

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: April 2, 2014



Item

7:30 PM 1.0 Call to Order

7:31 PM 2.0 Pledge of Allegiance

7:32 PM 3.0 Adopt Agenda

8:04 PM 4.0 Public Forum

8:20 PM 5.0 Consent Agenda

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

- Page 5-7 A. Approve Bills
- Page 8-16 B. Meeting Minutes, March 5, 2014, Work Meeting
- Page 17-32 C. Meeting Minutes, March 5, 2014, Regular Meeting
- Page 33-45 D. Meeting Minutes, March 19, 2014, Work Meeting
- Page 46-62 E. Meeting Minutes, March 19, 2014, Regular Meeting
- F. Approve Completion of Probation for Receptionist
- G. Approve Reimbursement for the Minnesota Mayor's Conference

New Business

6.0 Commission, Association and Task Force Reports

- A. Planning Commission
 - Page 63-68 1. Michelle Arellano-IUP for Home Occupation-Metro Plus Turnover Cleaning Services, 449 220th Ave. NE, East Bethel, MN Zoning RR
 - Page 69-70 2. Appendix A, Section 10 Zoning Ordinance, General Development Regulations, Section 19-Home Occupations
 - Page 71-76 3. Jeff Kirkeby-IUP for Home Occupation-Pavement Resources, 23310 Monroe St. NE
- B. Economic Development Authority
- C. Park Commission
- D. Road Commission

8:25 PM 7.0 Department Reports

- A. Community Development
 - Page 77-83 1. Floods Ordinance Amendment, Chapter 34-183
- B. Engineer
- C. City Attorney
- D. Finance
- E. Public Works
- F. Fire Department
- G. City Administrator
 - Page 84-91 1. Recycle Shed and Storage Tank Removal
 - Page 92-99 2. SCORE Contract

9:25 PM **8.0** **Other**
A. Staff Report
B. Council Reports
C. Other

9:30 PM **9.0** **Adjourn**



City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 5.0 A-G

Agenda Item:

Consent Agenda

Requested Action:

Consider approving the Consent Agenda

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, March 5, 2014 City Council Work Meeting

Meeting minutes from the March 5, 2014 City Council Work Meeting are attached for your review and approval. Should there be issues with these minutes they can either be returned for corrections or redone by others.

Item C

Meeting Minutes, March 5, 2014 City Council Meeting

Meeting minutes from the March 5, 2014 City Council Meeting are attached for your review and approval. Should there be issues with these minutes they can either be returned for corrections or redone by others.

Item D

Meeting Minutes, March 19, 2014 City Council Work Meeting

Meeting minutes from the March 19, 2014 City Council Work Meeting are attached for your review and approval.

Item E

Meeting Minutes, March 19, 2014 City Council Meeting

Meeting minutes from the March 19, 2014 City Council Meeting are attached for your review and approval.

Item F

Approve Completion of Probation for City Receptionist

Karen White began her new position as Receptionist at the City on 10/7/13. Since that time, she has performed in an exceptional and exemplary manner. Staff is recommending her appointment

as a regular employee based on the satisfactory completion of the six month probationary period required of all new or promoted employees.

Item G

Approve the Minnesota Mayors Conference as a Reimbursable Expense

Mayor DeRoche has requested to attend the Minnesota Mayors Conference in Fergus Falls on April 25-26, 2014. The reimbursement request would be \$85.00 for registration in addition to per diem and mileage. This request is appropriate and funds have been budgeted and are available for this purpose in the Mayor and City Council Budget for 2014.

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 April 2, 2014

Bills to be Approved for Payment	\$47,241.76
Electronic Payroll Payments	\$23,701.62
Payroll City Staff - March 27, 2014	\$31,449.57
Total to be Approved for Payment	\$102,392.95

City of East Bethel

April 2, 2014

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Gas Utilities	405359088	Xcel Energy	615	49851	\$4,381.82
Arena Operations	Legal Notices	82316	ECM Publishers, Inc.	615	49851	\$15.38
Arena Operations	Motor Fuels	030414	Gibson's Management Company	615	49851	\$38.01
Assessing	Professional Services Fees	1st Qtr 2015	Kenneth A. Tolzmann	101	41550	\$13,029.63
Building Inspection	Motor Fuels	2346200	Lubricant Technologies, Inc.	101	42410	\$459.66
Building Inspection	Telephone	332373310-148	Sprint Nextel Communications	101	42410	\$18.63
Central Services/Supplies	Information Systems	218452	City of Roseville	101	48150	\$2,254.25
Central Services/Supplies	Office Equipment Rental	7217052-MR14	Pitney Bowes	101	48150	\$151.32
Central Services/Supplies	Postage/Delivery	6327-01	Do-Good.Biz	101	48150	\$1,024.17
Central Services/Supplies	Printing and Duplicating	84330	Catalyst Graphics, Inc.	101	48150	\$572.92
Central Services/Supplies	Telephone	11836178	Integra Telecom	101	48150	\$210.36
City Administration	Telephone	332373310-148	Sprint Nextel Communications	101	41320	\$4.10
City Administration	Travel Expenses	032514	Jack Davis	101	41320	\$137.20
Finance	Travel Expenses	032114	Jackie Campbell	101	41520	\$30.24
Fire Department	Equipment Parts	F-240800172	Allstate Peterbilt North	101	42210	\$55.08
Fire Department	Gas Utilities	405359088	Xcel Energy	101	42210	\$3,259.99
Fire Department	Motor Fuels	2346200	Lubricant Technologies, Inc.	101	42210	\$731.25
Fire Department	Motor Fuels	2346201	Lubricant Technologies, Inc.	101	42210	\$323.56
Fire Department	Repairs/Maint Machinery/Equip	25253	Alex Air Apparatus, Inc.	101	42210	\$665.00
Fire Department	Repairs/Maint Machinery/Equip	25433	Alex Air Apparatus, Inc.	101	42210	\$565.00
Fire Department	Repairs/Maint Machinery/Equip	1539-277422	O'Reilly Auto Stores Inc.	101	42210	\$181.70
Fire Department	Telephone	11836178	Integra Telecom	101	42210	\$131.50
Fire Department	Telephone	332373310-148	Sprint Nextel Communications	101	42210	\$38.47
General Govt Buildings/Plant	Gas Utilities	405359088	Xcel Energy	101	41940	\$1,286.41
Legal	Legal Fees	439088	Best & Flanagan LLP	101	41610	\$1,227.20
Mayor/City Council	Dues and Subscriptions	2014	MN Mayors Association	101	41110	\$30.00
Mayor/City Council	Office Supplies	032114	Tim Harrington	101	41110	\$44.93
Park Maintenance	Bldg/Facility Repair Supplies	48864	Menards Cambridge	101	43201	\$7.68
Park Maintenance	Clothing & Personal Equipment	1182203088	G&K Services - St. Paul	101	43201	\$18.21
Park Maintenance	Clothing & Personal Equipment	1182214435	G&K Services - St. Paul	101	43201	\$18.21
Park Maintenance	Equipment Parts	F-240720011	Allstate Peterbilt North	101	43201	\$10.53
Park Maintenance	General Operating Supplies	457501	Ham Lake Hardware	101	43201	\$15.99
Park Maintenance	Heating Fuels/Propane	30057792	Federated Co-ops	101	43201	\$159.98
Park Maintenance	Motor Fuels	2346200	Lubricant Technologies, Inc.	101	43201	\$626.79
Park Maintenance	Motor Fuels	2346201	Lubricant Technologies, Inc.	101	43201	\$622.23
Park Maintenance	Motor Vehicles Parts	F34300	Crysteel Truck Equipment	101	43201	\$1,750.00
Park Maintenance	Telephone	11836178	Integra Telecom	101	43201	\$48.20
Park Maintenance	Telephone	332373310-148	Sprint Nextel Communications	101	43201	\$65.96
Payroll	Insurance Premiums	04 2014	NCPERS Minnesota	101		\$128.00
Payroll	Union Dues	03 2014	MN Public Employees Assn	101		\$493.00
Planning and Zoning	Escrow Reimbursement	032614	Scott Gardner	101		\$300.00
Planning and Zoning	Legal Notices	82317	ECM Publishers, Inc.	101	41910	\$51.25
Planning and Zoning	Legal Notices	82318	ECM Publishers, Inc.	101	41910	\$51.25
Planning and Zoning	Legal Notices	82319	ECM Publishers, Inc.	101	41910	\$51.25
Planning and Zoning	Legal Notices	82320	ECM Publishers, Inc.	101	41910	\$92.25

City of East Bethel

April 2, 2014

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Recycling Operations	Bldg/Facility Repair Supplies	48752	Menards Cambridge	226	43235	\$124.44
Recycling Operations	Gas Utilities	405359088	Xcel Energy	226	43235	\$380.30
Recycling Operations	Postage/Delivery	6327-01	Do-Good.Biz	226	43235	\$93.10
Recycling Operations	Printing and Duplicating	84330	Catalyst Graphics, Inc.	226	43235	\$52.08
Recycling Operations	Professional Services Fees	03 2014	Cedar East Bethel Lions	226	43235	\$1,000.00
Recycling Operations	Travel Expenses	032114	Karen White	226	43235	\$27.89
Sewer Operations	Bldg/Facility Repair Supplies	49068	Menards Cambridge	602	49451	\$50.52
Street Maintenance	Bldgs/Facilities Repair/Maint	1182203088	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182214435	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Cleaning Supplies	2725130	Dalco	101	43220	\$147.61
Street Maintenance	Cleaning Supplies	9389009508	Grainger	101	43220	\$37.47
Street Maintenance	Clothing & Personal Equipment	1182203088	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182214435	G&K Services - St. Paul	101	43220	\$18.32
Street Maintenance	Equipment Parts	F-240690052	Allstate Peterbilt North	101	43220	\$59.84
Street Maintenance	Gas Utilities	405359088	Xcel Energy	101	43220	\$2,650.72
Street Maintenance	Lubricants and Additives	1539-275646	O'Reilly Auto Stores Inc.	101	43220	\$84.41
Street Maintenance	Lubricants and Additives	264375	S & S Industrial Supply	101	43220	\$7.83
Street Maintenance	Motor Fuels	2346200	Lubricant Technologies, Inc.	101	43220	\$271.60
Street Maintenance	Motor Fuels	2346201	Lubricant Technologies, Inc.	101	43220	\$1,543.16
Street Maintenance	Motor Vehicles Parts	3292045	Auto Nation SSC	101	43220	\$36.90
Street Maintenance	Motor Vehicles Parts	22600	Hayford Ford	101	43220	\$13.67
Street Maintenance	Shop Supplies	264445	S & S Industrial Supply	101	43220	\$107.59
Street Maintenance	Small Tools and Minor Equip	264442	S & S Industrial Supply	101	43220	\$39.04
Street Maintenance	Street Maint Materials	48764	Menards Cambridge	101	43220	\$71.92
Street Maintenance	Street Maint Materials	71142508	North American Salt Co.	101	43220	\$3,500.26
Street Maintenance	Telephone	11836178	Integra Telecom	101	43220	\$48.20
Street Maintenance	Telephone	332373310-148	Sprint Nextel Communications	101	43220	\$162.55
Street Maintenance	Tires	150030954	Pomp's Tire Service, Inc.	101	43220	\$563.81
Street Maintenance	Welding Supplies	9916469129	Airgas USA, LLC	101	43220	\$157.50
Street Maintenance	Welding Supplies	97984	Metro Products, Inc.	101	43220	\$169.67
Water Utility Operations	Gas Utilities	031714	CenterPoint Energy	601	49401	\$256.56
Water Utility Operations	Gas Utilities	031714	CenterPoint Energy	651	49401	\$157.62
						\$47,241.76
Electronic Payroll Payments						
Payroll	PERA					\$5,523.69
Payroll	Federal Withholding					\$5,298.66
Payroll	Medicare Withholding					\$1,413.62
Payroll	FICA Tax Withholding					\$6,044.24
Payroll	State Withholding					\$2,162.88
Payroll	MSRS/HCSP					\$3,258.53
						\$23,701.62

EAST BETHEL CITY COUNCIL WORK MEETING

March 5, 2014

The East Bethel City Council met on March 5, 2014 at 6:00 PM for a work meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney

Call to Order **The March 5, 2014 City Council work meeting was called to order by Mayor DeRoche at 6:00 PM.**

Adopt Agenda **DeRoche motioned to adopt the agenda with no additions. Koller seconded; all in favor, motion carries unanimously.**

Emergency Fire Chief Mark DuCharme presented the City's Emergency Management Plan to Council
Operations for review and comment. Additional meetings may be required for completion of the
Plan review prior to submission to Council for adoption.

DuCharme, "I would like to update the Council concerning a chimney fire on 214th Avenue. Although the fire was minor in damage, it comes up every now and is a message to keep our chimney's clean. We also have to be careful with the ashes. In this case the chimney liner was cracked. They will have to work with their insurance company. This is to remind people to be a little more alert, especially after the long winter."

"I would like to switch over to the presentation on the screen, the Emergency Operations Plan Succession. This is the second time we have discussed the Emergency Operations Plan for East Bethel. There are things that have to be changed for grammar and spelling and staff directories have to be updated. In April of last year was when we last talked about the plan. Tom Ronning had asked how we put this plan together. The plan is a consortium of a lot of templates that come together from neighboring cities, to ones far away, even the Federal government. We try to make it unique to the City"

"This is a disaster flow chart. This is made to address an emergency. The Mayor is at the top of the chart and is responsible for the plan. The Emergency Management Director is an assistant to the Mayor. The City Administrator should be up a tier. As you can see, City Council and Mayor are going to be at the Emergency Operations Center. They are doing the supervision and the contact jobs. At this point, of preparing the plan, we are open to all kinds of discussion. If I don't have the answer, maybe collectively we will have to find an answer."

"This is right out of our ordinance, Chapter 2, Article XI, Sections 602-603. It also talks about the possibility of the City being struck with a natural or manmade disaster. This discusses the succession of key government officials. The Mayor, City Council and City Administrator shall be notified by anyone and any means available. If a tornado comes through and wipes out the cell tower, the Mayor, Council and City Administrator should meet at the City Hall, unless that isn't a safe location. If the Mayor is present, they will call the meeting. If the Acting Mayor is not present, the Acting Mayor will call the meeting. If

neither is present, the Council members present will elect a chair. They will review the incident, and no matter how many are there, they will fill all the emergency operations positions. They will elect them. Those present elect a chair person and a secretary.”

DeRoche, “How much time lapse are we talking? I think the City Administrator should be farther up.”

DuCharme, “I do contact Davis about things that should be notified. I would rather have him hear it from me than see it on television. I don’t foresee people being at the City Hall in two minutes. In case of an emergency or disaster, there are functional things going on in the field. If you haven’t gotten together, that doesn’t stop emergency services. We will still be asking, for mutual aid from other resources.”

DeRoche, “I notice the emergency sirens can’t be blown through East Bethel, what if something comes through?”

DuCharme, “Anoka County has the County split into sections. If there is a storm, they will sound the sirens. Every time there is a storm warning or watch, we are also notified of that. We cannot go and flip a switch and turn on a siren, we can communicate with our dispatch center and ask them to start it.”

DeRoche, “If you’re not around can Davis call them and tell then this has happened.”

DuCharme, “We can make sure he has the number 427-1212. Our deputies are very good in their judgment and they would also request that sirens or warnings be given out. This is what we have set up. It doesn’t call out for a time period. It is set up for a considerable a reasonable amount of time. Direction and control, this is important. The emergency response is by executive order of the Mayor or the acting Mayor. That position is the only one that can declare the emergency. I am going to tell you right now, 99% of the time we aren’t going to use that plan. At some time we will have to activate this plan. Remember I told you, you were all going to be at the emergency operations center. We need to define where that is going to be. We are going to use Fire Station 1. The main reason we are going to use it is that it has a backup generator. We will have electricity. 80% of that building will be powered. We don’t have that at City Hall or the Senior Center. Here is the concern I have..... our computer network is at City Hall. So I have concerns about not having backup power at that location. If we lose power there, we don’t have our computers or telephones. That will affect Station Number 1 as we are on the city computer network and phones. We do have two analog lines that service Station Number 1. One is the fax and one is for emergency operations. If the Fire Station was substantially destroyed, the next place we could move to is City Hall, Coon Lake Community Center, Fire Station 3, Our Saviour’s Church or Cedar Creek Elementary.

DeRoche, “Has anyone thought about getting 5K generator?”

Davis, “We have looked into that. I had an electrician come in and look at it. He sized a 60K generator to power. The cost would be \$36,000, plus the cost of the pad and also the gas connection. That is what it would cost to power the whole building.”

DeRoche, “We powered a whole area in the bush, with a 10K.”

Davis, “We could probably get a generator with low hours in fairly good condition, for less

cost. The above figures are for a generator sized for the peak electrical demand of City Hall.”

DuCharme, “We went with a surplus generator out of Willow River. We have received several things from the military. The boat, with the big twin 90s, that came from the DNR. It is a vibrant program. We know the people up there pretty well. I have talked with the program coordinator about the need for a generator. I think it is more realistic. FEMA is not in tune on the local level for building a facility.”

Moegerle, “Could we get one that would operate our water tower?”

Davis, “We have a permanent one there and one at new Castle Towers/Whispering Aspens lift station. The cost for a 60kw, was \$27,500. Hopefully we could find a surplus property one for a lot less.”

DeRoche, “We do have one for the lift station by Castle Towers and the water tower.”

DuCharme, “If Coon Lake Beach, our first two choices are wiped out, the third choice might have power.”

Moegerle, “It will depend on if it wipes out the entire city or is localized.”

DuCharme, “We will have to do a MOU with these organizations, just in case we need it. That is important. We have 123 pages in the plan, but we also have to make sure everyone will do it. We are trying to do that with the staff. That is an internal thing.”

Ronning, “Do we know if the land lines that the computers go through would not be operational without City hall?”

DuCharme, “Yes, because it is voice over internet. That is why I have two phones in my office, one is analog and one is digital.”

Ronning, “Will there be a signal, you power up your computer, when you power it up, will it be there.”

DuCharme, “If the connection is down here, then we won’t have connection at all.”

Davis, “We might have redundancy with the Anoka County Broadband.”

DuCharme, “I will check with the IT people on that.”

Ronning, “If the building was up and running here, would we be able to have contact.”

DuCharme, “We might be able to.”

Ronning, “The phone line has juice, stick your finger on it and find out. If we prepare for these things, will it be there for us at all.”

DuCharme, “That is why we go two three deep. For example, everyone is having a drink of water. It isn’t far fetched that our water system would be contaminated. You guys could become incapacitated like the bird flu pandemic scare that was being circulated a couple of

years ago. There were a lot of businesses that wanted to take a look at the continuity of government. It could be difficult to keep our City services going under those conditions.”

DeRoche, “Further down in the packet, is there a supply of water, bottled water, C rations in inventory.”

DuCharme, “There is and it’s through our mutual aid, State, National and local. We deal with mutual aid on a daily basis. If we need bottled water we know where to get that resource. If we need tankers of drinking water brought in, we know how to work up the chain of command to get the Governor to order out the National Guard for water. That is all in the training our Fire Department has gone through. We took all of our officers and have had all the NIMS and Blue Card certification. They have incident command of multiple incidents. That was 120 hours in school. The Blue Card shows they can handle a large scale disaster.”

DuCharme, “This is the concept, we do have an idea what to look for. One other thing about emergency operations center, out at Coon Lake Beach, if we would have had large-scale power outages, we could have two command centers going at one time. Somebody has to run and make sure the emergency operation center is open. I have a formal agreement with the retired fire fighters. If I called one retired fire fighter, they will call the rest and open the center. If I am not there, I put in charge the Fire Marshall/Inspector. This person goes through all the buildings once a year, and knows the buildings. The third choice would be the Deputy Fire Chief. If we know officers are going to be out of town, we raise our level of alertness.”

DuCharme, “Also the communications and warnings are what we need to talk about. Fire Station number 1 is there for communications. We have a communication center there. That is where we get our CADD dispatch. We have a fax machine there that is analog. If dispatch gets overwhelmed with calls, they will declare a major event. They will fax those to us. We will do self-dispatch, like a kind of triage. We will send our units to the most important. If Station 1 is knocked out, we go to 2, and if that is knocked out we go to 3. If that is knocked out we go to a mobile unit. The County has a mobile unit, and so do some of our neighboring cities.”

DuCharme, “The Deputy Fire Chief is the one that will handle the event. The Fire Duty Officer is next in line and the Highest Ranking Fire Officer is the backup. Although it seems like we are deploying all the fire department people for administrative functions, once we assess the situation, we call in mutual aid fire departments. We would call in Anoka County Emergency Management, Anoka County Sheriff’s Department and other mutual aid.. The County brings a great amount of resources.”

DeRoche, “Is there any means to work with Ham operators?”

DuCharme, “Your Ham units, if you don’t have any phones, cell phones they can still communicate. They are a great resource. I just don’t have a list of those people. That is a list of people we are going to need. If something happened tomorrow Deputy Chief Anderson is going to have make sure the radios and communications gear are working. If they aren’t working, we would have to talk to the Ham groups. They would be able to get us running quick.”

DuCharme, “We have taken care of everything down from the Mayor to the functional

items. Keep in mind that Nate and Public Works are available. We will just direct them to the areas that need immediate cleanup. They will go and do it. If Nate doesn't feel they have the resources to do it, he will make a call to ask for help. Keep in mind, the control is above that line and rests with the Mayor and Council."

DuCharme, "I want to apologize to the Community Development Director that I have put them as the City Planner in the Plan. We need to make sure we get clear, concise information out to the public. We have to make sure it is what we get out to the Council and law enforcement. The Community Development Director would be a good person to do this work. It is not that the Community Development Director would be releasing press releases whenever they want. They would be doing it at the direction of the Emergency Operation team. Any information that is going out there is approved by the Council and Mayor. If the Community Development Director isn't there, then it would be the City Administrator and the backup would be the Fire District Chief."

DuCharme, "Damage assessment is a big one. If we have a moderate tornado, Nick and his crew will probably help out with assessment. The City Engineer and Nate's team will be able to help with this. They will get the intelligence from the field. The Building Official would be the person to assess building damage. Most of this would be done in relatively short order to complete the initial assessment. We will want to know how much damage we have and then get more specific on what the damage is."

DuCharme, "Law enforcement, is the Sheriff's department. They have the County's plan, their own plan and they fit into ours. On a large scale, we would have a liaison right with us at the emergency operations center. The sheriff would assign the three deep people depending on staffing. They are a big player with us."

DuCharme, "Fire and rescue, there is still emergency functions that have to go on. Between fire, law enforcement and public works that is going on from the beginning of a disaster."

DuCharme, "Emergency resources supply.... This is the person that has to keep the records. It is quite chaotic when these things start out. It is not uncommon during the first twelve, eighteen or twenty four hours until we have control of the situation. If we have to go out and spend some money, or bring in volunteers, we need to have clear and concise records to qualify for FEMA reimbursement. This is three deep this function is the longest lasting function of an emergency plan. There are disasters from five or six years ago that are still going on in terms of sorting through the reimbursement."

DeRoche, "Does the Finance Director or Community Development Director know what they are to do?"

DuCharme, "They will be going through training, and also NIMS training. There are resources that are going to help them and step in and show them how to do the reports. There will be outside resources that will help us through it. We have to identify who is responsible for the function."

DeRoche, "I think our Finance person can do it."

Davis, "He has already had some of that training through Centerville."

DuCharme, "We have all these functions and they work together. The Council and Mayor are at the top."

DuCharme, "If the Public Works Director isn't on scene should be the City Engineer be in charge of this part of the plan."

DeRoche, "I think the City Engineer."

DuCharme, "The lead people are really trained in operating the equipment."

Moegerle, "It seems the Public Works Director has a couple of hats they are wearing."

DuCharme, "I am not trying to spread us thin, sometimes we will have to do that."

Moegerle, "I think if we looked at it a different way, if we didn't look at it individually, it might be separated. We should look at all the duties. The City Engineer might be over qualified for this position. It might be something you might want to call at the time, depending on the disaster."

Moegerle, "You have to make a decision. I know the value of having it set in stone."

DuCharme, "It isn't going to be against the law to deviate from the plan."

Moegerle, "Where does the City Engineer live? Where does Nate live?"

DuCharme, "If something happens here, it might also be affecting their home area. We have to also be aware their thoughts might be with their families and properties

Moegerle, "For folks that are coming, how do they get past security. Do they have a pass card that says who they are?"

DuCharme, "Everyone has an ID card, this year Anoka County is going to issue ID's."

DeRoche, "There was one case where one of the Mayors got turned down and couldn't get in."

DuCharme, "The new cards will have the pictures printed right on it."

Moegerle, "Who else has this document?"

DuCharme, "When we have the final edits, we will have personal information in there. That part is not public. It will be kept at the vaults in City Hall and the Fire Station 1 vault."

Moegerle, "Will Anoka County and Ham Lake have it?"

DuCharme, "I have a copy of Ham Lake's and it doesn't have the personal information in it."

DuCharme, "Evacuation, if there is a decision made to evacuate, mandatory, or non-mandatory, who will start that process. The Sheriff will use the manpower. The Deputy

Chief will make that decision. The Fire District Chief will replace him in his absence.”

DeRoche, “So will they make the determination if they are going to evacuate?”

DuCharme, “No, the Mayor and Council will. What will happen, if there is an emergency, if we need to move people right now we do that. If someone has a major gas leak, we will do that. If it is large evacuation, you will be consulted right away about it. If we see a vapor cloud, moving around, by 5:00 p.m. it will be right here, and it is 3:00 p.m. The Council will have to make the decision. We may activate emergency operations center, but not fully. Much like when I talked to you about the possible blizzard coming in.”

DuCharme, “In an in place shelter situation, most people won’t evacuate, they will stay in home. If they are going to do that, we have to get the word out, we have to be sure we know who is staying in what houses much like in the forest fires out west. They will want to know how many people are there in the case the house is destroyed. In place shelter is important and the Fire Marshall/Inspector would be the responsible party. If they are not able to be there, it would be the Deputy City Clerk. In this area when it was bitter, bitter cold, we would have elderly people staying there with no power or heat.”

DuCharme, “Reception care would be handled by the Deputy City Clerk and their backup would be the Receptionist. In the event that neither is available, it would be the Fire Lieutenant. Their duties would be contacting the Red Cross. ”

DuCharme, “Anoka County Health Department would help with a biological agent/virus. They wouldn’t take care of emergency medical services.”

DuCharme, “Emergency medical services is a responsibility of Fire Department, mutual aid partners and Allina.”

DuCharme, “Terrorism, if it is suspected, would be the responsibility of the Sheriff’s Department as the local lead agent. They would bring in the other resources such as FBI or BCA.”

DuCharme, “That is all the functional things in the plan. When you put those all together it is the same flow chart. You’re not going to do the functional stuff, you will direct policy to us. What are your comments?”

DeRoche, “I think it looks good to me and should have been done a year ago.”

Moegerle, “If a disaster happens tomorrow, are we ready?”

DuCharme, “Yes we are prepared.”

Moegerle, “Does Anoka County have this plan?”

DuCharme, “We will be trading plans with Anoka County. Your staff is capable.”

Moegerle, “We could walk through what we have.”

DuCharme, “The biggest thing is understanding the succession. If the bird flu would have hit like we thought it would, half of us wouldn’t be here. We are fully ready for a

emergency response.”

DeRoche, “We need to focus on an emergency generator.”

Ronning, “Is there a flow chart that we can follow?”

DuCharme, “If an emergency or disaster situation occurs, we would activate the emergency operations center. If you can’t get there, we would come in. Fire isn’t going to wait for you to convene. Should our field commanders say we need more resources? We would go ahead and do that. We might have people saying it might go on for a while. We might need food, portable toilets. You will get a briefing, the briefing will tell you what happened, what the situation is, where we are now, and where we will be in 8-12 hours.”

DeRoche, “I would expect there wouldn’t be any micromanaging. It would be nice to know what it is going on.”

DuCharme, “It might take two – three hours to get an emergency operations center up and running.”

Ronning, “The functions will all be in place, and this group comes together.”

DuCharme, “You will come together and make sure we are on the right track.”

Ronning, “How much time did you spend on this?”

Davis, “What do you want to see to go forward to get approved?”

DeRoche, “Grammatical errors, names changed, etc. I don’t want to see names in stone. I would like to see the City Engineer involved.”

Davis, “Craig Jochum and myself did the NIMS training. Nate, Nick and Mike have had it at their previous employment. From staff point, we have been through the training. We did go through a simulated emergency drill. From a staff stand point, we need to have council and staff go through this annually.”

DeRoche, “Are there refreshers? You know if there isn’t something going on, things can go be forgotten and when it comes time for something to happen your skills are not at their peak.”

DuCharme, “We will review the plan on an annual basis and that will be the continuing education.”

Ronning, “People on the list could be part of the casualty list.”

DuCharme, “They could be.”

Davis, “Flexibility is imperative.”

DuCharme, “I will start the edit process. Please email him the changes.”

Moegerle, “Can you forward it to me in Word?”

DuCharme, “Yes, I can. Does anyone else want it in Word?”

DeRoche, “No, I am fine with it in PDF.”

Adjourn

DeRoche made a motion to adjourn at 7:15 p.m. Koller seconded; all in favor, motion carries unanimously.

Submitted by:

Jill Anderson
Recording Secretary

DRAFT

EAST BETHEL CITY COUNCIL MEETING

March 5, 2014

The East Bethel City Council met on March 5, 2014 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

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

Call to Order **The March 5, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 PM.**

Adopt Agenda **Ronning motioned to adopt the agenda with no additions. Koller requested to add the supplemental bill list and a request for a gambling permit for the Cedar Creek Community School PTO to the agenda. Ronning withdrew motion. Koller motioned to add the bill list and the Cedar Creek School PTO request to the consent agenda. DeRoche seconded; Moegerle, “where would they be added”. Koller said G is the supplement payment and H for application for gambling. All in favor, motion carries unanimously.**

Public Forum No public comments.

Consent
Agenda

Item A
Bills/Claims

Item B
Meeting Minutes, February 19, 2014 City Council Meeting
Meeting minutes from the February 19, 2014 City Council Meeting are attached for your review and approval.

Item C
Resolution 2014-07, Declaring 2006 Jacobsen HR 6010 Mower Surplus Property
The 2006 Jacobsen HR 6010 mower has outlived its useful scheduled service life. Because it often requires numerous repairs and the difficulty associated with obtaining replacement parts, the mower is no longer a reliable and efficient piece of turf maintenance equipment. This is a scheduled replacement and budgeted for in the Equipment Replacement Fund.

Staff recommends adoption of Resolution 2014-07, Declaring Jacobsen HR 6010 Mower Surplus Property and directing the equipment to be used as trade-in value.

Item D
Purchase John Deere 1600 Mower-Equipment Replacement Schedule
As part of the City’s Equipment Replacement Program, the 2006 Jacobsen HR 6010 wide area mower is scheduled for replacement in 2014. This is a regular replacement for this item. This piece of equipment has reached the stage in its service life where the maintenance costs of this mower are becoming excessive and are approaching the value of the machine. Due to the lack of a local dealer, replacement parts are expensive and take longer to receive compared to other models. Due to higher maintenance costs, increased down time and lower productivity of this

machine, City staff recommends that we replace the 2006 Jacobsen HR 6010 wide area mower.

This mower is the main piece of equipment for maintaining the City’s parks and public grounds.

Staff has checked state contracts for wide area mowers with a minimum specification of an eleven-foot mower deck. This is consistent with our needs and similar to the replaced piece of equipment. From a review of the State Contracts for this type of mower, we have identified the John Deere 1600 as the unit that best matches our requirements. With numerous local vendors, access to parts and service is also the best match for the City’s needs.

Funds for this acquisition are provided for in the Equipment Replacement Fund. Funding was budgeted at \$44,000 for replacement of this mower in 2013. Staff decided to push the replacement date out an additional year to 2014. The salvage/trade in value of the Jacobsen HR 6010 is \$5,000. The cost for the new John Deere 1600 is \$48,913.60 on the state contract. The total cost for this machine less the trade in of \$5,000 is \$43,903.60. Funding is available from the City’s Equipment Replacement Fund.

Staff recommends the purchase of the John Deere 1600 wide area mower. This equipment will meet our current and future needs and has a projected service life of ten years.

Item E

Resolution 2014-08 Declaring April 26, 2014 Arbor Day in East Bethel

The Park Commission and staff are continually working on ways to improve the City’s park system. The Park Commission has recommended applying for a Tree City USA award. One of the requirements for the award is to have an Arbor Day resolution from the City Council and an event held to celebrate the occasion. Applying for the award would not require any additional funding or City resources with the exceptions of staff time to fill out the application and the cost of a tree to plant on Arbor Day.

The Park Commission and staff have discussed holding an Arbor Day celebration in Booster Park on April 26, 2014 at 10:00 am, which is also the Spring Recycle Day. The local scout group that has adopted Booster Park would be invited to attend and help with a tree planting to replace trees that have been lost to disease and wind within the park.

Staff recommends adoption of Resolution 2014-08 Declaring April 26, 2014 Arbor Day in East Bethel.

Item F

Fee Increase for Prime Ice Time for the City Ice Arena

Even though the Arena Fund is now in a positive cash position as a result of the cell tower lease fees and improved management, revenue from the Arena has declined over the past three years. Revenues, excluding concessions and tower lease payments, have fallen from \$224,824 in 2011 to \$209,382 in 2012 and to \$202,102 in 2013 while hourly rates for ice rental have remained constant at \$185/hr. for prime time rental and \$140 for non prime time rental.

The rates for arenas in neighboring Cities are as follows:

<u>City or Entity</u>	<u>Prime Rate</u>	<u>Non-Prime Rate*</u>
Isanti	\$190/hr.	\$140/ hr.
Andover	\$192/hr.	\$145/hr.

Forest Lake	\$200/hr.
National Sports Center	\$200/hr.

\$140/hr.

*Non-prime rate hours vary but generally cover the times between 6-8 AM to 2-4 PM on Monday through Friday.

Due to the need to generate additional revenue to cover expenses at the Arena, Staff recommends the adoption of Resolution 2014-09, which would increase the prime time hourly rate for ice rental to \$192/hr.

Items pulled:
Moegerle requested B and C be pulled.
Ronning requested F be pulled.
Koller requested D be pulled.

DeRoche made the motion to approve the consent agenda with items B, C, D and F pulled for separate discussion. Ronning seconded, all in favor, motions carries unanimously.

Item B: Meeting Minutes, February 19, 2014 City Council Meeting

Moegerle, "I pulled B, because I didn't vote on one of the motions. It is page 28 right before the Council reports. I didn't vote to recognize the appointment of Tim Harrington and I wanted that to be noted. **I ask that the minutes be adopted as amended.**"

Koller seconded. All in favor, motion carries unanimously.

Item C: Resolution 2014-07, Declaring 2006 Jacobsen HR 6010 Mower Surplus Property

Moegerle, "I pulled C for the purpose that, this is an expenditure of 1% of the operating budget of the City. Why has a 2006 mower come to the end of our useful life. Why we are going to spend 1% of our budget on this piece of equipment?"

Davis, "This piece of equipment was purchased in 2006. It was never suited for the application or the conditions that we have here. It is generally used for finer turf but we mow sandburs and weeds. The mower was slated for replacement in 2013 but we extended it out to 2014 to get another years life. Another reason we want to replace it this year is there will be new emissions requirements in 2015 which will, as reported by the manufacturer, increase the cost by up 22%. By purchasing this year we can save approximately \$10,000 over next years price increase. In addition we've spent approximately \$10,000 on maintenance on this machine over its 8 year lifespan."

DeRoche, "I looked at the equipment last year. Parts availability is tough. This mower was not made for rough cutting and to keep this machine is going to be putting good money after bad. You get what you pay for"

Ronning, "Reel type mowers are for golf greens."

DeRoche, "They also use it on nice fairways."

Moegerle, "Who made the motion?"

DeRoche, "You did."

Ronning, "It is like taking a Cadillac through the Grand Canyon. It should never been purchased."

Harrington, "I went over and looked at it Monday. It has to be serviced in Chanhasseen. The parts are obsolete. Tom says it is a mower for golf courses."

DeRoche motioned to approve to approve C. Koller seconded. All in favor; motion carries unanimously.

Item D: Approve Purchase of John Deere 1600 Wide Area Mower

Ronning, "I think that is a ridiculous amount of money for a lawn mower."

Davis, "The 2006 Jacobson was almost the same price. It is a wide area mower. It mows 9 feet. It has a larger horsepower engine and will mow at higher speeds. It is a rugged constructions and was bid on the State Contract. That is the going rate for these types of machines. This will mow much more property more efficiently and has a much higher productivity than the 60 and 72" ZTR's that we use in conjunction with the wide area mower.

DeRoche motioned to approve the purchase of John Deere 1600 wide area mower. Ronning seconded.

DeRoche, "We have to get a mower. Is this a commercial grade mower?"

Davis, "Yes, it is."

DeRoche, "Some of the lighter weight John Deere machines are not commercial grade. What is the life expectancy? Will we be able to change the oil? Change the blades."

Davis, "We do the maintenance.

Ronning, "Is this a diesel?"

Davis, "Yes."

Koller, "Does it have a cab?"

Davis, "No."

DeRoche, "You get what you pay for. You can buy something not so good and you get what you pay for it."

Ronning, "Ron what did you pay for the 3000 series with the loader?"

Koller, "\$18,000."

Harrington, "The cost for emissions requirements are going to go up next year, so the amount will increase next year."

Davis, "There is no argument that it is a lot to spend on a mower. We will get a lot of life out of it."

Ronning, "How and when are we going to pay for it?"

Davis, "We have an equipment replacement fund to pay for this. It won't have an impact on the general budget. We won't have to increase the levy for this."

Ronning, "Do you see any impact on this budget or future ones?"

Davis, "No this will not impact this budget or future budgets as we have the funds already set aside".

All in favor, motion carries unanimously.

Item F: Amending the 2014 Fee Schedule

Ronning motioned to approve Resolution 2014-09 Amending the 2014 Fee Schedule. DeRoche seconded.

Ronning, "This has to with the Ice Arena and fee. Are we comparable with the other ice arenas?"

Davis, "We are the cheapest in the area. Some of the other facilities are nicer, such as the National Sports Center. On your update on Friday, you will get some options on the Ice Arena. One of things we have to do is raise our rates to make it current with other areas. There will be other recommendations in the report. We can have it be a discussion item at a later meeting. Currently we allocate the revenue for the tower to the arena fund. We want to separate that from the arena fund

And use some of that for the sewer and water bonds. The assignment of this money is what is keeping the arena in the black. We need to make sure it breaks even. I will have it in a report for you Friday."

DeRoche, "I don't have a problem raising the rates. It has been a thorn in my side since we bought it. I thought it was always making money when I came on the Council. I didn't know the cell tower was keeping it in the black."

Davis, "We would propose to raise the rate by \$7.00 per hour from \$185/hr. to \$192/hr."

Ronning, "We aren't pricing ourselves out of the game. It would be nice to know who is using the rink."

Davis, "We aren't. We are providing the facility for use for people in other cities, such as Oak Grove, St. Francis. We don't need to subsidize this function for use for others outside of the City."

Moegerle, "I am fine with raising the rates once, but not raising them twice. Now you are raising fees on it twice. I would like it to be more streamlined and do it once. We are also talking about the RFP. Does the rate matter to the folks with the RFPs?"

Davis, "I am sure whoever we will contract with will want to see the cheapest ice rink times, so these times will be easier to sell. We want to raise it for one time. Please read my report and we can discuss it. They are totally separate issues. We need to raise the rate now, so we are in ball park with the other areas."

Moegerle, "What type of rate will you suggest later?"

Davis, "If we move the cell tower revenue, we need to look at what we need to balance this."

DeRoche, "We gave the concessions up, because that wasn't doing any good. It's not that I don't want kids to skate but If we are subsidizing so the kids around us can skate then we need to take another look at it."

Davis, "Everyone here would like to see it stay open. But we can't afford to subsidize it any longer."

Moegerle, "I just have a problem with raising it twice."

Davis, "We need to raise the rates to generate the revenue. We are looking to stay competitive."

Ronning, "Are we looking at different management?"

Davis, "Yes, I am not as concerned with price they submit to do the management as long as we are guaranteed enough income to at least break even. We want to make sure they generate x dollars of revenue to make up the cost of running the arena."

All in favor, motion carries unanimously.

New Business
Traffic and
Motor Vehicle
Ordinance,
Section 70-111

Background Information:

On October 2, 2013 Becky Knisley, 23250 Sunset Road, requested City Council to consider amending Traffic and Motor Vehicles Ordinance, Section 70 to address noise and hours of operation of dirt bikes. The City has received previous complaints from residents in other areas regarding this same issue. This Ordinance was discussed at an Ordinance Committee meeting on October 28, 2013, but no consensus was reached at that meeting. Staff has looked at this Ordinance and is recommending the following changes:

70-110 Definitions

- Changed Motorized dirt bike to Off Highway Motorcycle (OHM) – this is to make the language the same as the Off Highway Vehicle regulations of the MN DNR.
- Added definition for race track

70-111

- Under No. 1 – proposal to change lot line setback from 50 ft. to 100 ft. and dwelling units from 100 ft. to 200 ft.
- Under No. 3 – added language for non residents
- Under No. 4 – Added No at the beginning of sentence
- Under No. 6 – Left two (2) hours of operation unchanged, and changed language from one (1) hour to two (2) hours of no operation
- Under No. 8 – Added language regarding race tracks

- Other considerations - The Council could look at adding language for an Interim Use permit (IUP) for race tracks

Staff recommends Council consider the changes, and if approved, directions to publish.

DeRoche motioned to table this to a work session. Ronning seconded.

Moegerle, “Wanted to know if the motion to table could be clarified and why do we need to come back again to discuss this.”

DeRoche, “There is a motion to table and a second and therefore there is no discussion”.

All those in favor, DeRoche, Koller, Harrington and Ronning-Aye; Moegerle-Nay; motion carries.

Manufactured Home Ordinance, Section 34-183

City Council received a request from Nancy Krueger, owner of property at 18467 Lakeview Point Dr. to consider amending the Ordinance regulating recreational camping vehicles. The Ordinance Committee discussed this matter at a meeting on October 28. This property is zoned R-1 and has a property tax classification of seasonal recreational residential-non C. The property is 0.2 acres. Ms. Krueger is requesting the Ordinance be amended to allow the placement of her recreational camping trailer on this site.

We have references to Travel Trailer and Recreational Vehicles in several places in our code. Any modifications that are done in one section of the code should carry forth into other relevant sections of the code also.

Under Article 34 – Floods, we address the placement of Travel Trailers. However, that is only in those areas that are on the general flood map. This should be changed so that it applies and should also be included in Article II, Chapter 38-20 as additional items. The proposed language in Article 34 and Chapter 38-20 should be the same. We should also include the same language in Appendix A, Zoning under General Development Regulations. This will keep the information consistent from one section of the code to another. The Changes in Article 34 could be as follows:

Article 34, (3) a. 3 – Additions provided by the City Attorney

Article 34, (3) b. 1 – Additions proposed by City Attorney with the Staff addition of Property Tax Classification status as Seasonal Recreational – vacant and improved as a condition.

The definition of Recreational Vehicle/Travel Trailer should be included in Definitions section of Zoning Code Appendix A, Article 34 and Chapter 38.

Attached are maps that locate all the properties in the City that have a tax classification of Seasonal Recreational. Even though there are sanitation requirements in the proposed amendment to this Ordinance, allowance of placement of recreational camping vehicles on these properties could create consequences that have a greater impact than simply addressing the situation of an individual property owner.

Staff recommends Council consider the changes, and if approved, direction to publish.

DeRoche motioned to table this issue and discuss it in a workshop. Ronning seconded.

All in favor, DeRoche, Koller, Harrington and Ronning-Aye; Moegerle-Nay; Motion carries.

Johnson
Street Service
Road

As discussed at the January 22, 2014 City Council Meeting, MnDOT was in the process of reviewing the eligibility of the grant for the service road project. Initially, the City received notice that a maximum grant amount of \$702,000 was awarded for this project.

The attached memo dated February 27, 2014 from Phillip Bergem provides a summary of MnDOT’s final decision on the grant award. MnDOT considers only the segment of service road from 219th Avenue to 221st Avenue to be eligible. The eligible cost is estimated to be \$574,000. The City can secure the remaining \$128,000 in grant funds by providing access control along Trunk Highway 65. Access control would restrict access to Highway 65 from the adjacent parcels. Once the access control documents were executed by the landowners, they would be deeded to MnDOT.

If the project is to move forward it must be awarded before June 30, 2014. Staff is requesting direction on how the Council wants to proceed on this project. Three possible options would include:

- Option 1 – Notify MnDOT that the City will not be moving forward with the project.
- Option 2 – Obtain access control along Trunk Highway 65 to maximize the grant amount of \$702,000 and proceed with the project as originally planned.
- Option 3 – Accept the \$574,000 in grant money and construct the service road from 219th Avenue to 221st Avenue only.

The current estimated total costs for this project are as follows:

Construction Cost	\$ 1,089,036
Easement Acquisition Costs	\$ 203,500
Overhead and Contingency Costs	<u>\$ 160,000</u>
Total Project Cost	\$ 1,452,536

If only the segment of service road from 219th Avenue to 221st Avenue is constructed at this time. The total cost of \$1,452,536 would be reduced approximately \$530,000 or to a total of \$922,536. To date a total of \$262,397 has been spent for easement acquisition and preparation of plans and specifications.

Fiscal Impact:

As of February 2, 2014 the City’s Municipal State Aid Construction Fund balance was \$1,451,072.93. Whether the project moves forward or not, the current expenditures of \$262,397 are reimbursable from the City’s Municipal State Aid Construction Fund. If the City moves forward with Option 2 or Option 3 the amount that would be financed from the Municipal State Aid Construction Fund would be \$750,536 and \$348,536 respectively.

Staff is requesting direction from Council regarding moving forward with this project.

Ronning motioned to suspend all activity and try to recoup easement cost. Koller seconded.

Moegerle, "Can you explain?"

Ronning, "It would be two blocks and this is an expensive cost."

Jochum, "It is based on engineers estimates and these two blocks are the most expensive segment of the project."

Ronning, "There are two residents to get signed on."

Jochum, "MnDOT Is trying to get access control. They are trying to get signatures. That \$128,000 cost is gone for sure, if we don't get them signed."

DeRoche, "How much is in the easements?"

Jochum, "\$203,500 was for easement acquisition."

DeRoche, "No matter what happens with the project, we own the property."

Davis, "The only way we can recoup the costs if we discontinue the project and then we would have to have all the property owners agree to sell back. However retaining the right of way is investing in the future road. If the property owners refuse to do it, we are left in the cold. I'll try to tell how this process happened. Originally the MnDOT regional office awarded the project and we proceeded based on that award from their Regional Office. The central office didn't agree with how it relates to the cooperative agreement grant. When it got kicked upstairs, they changed the rules of the game and denied funding for the southern half of the project long after we had incurred costs."

DeRoche, "I haven't been in favor of this from day one. I would rather to see us focus on the sewer and water district. Maybe do something along 189th."

Davis, "The only thing we could apply would be on the east side, to make a right in or right out. 189th wouldn't apply to the cooperative agreement grant?"

Jochum, "That would not be eligible for the cooperative agreement."

Ronning, "If we go with the lease agreement, we forfeit the easement and get the access. We get the extra change at the end of the deal if they sign over the easement. We pay for the easement and deed it to MnDOT."

Davis, "If we want the cooperative agreement grant, we must get the deeded agreement that will not allow or request access to Hwy 65."

Jochum, "MnDOT is trying to get the City the remaining money. It will happen naturally."

Ronning, "The cost is higher."

Jochum, "That includes all the removal on Hwy 65, the storm water, it is already stubbed to go to the south. Even though the distance is not the same, and a lot of Hwy 65."

Davis, "This includes the connection and turn lanes, and also extra grading."

Ronning, "A comparison is you go to Vegas, and you keep investing and you don't get any place. The future we want to plat it. The future is from now to 3000."

Moegerle, "It opens area for development. Municipal State Aid money is not always there. You can't use it for repairing roads. If we use MSA funds on the south side of the corridor by Black Bear. That is an area we need redevelopment. This is valuable. It has great appeal with future development."

DeRoche, "We have the easements, it could be developer driven. I was at the Roads Commission meeting when it came through, when we have so much more to focus on in the sewer and water area. It's the build it and they will come proposition again. If we have the easements, we don't have to purchase them again. Maybe a developer will want to put in the roads. We would have the easements for it."

Moegerle, "Isn't going to be more expensive in the future? Are they use it or lose it?"

Jochum, "They don't want your funds to go to a certain level. We have Lincoln, Laurel and Longfellow on the schedule. We have enough to do both projects."

Koller, "We have the easements and there is no interest in development. At this point in time, no."

Ronning, "This is 90% is farm land. If we didn't sell it back to them, it goes down the middle of the field. They might be interested in renting our land for their crops. What would be cost for the City?"

Jochum, "It's the engineers estimates and they are based on comparable projects and current bid prices. I am usually fairly close on my estimates."

Ronning, "How close is this to what we had to increase the levy?"

Davis, "The price is twice the levy increase."

Ronning, "This is a road to nowhere. Especially now that we know it is double what the assessment was. I don't know anyone who will pat us on the back."

All in favor, DeRoche, Koller, Harrington and Ronning-Aye; Moegerle-Nay; Motion carries.

DeRoche motioned to select Option 1 - Notify MnDOT that the City will not be moving forward with the project, Koller seconded. All in favor, DeRoche, Koller, Harrington and Ronning; Moegerle-Nay; Motion carries.

Ronning, "We are all in favor of growing the City, but there is no use for this."

2013 Finance
Report

The unaudited December 2013 Financials including: Narrative, Bank Reconciliation, Balance Sheet, and Summary Revenue/Expense Statement are attached for your review. The City of East Bethel's annual financial audit will begin on March 10th and be conducted by Abdo Eick and Meyer's LLP. After the audit is complete a comprehensive financial report will be

provided to the City Council. We will have a presentation in April or May by Abdo, again the main function of an audit is to ensure the financials are fairly stated and that there are no material weaknesses in our internal controls.

Jeziorski, "2013, the general fund had a surplus of \$360,000, that was driven by better than anticipated building inspection revenues. What happens to the surplus? Does it get refunded? No. It goes into the fund balance. It is a governmental term that describes the City's net position or simply assets minus liabilities. The City's fund balance was roughly \$2.9 million dollars at the end of 2013, which is 62% of our 2014 budgeted expenditures. This is roughly a \$1.3 million dollar excess from the City Council target fund balance of 35%. Other funds I wanted to take a look at are the Equipment replacement fund which has \$1.2 million, HRA \$770,000, Street Capitol \$730,000, Trail fund \$144,000. These are not funded through direct levies but are rather transfers from the General fund".

DeRoche, "Can the fund be used to pay for overtime, salt?"

Davis, "We would transfer the money from the general fund."

Jeziorski, "These funds are generally looked at undesignated, and can be transferred anywhere."

Jeziorski, "As for 2014, in order to balance our budget we raised the levy by 15.1% and will use \$20,000 in fund balance. Also in 2014, we have had our bond rating upgraded to AA from AA-. It is cited, within their rating criteria. The rating reporting cited strong management and staff's monthly reports to council. They also look at the Macro environment of our State and drill down to the nuts of bolts of our financials and internal controls. We have also initiated a levy to pay for the 2010A and B debt service. They are now built into the levy. We have refinanced the 2005A and 2010B debt issues.

We have settled the union contract for 2014/2015/2016 and also renewed the medical insurance. Given the whole Obama care issue, we had the opportunity to renew our medical insurance and did so at a significant cost savings and better plan. Finally, we are now seeing market values trending upwards. 2013/2014 we had a market value of 709 million and for 2014/2015 had a market value of 788 million.

2015 timeline – April 1, we will look to have a finance committee meeting. Key points of discussion will be reserves, levy tolerance and the debt management plan. April/May Staff will submit their budget requests and will be incorporated into the budget model. July, the proposed budget will be presented to the City Council at which time Council can ask specific questions to department heads. September 3, we will set the preliminary budget and levy and on December 3 final budget and levy will be offered for consideration.

I don't have any actions items for you."

Ronning, "December 2013 financial statement and analysis, the second paragraph under assets. 712, delinquent fund balances \$84,000. How much of this property just haven't been paid on, how many are foreclosures, can you answer?"

Jeziorski, "The county doesn't break it down that way. We just get a statement telling us what it is."

Ronning “Is there a way to find out how much the banks are sitting on. If they are sitting there holding on to our money, I want it back.”

Jeziorski, “As you go up the years, it goes up each year.”

Davis, “One remarkable statistic, is our receivables on tax payments are 97%.”

DeRoche, “How long does the County to foreclose, I know someone who is delinquent on three properties. If they are delinquent to the County, that is how we get paid.”

Davis, “The County does work with property owners. As long as they are making payments. As far as when they will declare it for Sheriff’s sale. I don’t know.”

DeRoche, “If they have a payment plan with the County, how long does that extend?”

Davis, “The County tracks that.”

Jeziorski, “There are fees and penalties that area tacked on. The City and taxpayers need to be made whole. It is a lengthy process.”

Moegerle, “Do we get the money?”

Attorney, “It is prorated among the taxing authorities.”

Ronning, “It is a one way street, there is no advantage to us. Perhaps if it is the same value as all the neighborhood. Who owns those properties? Does US Bank or Wells Fargo have a bunch? Let’s send them hate mail.”

Vierling, “They would have to have people making payment to be in a deferment. By statute if there is no payment in three years, in the fourth year it goes to Sheriff’s sale.”

Ronning, “Can we get foreclosures?”

Vierling, “The tax auditor wouldn’t know which ones are in foreclosure.”

Davis, “Depending on where they are in the system, they may charge us for us getting the information.”

Vierling, “The property owner has the right to buy it back from the bank. They won’t advance payments on taxes they will wait it out. For every year of non-payment there is penalty and interest. It has to be paid. You will get the principal and the penalty and interest.”

Ronning, “So we will get it one way or another. It is reasonable to ask what makes this approximate.”

Vierling, “They would be able to give you the property identification number.”

Ronning, “I would like to look at the numbers. Could they print out a master list of the properties in the City.”

Jeziorski, “I have seen that report before.”

Ice Arena
Management
Contract RFP

Prior to 2006 the City of East Bethel managed the operation of the City Ice Arena. Due to the labor-intensive nature of the operation of this facility, a decision to outsource this service was the option selected for management of the Arena. Beginning in the 2006, the City contracted with the National Sports Center for management services under an agreement that ended in June of 2008. The National Sports Center did not exercise their option to extend the contract for another two-year period due to decreased demand for ice time.

The City solicited management proposals and contracted with Gibson Management Company, LLC for a one-year period ending July 31, 2009 and extended by City Council for the term of 2009 to 2011 and then from 2011 to 2014. Gibson Management's contract will expire on July 31, 2014.

As with all professional contracts, the City solicits proposals for services on a 3 to 5 year basis to ensure that full value is received through these agreements.

The City explored the potential for the sale of the Arena as a rink facility, but while there was interest among the current users, there were financial limitations with these groups. There also appears to be a diminished value in the secondary market for this building as a use other than an ice arena.

The building and property have a tax valuation \$953,800 and an estimated market value based on a cost approach of \$918,100. As there is currently no excess income above expenses, an income approach to valuation was not considered. The arena building is approximately 34,000 s.f. and the two parcels that compose the property are 6.29 acres. The property is encumbered by a MnDOT park and ride agreement that comprises one acre of the site. There is also a 0.11-acre cell tower site on the property.

Even though the Arena Fund is now in a positive cash position due to improved internal management and cell tower lease income assigned to this fund, the net revenue from the Arena has declined over the past three years. Revenues, excluding concessions and tower lease payments, have fallen from \$224,824 in 2011 to \$209,382 in 2012 and to \$202,102 in 2013 while hourly rates for ice rental have remained constant.

In addition to the basic scope of responsibilities, the proposed RFP would address maintenance standards, requirements for an active and maintained website and a message response policy. Upon the selection of a contractor, the City would negotiate incentives for the sale of non-prime ice time and advertising above a base threshold.

Gibson Management, St. Francis Youth Hockey and the National Sports Center have expressed an interest in submitting a RFP for the management contract. Upon approval of authorization to advertise for an RFP, we will post notice on the City's Website, Minnesota Ice Arena Management Association, the Anoka Union and any other source that markets to the management of ice arenas.

Other options, other than a management contract, could include leasing of the facility to a current user or the City's direct use of a contract manager to operate the facility. These options would be alternatives for consideration in the event an acceptable proposal for a management

contract for the facility is not approved. Staff is also evaluating proposed rate increases and their impact on potential sales as a means of increasing revenue and reducing the City subsidy to the facility.

Staff is recommending Council consider approval to authorize the solicitation of RFP's for an Arena Management Contract for the East Bethel Ice Arena.

DeRoche made the motion to consider approval to authorize the solicitation of RFP's for an Arena Management Contract for the East Bethel Ice Arena. Koller seconded.

Ronning, "When this goes out, can we get comparison as management fees. We aren't in the same ball park as Columbia Heights."

Davis, "We can check with other sources. We will check what we are going to get what they are paying for."

Koller, "Would it be a possibility to have them only manage during ice time?"

Davis, "That would be something we could do. We need to get more dry floor events. We recognize we have a hard time doing it. If we have the right person in there, we might be able to do that. We could sell more ads and signage space. We might look back at our agreements with the schools. We will look at other sources of revenue to make it break even or hopefully, even better. If we get proposals back and say they don't want to deal with dry floor events, we could have it fall into effect during ice rental availability only. The City of Andover keeps ice all year long. We might want to keep ice for another month, but we can't do it all year because we don't have cooling capabilities."

Ronning, "Could we make this a gun range?"

DeRoche, "Ramsey did it."

Davis, "14,000 square feet is taken up in lobby, locker room, concession, etc. The usable area is only 20,000 square feet so we may be limited as to our options for other uses both in terms of size and costs for conversion. We need to ask what is the value to the City of East Bethel as an ice rink? It does bring people in. Hopefully there will be a place for them to spend money in the City. Depending on how we answer that question is how we deal with the issue."

Koller, "When my daughter played hockey there, people said it was the dirtiest rink around."

Davis, "St. Francis Youth hockey and the high school are our prime users and we need to make that facility as clean as possible."

Koller, "Gibson is made up of three people and we usually only have one person show up."

Davis, "The utility rates are lower this year, than any other year. We did a conversion to a more efficient lighting system a couple years ago. ."

DeRoche, "How old is the Zamboni?"

Davis, "It is the original one."

Koller, "The government is going to require replacement of the refrigerant."

Davis, "Fortunately we have a different system and the new requirements don't affect us. Most systems will take \$20,000 to \$30,000 or more to make the replacement."

Harrington, "It could mean more business for us."

Davis, "I don't know what Forest Lake or Isanti have."

Ronning, "I don't want to sound like a grumble on this thing. I believe that is the object of the question."

Moegerle, "What is the expected life of the Zamboni?"

Davis, "We don't have anything on the equipment replacement fund for the ice arena. The estimated construction cost for the building was \$1.5 million dollars. Whether we want to recover the costs. We could write off the costs for capital improvement. Hopefully we can get another three years on it. The Zamboni is a \$60,000 to a \$120,000 piece of equipment."

All in favor, motion carries unanimously.

SRWMO 2015
Budget

The SRWMO's draft 2015 budget is attached for your review. Any requests to modify the budget must be presented to the SRWMO prior to their May 1, 2014 meeting. After that date, and absent any comments or direction from East Bethel, our portion of the budget can be considered approved at the level indicated for 2015.

The proposed 2015 SRWMO Budget is \$47,010 as compared to the 2014 budget of \$48,464. East Bethel's share of the budget, as presented in the attachment, is proposed to be \$15,003.80. The City's share for 2014 is \$15,571.

There is a proposed change to the 2015 draft budget under consideration that is not reflected in the attached 2015 Budget Summary. Unapproved, but proposed at this point in time, the SRWMO at their February 6, 2014 meeting discussed reductions for the Lakeshore Landscaping Marketing and Aquatic Plant Education. The proposed changes (final approval of these changes would be made at the 5/1 SRWMO meeting) would result in reducing the 2015 budget from \$47,010 to \$45,000, depending on the option chosen. This change would result in a reduction of 7% from the current 2014 budget and reduce our share by a proportionate amount.

Staff requests the City Council review and provide comment on the SRWMO 2015 Budget.

Davis had requested Leon Majors to address the Council. He can come to the March 19th meeting. We can keep discussing this.

Davis, "We are working on alternatives for the ice arena and they will come out Friday."

March 5, 2014
Council
Member Heidi
Moegerle

Moegerle, "The taxable market value has gone up and that is good. That is a solid gain. I like the minutes and wanted to point out that it is a positive change and wanted to point that out. When will the comp plan be coming forward?"

Davis, "Winter will be back and we anticipate this will be on the next Planning Commission agenda. For those that live in the Forest Lake School District there will be a new bonding limit issue on the ballot on May 20th. I've followed up with legislature with the traffic education programs that are being doing throughout the state. There are five live bills. There is a punitive program for those that gathered in all the fees. There are four other bills that address the education programs. They are differentiating on how much is being put to the different educations areas. Within two weeks we should know. It could be a way for us to get more income."

Council
Member Tom
Ronning

Ronning, "Ron, were you going to comment about Booster Day? One of the biggest problems the Booster Day people have is coming up with funds. They have put a lot of effort into it. If anyone has ideas on how to come up with extra money they would welcome the input."

Council
Member Ron
Koller

Koller, "They are planning an event at the ice arena. They are going to have a beach party with volleyball and games. It will be posted when things are set. Denise Lachinski has done a really good job. She puts in a lot of hours. On Monday I attended the Fire Department meeting for their harassment training. Today the fire department responded to a chimney fire. Let this be a reminder to clean your chimney."

Council
Member Tim
Harrington

Harrington, "I stopped by the maintenance to introduce myself. Next week I will meet with Park Commission. Day light savings time begins this weekend."

Council
Member Bob
DeRoche

DeRoche, "I went to the East Bethel Royalty dinner. The Royalty was glad to see someone there. There are a lot of snow banks and I can see where they are removing a lot of them. It looks like all the ice shacks came off the lake. I would hope there isn't a lot of staff time devoted to the ticket diversion program. Council has said where they are at on this. I would hope that no one is burdening staff to look into things unless it is brought up before Council to direct staff. People are saying the meetings are going better and quicker. There was a nice article in the paper about Tim. I am looking forward to meeting again with Met Council and pick their brains."

Adjourn

Moegerle made a motion to adjourn at 9:00 p.m. Koller seconded; all in favor, motion carries unanimously.

Submitted by:

Jill Anderson
Recording Secretary

EAST BETHEL CITY COUNCIL WORK MEETING

March 19, 2014

The East Bethel City Council met on March 19, 2014 at 6:00 PM for the work meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Colleen Winter, Community Development Director
 Andy Pratt, City Attorney

Call to Order The March 19, 2014 City Council meeting was called to order by Mayor DeRoche at 6:00 PM.

DeRoche, "We have a new staff writer for the Anoka County Union, her name is Debbie Griffin."

Griffin, "I have recently contracted to cover the East Bethel City Council. I am happy to answer any questions you might have."

Adopt **Koller made a motion to adopt the agenda. Harrington seconded; all in favor, motion**
Agenda **carries.**

3.0 - Traffic On October 2, 2013 Becky Knisley, 23250 Sunset Road, requested City Council to consider
and Motor amending Traffic and Motor Vehicles Ordinance, Section 70 to address noise and hours of
Vehicles operation of dirt bikes. The City has received previous complaints from residents in other
Ordinance, areas regarding this same issue. This Ordinance was discussed at an Ordinance Committee
Section 70 meeting on October 28, 2013, but no consensus was reached at that meeting. Staff has
 looked at this Ordinance and is recommending the following changes:

70-110 Definitions

- Changed Motorized dirt bike to Off Highway Motorcycle (OHM) – this makes the language consistent with the Off Highway Vehicle regulations of the Minnesota DNR.
- Added a definition for race track

70-111

- Proposal to change lot line setback from 50 ft. to 100 ft. and dwelling units from 100 ft. to 200 ft.
- Added language for non residents
- Added No at the beginning of sentence
- Left two (2) hours of operation unchanged, and changed language from one (1) hour to two (2) hours of no operation
- Added language regarding race tracks

Other considerations:

- Council could look at adding language for an Interim Use permit (IUP) for race tracks

- Council could prohibit circular race courses in certain residential zones
- Council could prohibit exhaust modifications to dirt bikes operated in the City

Recommendation(s):

Staff recommends Council consider the changes provided in discussions in the March 19, 2014 Work Meeting for decision, and if approved, directions to publish.

DeRoche, "To me, personal opinion is, dirt bikes, ATV, snowmobiles are not the problem. The way the ATV ordinance was crafted it is under MN law. When they are running down the road not stopping, changing an ordinance won't stop that. To ride on the road in East Bethel, you have to have a driver's license, drive on the right side of the road and have a helmet on if you are under 18. There are not a lot of problems, except one or two. I don't know if changing this – changing distance from 100 feet to 200 feet. The thing you can't drive on your own property if you have a modified exhaust. It is unfortunate, as far as I know; this is the only issue we have had. The City was trying to deal with it. The parties say they are following the ordinance. I don't know. The enforcement. We have had issues with people having problems with CSOs and deputies driving around. Are we going to dispatch someone to check them out? I am not sure who came up with the redlines and changes."

Davis, "The changes were staff recommendation to see if anything works or addresses the problems."

Koller, "I see the hours from 9 a.m – 8 p.m. from 10 – 5 p.m., it is conflict with DNR rules. They allow them from ½ hour before sunrise and sunset, so you can't use your ATV for hunting."

Moegerle, "How would you make it fit? A city can limit. How would you make it fit?"

Koller, "Since deer hunting is legal, you can't restrict them."

Davis, "The off-road dirt bikes are the problem."

DeRoche, "I would like to have a public hearing on it. Anyone can speak up for it, or against it. There is so much stricken out of here, it is gutting what we did. There are an awful lot of dirt bikes, snowmobiles and ATVs in the City. If we deal with this way, what happens when someone has a loud mower? We have discussed that up here, as far as a noise ordinance goes. This is more of a nuisance anything. Why couldn't this be a nuisance ordinance? I haven't seen a big problem, other than this issue. We can ask Shelly, she is coming in tonight."

Davis, "This is the third complaint we have had since 2011. Both of the other complaints were along the border with Bethel. These are the complaints and they have been from dirt bikes."

Koller, "A lot of the problem we have to deal with the after market exhaust. At state races, they took a decimeter to your exhaust. A lot of the ones running around have the louder exhaust."

Moegerle, "What we are talking about is racetracks. It makes sense to not have racetracks in a residential area. I will let the You Tube video run, and you can hear the noise. I want

to have the quiet enjoyment of my home. If that is in the background for hours on end. Racetracks should be regulated. It is not for the purpose of people from prohibiting them.”

DeRoche, “We don’t need that going in the background.”

Moegerle, “It is making a point. I think they should be regulated.”

DeRoche, “All these redlines and distances, what does it have to do with the race track.”

Moegerle, “Then write it about the race track. We started this last fall. This lady has had a concern about this racetrack for over six months. It keeps getting tabled. We tabled it last week because we wanted more information. We are here two more weeks later, and we have an hour and fifteen minutes to solving her problem. I thought we were here to do the peoples business.”

DeRoche, “No more grandstanding. Heidi I am asking you. When it was tabled last time, when you who are so up on Robert’s Rules of Order. That is why our meetings just drag on and on and on. I am quite sure, she hasn’t been complaining about this for the last six months. I have had conversations with her, and told her we are working on something palatable for both parties. If we do this for a situation, everyone is affected. To say we are not doing the City’s business, that is bologna.”

Moegerle, “And you want to table it again, and that is getting the work done. I don’t understand that.”

DeRoche, “We can put this up for a vote and then it is done.”

Moegerle, “We will make some progress.”

DeRoche, “I don’t see a problem with the ordinance. Do I want peace and quiet? Sure. Minnesota DNR took a lot of time creating the rules. They have a lot better resources than we do.”

Ronning, “What is the name of the racetrack?”

Moegerle, “It is a private racetrack.”

Ronning, “Who named it a racetrack?”

Moegerle, “She did.”

Ronning, “A racetrack is when people are running it, and timing the track. I am looking at an aerial picture, there isn’t a track.”

Davis, “The neighbors did take a dozer out and grade it. The quantity of dirt moved does not require compliance with our ordinance. They did create a track.”

Moegerle, “Wikipedia doesn’t agree with your definition.”

Ronning, “How about a dictionary?”

DeRoche, "Was anyone at the State contacted on this? I have read a lot of the League of Minnesota Cities. We can make things more restrictive, but if we do it, we are going to be put in a legal pinch. If someone wants to challenge it, they aren't licensed and we don't hold competitions. How can you regulate it?"

Ronning, "This isn't limited to East Bethel."

Pratt, "This is an abstract discussion. The City has to have police power to keep the peace in the City. This is general power of cities. When there are state requirements, such as massage powers, the statute says this prevents the City from doing other things. The DNR example was brought up regarding hours. Cities can be more restrictive than the DNR. This is a policy for the Council and consider that and if it is enforceable."

DeRoche, "What is the law on quiet enjoyment of property? She is not able to enjoy to her property. She can enjoy her deck. What rights for quiet enjoyment are there?"

Pratt, "That is more of a nuisance action. There are many behaviors that might constitute a nuisance. There are quiet enjoyment nuisance. If you, circumscribe that with standards that are quantifiable."

Moegerle, "The issue is the decibel readings. The logistics of quantifying is the hard part."

Pratt, "I have not seen this in the cities I have worked with. It would be a nuisance, under the code. You would go back and forth in the courts. You can put the quantifiable, if you exceed a certain decibel reading or closeness to the house."

Davis, "Both Andy and Bob touched on it being enforceable. We have found out that noise is an unenforceable action. The testing you have to do to enforce it. Addressing it from noise or nuisance would be hard to be enforced. It is a very narrow line to walk here. I would hope that maybe we could come out of this with some recommendations so we can keep discussing this."

DeRoche, "Number six, you can ride for two hours and stop for two hours. That is in the nuisance. So why gut the off-road and ATV ordinance?"

Davis, "The nuisance ordinance goes back to noise. It is next to impossible to do it. You have to take 360-decible readings. ACSO has one-decibel reader that is approved for this. They are not going to come out here and take readings for one hour. We don't have a reader. The definition of noise is defined by the MPCA."

DeRoche, "Oak Grove had a trail set up on their property so they could do that, and unfortunately that young man died. People live out here so they can ride their snowmobiles, ATVs and dirt bikes. What are we going to tell people they can't ride their machine after certain hours and they break down."

Davis, "We have had no complaints about ATVs, this is a dirt bike problem."

Moegerle, "I think we have to separate this out into the reserved sections. What maybe we should do is have this information and tweak it for the deer hunting. We should indication, dirt bike nuisance and define it as nuisance underneath. I think that would solve their problem. Then we can talk about the other issues. We could define it and have it as a

subheading.”

DeRoche, “How can we have a dog barking ordinance? If two people call and complain, and two from the same residence. Why can’t we do the same thing with dirt bikes? The time limit on and off, I think they can alternate it. I am not going to vote to do that. I am not going to tell people in East Bethel they can’t do this anymore.”

Davis, “We have almost no enforcement about barking dogs, and they are calling back again.”

Ronning, “This is fatally flawed. These are two neighbors that have a complaint. It is two neighbors. Rather than deal with the problem, we are changing the rules so the problem goes away. Does anyone disagree?”

Davis, “There are two neighbors that have a dispute that can’t be resolved.”

DeRoche, “So it is our job to resolve the problem with the two neighbors.”

Moegerle, “We had the other two complaints as well. I suggested she go to Anoka County Mediation. We still have that option. There is a point that is being made. If we want to make it analogous to the barking dog. We could do something to outline some reasonable standards.”

Ronning, “Who would the reasonable standards apply to?”

Moegerle, “It depends on how you draft it.”

Ronning, “When were the two other complaints.”

Davis, “They were close to the same neighborhood, one in 2011 and one in 2012.”

DeRoche, “One complaint each year.”

Winter, “There was one in 2013 also.”

Davis, “That relates to someone coming to visit you, the owner is gone and you still have to have the owners permission.”

DeRoche, “If I don’t have written permission, that is State law.”

Moegerle, “This reinforces it.”

DeRoche, “The State law is very clear. Most young people have to go through the safety class.”

Ronning, “I am not opposed to helping her. This is not an anti Knisley thing so I hope it doesn’t get communicated that way. When you are looking at two neighbors, that is a small area to change the rules for everything.”

Moegerle, “What is your proposed solution?”

Winter, "I think the issue, it has to do with the fact that it is straight-line pipes, the way they made their pipes very loud. The track is about 500 to 600 feet away. That is probably the issue. The excessive noise of the particular dirt bike."

DeRoche, "Why do you think they put pipes on there that are louder than stock? It creates more power. If they are racers on a circuit. They are not going to change the pipes on the bike. They aren't having a competition at home. They might have modified exhaust. This is a tough one."

Moegerle, "Did you make those changes, paragraph three, without the written permission of the property owner, is that to help Anoka County to help cite?"

Davis, "Yes to help them with any investigation."

Moegerle, "Can we change those hours without problem?"

Davis, "Whenever this ordinance was enacted, probably around 2005."

Ronning, "Where are you finding these numbers you are referring to?"

Moegerle, "If you look online, the ordinance numbers will show you what the numbers are from 2005."

DeRoche, "Would you like a glass of water down there?"

Koller, "In the State rules, it says they can't exceed 96-decibels on public land. It says nothing about private land."

Moegerle, "Then we are back to discussing decibels. I am not in favor of the Ham Lake language. I don't think that is helpful and we would have to change a lot to get it to work."

DeRoche, "They worked around ours and so did Oak Grove."

Moegerle, "I like the part about exhaust and after market parts."

Pratt, "That is a good point, it shows how difficult it is to draft an ordinance. Those would need to be defined. How is someone in compliance with the pipes and after market? In number 8 in this redline; this is sort of the land use way of going about this. In your zoning ordinance, you want to exclude uses of property in different zones of the City. The R1 and R2 are denser, so we should exclude this type of use. The problem with that is a one size fits all in the zoning districts."

DeRoche, "If we create this ordinance, we would have to grandfather them in."

Winter, "That is under the land use ordinance. If it made it a legal non-conforming use. This is not tied to our zoning or land use."

DeRoche, "We put this ordinance into effect, you don't think we will get challenged on that."

Ronning, "What is the rest of the community interested in?"

DeRoche, "A public hearing you get public input and you find out what people are interested in."

Davis, "She came before council in September."

Ronning, "They are marketed for off-road use, not road use. That is what it is used for. It is not like they are doing anything wrong. If you were in Blaine, that would be a problem. When you are out in the middle of someone's 640, that isn't public."

Koller, "At State sanctioned races, they don't allow the after market exhaust."

DeRoche, "You could be running your chainsaw, lawn mower or having a party, that could be a noise nuisance. What is noise to you, it might not be to someone else? You may have to walk away for four hours."

Davis, "If we try to address it from the noise/nuisance, it won't be enforceable. We need it under the land use."

DeRoche, "When the original one came out, it was because someone built a track. So there was an ordinance put in place. I can't see doing that. We have 13,000 people in the City. We have two households having an issue with this. The rest of you people, we will make you all pay for it."

Ronning, "We try to fix something for two neighbors, and it affects everyone. Rather than correct the problem, they change the rules for everyone."

DeRoche, "Are we just putting a band aid on it?"

Moegerle, "How would this ordinance penalize you?"

Ronning, "That is just two of us."

Moegerle, "We haven't seen anyone here asking people to save our race/dirt bike tracks. It is a limited application ordinance. I don't think it penalizes a large amount of people."

Ronning, "What is the penalty?"

Davis, "Misdemeanor"

DeRoche, "What does it cost us to send a deputy out?"

Davis, "They are paid to be on duty, but they won't do decibel readings. All cities use the noise ordinance. Once city said noise is a nuisance regulated by the Anoka County Sheriff's Department. This is not an easy one. There are questions on both sides."

DeRoche, "What is the thought on a public hearing?"

Ronning, "It would be nice to have public input. Rather than neighbors complaining."

Moegerle, "What if only three or less show up?"

DeRoche, "At least it allows people to give an opinion."

Moegerle, "It has been on the agenda a number of times. Even Miss Knisley isn't here tonight."

DeRoche, "I told her that I was going to table it. Do you think that the average resident will bring this up on the internet?"

Davis, "That is just to show you what could be potentially done. You would need a draft or proposal."

DeRoche, "We have a town hall, they could ask it in the open forum or have some kind of a booth and talk about it. To see if there is any interest. We could put it out on channel 10. We are going to have this public hearing."

Davis, "Would it be better to have it individually. This might evolve into a single-issue item. If you have a public hearing, a lot of people will come in."

Moegerle, "What will they look at? What is the hearing going to be on?"

Ronning, "They should hear the complaints."

Moegerle, "That would be a trial."

Ronning, "You are letting people know there are complaints in the community."

Pratt, "I am not sure if you will agree on this proposal, you are in still fact gathering mode, you would have people coming up and drafting it from there. If more changes are made, there may not be Council buy in and that defeats the purpose of the public hearing."

Moegerle, "When this came through there was a six month comment period. That would be another way we could approach this."

DeRoche, "I don't like making a law and then coming back and rescinding it."

Harrington, "Would the DNR have any more power than the ACSO?"

Davis, "They don't have jurisdiction on this."

Koller motioned to schedule a public hearing.

Pratt, "In work sessions how do you balance that?"

Davis, "We just do a recommendation."

Pratt, "The next meeting would change."

Davis, "It can be discussed at that time."

Pratt, "You would bring this up at the next meeting for a creating a public hearing."

Davis, "Open as a discussion item, this is what we discussed in the work meeting and there as a motion for a public hearing."

DeRoche, "I will second it. The motion was made and we can't make a motion. Would everyone support that?"

Ronning, "Yes."

Harrington, "Yes."

3.0 B
Manufactured
Home
Ordinance,
Chapter 34
Floods,
Article VII;
Section 38-
20; and Under
Appendix A
Zoning
Ordinance

City Council received a request from Nancy Krueger, owner of property at 18467 Lakeview Point Dr. to consider amending the Ordinance regulating recreational camping vehicles. The Ordinance Committee discussed this matter at a meeting on October 28. This property is zoned R-1 and has a property tax classification of seasonal recreational residential. The property is 0.2 acres. Ms. Krueger is requesting the Ordinance be amended to allow the placement of her recreational camping trailer on this site.

We have references to Travel Trailer and Recreational Vehicles in several places in our code. Any modifications in one section of the code should carry forth into other relevant sections of the code. The recommended changes address these matters.

Article 34 – Floods, the placement of Travel Trailers is addressed, however, that is only in those areas that are on the general flood map. This should be changed so that it applies and be included in Article II, Chapter 38-20 as additional items. The proposed language in Article 34 and Chapter 38-20 should be the same. We should also include the same language in Appendix A, Zoning under General Development Regulations. This will keep the information consistent from one section of the code to another. The Changes in Article 34 is recommended as follows:

- Article 34, (3) a. 3 – Additions to the Ordinance as provided by the City Attorney
- Article 34, (3) b. 1 – Additions proposed by City Attorney with the Staff addition of Property Tax Classification status of Seasonal Recreational, vacant and improved, as an additional condition for exemption.

The definition of Recreational Vehicle/Travel Trailer is recommended to be included in Definitions section of Zoning Code Appendix A, Article 34 and Chapter 38.

Attached are maps that locate all the properties in the City that have a tax classification of Seasonal Recreational. Even though there are sanitation requirements in the proposed amendment to this Ordinance, allowance of placement of recreational camping vehicles on these properties could create consequences that have a greater impact than simply addressing the situation of an individual property owner.

Recommendation(s):

Staff recommends Council consider the changes, and if approved, direction to publish.

Davis, "The recommendation would be if this were allowed, 3A would be added and 1 under B would be expanded."

Moegerle, "First off, her concern under 3 we talk about travel trailers and vehicles. They

are a subheading of recreational camping. Are we looking at a subset of camping vehicles? I don't have the answer to that."

Davis, "Can you expand that?"

Moegerle, "We have seventeen sections of our code talking about recreational vehicles. The definition of travel trailers and vehicles, they are a subset of recreational camping vehicles."

Davis, "This would be to deal with the subset."

DeRoche, "Here we are again, single person, I don't mean that by marital status. They have a trailer on the parcel. She had an existing outhouse that was grandfather in. It was significantly remodeled. She had consensus come in and put power in. The trailer hasn't moved in three years. This is another one of those ordinances that will affect a lot of people. A lot of these red lines, on the street that I live on, they all have nice great big homes on them. People bought the cabins and put up pretty big homes. I think if we do it with one, in Coon Lake Beach, there are a lot of little lots. If this goes through, we will have a lot of RVs pulling up. They will put in holding tanks."

Koller, "Are they all zoned seasonal recreational?"

DeRoche, "Most of the lots are that way, but mine was the first one homestead."

Koller, "If a lot is only twenty feet wide, you can't build on them. Isn't the setback six feet?"

DeRoche, "They can get a variance. I think a lot of what happens, like 143 Maple, there is another house that was tore down. They went in when one family moved out. They had the sewer that was on the road right of way. They didn't get approved, so he is just going to make a big garden. A lot of people sell it to the neighbor. If it is foreclosed on, they sneak in and get it cheap. There has been a lot of combining of lots."

Davis, "With the seasonal recreational, they might have a waste system that was functional. They house may have been torn down, but the waste system is still functional. This is similar to the last one that we don't create unintentional problems for the future."

Moegerle, "What if she puts in a travel trailer how does it violate the ordinance?"

Davis, "If you park a trailer it has to be on a lot that has a house, well and septic system and must be moved after two weeks."

Moegerle, "She didn't meet the ordinance how?"

Davis, "This lot doesn't have an existing home, septic system or well."

DeRoche, "She said she could maintain the outhouse on her own."

Davis, "It would need DNR approval and health department approval. It is within 75 feet of the lake."

Ronning, "How many of these lots might be available?"

Davis, "I believe there is 128 lots that have a seasonal recreational tax classification. They are all around Coon Lake/Beach."

Koller, "How many don't have a building on them?"

Davis, "It is hard to tell."

Ronning, "I went through the plats and aerial views of 20 of them. And all of them had homes. There is potential for a lot more of them."

Davis, "The outhouse is about 80 feet of the lake. It is in the shoreland district and would need DNR approval for modification."

DeRoche, "What is your take on it?"

Koller, "We have all of these lots that have seasonal recreational? Is this really big problem?"

Winter, "The red parcels do not have homes on them."

Koller, "If you do open it up for RVs, they won't leave the RV there for the winter."

Davis, "Some do and some don't."

Koller, "I have been around that neighborhood and some of those houses shouldn't be there either."

Moegerle, "What is her real problem?"

Winter, "Nothing allows her to have the travel trailer on that lot for an extensive time period."

Moegerle, "That is in the shoreland area or is it in Chapter 38?"

DeRoche, "The State came up with the shoreland stuff about ten years ago."

Moegerle, "Section 57 of the zoning?"

Winter, "It is in the flood page management ordinance, in section 58 under zoning."

Moegerle, "What provision is the issue?"

Davis, "Section 38-20, a recreational vehicle is permitted on a property that has a house, septic and well and cannot be occupied for more than three weeks in a two month period. It is the last sentence."

Winter, "In that other section, they must be highway ready, and the travel trailer must have no permanent placement."

Moegerle, "Would we just add recreational seasonal?"

Winter, "The question the council has, do you want people to park RVs at the beach? If you do, are there certain things you want included on that."

DeRoche, "I think it is a can of worms."

Koller, "I think it is ok, not all of the lots can be built on."

DeRoche, "Some people own multiple lots."

Koller, "My father-in-law had one that burned, and he just ended up walking away. If you could put a camper on that."

Winter, "What you want to protect, you want them to be there without a septic system."

DeRoche, "What are you going to do when peoples home values drop. There are nice houses and shanties. You start peppering in different things. There are houses we have been trying to take care of."

Moegerle, "It is all in how you are going to police it. When this first came up people might want to be there in the winter. How can we draft this so people can use their land without affecting the lake? The \$500 limit on economic development of the property. You can't put in a septic system or treatment for \$500.00. You can't solve the problem."

Davis, "If you can't get a approved septic system, but you can get a holding tank. You might get people who want to put a holding tank in themselves."

DeRoche, "I will just drain my system at night and no one will know. We are going after people who have non-compliant system. We will let people come in away. Are they going to have people come in and pump it? People come on a weekend and they stop on their way home and pump it."

Ronning, "Let's move on to an easy one."

DeRoche, "One person, but now we are going to change things. If one person comes in, are we going to make a change for them."

Davis, "If there is the chance it will affect others, would be worthy then."

Moegerle, "She could bring her travel trailer up everyday and that would be permitted?"

Davis, "Yes."

Moegerle, "The problem with that last sentence, it talks about storage purposes. We would need to add a section about habitation purposes; it could be require them to be self-contained. They could be pumped. If we had a requirement that they are self contained for public health septic. How frequently would you have to pump them and then provide proof?"

DeRoche, "We were going to have people who have tanks to have them pumped on an

annual basis.”

Koller, “You already have non-compliant systems around there.”

DeRoche, “My system is seven years old. Hiawatha beach had an issue that one was red tagged.”

Moegerle, “If it is self contained, and zero tolerance on gray/water dumping.”

Winter, “How do you enforce it?”

Moegerle, “You will get complaints, the smell alone will be the clue. I don’t want it to become a trailer park.”

DeRoche, “At one point the City was buying up the lots. That is why there are so many City owned parcels.”

Davis, “There were some acquired through tax forfeiture.”

Winter, “We are seeing buying their neighbors lots.”

DeRoche, “I think it will devalue some of the nicer homes.”

Moegerle, “If there was a public hearing, and variance. If it were a permit, and a public hearing, then the owners of the large house. Of course what is the value of empty land that you can’t improve?”

Davis, “Property that had lake front access, there is very few of those that have lake front access that are listed as vacant.”

DeRoche, “The Community Center owns a lot of the area around the lake.”

Davis, “A lot of these are interior lots. Some of them, down on Birch or Cedar, even those are listed as seasonal recreational they are wetlands. If you looked at these, most of those south of 187th Avenue are wetlands. Those north would need to be looked at. But they are not lake front properties.”

Koller, “If we don’t allow them, they will still be there anyway. They bought it for recreational property. That isn’t right.”

Moegerle, “Can we talk about this at the Council meeting?”

Koller, “Sure.”

Adjourn

Moegerle made a motion to adjourn at 7:30 p.m. Koller seconded; all in favor, motion carries unanimously.

Submitted by:

Jill Anderson
Recording Secretary

EAST BETHEL CITY COUNCIL MEETING

March 19, 2014

The East Bethel City Council met on March 19, 2014 at 7:30 PM for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Tim Harrington
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Andy Pratt, City Attorney
 Craig Jochum, City Engineer

Call to Order The March 19, 2014 City Council meeting was called to order by Mayor DeRoche at 7:35 PM.

Adopt Agenda **Koller made a motion to adopt the March 19, 2014 City Council agenda including the supplement bill list as item G. on the Consent Agenda**

DeRoche seconded; all in favor, motion carries.

Special Presentation – Leon Mager – SRWMO 2015 Budget The SRWMO’s draft 2015 budget is attached for your review. Any requests to modify the budget must be presented to the SRWMO prior to their May 1, 2014 meeting. After that date, and absent any comments or direction from East Bethel, our portion of the budget can be considered approved at the level indicated for 2015.

The proposed 2015 SRWMO Budget is \$47,010 as compared to the 2014 budget of \$48,464, a proposed reduction of \$1,454. The City’s share of this budget for 2014 is \$15,571 and is proposed to be \$15,003.80 in 2015, a reduction of \$567.20.

There is a proposed change to the 2015 draft budget under consideration that is not reflected in the attached 2015 Budget Summary. Unapproved, but proposed at this point in time, the SRWMO at their February 6, 2014 meeting discussed reductions for the Lakeshore Landscaping Marketing and Aquatic Plant Education. The proposed changes (final approval of these changes would be made at the 5/1 SRWMO meeting) would result in reducing the 2015 budget from \$47,010 to \$45,000, depending on the option chosen. This change would result in a reduction of 7% from the current 2014 budget and reduce our share by a proportionate amount.

Mr. Leon Mager was present and provided a budget overview and a summary of the SRWMO activities.

Staff is seeking comment from City Council regarding the SRWMO Draft Budget.

Mager, “I am going to spend the first ten minutes talking about Coon lake and the last ten minutes talking about the budget. I do have some slides here. There is a state standard for mercury content and there is one that has to do with pollution with phosphorus. This is a picture of Typo lake. We have three lakes that are impaired. Coon Lake is not impaired and is in very good shape. 1 lb of phosphorus = 500lbs of algae. In 2014, we will be putting \$73,000 into Coon Lake for storm water control. \$43,000 is a grant we received from the government. We applied for this grant in prior years. We didn’t have matching funds then. We have procured that money. There will be twelve rain gardens, four swales, one basin outlet modification, one eroding stormwater discharging pond. We have identified eighteen sources and their watersheds. We have went through the watersheds and looked at the surface. We determined on an average year the pollutants, and also looked at storm water controls and what is the best way to reduce it. We can do the engineering of this. We use rain gardens are. We looked at the solutions to find the most cost effective to the least effective.

Why we are targeting four to seven, versus the whole eighteen? Rain gardens to requirement for maintenance. We need a written agreement from the people who have the rain gardens who will do the maintenance. If we get the four to seven, we will eliminate 4 lbs of phosphorus, which would be 2,000lbs of algae.”

“There are misconceptions of rain gardens.

- They do not affect the lake level. These are not holding ponds, they are not mosquito havens. This is the initial portion of the rainfall. This is the first part of the rainfalls. The rain garden gets returned to the lake through the shallow water tabled.
- If all the 18 solutions would reduce the lake level by 200ths of one inch.

A typical rain garden diverts the water down the road and then directs the water to the lake. The shrubbery is usually dry within a couple hours. Usually the curb cut requires maintenance. There is a filter that needs to be scooped out and washed off. The size of them depends on the physical characteristics of the area.”

“A Rain garden site at the Coon Lake Beach Community Center would be a candidate. This is the run off from the asphalt, shingles, and playground. It would be diverted to a rain garden. I wanted to touch on that so you would understand what we are doing.”

DeRoche, “Being as close to the road as we are, with the plows and the chemicals, how will that affect the rain gardens?”

Mager, “When the numbers came in, the numbers were very low. Except for the northwest end. Along the channel, the majority doesn’t get into Coon Lake. There is a break and all that water goes out into wetland. The numbers were really low. There is still a couple worth going after. It is worth going after the clubhouse there. There is some by the northwest end. The numbers were very low.”

DeRoche, “When the roads at the Beach were redone, did it help funnel and divert the water?”

Mager, “You have nice high crowns on the road, you get the water off the road and getting it strained through the ditches. We can put some swales around the corners. Having the nice big crowns is a good deal.”

Ronning, “Does everyone know what swales are?”

Mager, “It is like a catch basin. The budget, in addition to what we are putting into Coon Lake. 1/3 of our budget is for Coon Lake, it is \$15,000. The next biggest item is the discretionary funds of \$8,000. When we did the 10-year plan, we have problems seeing a project for 10 years in advance. We planned that is the money we will have for ten years. We labeled that fund discretionary fund. We did a storm water study on Martin Lake. It is an impaired lake. We have eleven candidates in there. Some of the money could go back to Martin Lake. About a year ago or so, Linwood Lake exceeded the State water act. Now we have Typo, Martin and Linwood on the impaired waters. When that happens there is a study. Then there is a TMDL study done. It looks at phosphorus. It puts the phosphorus in bib buckets. Once they are done, they will ask what we will do with it. That is part of the \$8,000. We need to do something at ditch 20, the headwaters. Administrative costs are about 1/10th of our budget. We have no staff, cars or office. The biggest part of our budget is insurance. The remaining part of the budget, deals with the monitoring. It has to do with the healthiness of the lakes. It has to do with the lake monitoring. As you go through the list. Coon lake is on the list. We do not do every lake every year. We have a lot more leverage on dollars spent on the impaired lakes. The grant monies are just shy of a half a million dollars. The majority of that will go to impaired lakes. That is pretty impressive with an annual budget a 1/10th of that. The last item I want to talk about, on page three of your packet, on February 6th, the Sunrise people could take off of marketing and education. They did not pass that. If you look on your page six you

will see options. The number one I am asking you to pass the budget as it, and let the board figure out what they want to go with. The budget you see in front of you is the budget.”

Davis, “Can I present one thing? The proposed budget is \$47,010, as compared with \$48,000. The cities share is \$15,003 in 2015 and a reduction of over \$500. As presented the budget would be \$47,010 that is for all four participants. “

Ronning, “You have a lot of credibility, do you get a lot of feedback?”

Mager, “I don’t attend a lot of those meetings, like MIDS. We usually do pretty well on those things that come up. WATCH what we are doing fine on. We have primary input.”

Ronning, “Are they contributing to the improvement, they aren’t harming what you have done?”

Mager, “No not at all.”

DeRoche, “Where would the carp barriers be installed?”

Mager, “The problems on Martin Lake. They think phosphorus stirred up by the carp. The carp winter up in Martin Lake and then go to Typo. It is a big carp factory. They stir up the bottom and sediments. It puts off phosphorus. What they are doing is putting a carp barrier at Typo, so they don’t get into data creek. Same into Martin Lake. They are going to put a carp barrier from Linwood and Typo. They are trying to kill off the nursery.”

DeRoche, “What are the state regulations for commercial operators doing yard work. How are they regulated as to the chemicals they are using?”

Mager, “They would have to abide by the rules the residents have to use.”

Ronning, “Phosphorus limitations have been a state law since 1982.”

DeRoche motioned to approve the City of East Bethel SRWMO budget allocation for 2015. Koller seconded; all in favor motion carries unanimously.

Sheriff’s Report

Commander Shelly Orlando will present the February 2014 Sheriff’s Report.

DWI’s: There was 1 DWI in February. A deputy located a vehicle in the ditch with a male standing outside of it. The male advised he had lost control of his vehicle and went into the ditch, he then had locked himself out of the vehicle. The male failed field sobriety tests and tested with a .19 bac.

Thefts: There were 15 reported thefts. Three thefts involved financial transaction cards being fraudulently used – one suspect involved a family member the other two had unknown suspects. Two thefts involved license plates being stolen. One theft involved prescription medications being delivered to the wrong address. There was one vehicle theft reported and a trailer theft reported (not related). There was a report of identity theft where a victim had learned her tax return had been filed in Dallas Texas. There was one theft for shoplifting and two gas drive offs (one of which was resolved).

Burglaries: There were 3 reports of burglary/attempted burglary. The first report involved a business which was closed for the winter. The business had been broken into and had several thousand dollars worth of merchandise taken. The business owner winters in Florida and came back to conduct an inventory of all missing items. This case is currently under investigation.

There was a report of a home that is not occupied being broken into and a washing machine and drill being taken. Entry into the home was made through a basement window. The last report involved a cabin that is under construction. The front door was damaged as a result of someone attempting

to kick it in. No entry was made but a power line had been cut.

Criminal Vehicular Operation: Deputies responded to a personal injury accident at Hwy 65 and Viking Blvd. Upon arriving it was determined that a suspected intoxicated driver had rear-ended a driver stopped at a red light. The driver failed field sobriety tests and a search warrant was obtained for a blood draw. The other driver had sustained pain in her back and was transported for medical care. Test results showed a bac of .24.

Disorderly Conduct: Deputy responded to a road rage incident where a suspect had broken out a window on a vehicle while stopped at a red light. The victim advised the driving conduct began around 221st Ave on Hwy 65. An independent witness had witnessed the driving conduct and then the smashing of the window and was able to supply a license plate number on the suspect vehicle. The witness reported both vehicles were passing one another on Hwy 65 from Viking Blvd, heading north. At the intersection of 237th, one male got out of his vehicle, walked over to the other vehicle and hit the window (which shattered). The driver then left heading north on 65, while the victim and witness stopped to report the action. The deputy was able to follow up with suspect driver who advised the other driver was irritating him by going 45 mph in the passing lane and then slamming on his brakes. He advised he did go over and hit the window, not thinking that it would actually break, but to voice his frustration. The suspect was cited for disorderly conduct and damage to property.

Ronning, "What is the highest BAC that you remember?"

Orlando, "There are some chronic that are at a .30? We typically only see people upper 2s."

Ronning, "They should be in a coma."

Orlando, "Yes. we have seen a decline in that."

Public Forum No one signed to speak at the Public Forum.

Consent Agenda Item A Bills/Claims

Utility Infrastructure Loan Program Extension Item B Meeting Minutes, March 5, 2014 City Council Work Meeting Meeting minutes from the March 5, 2014 City Council Work Meeting are attached for your review and approval.

Item C Meeting Minutes, March 5, 2014 City Council Meeting Meeting minutes from the March 5, 2014 City Council Meeting are attached for your review and approval.

Item D Approve Date for Finance Committee Meeting Staff is recommending that the Finance Committee meet at 9 AM on April 1, 2014 at City Hall to discuss and provide Staff direction for the preparation of the 2015 Budget.

Item E Approve Completion of Probation for Administration Support I – Community Development Carrie Frost began her new position as Administration Support I – Community Development within the City on 10/23/13. Since that time, she has performed in an exceptional and exemplary manner. Staff is recommending her appointment as a regular employee based on the satisfactory completion of the six month probationary period required of all new or promoted employees. This

recommendation is based on the observations and evaluations of the Community Development Director and the City Administrator.

Item F

Approve Pay Estimate #5, Castle Towers/Whispering Aspen Force Main Project

This item includes Pay Estimate No. 5 to LaTour Construction, Inc. for the Castle Towers/Whispering Aspen 2013 Force Main Project. This pay estimate includes payment for the lift station generator and miscellaneous items. Staff recommends partial payment of \$26,295.61. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 1,622,982.30
Less Previous Payments	\$ 1,515,537.57
Less Retainage	\$ <u>81,149.12</u>
Total payment	\$ 26,295.61

Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project. A copy of Pay Estimate No. 5 is attached.

Item G

Supplemental Bill List

DeRoche, "Want to pull B and C, the minutes."

Koller, "Want to pull A."

DeRoche motioned to approve D, E, F and G. Koller seconded; all in favor, motion carries unanimously.

Koller, "Reading through the arena items. I see there are motor fuels for Gibson."

Davis, "There is an explanation for the Ferel gas bill for \$38.00. It is listed as motor fuels because it is for motor equipment."

Koller, "It is paid to Gibson. Because above it is says pay to Ferel. We are paying them too much to begin with."

Davis, "There is a description on the bill."

DeRoche, "This is a lot more than \$38.00."

A Resident asked the City Administrator, "Say Jack did we just go over the public forum. I would like to speak."

Davis, "You'll have to ask the mayor."

Davis (in responding to Mr. Koller's question, "I think that is a coding issue. We can pull the \$38 bill and approve the rest of it.")

Koller motioned to approve A, with pulling the Gibson Management bill for \$38.00. Moegerle seconded; all in favor, motion carries unanimously.

Ronning, "If we link all the items and one fails, they all would fail."

DeRoche motioned to table the meeting minutes for the March 5th work and regular City Council meeting. Ronning seconded; Deroche, Harrington, Koller and Ronning-Aye; Moegerle-Nay, motion carries.

Greg Bayard of 230061 Hwy 65 off of 229th was recognized to speak.

DeRoche, "Are you hear to address the same topic that you have brought up at previous meetings.

Bayard, "I'm here to clarify a question on the City tax increase. I had a phone conversation with Mike and asked if the increase was 16% plus the 3% for the St. Francis school. I was told that the increase would tend to flat line out for next year and may be in the range of 0-4% for next year."

DeRoche, "It was 15.2% of the levy. We can defer you to Jack. There will be a finance meeting on April 1. The goal is to keep the budget flat lined."

Bayard, "My real estate agent told me my real estate taxes went up \$400+ per month. I want to clarify to find out if that is right or wrong."

Davis, "The levy increase is 15.2%."

Resident, "So it was a total of 18% for each home owner?"

DeRoche, "The 15% increase is on the levy. In my conversations with Ken Tolzmann the new valuations have been readjusted upward. \$400 a year is a lot for the difference in the tax bill."

Bayard, "I got that from my real estate agent. I asked Colleen if she could look it up."

DeRoche, "I did some research on League of Minnesota Cities this morning. There is information about fiscal disparities. There are all these formulas. I encourage people to look at the city, county and school. Forest Lake is looking at another bond. Read the article on financial status of East Bethel. I would encourage anyone to read the article. We are doing pretty well. It will give people a better idea of what really goes on. I don't think anyone is up here to stick anyone. If you are looking at going to another City, look at how their bonds and replacement funds are set up. They operate on strictly on their general levy. They will have to go after the taxpayers somehow for future capital expenditures. Make sure you are comparing apples to apples here.

Moegerle, "I have a document, the debt service schedule and it shows what we owe on debt for this year is \$723,000, and we will owe over \$1 million in 2015. That is why we are looking at refunding the bond next year. That will help moderate the debt service and that will be after an election."

Bayard, "I read an article on this, and wanted to know if some of the current board members pushed it (the sewer project) through."

DeRoche, "I voted against it."

Moegerle, "I voted for it. We were told the cost to stop it would cost us more. It would cost more than \$5 million to return it. We would have to levy between \$5 million to \$9 million. That would have been a huge tax increase. Imagine ten times what we currently levied. We were faced with a dilemma. We saved over \$4 million on the water treatment plant. That was the hardest vote I had to make. I didn't know what would truly come from that. I know that everyone of us, we were opposed to this and how could we find the best solution. It was a compromise."

Bayard, "What has gone on to fix this debt, our problem, since a few meetings back?"

DeRoche, "We have refinanced bonds, we got rid of the Federal tax credit that had been reduced to us. I am not going to sit back and go back and forth on the \$5 - \$9 million savings. There was going to be \$2 million in federal rebates. We voted to redo two bonds. That was in the paper. Without going through the whole meeting, I would encourage you to read the article. The finance guy talked at the last meeting. How did we finish last meeting?"

Davis, "We refinanced two bonds. We looked for help from the State. We also looked at future bonding bills. We also looked at a debt management plan."

Resident, "How can all the residents make up a bill and have you guys vote on it for a cap on the City property taxes, so it is not over 3% over the year?"

Davis, "We currently have that, it is levy limits imposed by the State, and outstanding debt is not included."

DeRoche, "Total assessed property value went up 9.8% increase over last year. It is 4% more than what the County assessed from last year. There is nothing we can do about that."

Ronning, "We are watching expenses close. We saved \$700,000 last meeting by cancelling a service road project."

Bayard, "I hope you are not cutting things the residents want."

DeRoche, "I am not going to gut the City. It took certain people to get the City to where it is at."

Resident, "Every time I come here it is like I am negative. This is a big flop. It is making the City big like Blaine. I apologize for the negativity. I was lied to by the old Council members. All the Met Council people were there. This wasn't going to happen until 2050. Can you please call out the street department to plow out 229th? You have your lot plowed."

Davis, "The frontage road is not a City street. That is a MnDOT service road."

Resident, "Congrats on your new position Mr. Mayor."

New Business

9.0A1 Traffic and Motor Vehicles Ordinance, Section 70

On October 2, 2013 Becky Knisley, 23250 Sunset Road, requested City Council to consider amending Traffic and Motor Vehicles Ordinance, Section 70 to address noise and hours of operation of dirt bikes. The City has received previous complaints from residents in other areas regarding this same issue. This Ordinance was discussed at an Ordinance Committee meeting on October 28, 2013, but no consensus was reached at that meeting. Staff has looked at this Ordinance and is recommending the following changes:

70-110 Definitions

- Changed Motorized dirt bike to Off Highway Motorcycle (OHM) – this makes the language consistent with the Off Highway Vehicle regulations of the Minnesota DNR.
- Added a definition for race track

70-111

- Proposal to change lot line setback from 50 ft. to 100 ft. and dwelling units from 100 ft. to 200 ft.
- Added language for non residents
- Added No at the beginning of sentence
- Left two (2) hours of operation unchanged, and changed language from one (1) hour to two (2) hours of no operation
- Added language regarding race tracks

Other considerations:

- Council could look at adding language for an Interim Use permit (IUP) for race tracks

- Council could prohibit circular race courses in certain residential zones
- Council could prohibit exhaust modifications to dirt bikes operated in the City

Recommendation(s):

Staff recommends Council consider the changes provided in discussions in the March 19, 2014 Work Meeting for decision, and if approved, directions to publish.

City Council considers holding a public hearing on this matter.

Koller motioned to have a public hearing on this matter and provide adequate information about the meeting before hand. DeRoche seconded.

Davis, "Any dates in mind. The next Council meeting is April 2nd. You could do it as part of that."

DeRoche, "We will need to get it noticed for some time."

Davis, "On the 16th we also have the Local Board on that evening. On the 24th there is the town hall meeting."

DeRoche, "What is everyone else's schedule?"

Moegerle, "We have the LBA meeting, what about the 16th. Do we expect a crowd?"

Davis, "It is a possibility."

DeRoche, "I would prefer to have it be its own meeting so our focus will be on this issue. How about the 23rd?"

Koller, "Ok"

Harrington, "Yes"

Ronning, "Works for me."

Davis, "7:00 p.m."

All in favor, motion carries unanimously.

9.0A2
Manufactured
Home
Ordinance,
Chapter 34
Floods, Article
VII; Section
38-20; and
Under
Appendix A
Zoning
Ordinance

City Council received a request from Nancy Krueger, owner of property at 18467 Lakeview Point Dr. to consider amending the Ordinance regulating recreational camping vehicles. The Ordinance Committee discussed this matter at a meeting on October 28. This property is zoned R-1 and has a property tax classification of seasonal recreational residential. The property is 0.2 acres. Ms. Krueger is requesting the Ordinance be amended to allow the placement of her recreational camping trailer on this site.

We have references to Travel Trailer and Recreational Vehicles in several places in our code. Any modifications in one section of the code should carry forth into other relevant sections of the code. The recommended changes address these matters.

Article 34 – Floods, the placement of Travel Trailers is addressed, however, that is only in those areas that are on the general flood map. This should be changed so that it applies and be included in Article II, Chapter 38-20 as additional items. The proposed language in Article 34 and Chapter 38-20 should be the same. We should also include the same language in Appendix A, Zoning under General Development Regulations. This will keep the information consistent from one section of

the code to another. The Changes in Article 34 is recommended as follows:

Article 34, (3) a. 3 – Additions to the Ordinance as provided by the City Attorney

Article 34, (3) b. 1 – Additions proposed by City Attorney with the Staff addition of Property Tax Classification status of Seasonal Recreational, vacant and improved, as an additional condition for exemption.

The definition of Recreational Vehicle/Travel Trailer is recommended to be included in Definitions section of Zoning Code Appendix A, Article 34 and Chapter 38.

Attached are maps that locate all the properties in the City that have a tax classification of Seasonal Recreational. Even though there are sanitation requirements in the proposed amendment to this Ordinance, allowance of placement of recreational camping vehicles on these properties could create consequences that have a greater impact than simply addressing the situation of an individual property owner.

Recommendation(s):

Staff recommends Council consider the changes, and if approved, direction to publish.

Davis, “Nothing was determined at the work meeting, so it is open for discussion as a regular agenda item”.

Koller, “We were talking about if you allow the RVs in there, they could devalue property. But if you don’t allow them they will be parked there illegally.”

DeRoche, “There have been a couple people who have RVs on their properties and they live in them.”

Moegerle, “If they own their property why can’t they leave their property on their real estate? Won’t this create more issues with them pulling them out? If they meet the three requirements – vacant, border the lake and recreational land, isn’t this a limited amount of property.”

Davis, “The parcels in question are shown in the attached map. Some are listed as improved but improved could mean only a storage shed. Ms. Krueger’s property is listed as improved but includes only an outhouse and a garage. If it would be of any value, we could go and check each one of those to see what further impact.”

Moegerle, “That would make sense for enforcement.”

Davis, “There may be only two of them.”

DeRoche, “I expressed a concern before, and will do it again. When an individual comes in, we do a zoning text amendment and it sets a bad precedent. I have concerns about sewer and septage. I also have a concern and complaining about people with stuff in their yard. We let all these trailers in and they don’t have place to put their stuff. The next thing is to let them put up a metal shed and then we have a mess.”

Moegerle, “With words you can limit what has to be done. It has to be a travel trailer owned by the property owner, self-contained. You can require then to pump the septage. Lachinski and whoever pumps can hook up to the trailer. There is a septage dump by the Shell in Wyoming. There is no way, that 100% guarantee would be created that would not care about septage and put stuff in the lake. If we are responsible and circumscribe the ordinance and put in the protections. You cannot eliminate a risk on anything.”

DeRoche, “So someone comes in here, and talks to Colleen about a problem and Colleen tells them to come to City Council and Council will suit their needs.”

Moegerle, "I think that is insulting to Colleen. This is more than everyone coming to Colleen."

DeRoche, "Colleen was that the impression you got? Don't even go there Heidi."

Moegerle, "You just implied she would send it to us. Sometimes it requires an ordinance change. Sometimes we send Colleen, Jack or building inspector out there. I don't like spot zoning or text amendments. I think it needs to be broad latitude. This is the rare case where something needs to be done to help the property owners."

Winter, "I have never talked to this woman. You asked staff to draft something."

DeRoche," and she was told by a Council person to come talk to that Council person the next day."

Moegerle, "I have never talked to this gal."

DeRoche, "For the record, no one insinuated that Colleen changes ordinance. It was a hypothetical. When Colleen gets something and they insist on something. Can we make a decision, sure? I have seen it time and time again, and an individual triggers an ordinance change. The fact of the matter is, I think this is a bad idea. Everyone has a chance to vote on it. We have other things that we have to worry about. To add another thing, maybe this woman will be very responsible but there may be ten down the road that aren't."

Ronning, "The last concern I heard was the septic Since 1959 as a City, there have been 10's of thousands of opportunities to make those messes. I am sure they did and I don't think there is a problem. It's a valid concern"

Moegerle, "What happens if there is no use for this property? We don't allow people to leave their recreational vehicles on the property. Is that a burden on that land that makes it difficult to sell?"

Pratt, "Sometimes it can lead to a claim from inverse condemnation. Basically just regulations that negate good use of the property. No business or residential use. This is a complicated situation. You restrict travel trailers on the property. As of currently right now, I don't think someone could make that claim."

Moegerle, "I am in favor of making this property usable."

DeRoche, "She redid her outhouse. Why not, if all that was there was an outhouse and she moves in and puts her trailer there. She completely redid her outhouse. She had Connexus Energy put up a pole. It was a lot she put up a long time ago. We can tell anyone else they can take something down and put it back up. There is always ramifications and something down the road and you have to think about the future."

Moegerle, "The problematic sentence is the single family resident, sewer and water and cannot be used for more than three weeks in a two month period. If a person parks something it is for temporary habitation, vacation. It isn't there for storage purposes. It's for habitation."

DeRoche, "What is our ordinance on property that doesn't have a primary structure?"

Davis, "That would be covered under manufactured homes. There are two issues – the storage issues and the habitation issue. The well and septic was interjected to cover the habitation. The manufactured home has to be in a manufactured home park."

Moegerle, "The definition says it is more than 320 square feet. If it is less than 320 square feet she falls between the cracks. How big is this travel trailer?"

Koller, "It is not that big."

DeRoche, "The State changed the variance, it is now five steps. Economics can't be part of it. Because someone bought a piece of property and put in electric service then say I am going to put my trailer here."

Moegerle, "In 38-19, it is a recreational travel trailer."

DeRoche, "What is a home and what is not? That is an actual RV park."

Davis, "Another part of the ordinance is floods. The structure has to be elevated above one hundred year flood and also has to have anchor and flood strapping."

Moegerle, "The flood ordinance is the bigger problem."

DeRoche, "So are we going to change our flood ordinance?"

Winter, "We need to add a section that talks about recreational vehicles. Then we need to determine if a certain size if they can be allowed on seasonal vacation properties. You will have to determine if you want them on certain lots. The other issue you have is the septic. What qualifies for the septic system? Is it self-contained? Those are the points discussed. We as staff could draft something to present at one of your next meetings."

Moegerle, "I would like that."

Ronning, "That sounds like a use permit and could be used as leverage."

Winter, "You could do that."

Moegerle, "Does it have a current license for highway use?"

Winter, "I don't know."

Moegerle, "I don't understand why she can't be here."

Davis, "There are two other areas of code have to be coordinated."

Moegerle, "There are more ordinances and sections that apply than are in front of us."

Winter, "This particular issue is in the shoreland area."

DeRoche, "Isn't that regulated by the State, Section 158 was East Bethel's code, 10 or 12 years ago."

Winter, "What they put in place was the general standards. We can add in additional standards. The state is discussing making changes in it. We can add this under the shoreland management part of the ordinance. Do you want to be able to allow people to park their travel trailers?"

DeRoche, "If this is passed then you can't single anyone out."

Pratt, "If you make regulations based on classification and they are reasonable. You can back that up."

Moegerle motioned that in two weeks we revisit this topic with a proposal from the Community Development Director. Koller seconded; all in favor, motion passes unanimously.

9.0E1 2014
JPA Bid
Results and
Final
Quantities

The following projects were recommended to bid as part of the 2014 JPA Street Maintenance program by City Council approval on January 22, 2014. These projects have been identified in the 2014-2018 Street Capital Improvement Plan (CIP) and include:

1. Seal coat 65,000 sq yds of City streets including Washington St and 7th St, Monroe St and 238th Ln, 235th Ave, 231st Ln, Buchanan St, Taylor St, 229th Ln, Goodhue St, and Davenport St
2. Crack-seal 100,000 LF as part of the annual street maintenance program. Crack sealing will be performed prior to any seal coating applications.
3. 150,000 LF of striping to be determined.

Bidding these items does not obligate the City to accept the bid. The bid for individual items can be rejected or amended as to quantities to accommodate the project budget should bid costs exceed the estimates.

The estimated budget for seal coating, crack sealing and striping the above listed streets was \$299,000. These projects will be funded from the Street Capital Fund as identified in the 2014-2018 Capital Improvement Plan and the 2014 Street Maintenance Budget.

The bid costs for our portion of the JPA project were as follows:

Trap rock, 65,000 SY @ \$0.81/SY	\$52,650.00
CRS-2 Oil, 18,200 Gals @ \$2.12/Gal	\$38,584.00
Crack Sealing, 100,000' @ \$0.66/LF	\$66,000.00
Striping, 150,000' @ \$0.058/LF	\$ 8,671.88
Contingency (5%)	\$ 8,295.25
Inspection Services	\$ 2,000.00
Administrative Cost (1.5%)	<u>\$ 2,613.00</u>
Total Project Cost	\$178,814.13

As additional item, Staff recommends the contracting of inspection services for the seal coat portion of the contract. The estimated cost of this service is \$3,000.

The total project cost is \$120,185.87 less than the project estimate. This amount will remain in the Street Capital Fund and be available for other street improvement purposes.

Staff and the Road Commission have reviewed the bids and recommend acceptance of the 2014 JPA Street Maintenance Agreement bids in the amount of \$178,814.13 and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in this project.

DeRoche motioned accept the 2014 JPA Street Maintenance Agreement bids in the amount of \$178,814.13 and authorize submittal of a letter of concurrence to the City of Coon Rapids indicating our participation in this project. Harrington seconded.

Ronning, "Is there any warranty?"

Davis, "That is why we want to hire the inspector. We would hire the independent inspector if there is a problem within a year, they would have to come back and fix the problem."

All in favor, motion carries unanimously.

9.0E2 Lions
Club Recycling
Fees

The Cedar/East Bethel Lions have provided the personnel to operate the City Recycle Center at 2761 Viking Boulevard for the past 10 years. In exchange for their services the City has paid the Lions Club \$1,000 per month for their assistance. There has been no change in the fee during the term of this agreement.

The basic services provided by the Lions Club at the Center include:

- Sorting , crushing and storing cardboard bales
- Sorting and separating tin and aluminum
- Crushing and loading glass
- Collecting and storing those items left after hours
- Cleaning and maintaining the exterior and interior of the facility
- Monitoring the used oil collection site

It is estimated that the Lions spend approximately 40 labor hours per week to conduct these activities. The City's cost to staff and operate the facility for the same number of hours would be an estimated cost of \$1,200 per week or \$4,800 per month to perform the same functions.

The City is the recipient of a SCORE Grant in the amount of \$64,198 for 2014 from Anoka County to operate the Recycle Program. Included in this amount is the base cost of \$1,000 per month and the additional request of \$200 per month for the Lions Club for their facility staffing payment. No City funds would be used for the proposed fee increase for the Lions Club reimbursement. Should this increase be approved it would only be for 2014 and continuation of the new rate would be dependent on future funding at this level through the SCORE Grant beyond the current year.

Staff requests the City Council consider approving the fee increase from \$1,000 to \$1,200 per month to the Lions Club for the operation of the Recycle Center effective April 1 and continuing through December 31, 2014.

Moegerle motioned to approve the fee increase from \$1,000 to \$1,200 per month to the Lions Club for the operation of the Recycle Center effective April 1 and continuing through December 31, 2014. Harrington seconded.

Ronning, "Do we get any of the recycling benefit?"

Davis, "The Lions clubs gets the monies. Our values come in to meet the tonnage requirements. Our value also comes for our residents."

Ronning, "Does the SCORE grant cover some of this?"

Davis, "It covers all of it. The acronym for SCORE is Select Committee on Recycling and Environment..."

All in favor, motion carries unanimously.

9.0F1 Fire
Department
Report

The Fire Chief has provided reports of Fire Department emergency calls, fire inspections, and emergency medical calls from the previous month.

DuCharme, "In February, we responded to 32 calls. It has been quiet. A couple things worth mentioning. We had a report of a fire on a lake. It was a recreational fire. We do not take City equipment onto the lake. We don't take \$400,000 fire equipment on the lake. We have had rescues

on the lake. We have used personal vehicles to go out there. The Sheriff's policy has the same as we do. We have taken the deputies with in our personal vehicles."

DeRoche, "How would the insurance cover that?"

DuCharme, "Many times the insurance doesn't cover the vehicle. We were talking about a pick up truck."

DuCharme, "We did answer 22 medical calls, and 18 were transported by the ambulance. A good deal the residents have to be transferred by ambulance. Our fire inspection program is still going on. We try to get to all the commercial buildings in the City. In the month of February, we made it into ten of them."

Moegerle, "Nice to see a short list."

9.0 E2 Request
for Equipment
Purchase

In 2013, the City of East Bethel replaced two front line Fire Engines. One of the replaced Fire Engines was sold as surplus equipment for \$50,000. The other Engine is in service and is used as a backup Engine to the fleet. The proposed purchase presented in the attachment is to provide the additional equipment that is not available from our current inventory to outfit the new truck.

The Fire Department is requesting \$ 29,518 of the funds derived from the \$50,000 dollar sale to be used for purchase of those items necessary to equip the new Engine. Fully equipped Fire Engines have the benefit of potential reductions in ISO ratings, provide tools and equipment essential for effective fire and rescue operations, and furnish the necessary safety equipment for emergency operations. A spreadsheet itemizing the proposed purchases is attached for your review. The prices that are shown have been bid by three different Fire Department Suppliers. The prices represent the lowest price on each item from of the three vendors.

The City received \$50,000 from the sale of the surplus engine. This amount was deposited in the Equipment replacement fund. This is an appropriate expenditure and funds are available for this purpose.

Staff recommends that Council approve the recommendation of the Fire Department to purchase the items provided in the attachment at a cost not to exceed \$29,518.

DeRoche, motioned to use the \$50,000 from the sale of the surplus engine to purchase the items provided in the attachment at a cost not to exceed \$29,518. Koller seconded.

Moegerle, "Do we have the purchasing agreements for the Fire Department."

DuCharme, "We belong to several consortiums, usually smaller items like this are not included. We price them from three legitimate vendors."

All in favor, motion carries unanimously.

DuCharme, "Next time I am here, the snow will probably be gone. But if we have residents that want to do burning, now is the time to burn it. It is more controlled. Then will be burning restrictions put into effect until the green up."

9.0G1 Upper
Rum River
Water
Management

The URRWMO is in the process of developing their 2015 budget. As part of this work, they are requesting our review and comment on the attached draft budget. Line items within the draft budget may be subject to change by the URRWMO but the total expenditures are proposed to remain unchanged and be the same as the 2014 Budget.

The draft budget attached is for discussion and recommendation purposes. Revisions are anticipated for line items after comments are received but there is no proposal to change the budget total. A final budget for your consideration will be provided in early May.

This proposed draft budget is the same budget that was approved for 2014. We need to provide comments **before May 1, 2014**.

In 2016-17 the URRWMO will be required to update its 10-year comprehensive plan. The completion of this process may create a noticeable change in budgets beyond 2015.

There is no change between the 2014 and the proposed 2015 Budget. The impact on our Budget will be neutral in terms of the amount budgeted for this activity in 2014 compared to 2015.

Staff recommends providing any comments appropriate to the URRWMO proposed 2015 Budget.

The City of Ham Lake has approved the budget as submitted.

Ronning, "We are obligated to this right?"

Davis, "Yes, statutorily."

Koller motioned to appropriate to the URRWMO proposed 2015 Budget. Harrington seconded; all in favor, motion carries unanimously.

Moegerle, "The first meeting will be on May 6."

Koller, "Both are run very well and he is very impressed."

9.0G2
Timesavers

Wendy Warren, Deputy City Clerk, has been responsible for the recording, preparation and submission of City Council minutes. Ms. Warren is out on an indefinite medical leave and at this time we are not certain when she will be able to return to work. In Ms. Warren's absence, Jill Anderson, the Recording Secretary for the EDA, Parks, Planning and Road Commissions, has filled this position. Ms. Anderson willingness and availability to substitute for Ms. Warren has been invaluable to the City and her efforts are greatly appreciated.

Ms. Anderson volunteered to perform Ms. Warren's function on a provisional basis but due to Ms. Anderson's other personal and professional commitments, it has become necessary to consider other options for recording services for City Council Minutes. City Staff recommends that the recording secretarial duties be outsourced until Ms. Warren's situation is resolved. City Staff has researched these types of services and have found one provider, TimeSaver, that appears to meet our requirements.

TimeSaver would provide off site recording functions from City's website streaming video broadcast and DVD of the Council meeting and provide a 5 day turnaround for the minutes. The City has the capability and would have to make the video available in an MP3 or Wave file. TimeSaver currently provides this service to 22 municipalities including the Cities of Anoka, Blaine and Coon Rapids. Staff checked their local references and received a positive endorsement from the Cities listed above.

TimeSaver could perform this service on a temporary or set time basis and could be available for the April 2, 2014 meeting. Should the services of TimeSaver be considered as an option for recording secretarial services, Council may wish to exclude Work Meetings from their contract to save costs.

The expense of a 20-page set of minutes from a 2 hour City Council meeting using Timesaver would cost approximately \$350 (See attached contract for itemization of charges).

Historically we have spent 10-12 hours of staff time to prepare Council minutes at a cost of approximately \$480 per meeting. This cost is covered in the Deputy City Clerks annual budget for wages and benefits.

Assuming there are 6 Special Meetings, 2 Town Hall, 1 LBAE and 24 Regular City Council meetings in a year, the estimated annual cost for utilizing a service such as TimeSaver for minutes preparation would be approximately \$12,000 per year.

Should TimeSaver be retained for minutes preparation for April through December 2014, the estimated cost for their time is projected to be \$9,100, assuming an average set of minutes of 20 pages and the average meeting time of 2 hours.

There would be a minimum of \$8,900 in Deputy City Clerk's budget to cover this cost.

Staff recommends that the City contract with TimeSavers to provide transcript-type minutes on a temporary basis until Ms. Warren's leave and/or subsequent return to work conditions are resolved.

Moegerle motion that we enter into a temporary recording secretary up to and including Wendy return or the replacement of her or whatever and to reevaluate the contract at that time. Koller seconded; all in favor motion carries unanimously.

Staff Reports

Staff is working to prepare some documentation with Met Council. You will be forwarded some basic information.

Council Member Harrington

We had a good informational meeting for the Road Commission. We looked at solutions. We also looked at MSA for the next five years. Parks meeting went really well. We had a discussion on what we are going to do with the outdoor hockey rink. There is suppose to be a question on the website on who is using the rink. We had a discussion on new locations for a cell phone tower.

Council Member Moegerle

I attended the EDA meeting. We had a good discussion to secure new businesses. We also discussed the Met Council Thrive 2040 initiative. They are asking for input. They are asking for input. We as council should weigh in on that. I know Davis is going to do something official.

I had an opportunity to review Coon Rapids website. We have passed on the opportunity to get a Laserfische system. I looked for a site plan and building plan. I see where the value is. Particularly where we are looking at a phase to get more building. It will be good to have it in place for new growth. I talked to Jack about the trends. I think it is something we need to get.

Good job on the estimate for the JPA, it is great we came so far under.

I really want to say we do miss Wendy.

Council Member Ronning

The Booster day fundraiser is coming up. I have seen the buttons for sale at People's Bank. Dallas has sold fifty of those things. That is not a fun thing. They do a lot of work. I hope it works out well.

Council Member Koller

I could give you all the reports on the water shed. The Booster day fundraiser is Saturday at the ice arena. It will be a beach party. It will beach toys and volley ball nets. Route 65 will supply some food and the Lions will help there.

I had a couple of things. The City received preliminary approval for the CBDG for the septic systems. The grant could be up to \$200,000. It did pay off.

Fat Boys has been sold. The building is undergoing interior renovations and will be opening in 6-8 weeks.

Local Board of Appeals is on April 16 at 6:30 p.m. The current certified board members are Heidi and I. When will they have the other classes? Davis, "They will be between June and November."

If you wish to appear contact Ken Tolzmann. He is not going to be able to answer anything about the levy.

I am going to another meeting once a month, the Community Correction meeting in Anoka County. There are four judges, public defenders, prisons, po's office

Booster Club is having their beach party. Are they selling buttons here?

Davis, "We are selling buttons here."

I have had a few calls where people had anticipated their taxes going up a lot more than what they did. It was a misconception. Unless you're involved in it is hard to understand that kind of stuff.

The Anoka County Union did a good job on their latest articles. It is good to see positive press.

Davis, "We do have an HRA meeting on April 2. We will go over the CBDG. I would also like to mention road restrictions went into effect last Friday. The restrictions are dependent on the weather. Please contact Nate Ayshford on this if you have questions."

DeRoche, "There is an EDA meeting on Monday at 7:00 p.m."

Adjourn

Moegerle made a motion to adjourn at 9:35 p.m. Koller seconded; all in favor, motion carries unanimously.

Submitted by:

Jill Anderson
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 6.0 A.1

Agenda Item:

Interim Use Permit for a home-based turnover cleaning service

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Michelle Arellano for a Home Occupation in the RR – Rural Residential District.

Background Information:

Applicant:

Michelle Arellano
449 220th Ave. NE
East Bethel, MN 55011
Lot 2, Block 3, Erickson Addition

Property Location:

449 220th Ave. NE
PIN 07-33-23-21-0018

The applicant, Michelle Arellano, is requesting an IUP to operate a home-based turnover cleaning service business. She would be utilizing the address at 449 220th Avenue NE as her home office only and for storage of cleaning supplies in the garage. The Planning Commission conducted a Public Hearing for this request and as a result of the Hearing voted to recommend approval of this IUP to City Council.

Attachments:

- 1. Location Map
- 2. Application

Fiscal Impact:

Recommendations:

Staff recommends City Council consider approval of an IUP for a home occupation for a turnover cleaning service, located at 449 220th Avenue NE, Erickson Addition, Lot 2 Blk 3, PIN 07-33-23-21-0018, 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. Violation of conditions and City Codes shall result in the revocation of the IUP.
 3. All conditions must be met no later than April 30, 2014. An IUP Agreement shall be signed and executed no later than April 30, 2014. Failure to execute the IUP Agreement will result in the null and void of the IUP.

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

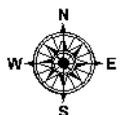
No Action Required: _____



Arellano Parcel Map



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 3/3/14
 By [Signature]
 Fee \$ 150 App / 300 Escrow

- 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 Netgo Plus Turnover cleaning Services, LLC (provide narrative below describing proposed use).

RECEIVED
 MAR 03 2014

Turnover cleaning service company, clean vacant dwellings and clean businesses.

LOCATION: PID _____ Legal: Lot _____ Block _____ Subdivision _____

PROPERTY ADDRESS: 449 220th Ave NE East Bethel, MN 55011 PRESENT ZONING: _____

PROPERTY OWNER

CONTACT NAME Fabian E. Carrillo Arellano PHONE 917-217-3663
 ADDRESS 67 Grand Ave APT 1-R FAX NA
 CITY/STATE/ZIP Brooklyn, NY 11205 E-MAIL NA

APPLICANT

CONTACT NAME Nichelle Carrillo Arellano PHONE 612-412-6437
 ADDRESS 449 220th Ave NE FAX NA
 CITY/STATE/ZIP East Bethel, MN 55011 E-MAIL mcarrillo.82@hot mail.com

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.

Property Owner's Signature [Signature] Living at address Printed Name Nichelle Carrillo Arellano Date 03/02/14

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>3/3/14</u>	_____	
Planning Commission	_____	_____	
City Council	_____	_____	
<u>5/2/14</u> 60 Day		<u>7/1/14</u> 120 Day	

Sunday, March 2nd 2014

Attn: Colleen Winter

To The City of East Bethel, Colleen Winter, and/or to whom else it may concern:

I, Michelle Carrillo Arellano and my husband, Alfonso Carrillo Arellano live at the address 449 220th Ave Ne, East Bethel, MN 55011 and have permission from the owner Alfonso's brother Fabian Carrillo Arellano to use the property for the physical address of our business and to conduct business from out of this property.

Michelle Carrillo Arellano

A handwritten signature in black ink, appearing to be 'MCA', written over the printed name.

Alfonso Carrillo Arellano

A handwritten signature in black ink, appearing to be 'Alfonso', written over the printed name.

Office of the Minnesota Secretary of State Certificate of Organization

I, Mark Ritchie, Secretary of State of Minnesota, do certify that: The following business entity has duly complied with the relevant provisions of Minnesota Statutes listed below, and is formed or authorized to do business in Minnesota on and after this date with all the powers, rights and privileges, and subject to the limitations, duties and restrictions, set forth in that chapter.

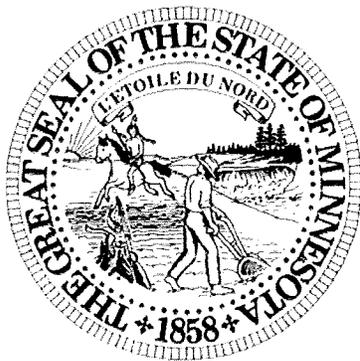
The business entity is now legally registered under the laws of Minnesota.

Name: Metro Plus Turnover Cleaning Services L. L. C.

File Number: 734546200022

Minnesota Statutes, Chapter: 322B

This certificate has been issued on: 02/19/2014



Mark Ritchie

Mark Ritchie
Secretary of State
State of Minnesota



City of East Bethel City Council Agenda Information

Date: April 2, 2014

Agenda Item Number: Item 6.0 A.2

Agenda Item:

Proposed Definition Change for Home Occupations

Requested Action:

Consider changes to City Code, Appendix A, Zoning Ordinance, Section 10 General Development regulations, Section 19, Home Occupations for the definition of Home Occupation.

Background Information:

City Council considered an IUP renewal for Jeff Kirkeby owner of Pavement Resources at the February 19, 2014 meeting. Upon hearing the request, Council approved a 60 day extension of the IUP and referred the matter to the Planning Commission to consider redefining the definition of Home Occupation. The Planning Commission discussed this matter at their March 25, 2014 meeting and approved a modification to the definition as follows:

No more than three persons, at least one of whom shall reside within the principal dwelling, shall work at the home occupation site.

The definition in the City Code currently reads as follows:

No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.

This change would allow the creation and expansion of those Home Occupation businesses that utilize off-site employees and still minimize the impact of these activities in the residential areas in which they are located.

Attachments:

Copy of proposed change, Section 10-19

Recommendation:

Staff recommends that Council approve the change in definition of Home Occupation, Appendix A, Zoning Ordinance, Section 10-19 as approved by the Planning Commission on March 25, 2014 and provide directions to publish.

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

19. Home occupations.

- A. No more than three persons, at least one of whom shall reside within the principal dwelling, shall ~~be work at the home occupation site. 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 Sign Ordinance.
- 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.
- 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.
- L. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.



City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 6.0 A.3

Agenda Item:

Request for an Interim Use Permit renewal in the Rural Residential District (RR) for a pavement maintenance and restoration business, DBA Pavement Resources at 23310 Monroe St

Requested Action:

Consider Approving an Interim Use Permit (IUP) to Jeff Kirkeby, DBA Pavement Resources at 23310 Monroe Street NE, East Bethel, MN 55005, for a period of three years.

Background Information:

Property Owner/Applicant
Jeff Kirkeby
23310 Monroe St. NE
East Bethel, MN 55005
PIN 31-34-23-13-0013

The property owner/applicant is requesting a renewal of an Interim Use Permit that was originally approved in December, 2012 for one year. The IUP is for an asphalt maintenance/equipment sales business for the parcel located at 23310 Monroe St. NE. Mr. Kirkeby's IUP expired in December 2013 and Mr. Kirkeby's request for renewal was presented to City Council on February 19, 2014. At that time, there were concerns that Mr. Kirkeby's business did not meet the current definition of Home Occupations. Council tabled the request until the Planning Commission could review this issue and present a recommendation to the City Council. The Planning Commission reviewed Council's request and recommended a change in the definition of Home Occupation. Mr. Kirkeby's business would qualify for an IUP based on the new definition of Home Occupation.

Mr. Kirkeby is still seeking a suitable location for his business but would still need an IUP at his residence to use his accessory building for storage of business equipment. He is currently in compliance with the conditions that were outlined in his original IUP. Mr. Kirkeby employs two full time and five part-time employees at this location. Upon relocation to a new site, Mr. Kirkeby proposes to continue to utilize the Monroe Street address for equipment storage inside his existing facility.

Home occupations are a permitted use in the Rural Residential District as long as the applicant can meet the requirements of the City Code and complies with the conditions of the IUP. This proposed home occupation will meet requirements of the ordinance if the IUP conditions are approved. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

- 1. Site Location
- 2. Original IUP

Fiscal Impact:

Recommendation:

Staff recommends City Council consider approval for an Interim Use Permit Renewal in the RR-Rural Residential District for an asphalt maintenance/equipment sales business for the property known as 23310 Monroe St. NE, East Bethel, PIN 31-34-23-13-0013 with the following conditions:

- 1. Signage must comply with East Bethel City Code, Chapter 54, which states “for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.” Signs must be placed on the business property as directional signs are not allowed.
- 2. The structure must be inspected by the Fire Inspector on a yearly basis.
- 3. Business street parking shall be prohibited and business parking must be on the driveway.
- 4. The Interim Use Permit shall expire at the time the property changes hands and/or any of the prescribed stipulations have been violated.
- 5. Conditions must be met and an IUP Agreement executed no later than 30 days from the date of City Council approval of the IUP. Failure to comply will result in the revocation of the IUP.
- 6. The IUP will be issued for a period of three years from the date of Council approval. The IUP could be renewed for an additional term with the limits and conditions subject to City Council approval.
- 7. There will be no expansion of the current accessory building on the site.
- 8. There will be no additional employees utilized in the business from this site.
- 9. No additional equipment can be stored outside on the property.
- 10. Outside storage is limited to essential business related material and personal possessions and is to be in compliance with Ordinance, 26-40, 26-52 and 26-110.
- 11. Business must not emit odors or noise to the extent that surrounding property owners are affected with the exception of vehicle back up alarm systems.
- 12. Hours of operation shall be from 6 a.m. to 7 p.m.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

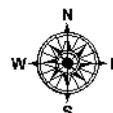
No Action Required: _____



Property Map - 23310 Monroe St NE



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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CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA
INTERIM USE PERMIT (IUP) AGREEMENT

Dated: December 26, 2012

Property Owner: Jeff Kirkeby
23310 Monroe Street NE
East Bethel, MN 55005

Applicant: Jeff Kirkeby
Pavement Resources, Inc.

Parcel Location: 23310 Monroe Street NE
Anoka County
East Bethel, MN 55005

Parcel Number: 31-34-23-13-0013

Present Zoning District: RR - Rural Residential

IUP REQUEST: approval of a home occupation that will allow an asphalt maintenance and equipment sales business known as Pavement Resources, Inc. at 23310 Monroe Street NE, East Bethel, Minnesota 55005.

PLANNING COMMISSION ACTION

A public hearing was held on November 27, 2012 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on December 5, 2012 and approved the IUP request with conditions.

DECISION

The City Council hereby grants the IUP for an asphalt maintenance and equipment sales business.

THIS INSTRUMENT WAS DRAFTED BY:
PLANNING DEPARTMENT
CITY OF EAST BETHEL
2241 - 221ST AVENUE NE
EAST BETHEL, MN 55011
763-434-9569



City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 7.0 A.1

Agenda Item:

Ordinance Amendment, Floods, Article VII-Subdivisions, Chapter 34-183

Requested Action:

Consider amending the ordinance related to the placement of recreational camping vehicles.

Background Information:

City Council received a request from Nancy Krueger, owner of property at 18467 Lakeview Point Dr. to continue the placement of her recreational camping vehicle at this address. The Ordinance Committee discussed this matter at a meeting on October 28. This property is zoned R-1 and has a property tax classification of seasonal recreational residential. The property is 0.2 acres. Ms. Krueger requested the Ordinance be amended to allow the placement of her recreational camping trailer on this site.

The Ordinance does provide for exemptions for recreational camping vehicle placement in Chapter 34-183 and after discussion with City Council, staff is recommending consideration of the changes as presented in Attachment #1 to address other issues that were identified in the examination and previous presentation of this concern.

The primary changes that are recommended for consideration are as follows:

- Require the ability to evacuate the recreational camping vehicle upon notification of Emergency Management Authorities
- The lot of record upon which the recreational camping vehicle is placed must be the same as the owner of the recreational camping vehicle
- The placement of the recreational camping vehicle must meet all the setback requirements as required by the City Zoning Ordinance
- There must be a lawful on-site or other MPCA approved facility for disposal and treatment of human waste prior to the placement of a recreational camping vehicle
- The placement of the recreational camping vehicle must comply with all Shoreland Management District regulations
- The site upon which the recreational camping vehicle is placed must meet all regulations required by the MPCA, DNR and MDH in regards to water and sewage facilities
- All on site water and sewage facilities must be flood proofed if they are located within the area identified in the NFIP 100 year flood plain
- No nuisance conditions will be permitted
- The lot of record must have a tax classification as Seasonal Recreational

- Recreational camping vehicles can only be placed on the property between May 1st through October 1st of any calendar year (This requirement has not been placed in the proposed changes to the Ordinance and is open for discussion)
- Removed the terms *travel trailers and travel vehicles* and changed these classification terms to *recreational camping vehicles*. Recreational camping vehicles are further described and referenced to Section 38-19 as to definition. This change should be made throughout the Code to provide consistency with all sections that have used these terms (travel trailers/travel vehicles)

Proposed changes to the Ordinance are italicized and in a red font to designate additions. Proposed language recommended for deletion is indicated by a strikethrough, a line drawn through the middle of the selected text proposed for elimination. Staff recommends Council consider approval of these changes and upon action on this matter, consider Ms. Krueger's request as a separate issue.

Ms. Krueger's petition to allow her continuation of the placement of her recreational camping vehicle at this location will depend on the interpretation of Chapter 38-20 (c) and Chapter 34-183(3):

Chapter 38-20 (c)

Placement outside a manufactured home park prohibited. No person shall park or occupy any manufactured home on either the premises of any occupied dwelling unit or on any lot which is not a part of the premises of any occupied dwelling which is situated outside of an approved manufactured home park unless it meets the architectural standards and other regulations as stated in the city's zoning ordinance, set forth in Appendix A to this Code, and amendments thereof. The parking of no more than three unoccupied recreational camping vehicles is permitted in an accessory private garage building, side yard or rear yard provided no living or sleeping quarters shall be maintained nor any business conducted in said recreational camping vehicle while such vehicle is so parked or stored. A recreational camping vehicle is permitted on owner's property for storage purposes provided the property has a single-family residence on it connected to a sewer and well, and may not be occupied for more than three weeks within any two-month period.

Chapter 34-183(3)

c. Travel trailers and travel vehicles exempted in chapter 34-183(3) shall lose their exempt status when development occurs on the parcel exceeding \$500.00 in value for a structural addition to the travel trailer/travel vehicle or an accessory structure. The travel trailer/travel vehicles and all additions and accessory structures will then be treated as a new structure and shall be subject to the flood protection requirements of this chapter.

There appears to be three circumstances that may exist in Ms. Krueger's situation:

- Should it be determined that Ms. Krueger is in violation of the storage provisions of Chapter 38-20(c), the placement of the recreational camping vehicle would be prohibited.
- If it is interpreted that storage is not the issue and improvements to the accessory structure (out house and storage shed) have exceeded \$500, Ms. Krueger would be allowed to keep the recreational camping vehicle on the property subject to compliance of the flood protection requirements of Chapter 34-Floods.
- Should Ms. Krueger be in compliance with both Chapter 38-20 (c) and 34-183 (3), then the placement of her recreational camping vehicle would be permitted provided continual compliance with those regulations that address this matter.

Attachments:

Attachment #1-Proposed changes-red line copy
Map of Seasonal Recreational Residential Properties

Recommendation(s):

Recommendation -1, Staff recommends Council consider the changes to City Ordinance, Floods, Chapter 34-183 and incorporate the term recreational camping vehicle in lieu of travel vehicles and travel trailers in all sections of the Code, and if approved, direction to publish.

Recommendation-2, Staff's interpretation of Ms. Krueger's issue is that she is in violation of Chapter 34-183(3)-c and is subject to the flood protection requirements of the Chapter. She would be allowed to keep her recreational camping vehicle on the property provided she complies with requirements of Chapter 34, Floods any Shoreland Management District regulations. If there is agreement on this interpretation with Council and the City Attorney, Staff requests authorization to direct Ms. Krueger to perform the necessary corrective actions for compliance.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ARTICLE VII. SUBDIVISIONS

ARTICLE VII. SUBDIVISIONS

[Sec. 34-180. Review criteria.](#)

[Sec. 34-181. Floodway/flood fringe determinations in the general floodplain district.](#)

[Sec. 34-182. Public utilities, railroads, roads and bridges.](#)

[Sec. 34-183. Manufactured homes and manufactured home parks and placement of travel trailers and travel vehicles.](#)

[Secs. 34-184—34-204. Reserved.](#)

Sec. 34-180. Review criteria.

No land shall be subdivided which is unsuitable by reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All proposed lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. The building site shall be of a size and configuration suitable for the proposed construction and adequate area must be available for a water supply well and two sewer soil treatment areas. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. The subdivider shall install a survey monument within the subdivision at a location acceptable to the city which clearly shows the 100-year flood elevation. The subdivider shall show on all subdivision and lot drawings and platting documents the required elevation of all access roads.

(Ord. No. 156, § 7(7.01), 5-6-1992)

Sec. 34-181. Floodway/flood fringe determinations in the general floodplain district.

In the general floodplain district, applicants shall provide the information required in [section 34-148](#) to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site.

(Ord. No. 156, § 7(7.02), 5-6-1992)

Sec. 34-182. Public utilities, railroads, roads and bridges.

- (a) All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the state building code or elevated to above the regulatory flood protection elevation.
- (b) All public transportation facilities, railroad tracks, roads, and bridges to be located within the floodplain shall comply with articles IV and V of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area.

(Ord. No. 156, § 7(7.03), 5-6-1992)

ARTICLE VII. SUBDIVISIONS

Sec. 34-183. Manufactured homes and manufactured home parks and placement of ~~travel trailers and travel~~ recreational camping vehicles.

The following standards shall apply to manufactured homes, manufactured home parks, ~~travel trailers, and travel~~ recreational camping vehicles *as defined in Chapter 39-19*:

- (1) New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions for subdivisions in article VII of this chapter.
- (2) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with article V of this chapter. If vehicular road access for preexisting manufactured home parks is not provided in accordance with [section 34-113](#)(1), then replacement manufactured homes will not be allowed until the property owner develops a flood warning emergency plan acceptable to the city. All manufactured homes must also be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
- (3) ~~Travel trailers and travel~~ *Recreational camping* vehicles that do not meet the exemption criteria specified in [section 34-183](#)(3)a shall be subject to the provisions of this chapter, including those specifically spelled out in [section 34-183](#)(3)c.
 - a. ~~Travel trailers and travel~~ *Recreational camping* vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in [section 34-183](#)(3)b and comply with the following criteria:
 1. Have current licenses required for highway use.
 2. Are highway ready *to relocate*, meaning on wheels or ~~the an~~ internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the ~~travel trailer/travel~~ *recreational camping* vehicle has no permanent structural type additions attached to it *and can be evacuated upon notice directed by responsible Emergency Management Authorities.*
 3. *Located on an individual lot or parcel of record owned by the record owner of the recreational camping vehicle, meets setback requirements from property lines as measured to the recreational camping vehicle, complies with all Shoreland Management District regulations, has a lawful on site or other MPCA allowed disposal facility for the disposal and treatment of human waste, existing sewage and water facilities are floodproofed per National Flood Insurance Program Guidelines, does not permit or allow any nuisance conditions as defined in Section 26-63 of the City Code to exist on site and the property has a Seasonal Recreational-Vacant tax classification as assigned by Anoka County Department of Property Records and Taxation.*
 4. *Recreational camping vehicles may only be placed on lots of record as described above in 34-183(3)a.3 between May 1st through October 1st within that calendar year.*
 - b. Areas exempted for placement of *recreational camping* vehicles:
 - ~~1. Individual lots or parcels of record.~~
 1. Commercial recreational vehicle parks or campgrounds in operation prior to the adoption of the ordinance from which this chapter is derived.
 2. Condominium type associations in operation prior to the adoption of the ordinance from which this chapter is derived.

- CODE OF ORDINANCES

Chapter 34 - FLOODS

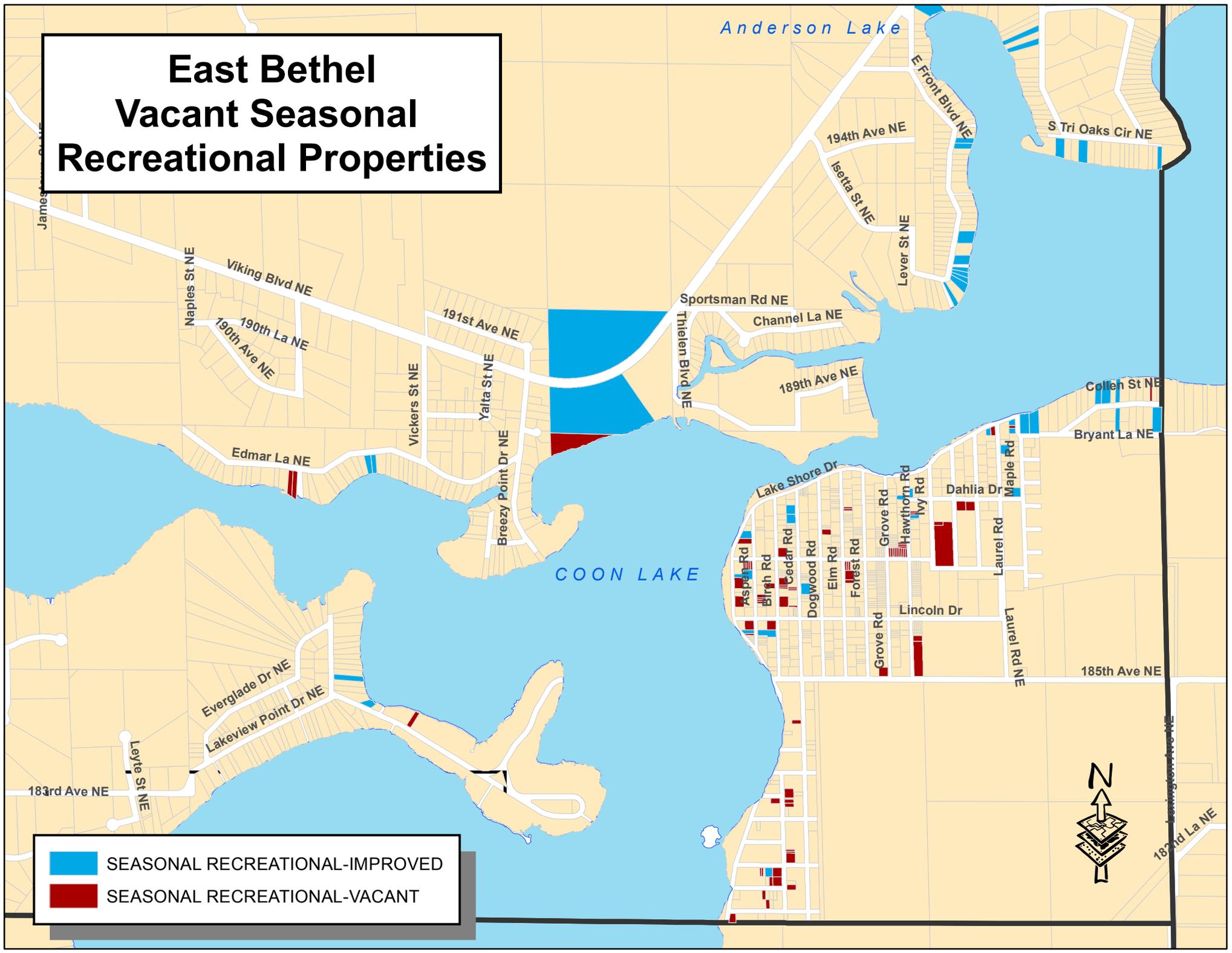
ARTICLE VII. SUBDIVISIONS

- c. ~~Travel trailers and travel~~ *Recreational camping* vehicles exempted in [section 34-183\(3\)a](#) shall lose their exempt status when ~~development~~ *improvements* occurs on the parcel exceeding \$500.00 in value for ~~a structural addition to the travel trailer/travel vehicle or an accessory structure~~ *or utility extension to the property*. The travel trailer/travel vehicles and all additions and accessory structures will then be treated as a new structure and shall be subject to the flood protection requirements of this chapter.
- d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion exceeding five units or dwelling sites of any such use in operation prior to the adoption of this chapter shall be subject to the following:
1. A ~~travel trailer or travel~~ *recreational camping* vehicle will be allowed in the floodway or flood fringe districts provided said ~~trailer or~~ *recreational camping* vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with [section 34-114\(1\)](#). No fill placed in the floodway to meet the requirements of this article shall increase flood stages of the 100-year or regional flood.
 2. A ~~travel trailer or travel~~ *recreational camping* vehicle not meeting the criteria of subsection (3)a of this section may, as an alternative, be allowed as a conditional use. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood prepared by a registered engineer or other qualified individual or agency acceptable to the city. The applicant shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for *existing*, new, or replacement ~~travel trailers~~ or other *recreational camping* vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding.

(Ord. No. 156, § 7(7.04), 5-6-1992)

Secs. 34-184—34-204. Reserved.

East Bethel Vacant Seasonal Recreational Properties



	SEASONAL RECREATIONAL-IMPROVED
	SEASONAL RECREATIONAL-VACANT





City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 7.0 G.1

Agenda Item:

Recycle Center Shed and Storage Tank Removal

Requested Action:

Consider approving SCORE funding for the removal of the unused oil recycling shed and underground tanks at the East Bethel Recycle Center

Background Information:

Each year the City applies for state dollars allocated through the county from the Select Committee on Recycling and Environment (SCORE) to help offset the costs of municipal recycling programs and improvements. In past years the City has used these grant dollars to help improve the equipment and facilities at the East Bethel Recycle Center.

For 2014, staff is recommending using an additional grant of \$12,000 to cover the cost of removing the abandoned underground storage tanks that had been used for oil recycling up until 2011 and the attendant shed that covers the site. The tanks have been emptied and cleaned and can be disposed of as scrap metal. Removal of the tanks and shed would improve the appearance and functionality of the Recycle Center and also provide a way for the City to limit the possibility of any other underground contamination at the site.

Staff is recommending the approval of the maximum grant amount of \$12,000 to cover the cost of \$11,836 for removal of the concrete, asphalt and underground tanks, required soil testing and backfill for the site. The Public Works Department would handle the removal and disposal of the shed.

Additional costs could be incurred if ground water is encountered beneath the tanks or if additional excavation should be required to remove and dispose of contaminated soils.

Attachments:

Quote for underground tank removal

Fiscal Impact:

As noted above

Recommendation(s):

Staff recommends approval of the additional SCORE funding for the removal of the unused oil recycling shed and underground tanks at the East Bethel Recycle Center.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



11541 95th Avenue North
Minneapolis, MN 55369
Tel: 763-315-4501
Fax: 763-315-4507

March 10, 2014

Mr. Nate Ayshford
City of East Bethel
2241 221st Ave. Ne
East Bethel, MN 55011

**RE: Proposal - Underground Storage Tank Removal and Environmental Assessment
2751 Viking Boulevard NE
East Bethel, MN
Pinnacle Proposal No. P014097.000**

Dear Nate,

Thank you for allowing Pinnacle Engineering, Inc. (Pinnacle) the opportunity to provide you with an updated proposal/bid for the removal and environmental assessment of three underground storage tanks (USTs) at the East Bethel Recycle Center, 2751 Viking Boulevard in East Bethel, MN (Site). We understand that the Site has two, 1,000-gallon USTs and one, 500-gallon UST in a single tank basin, all for used oil. This proposal contains four sections: Scope of Work, Assumptions, Terms, and Cost Estimate.

Scope of Work

Pinnacle will provide the following services:

- Subcontract the removal and disposal of concrete and asphalt above the USTs;
- Subcontract the tank removal, cleaning, and disposal of the USTs. Public utilities will be cleared by the excavating contractor through the Gopher State One-Call System prior to any excavation;
- Subcontract the excavation backfilling with clean class V fill;
- Subcontract all state notifications/change in status reports and any other city required permits;
- Document site activities;
- Collect samples from the UST excavation for headspace screening per MPCA poly bag screening procedure;

Corporate: 11541 95th Avenue North, Minneapolis, MN 55369
800-366-3406 · Main: 763-315-4501 · Fax: 763-315-4507
Minneapolis, MN · Rochester, MN · Omaha, MN · Minot, ND

www.pineng.com

24 Hr. Emergency Response: 1-866-658-8883

- Collect three samples (one from under each UST) for laboratory analysis of diesel range organics (DRO), volatile organic compounds (VOCs), RCRA-8 metals, polychlorinated biphenyls (PCBs), and polyaromatic hydrocarbons (PAHs). This sampling scope assumes that groundwater will not be encountered;
- Prepare a report reflecting our Site observations and discussing laboratory results.

Assumptions

This proposal was prepared using the following assumptions:

- Our field technician will complete the field portion of the *Scope of Work* in one and a half days;
- The city will remove and dispose of any canopies prior to tank removal;
- The tanks to be removed consist of one, 500-gallon waste oil UST and two, 1,000-gallon waste oil USTs in a single tank basin;
- Pinnacle assumes that ground water will not be encountered. If ground water is encountered, the soil samples for VOC analysis will be changed to benzene, ethyl-benzene, toluene, and xylenes (BTEX)/MTBE. One groundwater sample will also be collected from the excavation and analyzed VOCs, DRO, RCRA-metals, PCBs, and PAHs. An additional \$260 in laboratory analysis costs would occur due to the change in scope due to groundwater.
- We understand that piping/dispensers are not associated with the USTs. If present, additional costs would occur if piping exceeds twenty feet in length horizontally, as additional sampling and laboratory analysis would be required.
- Pinnacle assumes that the tanks will be empty of product and sludge. Additional costs will be associated with disposal fees for product and/or sludge, as follows: \$9.00/gal for oil/water, \$15.00/gal for sludge residuals.
- We understand that the City intends to do this work after the frost is out. If significant frost is present in the excavation area, additional excavation costs may occur.

Timeline

Pinnacle will coordinate scheduling with the contractor. A five day notice is required for Pinnacle to schedule a technician for the field work. A report will be completed within two to three weeks of the completion of the field work.

Mr. Nate Ayshford
Pinnacle Proposal No.: P014097.000
March 10, 2014
Page 3

Pricing

Pinnacle shall complete the UST removal assessment on a time and materials basis for an estimated \$11,836. Any additional costs related to this site will not be assessed without your approval; an invoice will be issued to you after the report is completed.

Terms

The scope of work including the site description described above is based on information provided to Pinnacle by the CLIENT. Pinnacle will take reasonable precautions to verify Site information. In addition, it is assumed that the CLIENT will provide Pinnacle access to the Site including all buildings, features and other structures for inspection. Pinnacle will not be responsible for errors or omissions resulting from inaccurate or incomplete information provided by the CLIENT or inability to fully access the Site. Pinnacle will not be responsible for the integrity of the sample locations.

This Agreement, including the General Conditions and any Exhibits duly incorporated and enumerated below, constitutes the entire understanding between CLIENT and Pinnacle. Any modifications to this Agreement shall be in writing and signed by authorized representatives for the parties.

To accept this Proposal, please sign, date, and return one copy of this correspondence and return to my office.

PINNACLE ENGINEERING, INC.

By:



Keith Rapp
Senior Hydrologist/Senior Project Manager

Attachments:
General Conditions

GENERAL CONDITIONS

PINNACLE ENGINEERING, INC.

Article I - Definitions

- I.1 Pinnacle Engineering, Inc. (hereinafter called Pinnacle).
I.2 The term (Client), for the purpose of these documents, shall refer to the party or parties authorized to enter into the attached Agreement with Pinnacle.
I.3 The term (Site) shall mean the location(s) of where the agreed work is to be performed.
I.4 The term "below ground" shall mean below the surface of the land at the Site.
I.5 The term (Report) means a compilation of information including but not limited to; research, sample analysis, testing, and discovery. The compilation communicates in written form that information.

Article II - Professional Services and Compensation

- II.1 Pinnacle, incorporated under the state laws of Minnesota, will perform services as defined in the Agreement. The Client agrees to pay for said services.
II.2 The Client will make available to Pinnacle all known information regarding existing and proposed conditions or requirements which affect the work to be performed. Client agrees to make available and transmit to Pinnacle any new or additional information about the Site which becomes available to it or its subcontractors, which differs from previously submitted information to Pinnacle, so that recommended actions can be reviewed.
II.3 The Client will provide a representative to answer questions about the project when required by Pinnacle. If the work to be performed requires the presence of Pinnacle personnel on the Clients property, the Client will provide a representative at the job site to supervise or coordinate the job with a 24 hour prior written notice.
II.5 Pinnacle will not be liable for any advice, judgment or decision based on any inaccurate information furnished by the Client or furnished by contractors and/or subcontractors engaged by and/or for the Client. The Client will indemnify Pinnacle against any and all liability arising out of or contributed to by such inaccurate information, together with all costs and attorney fees incurred by Pinnacle in defending itself against any claims or actions brought by Client or third parties based on such inaccurate information.

Article III - Site Location, Access, Demarcation, Rights of Passage, Easements, Utilities

- III.1 The Client will provide to Pinnacle and will be responsible for the accuracy of the property lines for the Site.
III.2 The Client will provide for right-of-entry and access for all Pinnacle personnel, contractors and subcontractors and for whatever equipment that is necessary to complete the work.
III.3 The Client will be responsible for the application of and obtaining of all permits, as are required by local, state or federal regulations. Pinnacle staff is available to help facilitate the permit process.
III.4 Pinnacle will make reasonable effort to minimize damage to property at the Site. However, the Client understands that damage may be unavoidable. Correction of damage that occurs out of the normal process of work will be the responsibility of the Client. Provisions to restore normal damage may be provided by Pinnacle, at its discretion, to the Client, at cost plus 15%.
III.5 The Client agrees to provide suitable work space at the Site for Pinnacle personnel to perform necessary tasks. The Client also will make every effort to provide assistance, when requested by Pinnacle, to facilitate the progress of work without interference or delay.

III.6 The Client will be responsible for locating and identifying any and all below ground structures, including but not limited to, utilities, pipes, tanks, and natural geologic formations. Pinnacle will take reasonable precautions to avoid damage to all Client located and identified below ground structures. In authorizing this contract, you agree to waive any claim against Pinnacle and will indemnify and hold Pinnacle harmless from any claim of damage, liability, injury or loss allegedly arising from our damaging of underground objects, together with all costs and attorney fees incurred by Pinnacle in defending itself against any claims brought by any party as a result of damage to underground objects.

III.7 The Client will hold Pinnacle harmless for any damages to below ground structures which were not documented by the Client, misidentified by the Client, or not brought to the attention of Pinnacle by the Client prior to work. Provisions to restore damage may be provided by Pinnacle, at its discretion, to the Client, at cost plus 15%.

Article IV - Compensation Payment

- IV.1 Client shall compensate Pinnacle for services provided at the rates set forth in the attached Agreement and/or as per the attached Fee Schedule. Unless otherwise provided, Client shall pay or reimburse Pinnacle for all state and local sales, use or excise taxes of any kind assessed on the services provided hereunder. If any charge provided for herein is not paid within 30 days of its invoice date, Client agrees to pay a finance charge of one and one-half percent (1.5%) per month, or the highest amount permitted by law, whichever is less, until paid. Client also agrees, if its account is referred by Pinnacle to an attorney or collection agency for collection, to pay Pinnacle all costs of collection, including reasonable attorney's fees.
IV.2 All original documents, in written form, electronic form or by other means, prepared by Pinnacle as part of the services of the attached Agreement, remain the property of Pinnacle.
IV.3 The Client agrees that all tangible work furnished pursuant to the attached Agreement, not paid for, will be returned upon demand, immediately. Furthermore, said work will not be used by the Client for any purpose until paid for.
IV.4 The Client agrees that any report(s) submitted by Pinnacle concerning findings and discoveries at the Agreement Site, will always be referred to in its entirety. No portion of said report(s) will be separated for any purposes, without the written approval of Pinnacle. Pinnacle extends the right to unlimited reproduction of the report(s) to the Client.
IV.5 Invoices submitted for work performed are due in 30 days from the date of the invoice. Client agrees to pay finance charges of 1.5 percent per month or the maximum amount allowed by law, on all unpaid invoices until paid. Client agrees to pay Pinnacle all costs, including reasonable attorney's fees, incurred if the account is referred to a collection agency or attorney for payment.
IV.6 Failure to pay invoices within 60 days of invoice date shall result in a default of contractual obligations and may result in immediate termination of the Agreement at the discretion of Pinnacle.

Article V - Indemnification

V.1 The Client agrees to indemnify, hold harmless, defend and save Pinnacle, its officers, agents, employees, subcontractors and subcontractors employees, from any and all claims or causes of action, together with all costs and attorney fees incurred by Pinnacle in defending itself against any such claims or causes of action, arising from the negligent performance or nonperformance of the attached Agreement by the Client or the Clients' agents and employees.

GENERAL CONDITIONS

V.2 Pinnacle will at all times perform work in prudent and faithful manner. Pinnacle will endeavor to inform the Client immediately of information it becomes aware of in the course of work that it feels important, or Pinnacle believes necessary for the Client to report in order to conform with laws, codes or other governmental regulations.

V.3 Client agrees that any disturbance of below ground areas arising out of necessary work performed (sampling, boring, drilling, excavation) contracted by this agreement, that results in contamination of a below ground structure or hydrous body is unavoidable, and the Client assumes all liability for loss or injury which may arise as a result of necessary work performed. Client further agrees to compensate (according to the current fee schedule) Pinnacle for any time and or expenses incurred by Pinnacle in defense of any such claim.

V.4 Pinnacle retains the right to submit a lien , in accordance with acceptable practices, against the Client's property if necessary.

V.5 Pinnacle has no duty to any third party. Work is not being prepared or done for the benefit of any third party.

V.6 Any reporting of known or suspect environmental contamination by Pinnacle shall be directed to Pinnacle from the client in writing. Pinnacle will not report to any regulatory agency or body without this written direction from the Client.

V.7 Client prohibits Pinnacle from disclosing findings to any other party without written authorization from client.

Article VI - Termination

VI.1 The attached Agreement may be terminated with or without cause, by either party, upon fifteen (15) calendar days prior written notice to the other party

Article VII - Responsibilities

VII.1 The Client may be required by ordinance, code or law, to submit information discovered by work performed under the attached Agreement at the Site, to local, state or federal agencies. The Client agrees to report any and all information required. The Client further agrees to hold Pinnacle harmless and indemnify Pinnacle from any and all penalties, fines or costs resulting from any failure of the Clients to report, together with all costs and attorney fees incurred by Pinnacle in defending itself against any such claims or action.

Article VIII - Insurance

VIII.1 Pinnacle will carry statutory workers compensation insurance, general liability insurance, property damage insurance. Automobile and Comprehensive General Liability insurance policies shall have combined single coverage of at least \$1,000,000 per occurrence. Certificates of insurance are available upon written request.

Article IX – Arbitration

Any controversy or claim between the parties hereto, arising directly or indirectly out of, connected with, or in relation to the interpretation of the agreement, the scope of services, or any other matters of any kind involving or relating to any act or omission performed under this agreement, or promises related thereto, shall be submitted to arbitration in accordance with the applicable rules of the American Arbitration Association or other association/arbitrator selected by both parties. The parties shall mutually appoint an arbitrator who is knowledgeable and familiar with the industry and the work being performed. Judgment on any award may be entered in any court

PINNACLE ENGINEERING, INC.

having jurisdiction, and the arbitration decision shall be binding on all parties. IN NO EVENT SHALL EITHER PARTY BE LIABLE TO THE OTHER PARTY FOR ANY SPECIAL, INDIRECT, INCIDENTAL OR PUNITIVE DAMAGES, INCLUDING BUT NOT LIMITED TO DAMAGES ARISING FROM DEATH, BODILY INJURY, OR PROPERTY OR ECONOMIC DAMAGE, INCLUDING LOST PROFITS.

Article X – Force Majeure

Neither party shall be responsible to the other party for any loss, damages or penalty resulting from delay in providing services or in the processing or delivery of any project or work assignment when such delay is due to causes beyond the reasonable control of the party in question, including but not limited to, labor unrest, utility interruptions, shortages, riots, insurrection, fires, flood, storm, earthquake, explosion, act of God, war, terrorism, or governmental action. In any such case, prompt written notice shall be given by the affected party to the other of the existence of such cause and of readiness to resume performance.

Article XI - Entire Agreement and Governing Law

XI.1 The attached Agreement is the entire agreement between Pinnacle and the Client and it supersedes all prior written, or oral agreements. Any terms or conditions, prior course of dealings, course of performance, usage of trade, understanding, purchase order, or agreements purporting to modify, vary, supplement or explain any provision of the attached Agreement is null and void and of no effect unless in writing by representatives of both parties authorized to amend this Agreement, even if such document is signed by both parties.

XI.2 This Agreement is to be governed by and interpreted in accordance with the laws of the State of Minnesota, without regard to the conflicts of laws or principles thereof. THE PARTIES TO THIS AGREEMENT EXPRESSLY CONSENT TO MINNEAPOLIS, MINNESOTA AS THE EXCLUSIVE JURISDICTION AND VENUE FOR ANY DISPUTE ARISING WITH RESPECT TO THIS AGREEMENT.

CLIENT:

By: _____

Name: _____

Title: _____

Date: _____

PINNACLE ENGINEERING, INC.

By: _____

Its: _____

Title: _____

Date: _____

IF WORK IS BEING PERFORMED IN THE STATE OF MINNESOTA, PLEASE BE ADVISED TO THE FOLLOWING:

ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR THE CONTRIBUTIONS. UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE THEM FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIAL FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.



City of East Bethel City Council Agenda Information

Date:

April 2, 2014

Agenda Item Number:

Item 7.0 G.2

Agenda Item:

Recycle Grant

Requested Action:

Consider approving the 2014 additional Recycling Funds.

Background Information:

The Anoka County Department of Integrated Waste Management has notified the City that we are eligible to apply for up to \$34,033 in additional funds for drop off, municipal park, community event recycling programs and removal costs for the buried waste oil tanks and shed at the Recycle Center. These funds are a 100% reimbursable grant, meaning that the City would only be eligible to receive monies actually spent on these activities but no local matching funds are required. Utilizing this additional funding will enhance our current Recycling Program.

In 2013 our recycling tonnage goal was 1,090 tons and we were able to meet 88.985% of our goal. Attachment #1 provides a summary of our recycling report of activities and accomplishments for 2013.

It is possible that County may increase tonnage goals for municipalities that participate in this program. Should that happen, these new funds for activities, over and above those currently offered, would be beneficial in providing the additional means to achieve any higher tonnage goals that may be imposed.

The City will receive \$30,165 from Anoka County in 2014 to operate the City Recycling Center. These funds are separate from the additional grants that are available.

Attachments:

2014 Municipal Funding Request

2013 Recycling Report

Fiscal Impact:

This is a reimbursable grant program and 100% of the costs are covered by the grant. The City allocates no funds to City Recycle Program.

Recommendation(s):

Staff recommends City Council authorize the approval of the additional \$34,033 in grant funds that have been made available for this program.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

**2014 Municipal Funding Request
Attachment B**

The City of East Bethel is requesting the following funding for their municipal efforts in 2014.

Additional \$12,000 Available from Anoka County \$12,000

Grant Projects	Eligible Allocations	Amount Requested
Municipal Grant Funding Allocation	\$30,165	\$30,165
Full Service Drop-off Center Allocation (Staffed recycling center, open a minimum of 3 days per week, collecting mattresses, traditional recyclables, scrap metal, carpet, etc.)	\$30,000.00	
Monthly Drop-off Center (at least 8 per year)	\$10,000	\$ 10,000
Municipal Park/Community Event Recycling	\$4,000	\$ 4,000
Multi-Unit/Curbside Recycling	\$4,000	\$ 4,000
Recycling Enhancement Grant (Additional promotion efforts, multi-units, organics program) Insert a description of the efforts being proposed below.	\$4,033	\$ 4,033
Total Amount Eligible Being Requested for 2014	\$52,198	\$ * 64,198

A description of the efforts being proposed for the Recycling Enhancement Grant.

- | |
|--|
| <ul style="list-style-type: none"> • Demolition of old oil recycling building/station • Monthly Drop-off Center: Promotions, mailings and program costs • Park Recycling: Expansion and promotion of program, and program costs • Community Event Recycling: Expansion and promotion of program, and program costs |
|--|

The City of East Bethel requests * \$64,198.00 for 2014 Municipal Funding.

Date _____

Name _____

Title _____

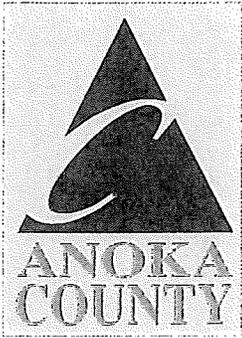
*these amount's should match and may not exceed eligible allocation total. This amount will be 10% less than the contract maximum for the grant.

2014 Additional Enhancement Funds Available																
Municipality	Contract Number	HH	Population	Goal	Base Funding	Monthly Drop-off Day		Full Service Drop-Off Center	Park and Event Recycling			Curbside and Multi-Unit Recycling			Enhancement Grant \$1/HH	Total Potential Allocation
						Up to 4,999 households	5,000 + households		Up to 2,000 households	2,001 - 4,999 households	5,000 + households	Up to 2,000 households	2,001 - 4,999 households	5,000 + households		
East Bethel	2013-0343	4,033	11,555	1,091	\$30,165	\$10,000	\$15,000	\$30,000	\$2,000	\$4,000	\$6,000	\$2,000	\$4,000	\$6,000	\$4,033	\$52,198

2012 Met Council estimates are used for Household (HH) and Population data

Base Funding is \$10,000 base per municipality plus \$5.00/HH

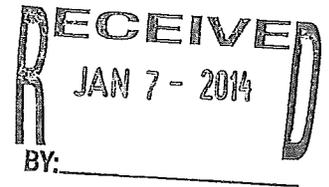
Goals are based on 190 pounds/person/year single family home up to 4 units and 175 pounds/person/year multi-units 5 units or more



C O U N T Y O F A N O K A

Integrated Waste Management Department

Government Center
2100 3rd Avenue, STE 340 • Anoka, Minnesota 55303-5032
763-323-5730 • Fax 763-323-5731
E-mail • recycle@co.anoka.mn.us
www.AnokaCounty.us/recycle



Date: January 3, 2014
Memo To: Municipal Recycling Coordinators
From: Sue Doll, Solid Waste Specialist
Regarding: Municipal Contracts for 2014 Funding and Goals

The 2014 Residential Recycling Agreements include a fixed base of \$10,000 for each municipality and \$5.00 per household. In addition, targeted program funds are available for specific program areas and funds may be used for problem materials and yard waste/organics. The household count is based on the latest population and household estimate available from the Metropolitan Council. This funding allocation is not dependent upon the receipt of the second SCORE allocation but will use reserve funds if the second grant payment is not received in the spring of 2014.

The 2014 funding includes enhancement funds for the following program areas:

~~Full-service drop-off recycling centers – \$30,000~~

Monthly drop-off recycling centers – \$10,000 to \$15,000 depending on the number of households*

Park and Event Recycling – \$2,000 to \$6,000 depending on the number of households**

Curbside and Multi-Unit Recycling – \$2,000 to \$6,000 depending on the number of households**

Enhancement Grant \$1/Household

*Up to 4,999 HH \$10,000 and 5,000 HH and up \$15,000

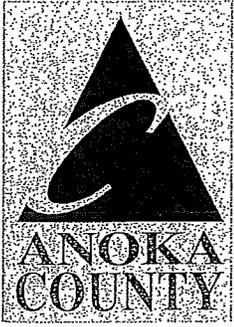
**Up to 2,000 HH \$2,000, 2001 – 4,999 HH, \$4,000 and 5,000 HH and up, \$6,000

In addition, this year your contract includes a change order of up to 10% of your total allocation.

The proposed 2014 municipal recycling goal is 190 pounds per person for single family households (up to 4 units) and 175 pounds per person for multi-unit households (5 units or more). This goal reflects the estimated tonnage needed to assist the county in achieving its recycling goal as established by the State of Minnesota. The goals have been set to reflect the differences between single family and multi-unit housing.

Three copies of the contract have been enclosed for signature by your municipality. Please have **all three** signed and fill in the 2014 Municipal Funding Request – Attachment B. Each contract must have a completed Attachment B. Mail **all three** signed copies back to our department and we will obtain remaining signatures.

Thank you for your cooperation and efforts to reduce waste and increase the amount of material recycled in our county. Please do not hesitate to contact me if you have any questions regarding this information.



C O U N T Y O F A N O K A

Integrated Waste Management Department

Government Center
2100 3rd Avenue, STE 340 • Anoka, Minnesota 55303-5032
763-323-5730 • Fax 763-323-5731
E-mail • recycle@co.anoka.mn.us
www.AnokaCounty.us/recycle

December 13, 2013

Anoka County Recycling Coordinators,

As you prepare your 2013 reports and plan for next year, we want you to be aware of this:

On November 26th the Anoka County Board authorized the Integrated Waste Management Department to disperse unrequested 2013 budgeted funds, to address unanticipated needs up to \$12,000 per municipality.

These funds can be utilized for 2013 or 2014 funding. We will discuss this at our upcoming Solid Waste Abatement Advisory Team meeting on December 18, 2013. If you have any other questions regarding this funding, please do not hesitate to contact me.

Sincerely,

Sue Doll
Solid Waste Specialist
Anoka County Integrated Waste Management Department
763-323-5734

**Anoka County 2013
Municipal SCORE Reimbursement**

Municipality	2013 Original Total Allocation	Addtl Funds \$12,000 avail to unrequested balance	Total Allocation	Jan-Jun Request	July-Dec Request	Total Reimbursed	2013 Original Balance Unrequested	2013 Addtl Funds of \$12,000 Unrequested
Andover	\$ 96,286.00	\$ 12,000.00	\$ 108,286.00	\$ 27,827.41	\$ 80,458.59	\$ 108,286.00	\$ (12,000.00)	\$ -
Anoka	\$ 58,630.00	\$ 12,000.00	\$ 70,630.00	\$ 33,499.28	\$ 26,047.47	\$ 59,546.75	\$ (916.75)	\$ 11,083.25
Bethel	\$ 10,870.00	\$ 12,000.00	\$ 22,870.00	\$ 2,959.65	\$ 2,502.04	\$ 5,461.69	\$ 5,408.31	\$ 12,000.00
Blaine	\$ 159,316.00	\$ 12,000.00	\$ 171,316.00	\$ -	\$ 171,316.00	\$ 171,316.00	\$ (12,000.00)	\$ -
Centerville	\$ 23,600.00	\$ 12,000.00	\$ 35,600.00	\$ 4,736.54	\$ 13,858.53	\$ 18,595.07	\$ 5,004.93	\$ 12,000.00
Circle Pines	\$ 26,054.00	\$ 12,000.00	\$ 38,054.00	\$ 16,784.36	\$ 21,269.64	\$ 38,054.00	\$ (12,000.00)	\$ -
Columbia Heights	\$ 56,565.00	\$ 12,000.00	\$ 68,565.00	\$ 35,024.34	\$ 33,540.66	\$ 68,565.00	\$ (12,000.00)	\$ -
Columbus	\$ 21,085.00	\$ 12,000.00	\$ 33,085.00	\$ 8,488.13	\$ 10,860.76	\$ 19,348.89	\$ 1,736.11	\$ 12,000.00
Coon Rapids	\$ 174,606.00	\$ 12,000.00	\$ 186,606.00	\$ 47,839.99	\$ 125,523.41	\$ 173,363.40	\$ 1,242.60	\$ 12,000.00
East Bethel	\$ 52,792.00	\$ 12,000.00	\$ 64,792.00	\$ 21,607.43	\$ 25,647.13	\$ 47,254.56	\$ 5,537.44	\$ 12,000.00
Fridley	\$ 79,935.00	\$ 12,000.00	\$ 91,935.00	\$ 19,570.09	\$ 44,429.01	\$ 63,999.10	\$ 15,935.90	\$ 12,000.00
Hann Lake	\$ 35,975.00	\$ 12,000.00	\$ 47,975.00	\$ 20,344.72	\$ 21,596.37	\$ 41,941.09	\$ (5,966.09)	\$ 6,033.91
Hilltop	\$ 21,274.00	\$ 12,000.00	\$ 33,274.00	\$ 8,652.15	\$ 7,309.21	\$ 15,961.36	\$ 5,312.64	\$ 12,000.00
Lexington	\$ 15,930.00	\$ 12,000.00	\$ 27,930.00	\$ 14,433.13	\$ 1,087.03	\$ 15,520.16	\$ 409.84	\$ 12,000.00
Lino Lakes	\$ 68,650.00	\$ 12,000.00	\$ 80,650.00	\$ 24,449.65	\$ 21,381.53	\$ 45,831.18	\$ 22,818.82	\$ 12,000.00
Linwood	\$ 30,352.00	\$ 12,000.00	\$ 42,352.00	\$ 9,465.76	\$ 31,706.89	\$ 41,172.65	\$ (10,820.65)	\$ 1,179.35
Nowthen	\$ 27,724.00	\$ 12,000.00	\$ 39,724.00	\$ 9,889.48	\$ 17,694.06	\$ 27,583.54	\$ 140.46	\$ 12,000.00
Oak Grove	\$ 33,750.00	\$ 12,000.00	\$ 45,750.00	\$ 22,069.65	\$ 19,439.46	\$ 41,509.11	\$ (7,759.11)	\$ 4,240.89
Ramsey	\$ 71,505.00	\$ 12,000.00	\$ 83,505.00	\$ 71,505.00	\$ 7,852.84	\$ 79,357.84	\$ (7,852.84)	\$ 4,147.16
St. Francis	\$ 33,168.00	\$ 12,000.00	\$ 45,168.00	\$ 13,851.15	\$ 9,847.93	\$ 23,699.08	\$ 9,468.92	\$ 12,000.00
Spring Lake Park	\$ 33,618.00	\$ 12,000.00	\$ 45,618.00	\$ 13,538.44	\$ 32,079.56	\$ 45,618.00	\$ (12,000.00)	\$ -
TOTAL	\$ 1,131,685.00	\$ 252,000.00	\$ 1,383,685.00	\$ 426,536.35	\$ 725,448.12	\$ 1,151,984.47	\$ (93,315.44)	\$ 158,684.56

2013 Anoka County Municipal Recycling Report

Population	City/Township	2013 Goal (in tons)	Jan-June Tons Abated	July-Dec Tons Abated	Total	% of Goal Achieved	Pounds per person	Pounds per person per month	HH	#/HH/YR
30,847	Andover	2,850	1,881.42	2,109.03	3,990.45	140.016%	258.73	21.56	9,881	807.70
17,331	Anoka	1,571	645.38	685.58	1,330.96	84.721%	153.59	12.80	7,105	374.65
466	Bethel	43	30.02	30.29	60.31	140.256%	258.84	21.57	174	693.22
58,331	Blaine	5,372	85.37	4,572.47	4,657.84	86.706%	159.70	13.31	21,386	435.60
3,804	Centerville	350	157.18	159.93	317.11	90.604%	166.73	13.89	1,320	480.48
4,922	Circle Pines	452	226.86	259.05	485.91	107.501%	197.44	16.45	2,009	483.73
19,619	Columbia Heights	1,792	778.42	955.33	1,733.75	96.749%	176.74	14.73	7,973	434.90
3,919	Columbus	363	239.28	241.26	480.53	132.378%	245.23	20.44	1,417	678.24
61,766	Coon Rapids	5,661	3,405.78	3,784.70	7,190.48	127.018%	232.83	19.40	23,601	609.34
11,783	East Bethel	1,090	443.00	526.93	969.94	88.985%	164.63	13.72	4,132	469.48
27,515	Fridley	2,506	985.90	1,279.57	2,265.47	90.402%	164.67	13.72	11,187	405.02
15,374	Hann Lake	1,419	757.63	719.49	1,477.13	104.096%	192.16	16.01	5,195	568.67
781	Hilltop	71	30.43	30.99	61.42	86.513%	157.30	13.11	379	324.14
2,078	Lexington	190	111.75	87.39	199.14	104.811%	191.67	15.97	786	506.72
20,505	Lino Lakes	1,894	1,022.24	1,120.65	2,142.89	113.141%	209.01	17.42	6,275	682.99
5,124	Linwood	474	179.52	214.93	394.45	83.217%	153.96	12.83	1,892	416.96
4,469	Nowthen	413	167.78	191.00	358.77	86.870%	160.56	13.38	1,454	493.50
8,045	Oak Grove	743	403.04	456.87	859.91	115.735%	213.77	17.81	2,750	625.39
23,865	Ramsey	2,205	1,169.01	1,344.61	2,513.62	113.996%	210.65	17.55	8,101	620.57
7,255	St Francis	669	298.56	294.77	593.33	88.690%	163.57	13.63	2,603	455.89
6,254	Spring Lake Park	572	247.43	310.14	557.57	97.478%	178.31	14.86	2,531	440.60
334,053	TOTAL	30,700	13,266.00	19,374.98	32,640.98	106.322%	195.42	16.29	122,151	11,007.78

This is an addendum to the
April 2, 2014 City Council
Meeting. It was added on
April 1, 2014.

City of East Bethel
April 2, 2014
Supplemental Payment Summary

This is a supplemental listing of invoices that were received after the creation of the Council packet. Due to the invoice deadline and the timing of the next Council meeting, they could be deemed as late payments which could possibly accrue late fees and/or finance charges if not paid by the due date.

Department	Description	Invoice	Vendor	Fund Dept	Amount
Building Inspection	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 42410	\$145.41
City Administration	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 41320	\$127.28
City Clerk	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 41430	\$62.55
Finance	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 41520	\$141.91
Fire Department	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 42210	\$76.45
Park Maintenance	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 43201	\$201.93
Planning and Zoning	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 41910	\$97.28
Sewer Operations	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	602 49451	\$13.15
Street Maintenance	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	101 43220	\$254.98
Water Utility Operations	Cafeteria Contribution	04 2014	Dearborn National Life Ins Co.	601 49401	\$13.15
					\$1,134.09