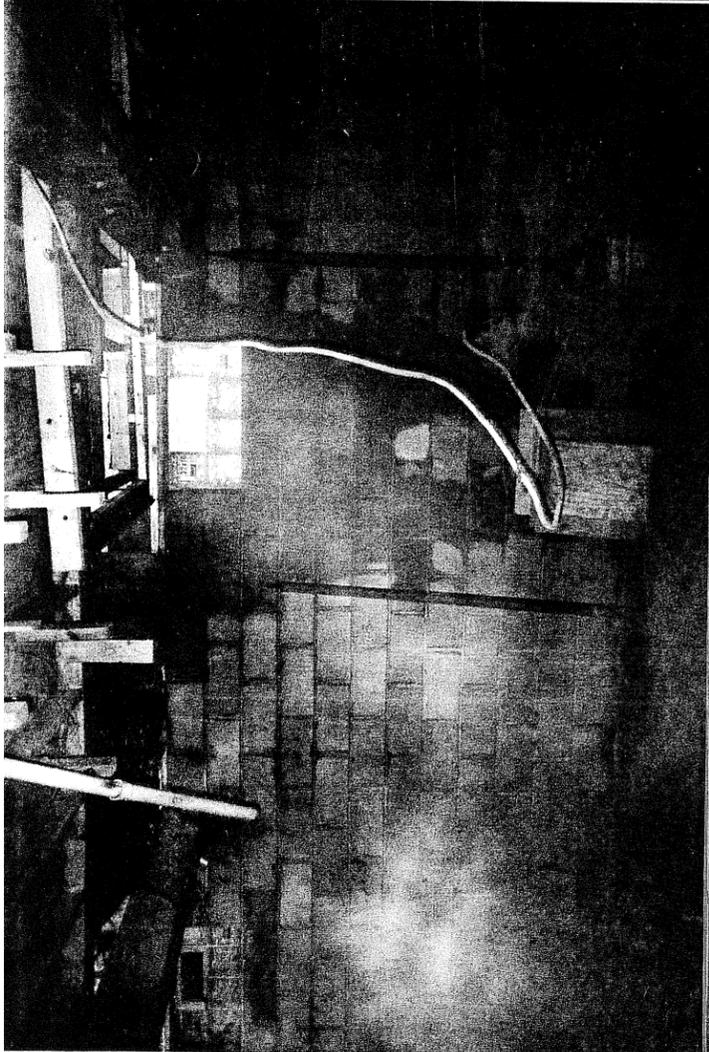
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota

Eric R. Vickaryous
ERIC R. VICKARYOUS

Date: Feb. 28th, 2013 Reg. No. 44125

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JOB #13072



- CODE OF ORDINANCES
APPENDIX A - ZONING

SECTION 43. - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

D. Other uses similar to those permitted in this section as determined by city council.

5. - Interim uses.

The following interim uses are permitted in the R-1 district with an interim use permit:

- A. Home occupations, as regulated in Section 10. General Development Regulations.
- B. Golf courses.
- C. Telecommunication tower.
- D. Grading activities that move more than 1,000 cubic yards of material per acre.
- E. Domestic farm animals as regulated by City Code Chapter 10

6. - Certificate of compliance.

- A. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.
- B. Fences as permitted in Section 25. Fence Regulations.

7. - Development regulations.

A. Minimum lot requirements.

1)	Lot area	
	(a)	Without sewer and water
		10 acres
	(b)	With sewer and water
		11,800 square feet
	(c)	Shoreland overlay district with sewer and water
		As regulated by [Section] <u>57</u> . Shoreland Overlay District
2)	Lot width	
	(a)	Without sewer and water
		300 feet at the public right-of-way
	(b)	With sewer and water
		80 feet at the public right-of-way
3)	Minimum buildable area	

- CODE OF ORDINANCES
APPENDIX A - ZONING

SECTION 43. - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

	(a) Without sewer and water	23,000 square feet
	(b) With sewer and water	8,260 square feet

B. Setbacks.

	1) Principal structure	
	(a) Front yard	
	(1) City right-of-way	30 feet
	(2) >County/state right-of-way	>100 feet
	(3) Shoreland overlay	25 feet
	(b) Side yard	10 feet
	(c) Side street	
	(1) City right-of-way	25 feet
	(2) >County/state right-of-way	>100 feet
	(d) Rear yard	25 feet
	2) 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

- CODE OF ORDINANCES
APPENDIX A - ZONING

SECTION 43. - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

		structure and the street
(c)	Side yard	10 feet
(d)	Rear yard	10 feet

C. Building height:

1)	Principal structure	Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	Shall be limited to one story with a maximum sidewall height of ten feet, measured from the floor surface to the underside of the ceiling member. Roof pitch and style shall match the principal structure.

D. Minimum floor area.

1)	Single-level unit	1,000 square feet
2)	Full two-story with full basement	720 square feet
3)	All other units	>900 square feet
		(main floor plus additional area)

8. - Maximum lot coverage.

A.	R-1 not located in the shoreland overlay district	50 percent
B.	All properties located in the shoreland overlay	As regulated by <u>Section 57</u> . Shoreland Overlay

- CODE OF ORDINANCES
APPENDIX A - ZONING

SECTION 43. - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

district	District
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(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

EAST BETHEL PLANNING COMMISSION MEETING

June 25, 2013

The East Bethel Planning Commission met on June 25, 2013 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Eldon Holmes Lorraine Bonin
 Lou Cornicelli Brian Mundle, Jr. Glenn Terry

MEMBERS ABSENT: Randy Plaisance

ALSO PRESENT: Colleen Winter, Community Development Director
 Tom Ronning, City Council Member

Call to Order & Adopt Agenda **Holmes motioned to adopt the June 25, 2013 agenda. Mundle seconded; all in favor, motion carries unanimously.**

Interim Use Permit (IUP) for Randolph E. Anderson, 24315 University Ave. NE, East Bethel, MN. **Background Information:**
Property Owner/Applicant:
Randolph E. Anderson
24315 University Ave. NE
East Bethel, MN 55005-9772

Property Location:
24315 University Ave. NE
PIN 30-34-23-22-0010
PIN 30-34-23-22-0009

Public hearing opened at 7:02 p.m.

Public hearing closed at 7:03 p.m.

The applicant, Mr. Randolph Anderson, is requesting an IUP for the keeping of up to four (4) horses and/or three (3) bovines at his residence, for a total of six (6) animals.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The two parcels (both owned by Mr. Anderson) total 16 acres and are not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Four horses require 4 acres of fenced pastureland. Pastureland is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands. The property owner has fenced pastureland for the horses and an existing shelter that is 15' x 24'. He is required to have 8.2 acres of pastureland for six animals and he has adequate pastureland.

Winter said she went to the site today, and she had some pictures of the site. The shelter is in the back of the property. The shelter is sized for the animals on his property. There was also a picture of the fenced-in areas. Where they were standing there was also an area for pastureland.

Cornicelli asked when the last time livestock were on the property. Winter said there are horses on the property now. Terry said the language needs to be cleared up. It states that four horses and three bovines, equals seven. Should that be six? Mundle said he read it as up to six. Mr. Anderson said he won't have any more than two cows. He has four horses now. Bonin said doesn't having a calf have flexibility on when they have to leave. Cornicelli said if you have a calf drop and it took you to seven, it would be allowed until weaned. He said he wouldn't have one dropped.

Mundle asked if there have any previous complaints of the property or Mr. Anderson. Winter said no. This is truly the corner of East Bethel. Where the shelter is located, it is set back 50 feet. His manure piles are set back over 50 feet. If he is going to add additional pastureland that would also have to be set back. Terry asked if there was a well head in that picture. Cornicelli said it looks like a tire. Holmes asked why this is being brought before us. Winter said he didn't have one before. Holmes wondered how long the animals have been on the property. Mr. Anderson said not quite a year.

Bonin said you are showing an area for manure. Will it be used for something? Mr. Anderson said after a year, it will be put on the ground.

Cornicelli asked if it was all fenced and ready to go. Mr. Anderson said yes. He replaced some of the wire and replaced some of the insulators.

Recommendation:

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for the keeping of no more than four (4) horses and/or three (3) bovines for Randolph Anderson, located at 24315 University Ave. Ext. NE, East Bethel, PINs 30-34-23-22-0009 and 0010 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of 8.2 acres of pastureland for the animals.
Property owner must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
4. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Conditions of the IUP must be met no later than August 1, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in

the null and void of the IUP.

Terry motioned to recommend approval to the City Council of an IUP for the keeping of no more than four (4) horses and/or three (3) bovines for Randolph Anderson, located at 24315 University Ave. Ext. NE, East Bethel, PINs 30-34-23-22-0009 and 0010 with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
2. **Property owner shall provide shelter and have a minimum of 8.2 acres of pastureland for the animals.**
3. **Property owner must comply with City Code Section 10. Article V. Farm Animals.**
4. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
5. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
6. **Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than August 1, 2013. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Seconded by Cornicelli; all in favor, motion carries.

MIDS Update

Winter reported that Jay Michels of Emmons and Olivier presented the MIDS information to the City Council. It was a three hour presentation in which Jay went over the same information that has been presented to the Planning Commission at the last 3 meetings. It was important to bring the Council up to speed on MIDS. There were four Council members present at the meeting. The presentation was well received and there was a lot of good discussion. We need to have another work session with City Council. City Council is looking for some direction from the Planning Commission on where we would see this applied in the City. Winter stated she doesn't think it is something that needs to be applied throughout the whole community. We probably will never meet the thresholds outside the Hwy. 65 corridor. The Council doesn't want to make it difficult for developers to come in and develop. She would like to see the recommendation that MIDS be adopted for the corridor at this time.

Holmes said most developers know about this and already understand that they have to deal with water runoff. Winter agrees. Cornicelli said Jay has made some compelling arguments. You see it everywhere you go now. He doesn't know how it will affect the taxpayer. We have a statutory obligation to comply with MS4. We would be going in the opposite direction to not adopt where it makes sense in the City.

Winter said in our community, from a practical standpoint, where it would be practical would be the corridor. Holmes said if a developer doesn't know it, they haven't been in business very long. Winter stated that the next steps will be to have a developer come in and present to Planning Commission and City Council how MIDS has worked in their development. Also, the Council has requested

information on what it would cost to develop under MIDS versus traditional stormwater abatement.

Ronning said it would define things better than the way it has been in the past. Balfany said the first discussion the Council has had about MIDS was at the last meeting. Ronning said we are in competition with surrounding communities and he doesn't want anything to impair our housing competition. What you are proposing would really define things more. It is everywhere. In front of that Walmart down in Blaine.

Cornicelli said the standards of the 50s, 60s and 70s have given us what we have today. I don't know if you are more competitive if you make things worse for the future. He thinks as we look at developing a comprehensive plan, we need to adopt plans that are relative in 20 or 30 years. Things are evolving.

Bonin said we have to stand tough. Cornicelli said yes, when appropriate. Holmes said the other communities have to adopt this too. Winter said St. Francis is an MS4 community. Cornicelli said there is limited high density left in the City. The growth corridor is on Hwy 65.

Ronning said you are not confined when you adopt this. Phosphorus has not been for sale for a decade. Bonin said Wisconsin is not that far away.

Terry said if we are serious about this, why aren't we addressing agriculture in our ordinances. Winter explained that all the City can control is land use related to development and some limited agriculture. However there are other agencies that address agriculture uses. Balfany said wasn't some of this already in what Jay addressed. Ronning said the Council asked what the design costs. That is his specialty. Balfany said you mean the developer's costs. Holmes said it is up to the developer to design and that will determine costs. Holmes said he has talked to some guys who say they did MIDS and they really did it to eliminate some costs. Balfany said a residential development is almost a cost benefit from what they are already doing. Ronning said several of you are familiar with engineers. His specialty will be designing the area to fit the system. If it is an arbitrary cost and gets passed down to someone, we are competing with other cities for residents and business. Balfany said, "Mundle, you are in the field we are talking about." Mundle said it is something we do look at it. If you have two different parcels and you have similar stats and similar costs and you have this one thing that will add more costs, why would you want to do it? If it is a million dollar more, you wouldn't want to do it. Plus you also have to appraise the property against a neighboring community. If the neighboring community doesn't have these costs, their cost may be less. Balfany asked if there is currently a cost for engineering when you are developing a property. Mundle said yes.

Ronning said before the first shovel is turned, there will have to be approval of the designs and costs before the project goes forward. He wants to have a sample with the cost of the design. Winter said we already have subdivision costs in place. Bonin said if we have a higher up-front cost, don't we have to have something to override that. Something to make a parcel more attractive, because we have something else around there. If we had some business like Walmart, wouldn't it

make it worth paying more against being somewhere in the boonies. Balfany said it might be cheaper, you don't know.

Ronning said he doesn't have all the answers and you have to separate the oranges and the apples. It sounds like your hands are tied with the assessors. Mundle said he has seen deals get thrown apart because an appraiser comes in. They say what it is worth. Ronning said he believes there isn't any extra money in it. You cut it very close. Holmes said Menards has 11 store setups. They have designs of 11 different stores they put on properties. The one in Cottage Grove and Coon Rapids are the same store. The store cost difference was over a million dollars. That didn't deter Menards. They want their store at one location, and they don't care about the costs.

Cornicelli asked what Blaine's MIDS regulations are for Walmart. He has a real problem with coming to East Bethel and we will let you do what you want. He again emphasized that while we have to work with developers, we also have to look at the natural environment and future of East Bethel. Winter again stated whether it is MIDS or traditional development, the developer is still going to have to mitigate stormwater and surface water runoff. She also stated that the State of Minnesota is looking at making MIDS a requirement for development and we have an opportunity to be progressive and put something in place that is going to be a requirement down the road anyway.

Winter does have a cost comparison. They did three different comparisons in Lakeville. The conventional was \$4 million built. A retrofit \$3.6 million. A MIDS design was \$3.2 million. Ronning wanted to know if that was the construction. Winter said yes, construction. Holmes said most engineers and architects know about this already and it isn't a surprise. If Menards wants to go on Hwy. 65 and 221st, they will go there no matter the costs. If they have to put in a big pond, they don't care. They are not the only ones. Communities have done this for years. Most of our impact will be with larger businesses.

Terry would like some clarification on the agriculture issue. He would like to know why we are focusing on building versus the agriculture. Cornicelli said, "I don't know how much impact the City has on agriculture." Holmes said if this was applied it would be on the corridor. Terry said why is the gentleman who is presenting this focusing on development. Cornicelli said like Lake Elmo, the area is agriculture being converted to development. He thinks Jay would talk about conversion of agricultural to residential/commercial. Balfany said this program is about runoff. Holmes said if someone has ten acres right over here, we wouldn't have them put in a holding pond. If there is a runoff from that, we will try to divert it. There is not a lot you can do about that. Terry said if it is statewide, if that is actually the contributor, this program is presented to us to do something about the runoff program. Yet these so called impaired waters have to do with agriculture versus construction. Cornicelli said there are programs that deal with that. Every one of them competes with eight dollar a bushel corn. Balfany said the reason we are not looking at the agricultural side, they are coming to us to look at what we can control. Terry said to what extent could we deal with what is in our control. If we were to know that, how would that affect construction in our City. Do we have a serious problem? Holmes said with new construction we can do that. He knows

DNR has a program for farms next to lakes. Like the creek that runs through Viking and Hwy 65. We can do a lot by saving that. Cornicelli said new construction creates new runoff. Holmes said if there is a farm over here with the river going through it, and sells it to a developer to put in 400 homes. We can change it. Cornicelli said whatever you can do to minimize water nutrients is what we need to do. Terry said the standard that he is presenting, if the runoff is going to small and even smaller if we address it the way he says it needs to be. What if agriculture is a large problem and we let it go. Cornicelli said what is going on in a lot of rivers is out there. But that is apple and oranges. Holmes said look at the mercury content in our lakes and rivers. Cornicelli said we are addressing future development. We aren't talking about addressing issues. As standards changes, we have to work with them. We need to address things as a result of new development. Bonin said we are trying to prevent a problem before it happens.

Balfany asked what message do we want to convey to Council?

Mundle said we would like to hesitantly move forward. Balfany said this is something we all feel is important on some scale. We need to get a direction to Council. Mundle said more exploration needs to be done, and brought forward to us. Winter said what sort of information. Mundle said the costs between construction and engineering. Terry said talking with the developers. Winter stated that will be discussed at the next joint session between the Planning Commission and City Council. Balfany said would anyone not agree, we think it is important to move forward with MIDS in the corridor area. It could be a problem down the road. Costs being the concern. In order to keep the ball rolling, we need to let everyone know. We owe it to everyone who has been involved in this. Cornicelli asked if there was any word on what Chisago is doing. Winter said everyone else has moved forward with this. Bonin said then we should too. Cornicelli said he agrees.

Holmes motioned to proceed with the MIDS project in the City of East Bethel, along with gaining some more information. Go ahead with the MIDS set up. Terry said by going ahead, does it give us the opportunity to change the language. Balfany said yes, we are just telling the Council what we want. **Cornicelli seconded; all in favor, motion carries unanimously.**

This will be sent out to Council in a Council Update on Friday. The Council has the task of having a lot of work sessions coming up. She doesn't know where it will fit in. Having a Council member in the room, based on what they said, are you comfortable with that. Ronning said that defines things a whole lot better. As food for thought, a lot of what he is seeing happen, is intentions, honorable good intentions. He recommends you define what your problems are. Example for agriculture, there is no pond that will absorb more water than an agricultural field. Cornicelli said unless there is drain tile. Mundle said the stat is there are more tiles to go around the world three times. Cornicelli said the cost benefit of breaking the law is crazy. He doesn't know what the tiling rate on the southwest corner of the state is – a lot. Any field with a depression has to be tiled.

Cornicelli said we all recognize there are a lot of details that have to be worked out. What does it cost for a smaller business? Is there a give and take.

Winter said the other thing is, there are very good examples in East Bethel where we have used MIDS. There are some really good examples. Cornicelli said it looks nicer than a mosquito-infested pond.

Leon has a lot of experience on this. He has been here. Their watershed has done different kinds of minimum impacts.

**Approve May 28,
2013 Planning
Commission
Meeting Minutes**

Mundle said page 22, second paragraph under recommendation, the bold one, middle of second paragraph. Mundle said add “does.”

The commission doesn’t like verbatim.

Bonin said the second line the lake property where he has his place. That isn’t a full sentence. Cornicelli said it is hard to keep up and these are great. Winter said to super human powers like Jill to type this fast.

Mundle page 23, middle of the paragraph. He said in 2000, in should be replaced with around.

Holmes motioned to approve the May 28, 2013 minutes with said changes. Mundle seconded; all in favor, motion carries unanimously.

**Other
Business/City
Council Report**

Holmes said he would like to see a letter go out to the residents in East Bethel, stating that if you have a home business and haven’t applied for the proper rules, and along with the horses, like tonight. It is starting to get his goat. There are some junky residents and that is against our ordinance. He thinks that people don’t know about it. We should send out a letter about IUPs, cleaning up your residence – it is something East Bethel should do.

Cornicelli said his neighbor that was foreclosed on – it is awful behind their garage.

Holmes said just explain to people if you have a junk car, it has to be gone. If you are running a business, you have to apply for them.

Winter said the cost to send a letter to every resident is high along with the labor intensity. Right now all of the staff at City Hall are extremely busy and we only have one support person that takes care of Planning, Building, and Community Development and Winter stated she will not put anything else on her plate – she is overtaxed the way it is. Mundle said instead of a letter could we send an email. Cornicelli said what about the bulletin. Winter said from a practical standpoint, it would be better to put an announcement on the website and in the City newsletter. Holmes said the thing is if we have these ordinances and all these rules and no one does anything about them, what good does it do? Bonin said even though you have an ordinance and it isn’t followed completely, you have less of what you are talking about without it. Cornicelli said could we work it in the newsletter, and break it down into different areas. Holmes said if you have livestock of any sort, come to City hall. You don’t need a long deal. He thinks it is important that we let our residents know.

Balfany said he completely understands.

Winter said as staff when we are out and about in the City of East Bethel we do observe our surroundings and if we notice anything that is a violation we will try and address it. One of the things, as people call in and register complaints, we do follow up on the complaints. There are some chronic ones out there and they are getting better. We turned them over to the Sheriff and they now have to go to court. It is always a good idea to educate people. Balfany said in the newsletter we should let them know you can report concerns on the website. Holmes said he wants to eliminate the “here’s your ticket.” Bonin said if you present it in a list, in a newsletter, they will review it. But they won’t call City Hall to find out. Make it clear.

Holmes said about changing some of the ordinances. We had the discussion that we will be doing the ‘home occupation’ and ‘accessory structure’. Holmes said a lot of the cities now have an ordinance because of the new LED lighting. The new East Bethel sign might not be compliance with the LED rules. It is in the busiest corner of East Bethel.

Terry said that on that sign there are a lot of the lettering combinations which are unreadable. Especially the ones that have small little yellows – you can’t read that. All the busy backgrounds make no sense. All you need is simple larger letters. Holmes said the drivers are trying to find out what is there. They aren’t watching the road. There are quite a few communities that you can’t have readers.

Winter stated that on July 10, we will be presenting our budgets to the City Council. She does have Comp Plan changes budgeted in the 2014 budget.

Ronning had a comment on the minutes. He believes these ladies do an excellent job. He has only heard punctuation changes, not substantive. There have been a lot of barbs. Democracy determined how it is going to be.

At the 19th meeting, we had the three recommendations that you brought forward. We unanimously supported them. At any rate, there was the ability to save \$3 million dollars, however, last Thursday the bond market took a nose dive. It is inverted from the way he talks about it. We had a work meeting to review it with Ehlers and Associates. They spent quite a bit of time, and we have prepared to keep the window open – it might have to go into mid-September. If we have the opportunity to save some money. He respects all of you for your intentions and you are respectable.

Adjournment

Holmes made a motion to adjourn the meeting at 8:15 p.m. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary