

EAST BETHEL CITY COUNCIL MEETING

APRIL 2, 2014

The East Bethel City Council met on April 2, 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
 Mark Vierling, City Attorney

Call to Order The April 2, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 P.M. The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington made a motion to adopt the April 2, 2014, City Council agenda as amended to add Item H, Supplemental Bill List, to the Consent Agenda. Koller seconded. All in favor, motion carries.**

Adopt Agenda

4.0 No one signed to speak at the Public Forum.

Public Forum

5.0 Item A Bills/Claims

Consent Agenda

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

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

Item F Approve Completion of Probation for 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.

Item H Supplemental Bill List

Ronning, "I want to pull B, C, D, and E."

DeRoche motioned to approve A, F, G, and H. Ronning seconded. All in favor, motion carries unanimously.

Ronning, "There have been some concerns with the recent minutes, not to say that anybody, she has done a heck of a job, being called to fill in, doing double duty pretty much, and getting burned out too."

DeRoche, "Jack, would you say that? She's getting burned out?"

Davis, "I think Jill had several things on her plate. She was doing the EDA, Planning, Roads, and Parks. Particularly in February there were two Council meetings, special meetings, and work meetings. That adds up to considerable time in addition to her normal job and other responsibilities."

Ronning motioned to table consideration of B, C, D, and E, from the Consent Agenda, compare these Minutes to the Minutes that will be prepared for the April 2, 2014, meeting and consider a corrections procedure at the April 16, 2014, Council meeting. DeRoche seconded.

Roll call: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Nay, motion carries 4-1.

**6.0
New Business**

Commission, Association and Task Force Reports

6.0A
Planning
Commission

Davis presented the staff report and request to consider granting an Interim Use Permit (IUP) for Michelle Arellano for a Home Occupation in the RR – Rural Residential District.

6.0A.1
Michelle
Arellano –
IUP for Home
Occupation –
Metro Plus
Turnover
Cleaning
Services 449
220th Avenue
NE, East
Bethel, MN
Zoning RR

The applicant, Michelle Arellano, is requesting an IUP to operate a home-based 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.

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, Block 3, PIN 07-33-23-21-0018, with the conditions listed in the packet.

DeRoche motioned to approve the Interim Use Permit (IUP) as requested by Michelle Arellano at 449 220th Avenue NE (PIN 07-33-23-21-0018) for the operation of a turnover cleaning service business, subject to 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.**
 - 1. **Violation of conditions and City Codes shall result in the revocation of the IUP.**
 - 2. **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.**

Moegerle seconded. All in favor, motion carries unanimously.

6.0A.2
Appendix A,
Section 10
Zoning
Ordinance,
General
Development
Regulations,
Section 19 –
Home
Occupations

Davis presented the staff report and request to consider changes to City Code, Appendix A, Zoning Ordinance, Section 10 General Development Regulations, Section 19, Home Occupations for the definition of Home Occupation.

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 old 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.

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.

Moegerle motioned to approve the change in definition of Home Occupation, Appendix A, Zoning Ordinance, Section 10-19 A, to the following:

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

and direct staff to publish. Ronning seconded. All in favor, motion carries unanimously.

6.0A.3
Jeff Kirkeby –
IUP for Home
Occupation –
Pavement
Resources,
23310
Monroe Street
NE

Davis presented the staff report and request to 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.

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 Street 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. Under the new Home Occupation definition, as was previously approved in the agenda item presented before this item, Mr. Kirkeby's business would qualify for an IUP.

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 with none that work at this site. 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 the requirements of the ordinance if the IUP conditions are approved.

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 Street NE, East Bethel, PIN 31-34-23-13-0013, with the conditions included in the packet.

Ronning motioned to approve 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 Street NE, East Bethel, MN 55005, 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 Ordinances 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.**
- Harrington seconded.**

Moegerle, “I’m looking at Page 71 of the packet, the write up which says that Mr. Kirkeby’s IUP expired in December 2013. If it expired in 2013, and I’ve been trying to pull up the minutes from February 19, there is nothing to renew. I wanted to get that clarified. Did we ‘forgive’ the expiration? It is not in the write up and I want this to be very clear because someone is going to say we’re setting a precedent by doing this. Do we have that? Can you find that real quick? That was the one thing I had a question for.”

DeRoche, “If I’m not mistaken, when this came up he was granted the extension until it went through the processes to change this.”

Vierling, “This is my recollection but if there is any question at all, the maker of the motion can either grant it as initially or as renewed.”

Ronning motioned to amend to grant the IUP initially or as renewed. Harrington seconded the amendment.

Moegerle, “I would make an amendment with regard to Condition 4 and say the Interim Use Permit shall expire three years from today’s date. As currently written, it says the Interim Use Permit shall expire at the time the property changes hands and/or any of the prescribed conditions have been violated. Let me clarify my motion, I amend the motion that the Interim Use Permit shall expire when any of the prescribed stipulations have been violated or in three years.”

Davis, “That is a misprint. It should be three years.”

Moegerle, “So Condition 4 is an additional stipulation on when it will expire to Condition 6.

Okay, never mind, I withdraw.”

Vote on amendment: all in favor, amendment motion carries unanimously.

Vote on main motion as amended: all in favor, amended motion carries unanimously.

6.0B None.

Economic
Development
Authority

6.0C None.

Park
Commission

6.0D None.

Road
Commission

**7.0
Department
Reports**

Davis presented the staff report to consider a request from Nancy Krueger, owner of property at 18467 Lakeview Point Drive to continue the placement of her recreational camping vehicle at this address. The Ordinance Committee discussed this matter at a meeting on October 28, 2013. 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.

7.0A
Community
Development

7.0A.1
Floods
Ordinance
Amendment,
Chapter 34-
183

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 regard 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 listed in the packet and again, these changes do not address Ms. Krueger's concern. They are only proposed in the event you want to make the placement of travel trailers more strict in the City. Staff recommends Council consider approval of these changes and upon action on this matter, consider Ms. Krueger's request as a separate issue.

DeRoche motioned, for discussion purposes, to approve amending the Ordinance related to the placement of recreational camping vehicles as presented. Moegerle seconded.

DeRoche, "We have to have some discussion."

Moegerle motioned to amend the original motion to remove any remaining 'travel trailer/travel vehicles' references and change to 'recreational camping vehicles' in this Chapter.

Vierling, "For clarification is that referenced in the staff recommendation?" Moegerle, "Yes, all it does is continues cleaning up to remove 'travel trailer/travel vehicles' and substituting 'recreational camping vehicles.' Those two were not changed so that makes it consistent with the intent of substituting 'recreational camping vehicle' for those words."

Ronning seconded.

DeRoche, "For discussion purposes, this is one of the situations where I'm wondering why we are changing another ordinance because someone came in, had issues. As far as I know, this has not been an ongoing problem and now we are going to, or it is suggested, that we are going to go through and change some more of this ordinance. I think before we do this, we need to have more than one problem. Sometimes I hear justification that there will be more people coming in here. I'm not sure how long the ordinance has been here, I didn't ask staff what was the history of the ordinance to begin with, apparently there isn't any. But, my thoughts were, well there must have been a reason for them to create the ordinance. Had Ms. Krueger not come in and had these issues, we probably wouldn't have been doing this anyway. Are we going down this road where whenever someone comes in, we should probably change this? I'm not for a change in the definition."

Moegerle, "I will address that. We had an Ordinance Committee meeting, when we still had the Ordinance Committee, and Nancy Krueger brought up this issue. What happened was that we started looking at it, or it was brought to us by staff and we started looking at this. We have a definition for 'recreational camping vehicles' that includes definitions of 'travel trailers' and a total of four subsections under that. When we were looking at this to get it straightened out, we had two sets of definitions. They were not cross referenced so you couldn't figure it out. The point that was made to me at the Ordinance Committee meeting before Tom arrived, and it may have been repeated after that, but I know it was made at that time, was that if we can simply clean this up so that we know that this applies

to all four subcategories of 'recreational camping vehicles' as opposed to specifying 'travel trailers' and 'travel vehicles.' So, this is more of a clean up to make the language consistent between the other ordinances that apply to 'recreational camping vehicles' and their subtype. This is not a substantive change, it is more of a clean up change, is the way I see it. It makes it more consistent, it makes it more clear, and it makes it more simple. It has been difficult to discuss this at the Ordinance Committee because we had different definitions."

Ronning, "Point of clarification please?" DeRoche, "Absolutely." Ronning, "The first time she came in was last summer or last August, or some time. Is that correct?" Davis, "September, I believe." Ronning, "I was here and we didn't have any more Ordinance meetings after that. No more Ordinance meetings were held so I'm not sure what you were referring to about an Ordinance meeting."

Davis, "We had an Ordinance Committee meeting on October 28 with Heidi about the noise and discussed this issue too. We discussed both of them. Again, these changes are not proposed to address Ms. Krueger's situation because they wouldn't apply to her because she is existing there. These are suggestions for your consideration if you want to make it more restrictive and clean up the language of the ordinance. It is almost like a menu, you can go down and decide which ones you'd like or you can select none of them."

DeRoche, "My problem again, Jack, is we come through and look at it, or certain people look at it. I would like to see if there are any minutes from that Ordinance meeting because I would like to see what is actually said." Moegerle, "They weren't kept."

DeRoche, "So, someone created this ordinance and now we are saying we don't like it, we are going to clean it up. Then the next Council Members come in and say we don't like it so we are going to clean it up again because why did you change it to begin with. I'm of the old adage that if it's not broke, don't fix it. To my knowledge, this has not been an issue before Ms. Krueger came in so would we even be discussing this had she never even come in with that problem."

Davis, "We would have in some respects because the reason that she came in was because we sent her a notice that she was in violation of the ordinance. This was based on a complaint from a neighbor. We went down and looked at it and based on the investigation at that time, there were questions on the existing ordinance whether she should place her recreational vehicle upon the lot with no house, or water or sewer system on there."

DeRoche, "Okay, which gets back to someone didn't just pop up with this ordinance. From the reading I've done, ordinances generally are created for either public safety, public health, well being, whatever. Another reason they have to be enforceable. Generally, there has to be a complaint or reason of more than a person to say we want this to happen because if we are going to change things because someone comes into the City and says, 'Well, I don't like blue houses.' We say, 'Okay, we're going to make it so you can't paint your house blue any more.' Well, unless you get the whole group to come in and say it doesn't fit, it looks terrible, right, the aesthetics isn't there. What is the history? Why was this ordinance created to begin with? And, if we're going to just say well, we don't like the way you did it so we are going to change it to the way we like it to fit."

Davis, "Again, this ordinance is not to address Ms. Krueger's situation. This ordinance is to see if Council wants to do anything to improve it or leave it as it is. It is your choice to do

what you wish with it. As far as the history of ordinances, there is no written history of anything. You'd have to go back and research minutes to find out what had happened and those may not be all conclusive either. Apparently, the ordinance was written at one time to address what was, or perceived to be, a situation or problem with placement of recreational camping vehicles. ”

Moegerle, “I think that while your illustration is simple, I don't think it applies to this. Certainly, I think, at a minimum on this ordinance, even without adding any of the additional suggested changes, that to substitute 'recreational camping vehicle' for 'travel trailer' and 'travel vehicle' language is required to simplify what we've got and to be internally consistent. This original ordinance was written in 1992. I was not able to search the information on the background on that. I think in times past there has been discussion that some of the ordinances could be simplified and improved to make them more user friendly. I certainly think that this definitional change, if the other amendments alone are stricken, that's fine. I think that's a great debate to have in discussion here. But I certainly think that the change with regard to the 'recreational camping vehicles' will be of benefit to our ordinances and to the Building Department when they try and enforce this because they don't have to parse between is that a travel trailer, is that a travel vehicle, or a pop-up camper, or all of that because it applies to all categories of recreational camping vehicles. I think that is a benefit. As to the other issues, I think they are all debatable as to the value. I think the one minimal change should be made.”

DeRoche, “So you want to define what a travel trailer is, what a rec trailer is. Now that is according to whose definition of what these are.” Moegerle, “Our ordinances. If you will search our ordinances for 'recreational camping vehicle,' it is in there and it has a subcategory. Do you have the reference for that?” Davis, “3819, I believe.” Moegerle, “Okay, so if you check 38-19, and I'll take it on trust from Jack, there you'll see 'recreational camping vehicle' defined and the four subcategories. My computer is going pretty slow today, let's see what we've got. Yes, 3819, under the Manufactured Home Parks, it was in our packet last time. 'Definitions, Recreational Camping Vehicles means any of the following: a travel trailer, a pick up coach, motor home, and camping trailer.' So what we have in the existing ordinance we are looking at today, we use a term that is not defined, which is 'travel vehicles.' By substituting 'recreational camping vehicle' for 'travel trailer' and 'travel vehicle' then we make our ordinance internally consistent so it means all of the four subcategories. That is just simple logic, I think, that we simplify it. As far as the other suggestions, I think we should discuss each one of those individually about the value of adding those additional issues. And, I think there is value in them from the standpoint of they make it very difficult for black water to get into our lakes during a flood. I think we want that, to protect our lakes. I think that is a valuable addition.”

DeRoche, “Well at the end there are five votes. I would prefer it remain the way it is. I think someone did it with their intent and it is not my place to change because I don't like the way certain things are or because I have certain experiences to just go through and change things, but that is neither here nor there.”

Ronning, “Jack, these four subcategories under the category, what does this do? What is it intended to do?” Davis, “As far as the definition?” Ronning, “For the change.” Davis, “The change is to make it more restrictive and to clarify regulations as to the placement of RVs for recreational purposes on those City lots that have a tax classification of Seasonal Recreational. The ordinance is somewhat vague and allows some gray areas for interpretation. If you have a property you may be able to come in and park an RV on there

that could be in between two \$500,000 homes, this is an extreme example. There are a couple situations though that this could exist. There is a little sliver of a lot that is 25 feet wide, classified as Seasonal Recreational, and in between it are two expensive homes. If there was an existing method of sewage disposal on this, it could be that someone could park an RV on there and say this is for Seasonal Recreational purposes, 'I'm not living here but I come down here and spend the day or weekend,' something like that. That could lead to the devaluation of adjacent properties and it could also provide situations where people may dump some waste on the ground. I'm not insinuating that Ms. Krueger has done this, in fact, she has kept up her property very nicely. But, there could be certain situations where this could create a problem and I'm sure that is why the ordinance was originally written. What we have proposed as amendments makes it more restrictive in placing recreational vehicles on these lots that are tax classified as Seasonal Recreational. Hopefully, to prevent some of these problems."

Ronning, "I agree with Bob 100% that change for change sake does not really fit too well with me. But if it is reasonable, if there is some specific thing accomplished by it, I don't oppose that either. I'm not sure if I'm understanding what, so the four categories under one, and there is one category period if this passes?"

Davis, "In terms of definition, it just keeps it from going all over the board. So when you say 'recreational camping vehicle' you mean 'travel trailer,' which is something you hook to your vehicle and pull around, it is on wheels, and has a tongue. 'Travel vehicle,' which would be an RV type of situation that is self motorized. A 'pick-up camper' would be a topper or some form of camper that fits in the back of your pick-up. This would refer and define this and make it common to all of it. When you wanted to know if this was one or the other, you'd look it up and say, 'okay, 'recreational camping vehicle' covers all of these.' It kind of simplifies the definition of it."

Ronning, "How does it, or is it related to the other one, 38-19?" Davis, "38-19 is the definition where it defines 'recreational camping vehicle' and the subcategories of the definition."

Moegerle, "As this is currently written, what could happen is she could get one of those pop-up campers with the canvas foldout and this doesn't apply to her. So anybody could do that. Or, you could drive your pickup truck with a topper on top of it and do all of these things. The issues we are talking about dealing with sewage and septage and flood zones and all of that stuff, that doesn't apply. So that is why the changing to 'recreational camping vehicle' matters. Because then it covers all of those camping residences or places that people stay. Because, if you just say 'travel trailers' and 'travel vehicles' then there are three other categories that they can use instead. Why would you just want to eliminate 'travel trailers' and 'travel vehicles?' They are functionally the same as the other three categories."

DeRoche, "You lost me on the pop-up campers." Ronning, "Yes, what would make it any different than any of the other?" Moegerle, "Because as this is written, using 'travel trailers' and 'travel vehicles,' that is not a pop-up camper." Ronning, "It could be." Moegerle, "Not by the definition." DeRoche, "That is the way they are sold, Heidi."

Moegerle, "Take a look at our ordinances. Our ordinance, at 38-19, differentiates that. In the definitions, it says that a 'travel trailer' is not a pickup coach, a motor home, or a camping trailer. That is what it says. We could change all of that but the simple thing to do

is to say in the ordinance that we have in front of us, we will change to 'recreational camping vehicles' and it will cover motor homes, it will cover pickups, and all of those things. That is the simple thing that is accomplished by the 'recreational camping vehicle' change. I think that is a very good thing, it makes good sense."

DeRoche, "Again, that is your interpretation, that is your way of looking at it, and that is what happens with a lot of ordinances that have been looked at. You have your interpretation."

Moegerle, "Could we have a legal opinion? Mark, have you looked at our definitions at 38-19 for 'recreational camping vehicle' or 34-183? Do you see that there is a value? Or does it make a difference?"

Vierling, "I don't have them in front of me and for some reason I can't open your Code. But, from the discussion, I can see that there are separate definitions for the two of them, and therefore separate application. You can leave it the way it is if you are happy with those. You can alter as is proposed to go to 'recreational camping vehicles' or if you wish, you can go with the definition of 'travel trailers' and 'travel vehicles' and redefine those if you wish to do that."

Davis, "Even our definition does not define 'travel vehicle.' It does define "travel trailer' but if you leave that in there it does not provide, a 'camping trailer' could be..."

Vierling, "You could add a definition for that if you wish to do so and include as many items under the sun, if you wish to, right down to tents."

DeRoche, "How many times has this been an issue where Nick has been in a situation where he has said, 'I don't know, it says it here, and it says that there?' Other than when Nancy Krueger came before us and had questions, what was the problem? Did Nick have an issue with it? Did anybody here have an issue with it? Or was this just something that was brought up?"

Davis, "Again, the matter was brought to the Council's attention because a resident complained to me that there was a recreational vehicle parked on a lot that was in violation of City Code. At that time, we go and investigate these things, and we found there were two areas where it may have been in violation. That will be part of the second part of this presentation. If you want me to go into it now, we can."

DeRoche, "Sure."

Davis, "The violations occurred, there's a section of City Code, 38-20, that says you can park a recreational vehicle for storage purposes on a lot if it has a house, a well, and a septic system. The issue with this is there is no house, no well, or no septic system. The other issue is, is she storing the RV there or is she using it for day use activities, which was her explanation of what the use was."

DeRoche, "Okay, to hit on that point, is she storing it there or not? If she uses it three or four months of the year and the other nine months out of the year, it is sitting there, is it stored there? Or, would storing it be taking it somewhere else and storing it somewhere else?"

Davis, "Like I said, there is a gray area there. You could interpret it storage was used for a certain portion of the year. The other section of the ordinances, under 34.183 that deals with floods, says that a travel trailer/travel vehicle loses its exemptions from the flood proofing section of this ordinance if there are developments exceeding \$500 to the travel trailer/ travel vehicle or an accessory structure. In this case, there is evidence that they have exceeded with the improvements in the existing outhouse that was there and extension of electrical power to an accessory structure. So, from that interpretation, we think that Ms. Krueger is probably in violation of the ordinance."

Moegerle, "An additional point before we move on to Ms. Krueger. There is Minnesota Statute 327.14 that also defines recreational camping vehicle that also has four subdivisions, much like what we have but the names are not quite the same. I would imagine this shows there's been some action on this as recently as 2009. So, that could well have been updated but I think, again, this is an opportunity to be consistent with State Statute as well."

DeRoche, "I would like to get the opinion of a couple Councilmembers who haven't had a chance to speak yet. Ron, what do you think?"

Koller, "Well, there are some things that I have read in there that are totally ridiculous. This one about the vehicle not meeting criteria of Subsection 3a of this section may, as an alternative, be allowed a conditional use. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during a 100-year flood prepared by a registered engineer. It's a camping trailer."

DeRoche, "But there is State law about that. Jack, can you hit on that?"

Davis, "That, I'm not sure if that is State Statute. That is part of the requirements you have to meet with the National Flood Insurance Program, which we are a part of. For any vehicles like this, there does have to be some type of evacuation plan and the vehicles do have to be road worthy and be able to be moved at direction of emergency management authorities Now, the way this is written is probably, maybe, a little over board but there are certain requirements to maintain their eligibility in the National Flood Insurance Program."

Koller, "It says here that it has to be done by a registered engineer." Moegerle, "Is that part of the National Flood Insurance Program?" Davis, "I would have to check. I don't think that's part of the National Flood Insurance Program. I think that is probably somebody that ..." Koller, "It's a travel trailer, you put it on the back of the truck and you drive away." Moegerle, "I would be glad to accept an amendment to delete 'registered engineer.'" Koller, "I don't think a registered engineer would be needed to define that." Moegerle, "Well, make a motion to amend. You are right."

DeRoche, "But the problem is, it effects everything from the little pop-up to the 27- to 32-foot trailer. Now somebody's got a 32-foot trailer sitting there and it is in the flood zone or something happened, yes, I'd want them to get it the heck out of there. The pop-up you may be able to move, probably by hand. But, what are you going to do if you've got a bigger one? The thing is these ordinances, it's like everything else, they don't effect just one little thing, it effects everything that is within that group. Any time that something is looked at as being passed, you know, yes, it's a small thing here but okay, let's look down the road or let's look at the big picture and see what offends the situation."

Koller, "The other issue here is the period of time it's going to be there. A lot of people,

like me, I take my travel trailer up to my property and I'm there for a weekend and then I take it home with me. Now, leaving it sit there year round I could see issues with that. But, a lot of people don't have a place to put it."

Harrington, "Well couldn't you build a storage shed or something? Wouldn't that work either?" DeRoche, "You can't build that accessory building without a primary structure." Koller, "On some of these lots, you can't build a primary structure." Moegerle, "Right."

Davis, "Most of these things are classified as seasonal recreational. Not all, but most of them are probably unbuildable properties. In this case, this property is not buildable because of its size and because it is in the flood plain."

Koller, "So we are telling this person, you own the property but you can't build on it and you can't park a trailer on it?" Davis, "Well, there are certain things they can build on it if they meet flood proofing requirements. But, it would be very difficult and very expensive to construct a facility on it." Koller, "So they own the property and we are telling them they can't do anything with it. Davis, "There are instances like that where that happens several times. That is the powers of the zoning and land use authority that cities have, if it is perceived to be of health, safety issue." DeRoche, "And that is not just something in East Bethel. All cities have certain requirements in their zoning."

Moegerle, "Ron, where were you looking at the registered..." Koller, "It is on Page 3 of the ordinances." DeRoche, "The last two paragraphs of the ordinances." Moegerle, "I'm sorry, I downloaded it from the site. I'm looking at the Article 7 subdivisions. Is that where you are looking at?" Koller, "Under d, 1 and 2, particularly d2. I mean if a person has a lot that is not buildable and they can't leave a camper there, I mean it's worthless."

Davis, "Yes, that particularly applies, Ron, to travel trailers parks and campgrounds and not individual lots." Koller, "It doesn't say that here." Davis, "Under d it says 'new commercial travel trailer or travel vehicle parks or campgrounds or new residential type subdivisions and condominium associations and the expansion exceeding five units or dwellings' so that would not really refer to the individual placement of one of those." Koller, "I think this needs to be just basically simplified."

DeRoche, "I don't know about anybody else, but I got quite a few phone calls on this and a couple e-mails." Ronning, "I got a couple e-mails and would like to try to regroup this discussion a little bit. It's coincidence that she brought it up. It may have been something else that brought it up. My philosophy is we should not put any 'face' or name on any ordinance. If it makes any sense, look at it. If it doesn't, throw it out. And, understand completely it does. It's unfortunate for her that her 'face' is on this ordinance and it does not apply to her."

Davis, "And you know there was some concern, some discussion, that what we wanted to do was to look at this to make sure that there would not be a proliferation of RV placement throughout the City and to see if there was anything that could be done about it. These are just some proposals that could address that. Again, we can adopt all of them, or adopt none of them, or go back and take another look at it, whichever way you want us to do it."

Koller, "East Bethel is mostly residential and commercial properties, just R-1, R-2, where these are seasonal recreational lots." Davis, "But that is only a tax classification, that is not a zoning classification. Most of these, they're tax classified as seasonal recreational but

they could be zoned R-1, R-2, or Rural Residential.”

Koller, “But if they are not buildable, you can’t really zone it residential if you can’t build a house on it.” Moegerle, “That is taxes versus zoning.” Koller, “There are neighbors with homes that have the same classification.”

Moegerle, “With the changes, what Ron was talking about, an existing with a registered certified engineer, and I agree there are many things we may want to take away but what has been added is #2, is that it can be evacuated upon notice of an emergency. That makes good sense. So what I’m seeing in the red is that the person who owns the recreational camping vehicles is a person who owns the property. Makes good sense and it also requires a facility for disposal of and treatment of human waste, which is probably in the recreational camping vehicle. So, what is being added that may be controversial is #4, which is recreational camping vehicles may only be placed on lots of record described above between May 1st and October 1st within that calendar year. That could be flood season. Actually, between October 1st and the end of April, flooding isn’t really an issue but I understand if it is there during the winter, then it may be storage as opposed to being placed. But, I see #4 could be very controversial. As far as what is added, I don’t see it being controversial. The next question I have is with regard to c, where we change the word ‘development’ to ‘improvements’ because ‘development’ does have a word in land use, certainly today. In 1992, did they mean ‘improvements’ when they used the word ‘development?’ Jack and I have been debating and seeing both sides of that one. But, exceeding the \$500, is that something that is still our value? In 1992, \$500 was a lot more than it is today.”

Ronning, “Yes, that’s way outdated.” Koller, “Yes, \$500.” Moegerle, “That’s a dog house.” Koller, “You bring in some Class V.” Ronning, “That wouldn’t pay for Class V.” Koller, “No. That’s kind of a low number. Moegerle, “\$3,000, should it be?” DeRoche, “You know we can dance around things and interpret things anyway we want to.”

Ronning, “If you were to do something, you’d want it inflation adjusted. No ‘pie in the sky’ figure, whatever real inflation is, it should be something similar to that. It shouldn’t be exaggerated.”

Moegerle, “Mark, how would we accomplish what Tom is suggesting?” Vierling, “I’m not exactly sure what is being suggested unless you are talking about incorporating a cost of living adjustment.” Davis, “Or you could just make the assumption that costs have increased 3% annually over the period and come up with a figure that way. That’s somewhat defendable. Would you like us to go back and take another look at this?”

DeRoche, “Well, another issue I have, now granted, Ms. Krueger is in here and she’s a chemist, she uses proper chemicals and takes care of it. Now, the next person coming up may take care of it by hooking a garden hose up and waiting until it gets dark and then unloading over in the beach area.” Moegerle, “That is why #3 provides for sewage disposal.”

DeRoche, “Seeing that I am one of the people that lives over by the lake, that is a concern and seems to be a topic of discussion in these Chambers quite a bit. We need to clean the lake up, we need to take care of this, we need to make sure we don’t do that. Well, now all of a sudden we have RVs pulling up and people hook their hose up and that was one of the reasons we told people if you have an existing structure, the last only thing you can really

do is to put a holding tank in with a contractor, with a pumper that he would pump it every month to try and prevent people from pumping it out in the middle of the night. Now, there is an RV park on Coon Lake and to me, that is where if you are pulling an RV, then that is where you go. Now, if a person has a piece of property, if you want to use it in the summer as recreational, that's great. But, I don't want you dumping in the lake and it shouldn't be stored there because you got neighbors on both sides. Maybe they've got nice houses, and there are some nice ones out there. She may take care of this recreational vehicle but guess what Jack, you go over on Coon Lake Beach and there are people whose houses are pretty tough and their camper trailers might just be the same. What is that going to do to the value of people's properties?"

Davis, "That is why we are looking at this, to see if you want to make it more restrictive for the placement of these vehicles. Not only that, but to do the environmental protection, require them if they do their certain minimum sewage facilities that they have to provide. So, you know, again, it is your choice as to how you want to do this but these are just some suggestions we have come up with to address this situation if it needs to be addressed."

DeRoche, "When this first came to light, if you look in the minutes, I was one of the people who was willing to work with this lady and say, look, we'll try and figure this out, we need to look at certain things and make sure it is not going to effect everybody else."

Davis, "I think that was the Council's intent, to try and work with her. As a result when we went back and started looking at this, we see that the existing ordinances may or may not apply to her. But more specifically, any changes that we do are definitely not applying to her situation. But, these can be ways that we can incorporate maybe not to have to face this type of situation again. Again, there are two situations in our existing ordinance that may address her problem that we can go over once we finish this discussion."

DeRoche, "I have no problem, Ron, if you have a piece of property and you want to bring your RV up, you want to use it, camp, do whatever, you are using the lake, but it is not a permanent fixture. And, there's means, and not everybody's going to take care of business Jack. Some people dig a hole in the ground and do whatever they do with one of them little chairs."

Moegerle, "What I would like to point out is that the proposed amendments adds something that has been missing from this and addresses exactly what you are talking about and that is the disposal and treatment of human waste and existing sewage. And, without this amendment, what you are talking about is black water into the lake, gray water into the lake. There's no enforcement capability. So if they do that, Nick can go by there and he can't tag them."

Vierling, "But that's a nuisance regardless of whether or not you have this ordinance, anybody dumping on the ground would be a nuisance violation and tagged under that."

Moegerle, "This will certainly set the standard. This is in a flood zone. This ordinance that we are looking to amend protects that flood zone and I think that is an important addition that works to solve the concern that you are expressing."

DeRoche motioned to table consideration of amending the ordinance related to the placement of recreational camping vehicles. Koller seconded.

Moegerle, "Can you tell us, give us direction on how to tweak it." Vierling, "There is a motion and a second to table. Moegerle, "I'm asking for clarification." Vierling, "It is non-debatable."

Roll call: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Nay, motion carries 4-1.

Vierling, "Council can certainly advise/direct staff with their comments on this topic, which I'm sure they would appreciate."

DeRoche, "To give staff some direction, so you're not in a bind Jack, I suggest we send you what we think is, whoever you are going to work with on it. Then when you put something together, send it out in the update, or something, as to what you think may work, what won't work. Is everybody agreeable with that?" Ronning, "Yes." Koller, "Yes." Moegerle, "I think that what he provided here shows exactly what you just asked for."

Davis, "Part 2, Chapter 2 of this issue. This addresses Ms. Krueger's petition to allow her continuation of the placement of her recreational camping vehicle at this location. This will depend on how City Code is interpreted. We think there are two sections that could apply to the situation. The first one is in Chapter 38-20 (c) and it is titled: *Placement outside a manufactured home park prohibited*. The last sentence of that says 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.

So, the question is, is the placement of that recreational vehicle there for storage purposes, what is its function. As previously pointed out it is probably used quite a bit in the summer time for day use activities but since it is vacant apparently in the winter time, then it would be there for storage purposes and there is no house, no well, nor septic system on the lot.

The other part of our Code that addresses this and may be more clear. It says that travel trailers and travel vehicles exempted in Chapter 34-183(3)a (which refers to the flood proofing requirements of the ordinance) 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.

So, in other words, there were improvements or developments done to the property, there was an upgrading of an outhouse which was done quite tastefully, I might add if you haven't seen it, and also there was an extension of electrical service to a pole. A line was run and dropped to a meter that serves an accessory storage structure on the property. Just visually judging the cost was well in excess of the \$500. In that case, then Ms. Krueger loses her exemption status for the flood proofing requirements and now would have to be subject to flood proofing her recreational camping vehicle by elevating one foot above the 100-year flood plain elevation. She could keep it there but she would have to meet the flood proofing requirements of the ordinance and also she would probably have to go back and prove that she meets the MPCA requirements for outhouses, which essentially state that if it is an earth bottom it has to be three feet above saturated soils. If it does not meet this requirement, it has to have a water-tight container in the outhouse and underneath buried to receive the human waste."

DeRoche, "Jack, that map that we looked at in the office with all the blue, is that East Bethel's determination of the flood plain? Is that the State's? Whose is that?" Davis, "That is the Federal Emergency Management Association's and is part of the National Flood Insurance Flood Plain map. I don't know what her elevation is there but it is conceivable that she would have to build a pad up, maybe, let's just use an example, maybe three feet high to elevate the camping vehicle above the level of the flood plain for the 100-year flood. But, she could keep it there as long as she met the requirements of the flood proofing provisions of the ordinance and the Flood Insurance Program."

Moegerle, "Could she bring in soil to build that up to put it at three feet?" Davis, "She would have to do that and when you do that you have to prove you are not raising the elevation of the 100-year flood no more than one inch. That is fairly easy to prove because of the drainage area and the small amount of material that she would bring in. That's not an East Bethel requirement, that's a provision of FEMA and the Flood Insurance Program."

Moegerle, "From what we said, we kind of agree that the \$500 is a little bit low. So, I guess I don't see..." Ronning, "The three percent inflation is a multiplication factor of 1.91 and fractions." Moegerle, "Per year?" Ronning, "Total. It is more like \$1,000." Moegerle, "So she certainly violated that. The storage, the day use, and the parking are issues that are not very clear from what you've described in the write up."

Davis, "No, you can interpret the storage thing, you know, what does storage mean? Is it permanent? Is it temporary? It just depends on how you want to define it or if you want to choose the standard definition of what storage is. That is one that can be argued or parsed back and forth. We don't have a definition in the ordinance of storage."

DeRoche, "And what ever definition of storage we come up with, if someone challenges it in court, it is going to have to hold up."

Davis, "The third option, if we interpret this as saying storage does not apply here so she doesn't qualify for that. Or, if it is determined that her improvements did not exceed the \$500 value, if it can be proven, then she still keeps her exemptions through the flood proofing requirements of the ordinance."

Ronning, "Could you explain some of the concerns that you've been hearing?"

DeRoche, "Well, I've had a couple that I've already said. One would be the polluting of the lake, another would be you put a trailer out there, something happens, you pass on, your family gets it, they don't understand the rules because they really haven't been that involved in it, and so now we get into this situation where maybe they're going to start bringing, not only leave the thing there but start bringing up trashy vehicles, bikes, whatever. You see people do that with their houses for goodness sake. And it's like, well you know, we'll just throw it up at the lake. We'll just leave it there. Let's bring our snowmobile trailer up there with our sleds and leave it sit. Is she going to do that? Judging by when she was in here, probably not. But, again, it's not just going to effect her, it's going to effect anybody else that wants to do something."

Moegerle, "Can I ask a question of the City Attorney? The example that we just saw, wouldn't that also fall under the nuisance statute? Having all those things there?" Vierling, "It might or it might not." Moegerle, "Okay, thank you."

Ronning, "What about somebody new moving into the place? Just assuming that it's livable, like a home, can they do that?"

DeRoche, "Can it be rental property? I decide I don't want to use it so you know what, you want to live there over the winter? I'll rent it to you." Moegerle, "But it's on wheels." DeRoche, "Well, that doesn't mean you can't rent it."

Ronning, "You've been there Tim, and looked at it. Harrington, "It's a travel trailer." Ronning, "Does it have skirts on it, and wheels?" Davis, "You couldn't use it for habitation because it has no sewage disposal facilities nor does it have a water supply."

DeRoche, "Which gets back again to the comment made earlier about the sewage thing. Yes, I understand she has an outhouse. And yes, I understand she takes care of that outhouse. But, the next person that brings a trailer onto a 20-foot by 100-foot lot may not do that. How enforceable is this going to be? We're not going to have Nick go running around, I would hope not, he's not going to just drive around looking for them and say 'gee wiz, let's go see if they are up to snuff.' Because I think he's got more than enough to do as is." Davis, "Trust me, that's the last thing we are going to do. Everything we do, unless we see something egregious, is complaint driven. We would have never addressed this situation had there not been a complaint filed."

Koller, "As far as polluting the lake goes, how many ice fishing houses are on there during the winter? And, how many of them have holding tanks?" DeRoche, "That is not apples-to-apples and that, you know the DNR pretty much keeps up if they see issues going on. Koller, "They are inside an ice house. How can they see an issue?" DeRoche, "I guess, if they are going down the hole, they'd have to go in there and watch them." Koller, "There are 30-40 ice houses out there and they are drinking beer all day long and never leave. There is some pollution going on." DeRoche, "Well, but they are not in an RV and they are not parking on a lot." Koller, "It's called an RV, they're on wheels."

DeRoche, "I ran into issues, a neighbor redid, used to be a boat house, turned it into a guest house, had parties, and when ever they decided to go outside, they'd just hang it out. And, I had a real problem with that seeing how our daughter and her friends would come over. So, you know what, there are a lot of things that go around this. It's not just a thing. And, you know what, if it was your place and you had that going on, you'd probably have a different take on it. Just my opinion."

Davis, "So, what we discussed, is there any opinions on how you want to handle Ms. Krueger's request or is there any agreement to this interpretation as presented in the write up."

DeRoche, "Well, we're in a bad situation if we told her, well look, if you put a holding tank in the ground, take care of your sewer, well that opens up a lot of other open lots that says hey, all I do is put in a holding tank and you can pull right up." Davis, "She can't, a holding tank can only be put in for an existing residence that has a failed sewer system." DeRoche, "I understand that but, you know, that could be worked out too but it wouldn't do any good because then you'd create another problem. Tim, you're pretty quiet. What do you think?"

Harrington, "I've had a hard time with this one Bob. I've had a couple calls and two people told me there is a trailer park on 22 and that's where they should be." Koller, "So what do

you tell the people that own the lot? Get out?" Harrington, "I would like to do whatever we could do, you know, work with her."

DeRoche, "I don't have any problem if you want to come out with a family but to turn it into a full-time..." Davis, "We don't have anything proposed that says you can't drive your RV there and park it and stay the day and then leave. What we're talking about is permanent or more permanent type placement of RVs on properties." Moegerle, "For six months out of the year, from May 1st to October 1st."

Koller, "There is a lake in North Crosby, Rabbit Lake, and they allow campers on lake lots. They have to be removed a minimum of one day a year. And, that is basically to keep them from becoming a permanent residence." DeRoche, "But that's a campground, not a city." Koller, "No, that's just people on their own lake lots. They basically say you can use it summer/winter but it has to be removed at least one day a year. That way, they don't become a permanent fixture. Ronning, "Doesn't grow roots." Koller, "The wheels don't come off."

Ronning, "This is a tough one, more difficult than I thought it would be."

Harrington, "Well, she keeps it up real nice. I mean, she does the grass, she's got flowers there in the summer." Davis, "Her maintenance of the property is definitely not an issue because they keep it up very, it is almost immaculate." DeRoche, "But it's not her that's the problem, it's the next person, or maybe two people after, who knows."

Davis, "The maintenance is not an issue and I'm commending her for the way she keeps her property up and tries to avoid any nuisance situations. For that, she gets a good commendment on that. However, the issue is, you know, we have certain things that are City Code and I think it can be interpreted without too much of a stretch or using your imaginations that there are violations here. What do we do with it?"

Moegerle, "What if we wrote her a letter, called her up and said, we're having this problem, you're in the flood plain. I think she is genuinely concerned about fouling the lake as well by her effort with the outhouse and this arrangement she's made with the chemical toilet. And, suggest to her, how can we best resolve this together because we are looking at future application and the way we see it, you are in violation. We want to work with you. How can you make changes so this is in compliance with our flood regulations? Kind of put it back to her."

DeRoche, "Have her come to a work meeting."

Ronning, "She is not here to speak for herself but she wants an answer. What can I do? What can't I do? Summer is coming up, I'd like to know what I can plan for or what I can think about."

Moegerle, "And, hearing from her and seeing from her view what are reasonable accommodations may be more helpful since it effects her directly. Maybe she says there is no thing but I think having her input on it..." DeRoche, "Originally she said she'd get rid of the outhouse, if you go back and read the minutes." Moegerle, "Sure, then that's the solution. We say fine, pump and dump your black water storage system, keep the receipts for doing that, and all good to go." DeRoche, "But that's one issue."

Ronning, "All you need is a portapotty and take it home on the weekend. That place has been around for how many years, that people lived on there? The whole lake?" DeRoche, "Since the 1800s."

Ronning, "So, it's not new by any means and once again, we have to take her 'face' off this. What does it do to everybody? What does it do for or what does it do to? She shouldn't be a factor in this at all." Davis, "She's not really in the ordinance but in the application, her quest to place a trailer, then she comes again to the forefront." Ronning, "There's a request to clarify the usage."

DeRoche, "We got over that one part. This part does have a 'face' on it and it is hers because she's the one, basically, that didn't come in and ask for an IUP but asked what it would take for her to keep the trailer there. So, she is on this one."

Harrington, "How long has that trailer been there?" Davis, "I think she said for ten years." Ronning, "Ten or eleven." Koller, "Eleven, 2003." Ronning, "Somebody got upset about it last year." Koller, "Why did they wait eleven years?" Davis, "That is a good question." Ronning, "They didn't do anything to aggravate, anything from somebody's dogs, from waste on your yard to fireworks at 1 o'clock in the morning." DeRoche, "We need to decide what we are going to do because we are going around in circles and spinning our wheels."

Ronning, "Yes, absolutely. I'd like to try and find ways to work with people. I don't know if that's available in here or not. I thought I heard somebody say there is a new place, a new squatter in the City someplace? On the lake?"

Moegerle, "The write-up says that staff's interpretation is that she is in violation of the Chapter. So, I think you send out the usual notice that you are in violation of the Chapter and we always work with people when they are in violation to get them to be in compliance. And, I think that's how we deal with it. If there's a problem between staff and her and to come into compliance, then we revisit this issue."

DeRoche, "Jack, didn't we already do that? In fact, we gave her permission to keep it there until we try to figure something out. And, she's already been written up, Nick already wrote her a citation." Davis, "We wrote her a citation that there was a violation. That's why she chose to appear here. We did tell her that we would not act upon that until this issue was resolved." DeRoche, "Right, so that has already been done."

Moegerle, "What were her suggestions in how she would comply with the Flood Protection requirements?" Davis, "At that time she did make an offer to remove the outhouse but, unfortunately, with the way our Code reads, that is not the major problem. The major problem is the flood issue, which was not known at that time. We had time to look into this." Ronning, "Just speaking for myself, we don't all know what that thing says completely, or real well, so she's never heard of it." Davis, "And I'm sure most people haven't or would never of thought of it." Ronning, "Right."

Moegerle, "I just think you bring it to her attention and say, these are the things. It is a different matter than just the outhouse and say, this is where we are. You know, what can we do?"

DeRoche, "What would she be willing to do? Or, to come into compliance with the flood

regulations but isn't it the flood regulations also where you have to have flood straps to anchor the thing?"

Davis, "You do if it's in a mobile home park or if it's in a recreational vehicle camp ground. Then you're supposed to have the strap downs, the tie downs. Here, on hers, I think she can comply with the pad. One thing we can do is see if we can easily find out what the 100-year flood elevation is there. We have topo maps and could give her an approximate number of how high she needs to elevate it. It could be six inches or it could be three or four feet. I think if that was known, it would make the decision and the approach to this may be a little bit easier."

DeRoche, "I think to get an accurate, it's going to take someone with a GPS to go out there and take the ratings to see where it is actually at." Davis, "If you wanted to be precise, no we couldn't get a precise elevation. If there was a benchmark, though, we could take a level or small transit and come within plus or minus a couple of inches. I think we have enough data with the topo maps we have and also what the elevations are based on the cross sections of that area to at least give her some kind of approximate figure on how high she would have to elevate that pad."

Moegerle, "In addition, we have a resident who knows quite a bit about flood plains and levels of lakes, and those kinds of things that might have that information in his library." Davis, "I don't think he would have this though." DeRoche, "I think we'd have to call, if it's going to get down to..." Moegerle, "Well, they may have the documents to make it more accessible."

Davis, "So, could I propose that we contact Ms. Krueger and sit down with her and explain to her where we are in the process and get her comments and see if there's anyway that we can work with her to get her in compliance with our ordinances?"

DeRoche, "Right, that's a good idea." Koller, "That sounds fine." Davis, "If you could give me some direction to do that."

DeRoche, "We'll give staff direction to contact Ms. Krueger, tell her where we're at, see what she'd be willing to comply with, or maybe she says she doesn't want to bring in the dirt, take care of the flood plain and all the other issues, you know the sewer problem, a lot of stuff. You know more than I do." Davis, "Why don't we do it in the form of a motion."

DeRoche motioned to direct staff to contact Ms. Krueger and review her situation and explore options to propose to Council alternatives to this issue. Koller seconded.

Ronning, "How does this effect the existing problems? I thought I'd heard that somebody's in a camper. There's a couple instances similar to this, but not the same kind of vehicle." DeRoche, "One of them they are not living in and the other one the RV isn't there. It used to sit on Lakeshore but that hasn't been there for quite a while." Davis, "There's been no formal complaint filed on those. We are looking into the information that was provided to us but we'll have to address those on a case-by-case situation."

All in favor, motion carries unanimously.

7.0B
City Engineer

None.

7.0C
City Attorney

None.

7.0D
Finance

None.

7.0E
Public Works

None.

7.0F
Fire
Department

None.

7.0G
City
Administrator

Davis presented the staff report and request for the Council to consider approving SCORE funding for the removal of the unused oil recycling shed and underground tanks at the East Bethel Recycle Center.

7.0G1
Recycle Shed
and Storage
Tank
Removal

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 eliminate 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. If we do run into contamination issues, our insurance policy would cover up to \$250,000 of the cost to cover this expense and other clean up funds are also available. We did check this out through the LMC and we are covered because these tanks are registered with the PCA.

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.

Moegerle motioned to approve the additional SCORE funding for the removal of the oil recycling shed and underground tanks at the East Bethel Recycle Center. Harrington seconded.

DeRoche, "Just so people understand, they are not removing the new oil disposable tank. I had a few people call saying well gee why, they just put it in, why are they taking it out and I said no, this is the old one." Davis, "The differentiation is the ones we are removing are underground. The current ones are above ground."

Koller, "Did we send out for bids on this?" Davis, "We got one proposal of \$11,836 from Pinnacle Engineering. We can get some others, these are more like RFPs. Some of them vary, we can write some specs, we can get some other quotes if you'd like us to do that." Koller, "Okay, I just was wondering."

DeRoche, "Comments? We're going to remove the old oil tank."

Ronning, "Has it been cited as a hazard or anything yet?" Davis, "No but these tanks were originally installed in 1994. They are registered with the PCA in 1999. They were probably used even before 1994 as fuel tanks for the old Public Works building. We'd like to get rid of that shed, we are not using that part of it, and it is a very detracting part of the facility. We could use more parking room and we can get a grant to do this to cover all of our costs. We think this would be an appropriate use of those funds and solve a few problems that we have at the Recycle Center. Eventually those tanks will have to come out so we might as well use the grant funds while we have them available and do it now."

All in favor, motion carries unanimously.

7.0G2
SCORE
Contract

Davis presented the staff report and request to consider approving the 2014 additional Recycling Funds. 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 in the packet provides a summary of our recycling report of activities and accomplishments for 2013.

It is possible that the 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 could possibly be imposed.

The City will receive \$30,165 grant from Anoka County in 2014 to operate the Recycle Center itself. These funds are separate from the additional grants that are available. 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.

Staff recommends City Council authorize the approval of the additional \$34,033 in grant funds that have been made available for this program.

Ronning motioned to approve an additional \$34,033 in SCORE funding as part of the

2014 Recycling Budget as appropriated by the Anoka County Department of Integrated Waste Management. Harrington seconded.

All in favor, motion carries unanimously.

8.0 Other
8.0A
Staff Reports

Davis, "As I have mentioned earlier, we have completed an update and a review of the City Personnel Policy. There are certain sections in there that this Policy hasn't been revised in a number of years so there are some legal requirements to be changed. We would like to schedule a work meeting, or a meeting at your convenience to review these and go over them before they are actually presented for Council consideration at a regular meeting. If you have any ideas or dates about this, if you can give those to me, I'd like to get this done as quickly as possible."

Moegerle motioned to schedule a Council Work Meeting at 6:30 p.m. on May 7, 2014, to discuss proposed changes in the City Personnel Policy.

Davis, "May 7th is soon enough. In April, we have a public hearing scheduled for the 23rd and then we've got the Local Board of Assessment on the 16th and then a Council Meeting so May 7th would be great." DeRoche, "We already had a meeting scheduled for that night, an HRA." Moegerle, "Maybe, if and only if we get the money."

Koller seconded. All in favor, motion carries unanimously.

8.0B
Council
Report –
Member
Moegerle

Moegerle, "We had an EDA meeting and we had a lot of good discussion trying to formulate a succinct message for the City to get out and to use and promote the City so it is a consistent message. So, that is good. There is going to be another Sunrise Business Breakfast on the 10th at Route 65 Pub and Grub, which was part of the discussion. For about five days, ending about Tuesday last week, my phone was down. Apparently, for which it's published for residents to contact me, which just goes to show that people don't use the land line very much because it was all down Forest Road. So, I thought that was rather amusing to show that landlines are not used that much since it took so long to discover it. As soon as the phone came into effect, I got a call from a neighbor about this particular document and there were solicitors going door-to-door on that particular day. According to our ordinances, we have to post a no solicitation sign in order to avoid getting those kinds of invitations. So, just a reminder that now that it is spring, you can put out signs, it has to be four by four inches and I'm sure Jack will be able to cite people to the exact ordinance and what you have to have to stop solicitation."

Council
Report –
Member
Koller

Koller, "Booster Days fundraiser was the 22nd at the Ice Arena. We had kind of a big sand box there and volleyball nets, bouncy castle, the Fire Department had a boat there, some antique snowmobiles. We had a lot of kids show up and they played real hard for the change in the sand and they went home really tired. Denise Lachinski put in a lot of work and she did a really good job. So, I would like to commend her on that."

Council
Report –
Member
Ronning

Ronning, "I would say the same thing about the accommodations. I was going to comment about it as well. There was a real good crowd. For the first time there, I did not expect much of a turn out at all because how do you know about it? But, it was publicized well enough, I guess. There were a lot of people, I got to meet a number of people. Some are happy, some are displeased. Haven't heard, but I asked yesterday about the money, what kind of funds we raised, but haven't got an answer yet. I got the feeling that people will look forward to it next year, that it won't just die in the fine. It was very successful. Denise

and that whole group did a lot of work, a lot of work that doesn't show too."

Council
Report –
Member
Harrington

Harrington, "I've got a question for Jack. I got a call on the transmission upgrade they are doing on Wild Rice and Sunset. Is the electric company going to clean these areas up once they are done? They have some of the people's yards ripped up pretty good, and their easements. They have taken a lot of trees out on Sunset and they have been doing it on Wild Rice the last couple of days, they have been grinding."

Davis, "Wild Rice is just tree trimming by Connexus. Sunset is the GRE project and they will clean all their mess up, I'm sure they probably had some weather delays but they will clean everything up and restore all the property to its original conditions."

Council
Report –
Mayor
DeRoche

DeRoche, "I also went to the Booster Day party and I thought it was pretty fun. Pretty good City stream the whole time, I thought. Walked around, talked to a bunch of people. They had the Vintage Snowmobile Club there, the volleyball, you could get your hair done."

March 26 there was a Sand Hill Crane Natural Area meeting. Jack and I went down there from the City and met with quite a few people. Still trying to work out just exactly how that's going to wind up. I think when we first went down to the first meeting, Jack, it was 15-18 months before everything got done between the DNR. There were some concerns about turtles and there was concerns about a tiger beetle. I looked it up just to see what a tiger beetle is. Well, unfortunately what they do is they are kind of vicious, they hide in the sand, and eat the larvae that clean the algae off the lakes. But, there are people out there that are concerned that if it's alive, they are looking out for it.

Saturday, April 5, is the Pet Clinic, 8 o'clock to noon at the Ice Arena. Dog licenses are free with proof of rabies vaccination. The dogs, if they are in the City should have a rabies vaccination because if they do bite someone and they come to being a potentially dangerous dog, if you don't have the vaccination and can't prove it, the animal person will lock your dog up, put him in jail for a while, until it can be proven and it can be kind of spendy. Vaccinations for dogs and cats, rabies and distemper, I'm not sure what they charge for that." Davis, "It depends on what is vaccinated. The fees range from about \$18 to \$45 depending on the type of vaccination."

DeRoche, "Spring Recycle Days at the Arena, April 26, 8:00 a.m. to 1 p.m., and it's not a free-for-all so what you need to do is either look at the website or contact the City and see what you can and cannot drop off. They don't want just a bunch of junk because then we end up paying to get rid of it if I'm not mistaken. It's a good time, we do it every spring and then it happens over at the beach. That will be coming up at some point."

May 3rd, Community Center, that's when their Recycle Days are, 8 a.m. to noon. Look at the newsletter because it has a list of what you can recycle and what you can't bring down there.

Our favorite meeting, the Local Board of Assessment Equalization and Appeals is coming up April 16, at 6:30 p.m. at the City Hall. If anyone has questions on your assessments, your taxes, why your property maybe went down, the taxes went up, Ken Tolzman, our City Assessor, will be there. I think Heidi and I are still on that Board. I haven't heard when that meeting is for any other certifications. Davis, "We will receive notification for those

meetings fairly soon but the only thing we know now is they will be scheduled sometime between June and November.”

DeRoche, “Ice is going out on the edges of the lake. I noticed on the news last night, unfortunately, there was someone that went through the ice, looks like they had a truck and trailer, and didn’t make it. It wasn’t in this area but just to let you know it may be safe farther out but around the edges, it could be a cold ride home if you are fortunate enough to get out.

I was going to go into more depth, but I guess I won’t. I think when information goes out from up here, it has to be factual with data backing it up. I had some calls from people about not only the 15% increase in the levy but the decision that was made to go ahead with the sewer and water project and if it hadn’t passed we really had to pay all this money immediately or how would that of worked. Certain people are pretty upset and going, ‘Oh my gosh, why did you do that?’ And, I said well because, that is not necessarily the truth.”

Moegerle, “That is what we were told.”

DeRoche, “Well, you know what, then I would request if that is going to be put out there, that the data be available for the public to see and if there were figures given, the data of how that information was put together. Not just that someone that talked to someone and they said this could be this, but what it would have actually cost. It was my understanding that if it didn’t go ahead and the bonds were back, there could have been some costs but it would not have been an immediate payment and it would probably have been spread out over many years. So, there’s people out there that don’t know that, there it is. I think that whatever information comes across here, sometimes you hear about transparency and I think it has got to be the truth. And one other figure, we didn’t save \$4.4 million on the water plant, it was \$3.8 million. I had people ask, ‘What did you do with the extra million?’ Well, we didn’t do anything with it.

Snowstorm coming in. I think we still have plows on all the trucks, right Jack? And, we have plenty of salt?” Davis, “We have enough to get us through one more storm.” DeRoche, “In talking to other cities, we’re not the only ones who have been stretched out on chemicals and the salt we put on the roads. I just think it’s important for people to get around and if we have to pay a little more in salt, so be it. Now if we can just get some of the potholes on some of the County Roads.”

8.0C None.

Other

9.0

Adjourn

Moegerle made a motion to adjourn at 9:14 p.m. Harrington seconded. All in favor, motion carries unanimously.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.