City of East Bethel
City Council Agenda

Regular Council Meeting – 7:30 p.m.
Date: June 18, 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**	
7:33 PM	**4.0**	**Presentations**	
		A.	Sheriff's Report
7:43 PM	**5.0**	**Public Forum**	
7:55 PM	**6.0**	**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 9-12	A.	Approve Bills
Page 13-18	B.	Meeting Minutes, May 21, 2014, Council Work Meeting
Page 19-54	C.	Meeting Minutes, June 4, 2014, Council Meeting
	D.	Approve Hire of Website/Office Support Intern
Page 55	E.	Liquor License Renewals
	F.	Special Meeting - June 25, 2014
Page 56	G.	Supplemental Bill List

		New Business	
8:00 PM	**7.0**	Commission, Association and Task Force Reports	
		A.	Planning Commission
		B	Economic Development Authority
		C.	Park Commission
		D.	Road Commission
Page 57-63		1.	Capital Improvement Plans (2015-2019)
8:10 PM	**8.0**	**Department Reports**	
		A.	Community Development
		B.	Engineer
		C.	City Attorney
		D.	Finance
Page 64-65		1.	2015 Budget Work Meeting
		E.	Public Works
		F.	Fire Department
Page 66-69		1.	May Report
		G.	City Administrator
Page 70-105		1.	Code of Ordinance, Chapter 10, Article V – Farm Animals
Page 106		2.	Temporary Clerical Employee

8:40 PM	**9.0**	**Other**	
		A.	Staff Report
		B.	Council Reports
		C.	Other
Page 107-113		D.	Closed Session - Minn. Stat. § 13D.05, subds. 1(d), 3 (a) and Minn. Stat. § 13D.05, subd. 2.
9:10 PM	**10.0**	**Adjourn**	

City of East Bethel
City Council
Agenda Information

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Date:
June 18, 2014

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Agenda Item Number:
Item 4.0

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Agenda Item:
Sheriff's Department Report

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Requested Action:
Information Item

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Background Information:
Commander Shelly Orlando will present the May 2014 Sheriff's Report.

Attachments:
May Report

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Anoka County Sheriff's Office Report
May 2014

DWI's: There were four dwi arrests in May. Two of the DWI arrests involved suspected narcotics, charges are still pending the blood test results. In one incident a female was at a local store while the deputy was present. The female was "acting high". The deputy followed the female outside and she drove away. The deputy stopped her and she admitted to smoking marijuana the night before and doing meth three days earlier. She did consent to a blood test. The second suspected narcotics DWI involved a property damage crash where a male attempted to pass another vehicle and crashed into a truck pulling a trailer. The male failed field sobriety tests but did not have any alcohol in his system. The male consented to a blood test after consulting with an attorney. There was one refusal to test DWI that arose as a result of several calls on driving conduct. The male suspect ended up driving over his garbage can, while trying to enter his driveway and got stuck. The male failed field sobriety tests and decided not to take a test to determine his bac. The last DWI was again a result of driving conduct. This call was at 0926 a.m. The deputy located the vehicle as it was pulling into a driveway. The male smelled of alcohol and said it had been several hours since he had anything to drink. The male was unable to perform field sobriety, but did take a pbt test which indicated the male was under the influence. The male did agree to test and ended up having a .28 bac.

Thefts: There were 13 thefts reported. One theft involved a suspect described as a black male, approximately 5'7", skinny build who was able to short change a business. He was seen leaving in a silver mustang, unknown license plate. There were two gas no pay thefts reported. One was resolved by a citation being issued to the registered owner. The second is still pending. A Pace enclosed trailer was taken from a driveway of a home. The trailer was filled with construction tools and estimated value is over $20,000. There was not a license plate associated with the trailer, as it has the permanent registration sticker on the tongue. A male called to report theft of metal from his property. His renter and her boyfriend are suspects. There was a theft of license plates reported from a vehicle parked in the driveway. A male patronizing a local business has his trailer ball and hitch stolen from his vehicle. A male reported an engine block for a Chevy and a transmission were taken from his property. The male suspects his son. There was a theft of a 2005 Chevy work truck. It is unknown if the keys were left in it. A report was made of a golf cart being taken from a golf course. The owner of

the golf cart saw a male take it and followed the tracks in the grass to a home, where the golf cart was parked. The deputy was not able to make contact with anyone at the home but was advised that the male had been drinking in the bar prior to taking off in the golf cart. The golf cart was recovered. Lastly, there was a male who called to report the theft of his vehicle. He advised that the vehicle had been taken the night before and was located by Isanti County after having crashed. The male stated he had the keys to the vehicle and did not have any suspect information. The deputy contacted Isanti County and spoke with the deputy handling the incident. The deputy advised that they believed the person driving had been the registered owner, as he fit the suspect description and there was an iphone left in the vehicle (which belonged to the owner). ACSO deputy went to the tow yard and observed that the ignition had not been punched and there was an open alcohol container also in vehicle. The male, after being contacted by the Isanti County deputy, admitted to drinking and crashing the night before. He fled the scene as he didn't want to get a DWI. He was issued a citation for filing a false police report in Anoka County.

Burglaries: There were 3 burglaries reported. Two were residential, one was a business. The business burglary involved the theft of auto parts. An employee was locking up for the night and saw a suspicious vehicle in the parking lot. The employee did not see anyone near the vehicle but did photograph the vehicle and license plate. The next day, on surveillance video, the vehicle is seen coming into the yard with an empty trailer and leaving with a full trailer. The case is under investigation. In one of the residential burglaries, a screen was cut and access gained through a window. Missing are a wedding ring, a camera, and a W-2 tax document. The last case involves a playstation and tablet that went missing. Entry was believed to have been made through an unlocked door.

Damage to Property: There were 3 reports of damage to property. One report involved the damage of a mailbox. The damage occurred between 2 – 4 a.m. Unknown suspects. The second incident involved a dirt bike being driven by a juvenile male upon a neighbors property, causing a rut in the yard. The neighbor requested the juvenile be trespassed from her property, which was done. The third report was an egging of a residence. No suspect information available.

5th Degree Controlled Substance: There was one arrest for possession of a controlled substance. A male who was wanted on a probable cause pickup

for felony domestic assault was located driving in a vehicle. Deputies stopped the vehicle and took the driver into custody. The passenger had a warrant for his arrest so he was taken into custody as well. In conducting an inventory search of the vehicle a pill container was located, containing oxycodone. The passenger did not have a prescription for the pills and they are considered a controlled substance. The passenger is facing charges.

Disorderly Conduct: Deputies received a call of an intoxicated male who was inside a residence. Upon arrival, the homeowner and male were outside. The homeowner advised he awoke to this male, unknown to him, standing inside his home. The homeowner advised the male was intoxicated. The male had come in through an unlocked door into the garage, then entered through the unlocked service door into the house. The male had recently moved into a house that was near this residence. The male thought he was in his house. The male was transported to the home he resides in and issued a citation for disorderly conduct.

Arrest Breakdowns:

City of East Bethel
City Council
Agenda Information

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Date:
June 18, 2014

* *

Agenda Item Number:
Item 6.0 A- F

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Agenda Item:
Consent Agenda

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Requested Action:
Consider approving the Consent Agenda

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Background Information:

Item A

Bills/Claims

Item B

May 21, 2014 City Council Work Meeting Minutes

Meeting minutes from the May 21, 2014 City Council Work Meeting are attached for your review and approval.

Item C

June 4, 2014 City Council Meeting Minutes

Meeting minutes from the June 4, 2014 City Council Meeting are attached for your review and approval.

Item D

Approve Hire of Office Support Intern

Staff is recommending approval of Katherine Koschak for the position of Website/Office Intern. This position was approved by Council at the February 19, 2014 meeting. The City used an intern in this position in 2013 and was able to transfer most of the information from the old to the new website and address some of the functionality and navigation concerns identified by City Council and the Website Committee. This position would provide support service for continued Website update and development and provide additional assistance for clerical and planning support. The position was approved for up to 240 hours and the proposed rate of pay would be $12/hour with no benefits. Funds are available in the City Clerk's 2014 Budget for this position.

Item E

Liquor License Renewals

All but one of the current City liquor license holders have submitted applications for renewal. Some of the applicants still have information to be submitted as is shown on the spreadsheet attached as of Friday, June 13, 2014. An update as to their status will be provided as they are received and at the City Council meeting.

Liquor licenses run for the period July 1 of each year through and including June 30 of the following year. License applications being considered are for the period July 1, 2014 through and including June 30, 2015. All approvals will be subject to all forms being received by the City, background checks being completed, the Sheriff's signature and approval from the Liquor Control Board at the State of Minnesota.

Item F

Special Meeting-June 25, 2014

Staff is requesting that City Council schedule a Special City Council Meeting for 6:30 PM, June 25, 2014 to conduct a public hearing for a liquor license for Kelbe Inc, DBA Hunter's Inn. At the conclusion of the public hearing and baring no reason to deny, Council will be requested to approve the license. Andy Kelbe is the new leasee and, as a new license is involved, a public hearing is required. Mr. Kelbe's desire is maintain continuous and uninterrupted operations at Hunter's Inn and action on his request on June 25th would permit no disruptions of alcohol sales at this place of business. If no action is taken until the next Council meeting on July 2, 2014, Hunter's Inn would have to cease alcohol sales from July 1, 2014 until July 3, 2014.

Liquor licenses are non-transferable and Mr. Kelbe is managing Hunter's Inn through June 30, 2014 and will begin his lease of the facility on July 1, 2014.

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Payments for Council Approval June 18, 2014

Bills to be Approved for Payment	$161,509.58
Electronic Payroll Payments	$2,235.36
Payroll City Council - June 13, 2014	$2,145.32
Payroll Fire Department - June 13, 2014	$6,234.78

Total to be Approved for Payment	$172,125.04

City of East Bethel
June 18, 2014
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	052814	Wright-Hennepin Coop Electric	615	49851	$19.95
Arena Operations	Refuse Removal	11351819	Ace Solid Waste, Inc.	615	49851	$204.75
Arena Operations	Telephone	052814	CenturyLink	615	49851	$110.86
Building Inspection	Electrical Permits	060114	Brian Nelson Inspection Svcs	101		$1,180.50
Building Inspection	Motor Fuels	2379580	Lubricant Technologies, Inc.	101	42410	$456.62
Central Services/Supplies	Information Systems	218796	City of Roseville	101	48150	$2,254.25
Central Services/Supplies	Information Systems	06 2014	Midcontinent Communications	101	48150	$1,278.00
Central Services/Supplies	Information Systems	060614	Watchfire Signs	101	48150	$250.00
Central Services/Supplies	Office Supplies	712791002001	Office Depot	101	48150	$95.92
Central Services/Supplies	Personnel Advertising	105586	ECM Publishers, Inc.	101	48150	$35.60
Central Services/Supplies	Personnel Advertising	107788	ECM Publishers, Inc.	101	48150	$35.60
Central Services/Supplies	Telephone	052814	CenturyLink	101	48150	$229.89
City Clerk	Professional Services Fees	M20548	TimeSaver Off Site Secretarial	101	41430	$1,393.00
Fire Department	Bldgs/Facilities Repair/Maint	052814	Wright-Hennepin Coop Electric	101	42210	$4.98
Fire Department	Clothing & Personal Equipment	4195-A	Wildland Warehouse	227	42210	$2,000.00
Fire Department	Clothing & Personal Equipment	4195-A	Wildland Warehouse	101	42210	$2,082.00
Fire Department	Conferences/Meetings	197323	League of MN Cities Ins Trust	101	42210	$800.00
Fire Department	Dues and Subscriptions	6140194Y	NFPA	101	42210	$300.00
Fire Department	General Operating Supplies	468721	Ham Lake Hardware	101	42210	$22.99
Fire Department	Motor Fuels	2379579	Lubricant Technologies, Inc.	101	42210	$476.45
Fire Department	Motor Fuels	2379580	Lubricant Technologies, Inc.	101	42210	$726.40
Fire Department	Motor Vehicles Parts	F-241010053	Allstate Peterbilt North	101	42210	$69.33
Fire Department	Motor Vehicles Parts	1921-180569	O'Reilly Auto Stores Inc.	101	42210	$49.89
Fire Department	Refuse Removal	11351819	Ace Solid Waste, Inc.	101	42210	$54.29
Fire Department	Repairs/Maint Machinery/Equip	98346	Ready Watt Electric	101	42210	$4,905.82
Fire Department	Small Tools and Minor Equip	2264	Emergency Response Solutions	701	42210	$637.85
Fire Department	Small Tools and Minor Equip	2294	Emergency Response Solutions	701	42210	$572.17
Fire Department	Telephone	052814	CenturyLink	101	42210	$396.12
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	1539-296343	O'Reilly Auto Stores Inc.	101	41940	$201.76
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	15050	GHP Enterprises, Inc.	101	41940	$379.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-05-14	Premium Waters, Inc.	101	41940	$50.60
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	124115	Robert B. Hill Company	101	41940	$18.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	6452	Ultimate Performance Carpet	101	41940	$815.00
General Govt Buildings/Plant	Refuse Removal	11351819	Ace Solid Waste, Inc.	101	41940	$45.10
General Govt Buildings/Plant	Small Tools and Minor Equip	54508	Menards Cambridge	101	41940	$159.94
Legal	Legal Fees	05 2014	Eckberg, Lammers, Briggs,	101	41610	$7,804.91
Legal	Legal Fees	135857	Eckberg, Lammers, Briggs,	101	41610	$3,515.00
Mayor/City Council	Office Supplies	060514	Tim Harrington	101	41110	$41.94
Mayor/City Council	Professional Services Fees	243190	Municipal Code Corp.	101	41110	$550.00
Park Maintenance	Bldg/Facility Repair Supplies	469066	Ham Lake Hardware	101	43201	$18.15
Park Maintenance	Bldg/Facility Repair Supplies	68312244	John Deere Landscapes	101	43201	$14.48
Park Maintenance	Bldg/Facility Repair Supplies	68324518	John Deere Landscapes	101	43201	$1.10
Park Maintenance	Bldg/Facility Repair Supplies	68333905	John Deere Landscapes	101	43201	$64.22
Park Maintenance	Bldg/Facility Repair Supplies	68364078	John Deere Landscapes	101	43201	$27.31
Park Maintenance	Bldg/Facility Repair Supplies	54132	Menards Cambridge	101	43201	$78.70

City of East Bethel
June 18, 2014
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Cleaning Supplies	1539-293558	O'Reilly Auto Stores Inc.	101	43201	$21.97
Park Maintenance	Clothing & Personal Equipment	1182328049	G&K Services - St. Paul	101	43201	$20.58
Park Maintenance	Clothing & Personal Equipment	1182339340	G&K Services - St. Paul	101	43201	$19.00
Park Maintenance	Heating Fuels/Propane	97424	River Country Cooperative	101	43201	$20.34
Park Maintenance	Heavy Machinery	113739090	Deere & Company	701	43201	$43,913.60
Park Maintenance	Motor Fuels	2379579	Lubricant Technologies, Inc.	101	43201	$916.26
Park Maintenance	Motor Fuels	2379580	Lubricant Technologies, Inc.	101	43201	$622.63
Park Maintenance	Other Equipment Rentals	76055	Jimmy's Johnnys, Inc.	101	43201	$1,165.00
Park Maintenance	Park/Landscaping Materials	17941	Bjorklund Companies, LLC	101	43201	$94.25
Park Maintenance	Safety Supplies	54441	Menards Cambridge	101	43201	$23.45
Payroll	Union Dues	05 2014	MN Public Employees Assn	101		$468.00
Planning and Zoning	Professional Services Fees	841	Flat Rock Geographics, LLC	101	41910	$942.50
Police	Professional Services Fees	108443	Gopher State One-Call	101	42110	$31.90
Police	Professional Services Fees	05 2014	Gratitude Farms	101	42110	$835.00
Recycling Operations	Other Equipment Rentals	76055	Jimmy's Johnnys, Inc.	226	43235	$70.00
Recycling Operations	Professional Services Fees	06 2014	Cedar East Bethel Lions	226	43235	$1,200.00
Recycling Operations	Refuse Removal	11351819	Ace Solid Waste, Inc.	226	43235	$204.75
Recycling Operations	Refuse Removal	060414	SRC, Inc.	226	43235	$1,097.83
Sewer Operations	Bldgs/Facilities Repair/Maint	4208	North Star Pump Service	602	49451	$415.00
Sewer Operations	Bldgs/Facilities Repair/Maint	052814	Wright-Hennepin Coop Electric	602	49451	$22.95
Sewer Operations	Chemicals and Chem Products	3599386 RI	Hawkins, Inc	602	49451	$30.00
Sewer Operations	Electric Utilities	SORD000W140	Connexus Energy	602	49451	$1,101.00
Sewer Operations	Professional Services Fees	86232	UC Laboratory	602	49451	$550.62
Street Capital Projects	Street Maint Services	18974	Allied Blacktop Co.	406	40600	$65,110.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	2641132	Federal License Management	101	43220	$100.00
Street Maintenance	Bldgs/Facilities Repair/Maint	41799	Aker Doors, Inc.	101	43220	$203.50
Street Maintenance	Bldgs/Facilities Repair/Maint	11018	Betz Mechanical, Inc.	101	43220	$1,403.35
Street Maintenance	Bldgs/Facilities Repair/Maint	1182328049	G&K Services - St. Paul	101	43220	$9.17
Street Maintenance	Bldgs/Facilities Repair/Maint	1182339340	G&K Services - St. Paul	101	43220	$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-05-14	Premium Waters, Inc.	101	43220	$50.60
Street Maintenance	Bldgs/Facilities Repair/Maint	052814	Wright-Hennepin Coop Electric	101	43220	$19.92
Street Maintenance	Clothing & Personal Equipment	1182328049	G&K Services - St. Paul	101	43220	$19.40
Street Maintenance	Clothing & Personal Equipment	1182339340	G&K Services - St. Paul	101	43220	$19.40
Street Maintenance	Equipment Parts	1539-295669	O'Reilly Auto Stores Inc.	101	43220	$28.26
Street Maintenance	General Operating Supplies	455408-05-14	Premium Waters, Inc.	101	43220	$14.00
Street Maintenance	Lubricants and Additives	2380262	Lubricant Technologies, Inc.	101	43220	$117.00
Street Maintenance	Motor Fuels	2379579	Lubricant Technologies, Inc.	101	43220	$2,272.33
Street Maintenance	Motor Fuels	2379580	Lubricant Technologies, Inc.	101	43220	$269.80
Street Maintenance	Motor Vehicle Services (Lic d)	77333	Hayford Ford	101	43220	$1,025.30
Street Maintenance	Motor Vehicles Parts	F-241010053	Allstate Peterbilt North	101	43220	$24.75
Street Maintenance	Motor Vehicles Parts	3325775	Auto Nation SSC	101	43220	$45.09
Street Maintenance	Motor Vehicles Parts	77765	Central Truck Service, Inc	101	43220	$10.29
Street Maintenance	Motor Vehicles Parts	1539-295265	O'Reilly Auto Stores Inc.	101	43220	$167.49
Street Maintenance	Motor Vehicles Parts	1539-295429	O'Reilly Auto Stores Inc.	101	43220	($25.00)
Street Maintenance	Office Supplies	3427	Nap Supplies	101	43220	$47.74

City of East Bethel
June 18, 2014
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Refuse Removal	11351819	Ace Solid Waste, Inc.	101	43220	$81.43
Street Maintenance	Repairs/Maint Machinery/Equip	99811	Metro Products, Inc.	101	43220	$220.00
Street Maintenance	Safety Supplies	54184005	Zee Medical Service	101	43220	$93.05
Street Maintenance	Shop Supplies	363073116	BlueTarp Financial, Inc.	101	43220	$59.99
Street Maintenance	Sign/Striping Repair Materials	104991-IN	Earl F. Anderson, Inc.	101	43220	$533.30
Street Maintenance	Small Tools and Minor Equip	3592505	Kimball Midwest	101	43220	$108.30
Street Maintenance	Street Maint Materials	17928	Bjorklund Companies, LLC	101	43220	$102.85
Street Maintenance	Telephone	052814	CenturyLink	101	43220	$69.04
Tax Increment District No. 1-1	Professional Services Fees	348282	Ehlers	435	43500	$410.00
Water Utility Operations	Bldgs/Facilities Repair/Maint	052814	Wright-Hennepin Coop Electric	601	49401	$26.67
Water Utility Operations	Chemicals and Chem Products	3599385 RI	Hawkins, Inc	601	49401	$55.00
Water Utility Operations	Chemicals and Chem Products	3599790 RI	Hawkins, Inc	601	49401	$325.00
Water Utility Operations	Telephone	052814	CenturyLink	601	49401	$86.22
Water Utility Operations	Telephone	052814	CenturyLink	651	49401	$65.99
Water Utility Operations	Telephone	052814	CenturyLink	651	49401	$119.45
						$161,509.58

Electronic Payroll Payments

Payroll	PERA	$47.50
Payroll	Federal Withholding	$79.33
Payroll	Medicare Withholding	$285.38
Payroll	FICA Tax Withholding	$1,219.98
Payroll	State Withholding	$61.75
Payroll	MSRS/HCSP	$541.42
		$2,235.36

EAST BETHEL CITY COUNCIL MEETING

MAY 21, 2014

The East Bethel City Council met on May 21, 2014 at 6:00 PM for the City Council Work meeting at City Hall.

MEMBERS PRESENT:	Bob DeRoche Tom Ronning	Ron Koller	Tim Harrington
MEMBER ABSENT:	Heidi Moegerle		
ALSO PRESENT:	Jack Davis, City Administrator Mark Vierling, City Attorney		

1.0 Call to Order

The May 21, 2014 City Council Work meeting was called to order by Mayor DeRoche at 6:00 PM.

2.0 Adopt Agenda

Harrington made a motion to adopt the May 21, 2014 City Council Work Meeting agenda. Ronning seconded; all in favor, motion carried.

3.0 Zoning Map Amendment

Davis presented the staff report and indicated the Council is asked to consider the approval for the rezoning. The properties are a contiguous boundary of land west of Ulysses Street NE, South of 189th Avenue NE, the current zoning is B-3, and proposed change to I – Light Industrial. The second property is a contiguous boundary of land east of Highway 65 and North of Klondike Drive NE, the current zoning is R-2, the proposed change is to B-3 – Highway Commercial. The third property is a contiguous boundary of land north of Viking Boulevard NE and approximately one-half mile east of Highway 65. The current zoning is R-1 and R-2 and the proposed change would be to B-3, Highway Commercial.

The need to rezone the area known as Classic Commercial Park was the catalyst for requesting the zoning changes that are presented for this discussion. The other two areas were ready for rezoning and constituted more than one parcel. These were attached to the request for the rezoning of the Classic Commercial Park area to minimize the number of submissions to Met Council for rezoning approvals. Future rezoning of the Highway 65 and County Road 22 Corridors are intended to be in one submission and can be set at a date to be determined.

The Planning Commission at their April 22, 2014 meeting conducted a Public Hearing to discuss this matter. There were no objections filed or presented at the Public Hearing for any of the rezoning requests and the Planning Commission recommended the zoning changes as outlined for City Council for consideration.

The need to rezone the area described as the Classic Commercial Park is to avoid leaving the land use decision to interpretation. This was the case with Aggressive Hydraulics and a differing interpretation of uses within the current zoning designation could have prevented their location on their current site and probably their decision to locate within the City.

It is also to maximize the use of this area to its highest and best use. The use within this area is to service businesses and light manufacturing and future land use will follow this

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pattern. The change in zoning will permit these activities to continue but still allow for commercial development.

The new zoning classification would provide increased development flexibility over the current designation.

The zoning change in this area would provide the zoning framework for continuation of the predominant use of this area which is trades and service oriented business, transportation and light manufacturing. To continue the highway commercial zoning designation of these parcels is ignoring the economic and market realities of the geography of this area and creating a situation where every new use may face a rezoning or CUP request.

In addition, there were no objections from any of the affected property owners regarding this proposed zoning change.

Classic Commercial Park and adjoining areas to the west and north is an area that consists primarily of construction, services and trades and manufacturing companies. This is an area that has been discussed and proposed for rezoning for the past two years and contains potential "shovel ready" sites for light industrial uses. There are 60 acres within this area that are developable.

The second parcel under consideration for discussion for rezoning is the area that is located at the intersection of Klondike Drive and Highway 65. The need to rezone the area described as Minnesota Fresh LLC is that these parcels were inappropriately rezoned in 2008. This is the only residential zone on the east side of Highway 65 between 181st and 225th Avenue and would eliminate the "spot" zoning of these two parcels. These parcels are more suited to business use. The property owners also requested that the R-2 zoning be changed to B-3.

This property is currently zoned R-2 and is subject to a Significant Natural Environment Overlay. These parcels are currently being used as an agri-business by Minnesota Fresh LLC as authorized by an IUP, approved by City Council on December 4, 2013. The IUP was approved with recommendation for rezoning consideration when other zoning matters were proposed.

The third boundary is an area that is located at the intersection of Isanti Street and Viking Boulevard. The need to rezone this is that these parcels were previously zoned for commercial use. A B-3 zoning designation would provide for better screening regulations that would protect residential properties to the north of this area. A B-3 zoning designation would permit the expansion of the businesses located on these parcels. As this area is currently zoned R-1 and R-2, the businesses located at this intersection are non-conforming uses and no expansion is permitted. There were no objections from any of the affected property owners regarding this proposed zoning change.

There are three businesses located at this intersection and the property immediately to the west is zoned City Center which permits business uses. At one time, this area was zoned commercial and should revert to that zoning classification due to the pattern of development and use along this particular section of Viking Boulevard. The impact to the residential area is minimal and having these businesses designated as B-3 provides better screening standards for the residential areas and allows the expanse of the businesses on these sites.

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DeRoche, "Well, to begin with, I guess I'd like to clarify for some people that had asked me over the weekend, again. Some people were under the assumption that the zoning was voted down, it wasn't even going to go through. Where they got that information, I don't know. Other people, after conversation said, 'Well, now we kind of understand why it was tabled.' My personal reasons, I guess, for doing it and, to me, kind of putting a bunch of zoning together was kind of like an omnibus bill down at the Capitol. And, I guess I would prefer from now on that they kind of come up separately so that if one, one can be passed and if another one has issues, that the whole block of them isn't postponed or suspended temporarily. That being said, no, I don't have any problems with Farm Fresh getting theirs zoned commercial. If it was that at one point, it was changed to R-2, I think we all pretty much know why that happened. I don't really, I can't change why it did it but, whatever. The ones in the southwest part of the industrial park, if the record kind of shows that initially I was the one that kind of pushed for that so Aggressive Hydraulics could come down there. There were a few other Councilmembers that were a little adverse to that. So for someone to think that I don't want that zoned Industrial, that's kind of the only thing we can put down there for the most part. And, as for the other properties on Viking Boulevard, it wasn't so much an issue with those but, you know, I've had a conversation with Jack about my concerns that there are a couple other businesses, maybe more, on Viking that I think we need to take a look at and do the same thing for. Because, if they've been in the City a long time, been doing business a long time, and if, for right now they're noncompliant, which is okay, I guess, until they want to do something and then there's going to be an issue. And, if they are commercial and they've been commercial, I know one person in particular that purchased the business, they want to purchase the building and the property. Right now, they are grandfathered-in. If the purchase is made, then they lose that. And, they don't want to put all kinds of money into something and then have it pulled out from underneath them. I guess I don't blame them for that. That being said, I don't have any issues with the zoning."

Ronning, "The front page, the third separate boundaries of land? Contiguous boundary of land north of Viking Boulevard NE, approximately one-half mile northeast of Highway 65. If somebody doesn't have the packet, there, it sounds like it is from Highway 65 for a half a mile. Or, it could be read that way. That's a little ambiguous. People that live there are not going to think that, 'They did it to me again.'"

Davis, "Well, that could probably be clarified a little bit. However, the property between what we're considering rezoning and Highway 65 is zoned City Center so it permits commercial uses."

Ronning, "There were no objections from any of the affected property owners regarding this proposed zoning change. Might be true, but it might not if we didn't receive, or something."

DeRoche, "Yeah, and Jack and I kind of talked about that. My concern was from the legal side, even though the resident said he didn't care, if we don't have something in writing that he would come back. But, you know, they came to these meetings and apparently…does that 'hold water' Mark?"

Davis, "Again, we noticed this as was required in the paper and sent out letters to all the affected areas to be rezoned plus surrounding parcels that were affected by this under the requirements of the law. So, there was proper notification given to everyone and there were no objections on anyone's part."

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Vierling, "The Statute requires that you notify people within a given distance but you're allowed to use the County tax records for ownership and mailing purposes. So, it's not uncommon that we often hear that someone says, 'Well, I didn't get the notice.' Or, 'I had purchased this property six months ago and it never came to me.' Or, something of that nature. That can happen but, you know, the only records that we have available to us are the County records for tax ownership. Most of the County has only changed those once a year. So, you can have an eight-, nine-month gap of ownership in there very easily. That can happen."

Ronning, "Do we have record of mailed delivery?" Vierling, "Usually staff will maintain a master list of what they have maintained for mailing lists that they have gone to. Many of the cities purchase the labeling in terms of where they go to, right from the County. So, you have a master list and verify by the County. The County Auditor/Treasurer often will map out exactly the area and print the labels for you based off their tax records."

Ronning, "Is that a long way of saying we don't have any way to verify? Staff has a list." Vierling, "And a record of who they've mailed to." Ronning, "Yes, but it isn't registered or certified so we know that it is going…" Vierling, "Cities are not required to mail registered and certified, for that type of thing."

Ronning, "Were you saying that the one person in this area that didn't care is a resident?" Davis, "That's in the Classic Commercial Park. There's a 40-acre parcel that is zoned R-2 and the owner of that parcel recognizes that the access to that property is through a business district and that business district is composed of service-oriented business, manufacturing, gas station, and really, it's attractiveness and marketability as a residential area is severely restricted because of what you go through to get to there. And, he recognizes he has more value with that being zoned Light Industrial because that increases his flexibility as to what he can sell it for. And, there's probably been some approaches to him about developing some of that area or using it for those purposes. To use his residential property would probably have very limited value. And, incidentally, he did come to the Planning Commission meeting when they had the Public Hearing. He made no comment but I had Colleen call him just to verify that there were no objections. And, he has no objections to the rezoning."

Ronning, "We're not, we don't watch over people. We're not caregivers, anything like that but I do think of us, sometimes as 'Big Brother.' And, that you'd take a look at these sorts of things if the guy is, for instance, if he passed away and his beneficiaries assume the land, they can't do much of anything with it, can they?" Davis, "They can develop it to its highest and best use. Again, if you're buying residential property, you don't want to have to drive through a business or light industrial district to get to your home, probably. It's going to decrease the value of that property. He recognizes it. Everybody in that family is very business oriented and I think they recognize that the potential is there. Much more for B-2, B-3, and Light Industrial uses than it is for residential uses."

Ronning, "Well, it's fair to say, reasonably, that we do and have considered things like that in this application." Davis, "That's correct. We want to make sure that everybody was aware, especially those things involved, changes from residential to this type of zone, that this will affect his taxes a little bit too. He recognizes that. He is actually supportive of the zoning change." Ronning, "Thank you."

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DeRoche, "Ron?"

Koller, "I was at the Planning & Zoning Committee meetings and there didn't seem to be any objections to it and a lot of this, like you know, they switched it over around 2007 and 2008 for reasons and we're just putting it back to where it should be."

DeRoche, "Well, and you know, there again, one of the things I explain to people is, people may not like it sometimes that we ask a lot of questions. But, not so much in the far past there were decisions made that really kind of put this City in a bad situation because people didn't ask enough questions up here. So, I guess, I would rather be accused of asking too many questions and having too much information than just passing something on and then all of a sudden something else comes up and then you're trying to deal with it. Because, it just doesn't work. What do you think Tim? Anything to offer?"

Harrington, "No, I don't have any questions." DeRoche, "Well, that being said…"

Ronning, "The one piece that you talked about that is not included is Plow World."

DeRoche, "Right, and that's something that we're going to have to pursue. That's when I made the statement about Jack and I just talked here, about an hour and a half ago maybe, that there's Plow World and there's a cement step place." Davis, "Go for It." DeRoche, "Go for It Gas, because when they came in, they hadn't used that IUP/CUP for quite a while. I think it was a year. Was it two years Mark? That if they don't use it?" Vierling, "It lapses."

DeRoche, "It lapses so we had to do something with that. So, we're going to have to go back. You know I kind of stressed it to Jack that my concern that we really need to follow up on that. I think Jack will do that." Davis, "Again, Bob and I had this discussion. The reason those were not included with these is that these can be single-issue parcels and we're going to have to take a little bit different strategy in approaching this so we don't do little segments of spots of zoning. This whole thing was precipitated by the Classic Commercial Park so we're changing that designation because it does fit the land use, what will probably happen in that area, in the future, which is a large area. With Mrs. Johnson's property, we told her that when we're going to look at rezoning that, hers includes two parcels in what it said in the write up. Theirs is the only parcel on the east side of Highway 65, from 181st Avenue to 225th Avenue, that's a distance of over five miles, that's not zoned commercial. It's the only residential parcel in that whole segment along that east side of the road. So, in essence, that's spot zoning that we're correcting. The other was three parcels together. What we'll look at with the others is trying to combine those with some additional parcels. But, we want to talk to those people because I'm sure that most people down there who are zoned residential don't want to be zoned commercial. So, we're going to have to figure out the best way to approach it and put that together in a package."

Ronning, "Didn't you go to the open house at Plow World?" Harrington, "I did." Ronning, "Did Ron go too?" Koller, "No."

Ronning, "He said something to you about interest in participating in some of these changes? Or, being considered, whatever?" DeRoche, "I've talked to him, just stopping in, talking to him, and he expressed the concern that he had bought it, bought the business, but he wants to buy the building and the property. But, he doesn't want to do that and then have it pulled out from underneath him. Anybody else? Well, that being said, we're pretty

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much done here. “

4.0 Adjourn **Harrington made a motion to adjourn at 6:19 p.m. Koller seconded; all in favor, motion carried unanimously.**

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.

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EAST BETHEL CITY COUNCIL MEETING

JUNE 4, 2014

The East Bethel City Council met on June 4, 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
Craig Jochum, City Engineer

Call to Order Pledge of Allegiance

The June 4, 2014 City Council meeting was called to order by Mayor DeRoche at 7:30 PM. The Pledge of Allegiance was recited.

3.0 Adopt Agenda

Koller made a motion to adopt the June 4, 2014 City Council agenda including the supplement bill list as Item G. on the Consent Agenda. Moegerle seconded. All in favor, motion carries.

4.0 Presentation
4.0A SWPP Public Hearing

Davis presented the staff report, indicating the City of East Bethel has developed a Storm Water Pollution Prevention Program (SWPPP) as required by the National Pollutant Discharge Elimination System (NPDES) Program, which authorizes Cities to discharge storm water to the waters of the public. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the Maximum Extent Practicable. The Minnesota Pollution Control Agency issued coverage to the City of East Bethel on January 9, 2008. This program recently required all cities to update their permits. East Bethel's coverage under the new permit was issued on April 3, 2014.

One of the requirements of the Program includes that the City must hold an annual meeting on or before June 30th of each year. At the annual meeting the City will consider public input, both oral and written, regarding the adequacy of the Program. Based on the public input, the City can modify the Program as the City determines to be appropriate. Copies of the City's SWPPP are available for public review at City Hall and on the City website.

Staff recommends that the City Council conduct the annual meeting to consider public input on the City's Storm Water Pollution Prevention Program.

Ronning motioned to open the public hearing at 7:35 p.m. Harrington seconded. All in favor motion carries unanimously.

Davis, "Our City Engineer will now be available to present the Program, answer any questions, or entertain any comment from the public."

Jochum, "As Mr. Davis said, this is a requirement of this Program, really the same thing we've done every year. The only thing new is noted, this permit was reissued and redone. You will have 12 months from that April 3rd date to update your ordinances and any other controls with regard to that new permit that was issued. Other than that, I would be open to any questions you might have."

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4.0A
SWPP Public Hearing

Moegerle, "I do have a question. In the write up, there was a list of six items. Sweeping streets was the first. Is there anything more active that we can be doing to help our water quality by stopping the runoff from the streets? Anything that comes to your mind how we can have a more comprehensive approach or any changes that you would suggest to our Program?"

Jochum, "I think some of that has been done with the Coon Lake Beach Study. They identified some areas that could possibly put some water control items in or features or improvements. With any construction project now, there's always a water quality component. So, as the City progresses, that is getting more and more prevalent to control water volume and quality. But as far as actively pursuing other options, that has not been done at this time."

Moegerle, "And none come to mind. Is that correct?" Jochum, "Not to mind. A lot of it is with your development, it is not that dense. In other cities where there is a lot of hard surface going directly to the storm sewer. Those are the cities that are focusing more on water quality things they can do. East Bethel is actually in a pretty good position in that you are developing more now than you have in the past and, again, those things would be taken care of as you develop, as required."

Moegerle, "For interest's sake, on Sunday the lake height was measured and it is about a half inch lower than its all time measurement. So, we've really gotten a lot of rain and a lot of run off to fill the basin."

Jochum, "I guess one thing is, you know, Public Works drives around and if they see erosion areas, things like that, should be a quick fix, quickly, and keep an eye on things like that." Moegerle, "I think they do a good job of that. Thank you."

DeRoche, "Anyone in the public have any questions? Anybody else on the Council."

Ronning, "Where do we sit with that as far as preparedness? Are there certain steps to go through before we start digging? Where are we with that?" Jochum, "What's that Mr. Ronning?" Ronning, "I think the last time we had some discussion about it, there were easements and things we were going through." Jochum, "Kind of the whole MIDS thing? That whole discussion?"

Ronning, "No, I think it was easements to properties to be able to do the project." Jochum, "On the Coon Lake Beach one?" Ronning, "Yes." Jochum, "As far as I know, there's been no projects initiated on that. The Anoka Conservation District (ACD) did the study. I don't know that I've seen the full version of the study yet. Jack, has that been released?"

Davis, "It has. They haven't decided on which projects to do. I think they had identified about 20 potential sites where corrections could be made. It was in their budget. They have monies to do maybe 7 or 8 of them this year but those have not yet been selected, as I understand it."

DeRoche, "If I'm not mistaken, were you addressing the Lincoln Drive issues and how that would affect drainage, water runoff? Has there been a plan done for that?" Ronning, "Yes, that's part of the whole corner, Lincoln Drive and then, wherever it goes to." DeRoche, "We are talking about storm water runoff here. So, are there specific new designs that we will have to do for that project?"

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4.0A SWPP Public Hearing

Jochum, "Yes, we'll talk about that a little bit later under project updates. There will be some additional ponding and such on Lincoln, Laurel, and Longfellow, in areas that it can be done in. Nothing real excessive on the street projects are required, if they are already in place, because we are not really adding that much more impervious. We are just reconstructing what is there."

DeRoche, "All right. Anybody else?"

Ronning motioned to close the public hearing at 7:41 p.m. Koller seconded. All in favor motion carries unanimously.

5.0 Public Forum

Jeff Stalberger, "What I want to talk about tonight is the 4 in 40 in the Comprehensive Plan. I found about this a few months back and I was blown away. I know from experience, I've done a lot of developing in Ham Lake, and know for years the Metropolitan Council has pushed this on the cities. Ham Lake always, 'No way,' wanted no part of it and I'm sure East Bethel too. For years, and years, and years, said, 'No, we're not going to abide by what you want.' They want everybody downtown, they want them on the choo-choo trains, and they want all of this. You know, a couple big farms and that's about it. I know none of you had anything to do with that. I do know that.

At first, I was so mad I was going to write every landowner in East Bethel and tell them, 'Hey, look what happened.' If you think about what happened here, you've got landowners, whether it's estates to families or farmers, that have 40 acres and are getting old and were going to sell out, basically, 401k's or whatever. Somebody just reached in there and pulled 80% of their value right out of these people's pockets. Let's say you've got a 38 acre tract right now and you've got a little farm and they want to split off five acres and develop, they've got a little wetland in the front there and they probably could have sold to a developer, got 10-12 lots in the back. Right now, what could you get? They could get two other parcels back there and if there's wetlands in the front, you've got to build the road. Well, you put a road in there, there's no value.

I'm here on behalf of all the landowners and myself. I'm a landowner as well. I've got 35 acres on Coon Lake. I've probably got, with the interest I pay on it, I probably got $1 million dollars in the property. It's 36 acres. Three parcels I could get out of that right now. I also believe that this whole thing that happened, signing off to Met Council, they were people previous to you, when they pushed for the sewer project, there was a lot of self-interest there. I don't agree with that. I'm a believer that everybody should have a 'fair shake' at everything. I believe there were people who pushed for this project and signed off on it and they didn't care about all the land owners in East Bethel. I think it was a bad, bad, bad deal for everybody.

I'd like to start some talks and see if we can change that. Like I say, it isn't just for me, it's for, I'm looking out for everybody. I just want to see if we can do something about it. I know you guys had nothing to do with it so I'm not mad at any of you guys, but I think they sold out on a bad deal, they really did."

Moegerle, "Could you state your address for us?" Stalberger, "Yes, 17404 Ward Lake Drive NW, Andover." Moegerle, "Thank you."

Ronning, "Nobody's disagreeing with your comments about what happened."

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5.0 Public Forum

Stalberger, "Is there something we can do? Start talks? Can we do anything about it?" DeRoche, "Well, not in this particular forum." Stalberger, "I know that, but…"

DeRoche, "Have you addressed this with the City Administrator?" Stalberger, "I have. I've talked to Jack and Colleen. They were very nice about it. In fact, I was surprised because when I found out, I was mad, I felt like people really got kicked here and they were very nice about it. I appreciate that."

Moegerle, "This has been brought up at the EDA before, about the 4 on 40 versus 2.5 acre lots. So, it is on our 'radar.' One of the things that I recall is that there's a lot of conversation and pressure for East Bethel to not change and to remain rural. So, if you start putting 2.5 acre lots, which I'm not saying, I'm not putting words in your mouth, but if you increase the density more than 4 on 40, there's a contingent of our City who will be outraged. So, there's 'both sides of the coin.' While I don't discount the possibility of that changing, I think it has to be done in a very measured way because there's very strong views that the City should not change. One of those things is, large lots. So, if you want to proceed with that, part of the solution is what's the best solution and how do you make it work for everybody. But, it is on our 'radar.'"

Stalberger, "I mean, am I going to survive? Yeah. Am I going to take 'lumps' on my piece? Yeah. But, I mean there's people who have been here before this was even a City that are landowners and they really, really got screwed. Because it's been what, 2.5 acre stuff for 40 years, you know? I did a plat in 1988 here. I've done a few other ones. I think it was long before that you had 2.5 acres."

Moegerle, "Did that change in 2008? I think it was 2008." Stalberger, "Yes, during the recession. That's why nobody knows and nobody's come forward."

Moegerle, "Was it part of the Comp Plan?" Davis, "It was part of the Comp Plan, that's correct."

Stalberger, "Right in the heart of the recession so the landowners don't know."

DeRoche, "But, just as quick as that happened before, it can't be undone quite as fast because, again, every decision made up here effects everyone in the City and there is outcry on both sides. We didn't make those decisions but we've kind of, for the last 3.5 years, been undoing certain things. It takes time. I realize people don't like to hear that." Stalberger, "I realize that. You are dealing with the Met Council on all that stuff and I know it's not an easy, it's not going to be an easy task, I'm sure."

Moegerle, "Once the 'door' to Met Council has been opened, it's hard to close it much less kick them out. And, that can't happen. What really has to happen is that we have to work with them and have them appreciate the City's identity and what we want to do."

Stalberger, "I guess the main thing is that I'd like to hear that you're willing to try to see what we can do. That would give me comfort. Maybe we can work around it in the future?" DeRoche, "I kind of have to believe that Jack and Colleen have probably discussed this and may be working on something. I don't come in here every day but I guess this isn't the first time that Jack has not told us about it."

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5.0 Public Forum

Davis, "What we discussed, at the EDA's last meeting, if Council wishes us to proceed with this, if we get direction, then we could take something to the Planning Commission. We have to go through them. This would be a land use change. If you wish us to work on that, we'll be glad to start and will proceed with the Planning Commission as the first step."

DeRoche, "What I would like to see happen is have a Work Session, maybe with a couple issues, and put it on a Work Meeting prior to going to Planning so that it doesn't go through Planning and then winds up at the Council and we wind up tabling it because we still haven't had a chance to look at it and have any discussion and make a decision." Davis, "Whenever you'd like to schedule the Work Meeting, we'll have whatever you need to take a look at that and decide what direction you wish to go with it." DeRoche, "All right."

Stalberger, "Thank you very much."

Ronning, "If anybody is not familiar with a Work Meeting, it takes place in here, it's recorded, everything is the same but you cannot take votes and actions."

Stalberger, "I'll be in touch with you. Thank you all." Moegerle, "Thank you for coming."

Fe Mahler, 19651 Rochester Street NE, "We're probably starting to sound like a 'broken record' but we're here about changing the Codes to accessory structures. We've gone through several sessions now with the Planning Commission and are before you tonight to ask you to vote in favor. And, if you have any questions."

DeRoche, "No, I've had a few calls." Ms. Mahler, "That concludes our presentation." DeRoche, "Boy, that was easy."

6.0 Consent Agenda

Item A Bills/Claims

~~Item B Meeting Minutes, May 21, 2014 Council Work Meeting~~
~~Meeting minutes from the May 21, 2014 Council Work Meeting are attached for your review and approval.~~

~~Item C Meeting Minutes, May 21, 2014 Council Meeting~~
~~Meeting minutes from the May 21, 2014 Council Meeting are attached for your review and approval.~~

~~Item D Meeting Minutes, May 14, 2014 Council Work Meeting~~
~~Meeting minutes from the May 21, 2014 Council Work Meeting are attached for your review and approval.~~

Item E Approve Pay Estimate 1, Lift Station 1
Staff is recommending approval of Pay Estimate 1, Lift Station 1.

Item F Approve Resolution 2014-18, Request for County Road Improvements
Staff is recommending approval of Resolution 2014-18, Request for County Road Improvements

Item G Supplemental Bill List

DeRoche, "I would like to pull Item B." Moegerle, "I've already talked to Jack about a

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substantive change in Item C so I'd like to pull Item C and also Item D." DeRoche, "Wasn't Item D pulled at the last session?" Davis, "No, it hasn't been presented yet." DeRoche, "Simple question."

6.0 Consent Agenda

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

Item B Meeting Minutes, May 21, 2014 Council Work Meeting

DeRoche, "I pulled Item B. There are too many corrections, a few misspellings. I'd like to come in and actually listen to the transcript and verify a couple things that are on there." Ronning, "Is that a motion?"

DeRoche motioned to table consideration of the May 21, 2014, Council Work Meeting Minutes. Ronning seconded. Roll call: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Abstain (as she did not attend that meeting), motion carries 4-0-1.

Item C Meeting Minutes, May 21, 2014 Council Meeting

Moegerle, "I pulled Item C for substantive change on Page 17, the word is typed as 'facilitate' and the word used was 'facility.' *'So, it's important that we generate those monies to keep this facility afloat as we move forward into the future.'"*

Moegerle motioned to approve the May 21, 2014 Council Meeting Minutes as corrected above. DeRoche seconded. All in favor, motion carries unanimously.

Item D Meeting Minutes, May 14, 2014 Council Work Meeting

Moegerle, "I didn't attend this meeting so I pulled it so I could abstain from voting in favor of a meeting I didn't participate in."

DeRoche motioned to approve the May 14, 2014 Council Work Meeting Minutes as submitted. Ronning seconded. Roll call: DeRoche, Harrington, Koller, Ronning-Aye; Moegerle-Abstain (as she did not attend that meeting), motion carries 4-0-1.

7.0 New Business

Commission, Association and Task Force Reports

7.0A Planning Commission 7.0A.1 Amendment to Ordinance 49, Accessory Structures

Davis presented the staff report, indicating the City has continually received requests from residents to build post frame detached accessory structures and to build larger detached accessory structures than what is currently permitted in Section 14, Detached Accessory Structures in the Zoning Code. Based on these numerous requests, the Planning Commission conducted a noticed public hearing at their May 27, 2014, meeting to discuss changes in Section 14, Detached Accessory Structures in the Zoning Code that relate to post frame (pole buildings) on lots less than 3 acres.

At that meeting, the Planning Commission approved a recommendation to amend the ordinance with the general provisions as follows:

1. Permit post frame detached accessory structures as permissible buildings on lots less than 3 acres as provided in the chart in Attachment # 1;
2. Increase the allowable square footage for all detached accessory structures as provided in the chart in Attachment # 1;
3. Decrease the acreage requirements for these structures as provided in the chart in Attachment # 1;
4. Propose lowering the sidewall heights of detached accessory structures to 12 feet on lots

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less than 0.5 acres; and

5. Modify some conflicts and ambiguities in the language under the Architectural Standards Section.

7.0A.1 Amendment to Ordinance 49, Accessory Structures

Staff recommends that the City Council approve the changes as presented in your packet and authorize direction for these changes to be published.

Moegerle motioned to adopt Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, with the following changes:

2.L. For the purposes of accessing storage, accessory structures <u>with a second story</u> may have exterior stairs <u>adjacent or along the</u> side or rear <u>walls</u>.

3.C. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as windows, ~~entry~~ doors, or material/color variations; and

3.D. Shall include a minimum combination of two architectural <u>features</u> along any sidewall greater than ten feet in height and…

4.1.b) Accessory structures shall be of similar design and building materials as the principal building <u>and as much as practical match the design of the principal structure</u>.

DeRoche, "Are you making an amendment to the current?" Moegerle, "Yes." DeRoche, "You want to amend the changes?" Moegerle, "Yes, just to clean it up. Yeah."

DeRoche, "I guess to get into a discussion, I'd like to get a second and then we can go into a discussion."

Koller seconded.

Ronning, "Maybe I'm slow. I didn't keep with all those things." Moegerle, "Okay, 2.L. change it to read: 'For the purposes of accessing storage, accessory structures <u>with a second story</u> may have exterior stairs <u>adjacent or along the</u> side or rear <u>walls</u>.' As that is currently written, you could have exterior stairs to a second story of what? It doesn't really make it clear. The point of the change is for the clarification."

Ronning, "What's necessary to change? What isn't understandable about: 'For the purposes of accessing storage, accessory structures…?'" Moegerle, "Because as written: 'For the purposes of accessing storage, accessory structures may have exterior stairs to a second story in a side or rear yard.' It does not indicate that it is an accessory structure with two stories. You just change the wording a little bit and it makes it clear that the accessory structure that we're talking about has two stories."

DeRoche, "Didn't we just make that change to add the stairs to an accessory structure not too long ago Jack? Didn't we just redo that?" Davis, "We did and that was under a different section of this. This probably clarified it a little bit. It reads easier. I think it says the same thing both ways but I will agree with Heidi that it does read easier. It's just a matter of putting that statement of 'second story' somewhere else in the sentence."

DeRoche, "It may read easier to some people. One thing that kind of troubles me when we go through this cleaning up process is, granted, there is a lot more wording in there but I

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7.0A.1 Amendment to Ordinance 49, Accessory Structures

think for just the average person, it is a little easier for them to read the whole thing and understand it than get what our short version of it is. And then, if they want to find out more, they have to go and do some research. I personally like things being more explained to people so they don't, maybe they can go on the website and look it up. Where we keep cutting things, do so…yeah, it may look cleaner and crisper, but our intent has to be that the people understand what the heck's going on here. And, they don't have to depend on somebody else, hopefully, to decipher it."

Moegerle, "And that's exactly my point. Because when you read: 'For the purposes of accessing storage, accessory structures may have exterior stairs to a second story…of what?...and a side or rear yard.' It is not clear. That is why if it's written: '…accessory structures <u>with a second story</u> may have exterior stairs…' It's very clear. It's very simple. It's 'Average Joe' language and it's traditional English usage."

DeRoche, "But, if it's stairs going to a second story, it's got to be a structure." Moegerle, "That's it." DeRoche, "I mean, what, well either that or the stairs are going no where." Moegerle, "And you know what? I have a husband who would build stairs to nowhere. I mean, you know, I mean just because it's…"

DeRoche, "I'm not going to beat it up over that. Jack, what do you think? I mean, I'll ask what the rest of the Council thinks." Davis, "In my opinion, I think it says the same thing either way. I think it probably does read better by putting 'second story' after 'accessing storage.' But, I agree that if you are going to have a set of stairs, it's going somewhere. I would have no problem leaving it as is or accepting the change. Either way is perfectly acceptable; however, I do believe it reads just a little bit better by rearranging the place where 'second story' is put into the sentence."

Koller, "I think it reads the same either way, myself." Harrington, "I'm fine with it either way." Ronning, "The content, context is the same. It would just be a matter of editing. I'm not interested in editing it myself."

DeRoche, "One piece I am interested in has to do with #4, the proposed lowering of the sidewalls height of detached accessory structures to 12 feet unless than one-half acre. Now, we just went through and raised these up. It went through the Planning Commission, it went through the Council. We raised the height to 14 feet. I watched the Planning meeting when the comment was made, 'Well, we just need to put it back through the Council again.' And, so here it is back here to lower it down. I think once they went through Planning and went through us and we raised it up to 14 feet, then that's kind of what our intent was. I don't think it is a bargaining chip for someone to say, 'Well, we'll do this but we want you to consider lowering this back down again.' We just went through the time and process to get it raised up there. And, it wasn't a big concern at the time and I haven't yet seen anyone putting up a 14 foot sidewall on a half-acre lot because I don't think most wives would let their husband do that, just for the aesthetics."

Davis, "I was at the Planning Commission meeting and this was brought up. I don't think it is in there as a 'bargaining chip' or an either/or thing. But, I did inform them that this issue had been addressed and already been approved and this was not the issue that was under consideration. The issue was the permitting of post frame buildings on three acres or less. This is something they decided to add in on their own and on three different occasions, it was mentioned to them that this was not the issue under consideration. But, it was their choice to make this recommendation."

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DeRoche, "Well, then I guess I would add to the amendment that Heidi made that this be stricken from this part of it."

Moegerle, "I don't accept the amendment."

DeRoche, "Then I would move it."

Ronning, "Well, with the way this is going, this is going an omnibus all or none process. The way it is, I don't see any of it going with that process." Moegerle, "And, this isn't an all or nothing situation. I was not in favor of the 14 feet before. I made that clear, so I'm not going to …"

Ronning, "The motion is to approve this…" Moegerle, "Wait, you made a comment about an 'all or nothing,' implying that was my approach. I was clear, however many weeks or months ago, on that issue. So, it is all consistent with my view on the 14 feet. It's not an all or nothing at all."

Ronning, "Did you understand the motion?"

Vierling, "You don't have any motion really in front of you right now, I think." Moegerle, "I made a motion." Ronning, "She made a motion to accept with her changes and Ron seconded."

Vierling, "You know, for purposes of order and clarity as you go through things, I'd make this as a suggestion to Council. Usually what we're accustomed to, is a motion to adopt the ordinance as presented and then individual motions to amend. Then in terms of taking the vote on those, we take the motions to amend first and end up with the main motion, the document as amended, for either approval or otherwise. And just for order going through, you might find it easier to do that because then if you have differences of opinion on the various amendments, they are at least identified and we take them one at a time going through."

DeRoche, "Well, that being said, I call for a vote. The motion was to accept, Heidi made an amendment, there was a first, a second, some discussion, and the only way that we can introduce it, I guess correctly, would be to vote on it. If it passes, it passes. If it doesn't, then re-motion that we pass it as is and then go through the process that Mark said."

Vierling, "We can do that or I would suggest that the motion simply be withdrawn that is on the table now and go back through the process. Because, at least what I heard, was Ms. Moegerle made a number of comments, which I perceived as being somewhat different in various sections from what the Planning Commission recommended. I heard Councilmember Koller comment that he was in approval on the one item that was being discussed. I don't know if that carried over to all the items that were being discussed. So, I heard a motion that was really to adopt all of those amendments and a second that was, I think, intended for one of them. Given that, for clarity again, it may be better to withdraw the motion. Let's have a motion to adopt…"

Moegerle, "I will **withdraw the motion**." Ronning, "Does Ron accept the withdrawal?" Koller, "Yes."

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DeRoche, "Any more discussion? All in favor?" Moegerle, "I just withdrew it." Vierling, "You don't need to vote on it, you just withdraw it." DeRoche, "We don't need any comments."

7.0A.1 Amendment to Ordinance 49, Accessory Structures

DeRoche motioned to adopt Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures. Harrington seconded.

Vierling, "Now, individual motions to amend are appropriate."

Moegerle motioned to amend Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, as follows:

2.L. For the purposes of accessing storage, accessory structures <u>with a second story</u> may have exterior stairs <u>adjacent or along the</u> side or rear <u>walls</u>.

DeRoche, "Hearing no second, **amendment motion doesn't pass**."

Moegerle motioned to amend Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, as follows:

3.C. Shall include a minimum of two different architectural features on the front facade; architectural features may include items such as windows<u>,</u> ~~entry~~ doors, or material/color variations; and

Koller seconded.

DeRoche, "Any more discussion?" Moegerle, "Yeah. I asked Jack about this and I said, 'Well, when is a door not an entry?' He said, 'When it's a garage door.' Well, garage doors are also an entry door and so I was wondering if you wanted to comment a bit about why they chose to use 'entry,' so the garage doors were not an architectural feature."

Davis, "That is correct. The Planning Commission wanted to make a distinction between a garage door and an entry door or a pedestrian passage door; however, you want to determine it. They wanted to make the garage door simply what that is, an access for vehicles. Any other doors would be access for pedestrians or entry pedestrian doors."

Moegerle, "But since it's talking about architectural features, in my opinion, a garage door would be an architectural feature. Therefore, the definition of 'entry' is not appropriate for the purpose of talking about architectural features."

Davis, "And I think another reason they wanted to separate and make that distinction was so the garage door couldn't be included as one of the architectural features. So, you have to have two others in addition to the standard garage doors to be a given." Moegerle, "I understand. Thank you."

DeRoche, "So, let me make sure this is clear here. So, they either have to have two windows. The material or color variations, how is that being defined? Do we have that defined somewhere? Or, is that left up to the homeowner? Is that left up to the building

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inspector?" Davis, "That's going to be, more or less, left up to the homeowner and the City. To try to define what color variations are and materials. We'd wind up with pages and pages. So, all we're trying to say is that the color needs to try to match the home as closely as possible."

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DeRoche, "All right, because two things I don't want to get into. And, then again, I'm only one person. But, I don't want to get into dictating how someone's design is and I don't want to get into how their landscaping is. Because, maybe my tastes are different than someone else. I don't think it's our place to dictate to people. 'Well, I like this so this is what you have to do.' It is, kind of again, it's on a person's property and they are the ones looking at it. I think, I just don't want to get into too nitpicky."

Ronning, "I would add that 'if it's not broken, don't break it.' We should be trying to make things easier for residents and less binding if it's possible, if it's reasonable." Davis, "I think that's the goal. I think that is what we are trying to accomplish here. This thing has been simplified and it has been cut down. It establishes minimum standards with a minimum amount of restrictions on it. One of the considerations too is that if you are going to allow these structures, these larger structures on smaller acreages, then there needs to be maybe a few elements tied into it to make them look similar to the home rather than just a tin shed." DeRoche, "Well, absolutely but I thought that was kind of the understanding when the Mahlers came through here. That was their intent."

Ronning, "We may have missed the point. What is removing 'entry?' Does 'doors' stay plural or is that singular?" Davis, "Again, to me it's a matter of semantics. You know, you can keep it or you can leave it. The Planning Commission and I agree that there should be some distinction made between a garage door and another type of door."

Moegerle, "And my point is that this is talking about two different architectural features on the front façade. 'Architectural features may include items such as windows, doors, or material color variations.' That is the point that I am making. I understand what a garage door does and I understand what an entry door does. But, on a front façade, do you want to have doors and windows and color changes? And, C is written as a 'pick two' kind of situation. I don't understand why a garage door couldn't be a part of that. What I'm understanding is that Planning said that may be a garage door and an entry door could be a combination. I'm not quite sure."

Ronning, "The way this is worded, 'shall include a minimum of two different architectural features on the front façade, architecturals may include items such as…' It's not confined to windows and doors." Vierling, "Correct."

Ronning, "So, does that change what you are trying to do?" Moegerle, "No." Davis, "An architectural feature could also be incorporating an eave or an overhang or, as it says here, making sure that the colors match. It's kind of open. I don't think we want to specify, to make it too restrictive, because then you're going to run into situations where it doesn't fit. This gives the people that bring this to us some latitude to make these judgments."

DeRoche, "I think we are good to go on this one." Moegerle, "The point is to make it open more. So, I call the question."

All in favor; amendment motion carries unanimously.

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7.0A.1 Amendment to Ordinance 49, Accessory Structures

DeRoche motioned to amend Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, with the following change:

4.A.1) Sidewall height on detached accessory structures on lots less than one-half acre shall be a12 feet is eliminated and shall remain sidewall heights of 14 feet regardless of the acreage.

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

Moegerle motioned to amend Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, as follows:

3.D. Shall include a minimum combination of two architectural features along any sidewall greater than ten feet in height and…

Koller seconded.

Moegerle, "Yeah, I'd like to discuss 3D and the changes there, which is talking about, the strike through includes the word 'features.' D says, 'Shall include a minimum combination of two architectural' and it should be features, which has a red line through, in order for that to be accurate. I would like to keep 'features' but I'd also like to discuss dropping the landscaping concerns. Jack and I discussed this and the issue was, well, our ordinance does not require that once you plant these landscape features, trees, bushes, shrubs, that there is any duty to maintain them. So, what you could have is that somebody could plant their two trees, minimum of four feet, they then die, 'mission accomplished,' and there is no enforcement. So, I kind of like the idea that landscaping can be an architectural feature. I don't like that you can have, that there is no enforcement if the landscaping dies. So, I just wanted to bring that up to see if there is any interest in working with keeping landscaping a part of architectural features."

DeRoche, "I really don't want to get into it. You said, 'Well, there's no enforcement.' I don't want to see our building inspector going out there for something, I hate to say as petty, but as petty as maybe somebody planted the trees and they let them die and now you've got a Code enforcement guy out there worried about that. I think we have much other..."

Moegerle, "As you know, East Bethel is based upon the complaint system of enforcement. So, if no body complains, then we don't enforce those kind of issues. So, frankly, I liked D without the changes."

DeRoche, "There again, you get two neighbors that are kind of, a little teed off at each other and then you get into this silly game of 'well, gee whiz, I'm going to call on you because you're having a fire and I'm going to call on you because…'" Moegerle, "And that's where we are the adults. And, that's where we are the adults. And, you say, 'No, we're not going to sink to that petty level.'"

Ronning, "Did I miss something? I heard you say 'features included.' Did you say 'and/or landscape features?'" Moegerle, "What I asked for is that if we accept the changes, that the

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word 'features' not be deleted. And, that was my motion. But, I made the motion to also discuss this."

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Vierling, "Why don't we have a second on that first and then you can go on to the discussion." Moegerle, "I thought we did. Ron, did you second me on that?" Koller, "I believe so."

Moegerle, "So, the discussion is, do we accept the changes adding 'features' back or do we look at this issue about landscape features as well. That is the purpose of discussion."

DeRoche, "Unless we plan on going out there and consistently check on this stuff, there is no way we are going to know if they conformed with it or not. Part of what the State says is why make something if you can't enforce it or if you're not going to enforce it. To me, why keep adding to things?"

Ronning, "There may be more to it than that. What we are saying is if you have a sidewall greater than ten feet in height, the four walls, you have to put on two architectural features. They are all going to be ten feet. If one is ten feet, they're all ten feet. So, now you have to enforce it. They all have to have the architectural features. Is that what the intent is?" Moegerle, "No, because we just made the change that you're going to have two different architectural features on the front façade. So, we already agreed on that with C, we just passed that. D is talking about having two architectural or landscape features along any sidewall greater than ten feet in height and any sidewall directly adjacent and visible to the public right-of-way. So, that is what we are changing."

DeRoche "Well, and there again, in fact two of the people on the Planning Commission actually said they've never been out driving around and looked and saw a building and went, 'Geez, I'm sure glad we didn't approve that one.' I don't know, who cares?"

Koller, "I think the landscaping should be left up to the homeowner. It's their house, their pole barn."

Ronning, "What is D saying that C didn't?" Davis, "D is addressing sidewalls. C is addressing the front wall. Heidi is correct, though, there is a strike through, the word 'features' should be after 'architectural' if that is to remain. The issue to me would be deciding on the landscape features."

Koller, "I would just leave it out." Moegerle, "I call the question."

Vierling, "For clarity, the motion is only with regard to retaining the word 'features.'" Moegerle, "Correct."

Ronning, "Repeat what the motion is." Vierling, "The motion before you is to amend the staff draft only to retain the word 'features' in the first line of item 3D."

Roll call: Koller and Moegerle-Aye; DeRoche, Harrington, Ronning-Nay, motion fails 2-3.

Moegerle, "So this now reads: 'Shall include a minimum combination of two architectural along any sidewall greater than ten feet.'" Ronning, "I would move to eliminate it."

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7.0A.1 Amendment to Ordinance 49, Accessory Structures

Davis, "It really needs to stay in there. Because, now the way it reads, if we eliminate it, 'Shall include a minimum combination of two architectural along…' Architectural what? The word 'features' really needs to stay in there. It doesn't have any relation to the landscaping portion of it."

Vierling, "Unless there is another motion to amend it somehow, and maybe that's the intent of the majority here. I don't know. The motion was defeated. So, is there another motion on this one?"

Moegerle, "If you read it without 'features.'"

Ronning, "I'm still caught in this sidewall. Everybody thinks the front's the front, the back's the back. But, they are all sides. There are four sides to a building, at least. And, it's open for interpretation. Depends on who is looking at it for what…it might be clear to one, might be something to mess with for somebody else." Davis, "If you want to clarify it, that would be fine. But, in our interpretation of a building there is a front wall, two side walls, and a rear wall."

DeRoche, "Are you talking about the first sentence? I mean, 'features' is in here twice. 'Shall include a minimum combination of two architectural'…and then 'and/or landscape' features is red out." Moegerle, "But, you have to keep that 'features' in." DeRoche, "Yeah, I know." Moegerle, "That was my motion." DeRoche, "I'm asking for some clarification here. Okay?"

DeRoche motioned to amend Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, as follows:

3.D. Shall include a minimum combination of two architectural <u>features</u> along any sidewall greater than ten feet in height and…

Koller seconded.

Ronning, "One of the times to do this sort of thing is, what our intent is, and that is what we are doing right now. What are 'architectural features,' for the understanding of me and everybody else that might wonder?" Moegerle, "Isn't that in C?" Davis, "Yes, C mentions architectural features. It would be windows, doors, or material or color variations."

Ronning, "So, that's the interpretation. We're going to have it on the front and we're going to have it on the sidewall?" Davis, "Correct." Ronning, "We're going to have a front door and a side door and another side door?" Davis, "No, you can have a front door…"

Koller, "You can have a different color trim?" Davis, "Different color trim, different color variations of window." Vierling, "Product changes from siding to brick." Davis, "Yeah, architectural changes, when it says 'materials' it could even affect things like overhangs, eaves."

Ronning, "If it depends on C…"

DeRoche, "Before we get into any more discussion, there is a motion to…" Moegerle, "Keep the word 'features.'" DeRoche, "Keep the word 'features' and there was a second.

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Moegerle, "I seconded it." Vierling, "No, Councilmember Koller seconded it." Koller, "That's right." DeRoche, "So, you know what they're saying, right Tom?" Ronning, "Yeah."

7.0A.1 Amendment to Ordinance 49, Accessory Structures

DeRoche, Harrington, Koller and Moegerle-Aye; Ronning-Nay, motion carries 4-1.

Vierling, "Are there any more motions to amend?" DeRoche, "Any changes?" Ronning, "I thought she had about three or four." Moegerle, "Well, since we are not simplifying language, there's no point in introducing the motions. So, no." Vierling, "Then there should be a motion to adopt the draft as amended."

DeRoche motioned to adopt Ordinance Number 49, Third Series, An Ordinance Amending Appendix A, Zoning Section 1, General Provisions of Administration and Section 14. Detached Accessory Structures, as amended above.

Ronning, "Does that delete the 12 feet?" Vierling, "No, no, you've made all the changes incrementally. Now you're adopting the full version with the changes you just made." Ronning, "Have we changed the…" DeRoche, "We changed it back to 14." Ronning, "Okay."

Harrington seconded. All in favor, motion carries unanimously.

7.0A.2 Administrative Subdivision Request

Davis presented the staff report, indicating the Council is asked to consider approval of the Administrative Subdivision request by owner and applicant, Marjorie Wanamaker to subdivide property as identified into two separate metes and bounds parcels as described in your packet.

Ms. Wanamaker is interested in subdividing her property into two separate parcels. She is requesting to subdivide 10.61 acres, which is listed as Parcel B, from the main parcel of 34.37 acres, listed as Parcel A, for a residential home lot. This property is defined as Metes and Bounds and it is permitted for division of one parcel from the original through the Administrative Subdivision process, Chapter 66, Article V of the City Code. The request is to divide Parcel B from Parcel A.

This request was presented to and approved by the Planning Commission at their May 27, 2014 meeting.

Staff recommends the approval of the Administrative Subdivision for Marjorie Wanamaker

Moegerle motioned to approve the Administrative Subdivision requested by Marjorie Wanamaker to subdivide property as identified in the staff report, PID #31-34-23-42-0001, into two separate metes and bounds parcels, as described above. Harrington seconded. All in favor, motion carries unanimously.

7.0B Economic Development Authority

None.

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7.0C Park Commission

None.

7.0D Road Commission

None.

8.0 Department Reports

8.0A Community Development

8.0A.1 Community Development Block Grant Report

Davis presented the staff report, indicating the City of East Bethel applied for Community Development Block Grant (CDBG) funds from the Department of Housing and Community Development (HUD) through a program administered by Anoka County. The amount requested in the application was $300,000. The Project funds will be used to assist Coon Lake Beach low and moderate income (LMI) households to upgrade or replace non-compliant or non-functioning septic systems. The City has been notified that Anoka County has awarded $200,000 to the City for the program. These are grant monies and no City funds will be used for the construction activities involved with this project. Coon Lake Beach was selected as the project area due to high numbers of failed or non-compliant systems in this neighborhood and the concentration of population densities on small lots, which intensifies the pollution problem.

The basic criteria for distributing the funding of individual grant awards will be to assist those households who meet the HUD Area Median Income (AMI) guidelines. The priority for approval will be based on the income levels as shown in Attachment #1.

The City will meet with the interested applicants at the Coon Lake Community Center on Thursday, June 12, 2014 at 7 p.m. for the following purposes:

- To explain the program, the guidelines, time frame and the procedure for application for the funds and the procurement of repair estimates and services; and,
- Provide applications to those who have interest in applying and explain the income survey portion of the applications and all other aspects of the program.

Notice of award of individual grants will be issued no later than August 15, 2014.

In addition to providing funds for septic system compliance repairs, there may be circumstances where homeowners who qualify for the CDBG funds, may need to replace or repair their wells to insure a non-contaminated source of water. City HRA funds are available to assist those homeowners through a Loan only program. This loan would be structured as a special assessment where the City would hire the contractor based on competitive bidding to perform the well installation or repair and then assess the homeowner through property taxes.

The City of East Bethel would allow the benefited property owner to reimburse the City through a special assessment at rates and length of assessment is yet to be determined. Special Assessments would be provided to Anoka County by November 20th of each year in order for them to be added to the property tax bill the following year.

Davis, “And, that is where we are with the program. Again, we’ll meet with the residents a week from tomorrow to initiate this process, start taking the applications, review them, and find out who is qualified, and notify them of selection. Hopefully, we’ll be in the process sometime in August or early September. We have 18 months within which to complete the work.”

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DeRoche, "Is there some kind of a flyer or paper that I could hang over at Coon Lake Market?" Davis, "I've already talked to Kathy Paavala. She is going to put a flyer out at the Market, put one up at the Community Center, put one up on the Community Center's website. We'll have it on our website and on the reader board."

8.0A Community Development

Ronning, "For this kind of meeting, do you have to notify if there are more than two Council people present?" Davis, "Yes, any time there are more than two Council people present we need to provide notification." Ronning, "That's right. I think we might as well put that in place."

8.0A.1 Community Development Block Grant Report

Moegerle, "The question I have is with regard to this application. "Please answer the following questions.' And, I think that they are good and fair questions. I think the determination between permanent and seasonal could be subjective, but what efforts are we going to take to follow up to make sure those are accurate representations?" Davis, "I think it is probably going to be fairly well known by everybody over there who's permanent and who's seasonal. That was a highly contested question when we had the original meeting. So, I think that anybody that is a seasonal resident will probably be identified by those who are permanent."

Moegerle, "We don't want to have people 'outed.'" DeRoche, "That's a pretty tight community. I don't know." Moegerle, "Well, my thought is that I hope there is kind of secondary follow up. This is not an affidavit. There's no penalty of perjury, like some applications for government assistance are."

Davis, "You do have to sign the application. So signing the application indicates whether you are permanent or seasonal." Moegerle, "Oh, well, I know, but there's no penalties for 'fudging' I guess."

DeRoche, "What's our definition?" Davis, "Well, permanent is year round and seasonal is, you know, you don't live there year round. Again, I think the program is designed first and primarily, number one, they have to meet the income requirements. That's the one that's not open for any type of subjective analysis. The other is, when we had the meeting there before, discussion was to try and serve those permanent year round residents first. Seasonal residents could be considered if there were funds available and not utilized. And, also too, we're not considering renters." DeRoche, "Okay."

Davis, "But again, by signing the application you do indicate that you are a permanent or a seasonal and if anybody asks, we'll come up with a definition. But, I think the best way to define permanent is that you are a year round resident of the Beach."

DeRoche, "I think for the most part, most people over there are." Davis, "I don't think that will be an issue." DeRoche, "It's straight forward."

Moegerle, "Thank you."

Informational; no action is required.

8.0A.2 Code of Ordinances, Chapter 10,

Davis presented the staff report, indicating the Council is asked to consider the merits of amending City Ordinance, Chapter 10, Article V, Farm Animals as it relates to the keeping of chickens on lots less than 3 acres.

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Article V, Farm Animals

The City has received a number of requests from residents to keep chickens on residential properties under three acres. Currently, our ordinance only allows chickens on lots larger than three acres. City Staff has researched the practices of other cities regarding this matter and that information is included in Attachment #1. Standards vary from total prohibition to allowance of chickens on lots less than three acres with restrictions on the number that can be kept.

8.0A.2 Code of Ordinances, Chapter 10, Article V, Farm Animals

Attachment # 2 is a presentation that was prepared by the City of Cottage Grove that outlines survey results of 52 other cities and some of their policies for the keeping of chickens.

Staff is seeking direction from Council on how to proceed in this matter.

DeRoche, "Well, Norwood-Young America just went through this and they're kind of a community like us." Ronning, "Who did?"

DeRoche, "The City of Norwood-Young America. I guess I would encourage the community development person to watch that segment, or at least get the minutes from that meeting and some of the different issues and controversies that were brought out. There was stuff brought out at those meetings that I would have never thought of. There's a lot to take into consideration."

Koller, "I don't know. I was involved with this a little bit and I know a lot of my neighbors have chickens. And, on small lots a maximum limit of four, that does not really sound unreasonable. But, the way our ordinance is written right now, they lump chickens in with cows so you have to have three acres with one acre of grazing land to have a chicken. I think we could separate that a little bit because a lot of the people I talked to have them basically for pets."

DeRoche, "Well, I understand that but it's kind of like everything else. To me, you may have some people that have a couple chickens and everything is wonderful. You don't have to roll your eyes Heidi. I'm sitting here watching you. The fact of the matter is, would, you know, is everybody going to maintain them and do what they are supposed to with those chickens? Anybody that's been around a chicken coop knows that the smell is rather foul." Moegerle, "No pun intended."

DeRoche, "Well, maybe. You know, one or two people may do it just perfectly fine but then there's the other faction of people that will not take care of business. And, then it's going to be a real mess. I know I would not want someone to have a bunch of chickens next to me that are not taking care of it and it just makes a mess. There's a lot more, I would encourage anybody up here to watch that meeting that they had and all the different issues that came up and all the information that was put out there. If nothing else, just for an information standpoint. And, you get a lot of different views of what is going on. I wouldn't have even thought about it if I hadn't seen it on there. But, I thought, well this is going to be coming up to us one of these days."

Moegerle, "I've heard about this too and I think it was the Mayor of Centerville. He was opposed to it but it passed his city. What I did like was that I think the write up here is very comprehensive. One thing I was interested in about the St. Paul, was that chicken feces cannot be used in compost but since it's all vegetarian, why would it matter if it goes into your compost or not? And, they're probably thinking something else. I agree, I think

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8.0A.2 Code of Ordinances, Chapter 10, Article V, Farm Animals

chickens keep down insect populations. Goodness knows we needed that this past weekend. They use them as pets. I understand that we are talking about chickens as in the female of the chicken species and we are not talking about roosters because roosters are noisy. I appreciate that's an issue. They bring it up here in the write up. They are not wanting people to slaughter roosters and I get that too. But, I do think that it's a legitimate interest. I think that this is something that we could have a public hearing on at the next Council meeting to see if there's strong interest, current interest. I know that others have asked about this in the past. But, I definitely think four chickens do not equal a cow. I think we should be able to have, maybe Chick-fil-A thinks that, I don't know. But, I really think that we need to revisit this ordinance."

DeRoche, "I don't think it's a bad idea to look at it but I think it is something we have to take a serious look at."

Ronning, "If you go to two acres, two acres is a square 871.2 feet by 871.2 feet. It's 1230 and a quarter mile. If you reduce it to two acres, and they are not all square, so that's just for an example."

DeRoche, "This was for informational purposes. Correct?" Ronning, "For seeking direction." Davis, "Well, we're just asking direction on what you want to do with this, which way you want us to go with it."

Moegerle, "One thing that would be valuable to me is, we're talking about four chickens on three acres. So, how much room does a coop that has four chickens plus the runway for a chicken take up. Can it be 1,000 square feet? Is it 800 square feet? You can fit a garden in 800 square feet."

Ronning, "Is it 60 square feet?" Moegerle, "Absolutely, that's my point. So, if there is a will there is a way. You could put it on pretty much any parcel that has 10,000 square feet."

DeRoche, "So then is the chicken coop considered an accessory structure? Does it have to follow the architectural designs? Does it have to have a chicken run? Does it have to be fenced?"

Moegerle, "It will be less than 580 feet so it probably wouldn't be. It would probably fall under, like the fish house exception." Davis, "If you went this direction, you would want to make the coop an exception to accessory structures and sheds." Koller, "Like a dog house."

Moegerle, "Do you have enough direction?" Davis, "No." Moegerle, "What more do you need? These people are desperately trying not to talk about why they want their chickens. Is that right? Want chickens?"

DeRoche, "I guess, again, I would like staff or Colleen to watch that meeting. She could get some really good ideas and get some answers to a lot of questions that people asked at that particular meeting. And, it was a good meeting."

Davis, "What we've presented you here is just a surface summary of what some other localities have done. A few of the issues. If you'd like, we could come back and prepare something that's going to show what the favorable side of this is and what the negatives are. If you want that for consideration for another meeting. If that's what you are looking for."

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DeRoche, "Sure."

8.0A.2 Code of Ordinances, Chapter 10, Article V, Farm Animals

Ronning, "Roughly, how many requests? I've heard people talk about it before, probably over and above the request. What number of quantity requests have you had?" Davis, "I don't really know. I haven't really kept tabs of that Tom. I do hear people, from time to time, that it would be nice if we could keep some chickens. Probably if I had to guess, the number would be a half a dozen. I do know it's something that a lot of other cities have addressed. Even the cities of St. Paul and Minneapolis has addressed the issue."

Koller, "I have had about three or four myself."

Moegerle, "The 'chickenrunrescue.org' was very helpful. They cover what can be the negative aspects and issues of cruelty, neglect, health."

Harley Hanson, "Can I mention something? No one has entered anything in regard to 4-H projects. I got a statement from Mr. Boyer a few years ago finding nine chickens are equivalent to one horse." Moegerle, "The point was, is that for 4-H projects, and this is perfect land for 4-H. He was saying that nine chickens equal one horse in 4-H, if I understood him correctly." Hanson, "Not for 4-H, Mr. Boyer said that in a statement."

DeRoche, "Now you got direction Jack? We could stay on this thing all night long if we let it go."

Ronning, "There are more than 4,000 homes in this City. If 25 want to put chickens on less than three acres, it's 0.625% of the homes. That's borderline insignificant." Moegerle, "But, they are entitled to a hearing." Ronning, "Yeah, I don't have a problem with them having their chickens." Moegerle, "Great."

Koller motioned to direct staff to schedule a public hearing on Code of Ordinances, Chapter 10, Article V, Farm Animals, for the next Council meeting.

DeRoche, "Before we have a public hearing, I think we should have a Workshop and go over what staff comes up with." Ronning, "And develop some direction."

Moegerle, "Ron, I'm interested in hearing your public hearing motion."

DeRoche, "Why would you have a public hearing if you're not going to have all the information?" Koller, "We have a lot of information right here." DeRoche, "That's not enough Ron."

Moegerle seconded.

Moegerle, "I think it's an opportunity to get some real input from people who want to have this experience. I think that's going to be as helpful as much as whatever supplement we get to the very thorough write up we have right here."

DeRoche, "Well, I think a public hearing is going to have to happen but I think it is a little premature here and I think it's like some other things. All of a sudden it's going to come up at a public hearing and then it's going to go to Council and then we're going to have to wind up tabling it because, you know, some of this stuff should be discussed at a Workshop with the Council. Figure out the direction we want to go, what are the ins and outs, and

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then have a public hearing and then bring it before the full Council. To cut corners, I think, is not a good idea."

Moegerle, "I think it's always before the full Council whether it's at a Work Meeting or a public meeting here. I don't think that the extra time spent at a Work Meeting is valuable."

8.0A.2 Code of Ordinances, Chapter 10, Article V, Farm Animals

DeRoche, "I call the question."

Koller, and Moegerle-Aye; DeRoche and Harrington-Nay; Ronning-Abstain, motion fails 2-2-1.

DeRoche, "Jack, if you could get that information together and I'll send you a link to that stuff in Norwood-Young America."

Ronning, "One point I was trying to make is, I've objected to this before, and that's that we get samples of what everybody else does. So, in a way, we're getting in line where we have. It's our job to try to represent the people who live here and not Ramsey or whatever all the names of the other places are."

Moegerle, "I think it is very informative to get that." Ronning, "Sure, it is, but you have to take it into the proper context that it's…sometimes it seems like, 'Well, they have the best plan, let's take that.' And that, to me, is wrong."

Davis, "I agree. I think you have to see what other cities are doing and then adapt that to your own particular situation." Moegerle, "Absolutely." Davis, "We'll follow up with some more information on that."

Ronning, "We're suppose to legislate our own process. Not somebody else to legislate it."

8.0B Engineer

Davis, "Craig is going to give us a project report."

8.0B.1 Project Reports

Jochum, "I put together kind of a schedule of four major projects that are going on, or have been going on, or are finishing up this year. Starting with the first project, it's the Castle Towers/Whispering Aspen forcemain. The remaining work effort there is focused around Lift Station #2 and the intersection of 241st and Johnson. Lift Station #2 is our main lift station that will force waste to the Met Council's system. In general, the lift station is in, the pumps are in, they are working on the site work. Basically, the street fix there, the slab on the lift station, and that entrance road to the lift station. The curb and gutter is actually going to start on Friday with, hopefully, paving that later next week. The electrical work and the generator controls-type work, those are already going on and will continue the next couple of weeks. We're shooting for a project start up on that lift station the week of June 16th and testing it and seeing how it works, and working out any 'bugs.' The Met Council is actually looking at the week of the 23rd for their start up for their water reclamation plant.

The next project is Lift Station #1. If you recall, Lift Station #1 serves the Castle Towers Mobile Home Park. That project was let late last year. They got started on that about three weeks ago with some removals and dewatering. The dewatering was down to a level that they could start the lift station as of yesterday. So, they did start removal of that old lift station yesterday. They are ready to put the new risers on that lift station starting tomorrow. So, that project's moving along. Then, the next couple of weeks they'll start the site work and, again, the electrical and controls. Looking at a project start up on that towards the end

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of the month.

So, those two projects will kind of complete the waste water projects to systems that we have been working on the last year and a half. They should be operational towards the end of June.

8.0B Engineer 8.0B.1 Project Reports

The overlay on the Whispering Aspens overlay project, we asked them to put that off for a few weeks until Lift Station #1. There's a very large backhoe being used on that Lift Station if you've been by there to look at it. We'd like to get that out of there and off the streets before they put that final wear on Whispering Aspens. I kind of anticipate that larger backhoe will probably be gone in about a week and a half. Then they'll come in and finish those overlays on those streets.

The last project is the Lincoln/Laurel/185th Avenue Project. Currently we're still working on the right-of-way acquisition. Hoping to have that done towards the end of the month. Then opening bids, we are shooting for the week of July 14th with an award that following week and the start of construction probably late-July/early August. We're proposing not to put the wear on, kind of like we did Jackson, until the following June 2015. So, the first layer would be on, leave it set for the winter, then put the wear on, and the striping early in 2015."

DeRoche, "Got any questions?"

Moegerle, "Yeah, I have a question. That area, Lincoln/Laurel/185th Street, my car just vibrates. It's really terrible. And, I've heard lots of complaints about that. You fill the big potholes or you could bury a big dog in, and, for which we're grateful. But, my question is, if we're not going to have a final wear course until after the winter, how is that going to stand up to the winter? I mean, folks out there are really looking for that road to be improved and not turn your car into a bucket of bolts. People are just tired of it. So, can we have some assurance that when we go through a winter without a final wear coat that it's going to be a significant improvement over what we currently have?"

Jochum, "Yeah. I'll guarantee that most people won't even know it's not on." Moegerle, "Okay." Jochum, "If you traveled Jackson Street when that was done." Moegerle, "Guarantee?" Jochum, "Guaranteed. Well, people might see that it's not on because there's curbs in areas. But as far as a 'ride,' it will have a good layer of asphalt, smooth. If it rattles with the base course on, we have a lot more issues than…" Moegerle, "I'm going to tell a lot of people that, that it was a guarantee."

Koller, "Yeah. I live on Jackson Street and that was very smooth."

Jochum, "Kind of what helps is sometimes the new construction, especially in these soils and wetlands, it's nice to leave it set. There were a few soft spots that developed on Jackson over the winter. We kind of knew they were there but they were then taken out in the spring, patched, and then the final wear course. So, it's always nice to leave that wear off, if you can."

Ronning, "Isn't that kind of standard practice?" Jochum, "It is in East Bethel, yeah." Ronning, "Not just East Bethel. I've seen it in Blaine, I've seen it in Michigan, I've seen it all over." Jochum, "The only down side to it is that Public Works has to be really careful when they have some curb on it, not to nick it up during plowing, which gets kind of tricky.

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That's really the only downside to it."

8.0B Engineer 8.0B.1 Project Reports

DeRoche, "Greg, I had a couple people that talked to me at the breakfast over the weekend and they were concerned about the trees on the east side of Lincoln, kind of the northeast side, that when the road goes in, they will lose a lot of trees. Granted, it's just a temporary easement but it's not temporary enough if they're going to cut down all those oaks along there." Jochum, "It might be some that I'm actually working with. We're delineating some of those things in the field so they can actually see them, what it's actually going to look like, and how many trees we're going to remove. The right-of-way process is very tedious if you don't want to go through the condemnation process. But, we try to work through it without that process. Sometimes we can change the design a little bit to save a tree or maybe add a little bit more curb instead of a ditch. That's kind of the things we're trying to work through here as quickly as we can. But, that might be one of the individuals where we're actually marking out in the field with lath so we can view it with them."

Moegerle, "So, the acquisition is going well and you think we'll get it accomplished?" Jochum, Yes. Right now, it's going very well. The only thing I'm a little concerned about is the Corps permit. We've got it slated for the week of the 21st. It used to be pretty common for a 60- to 90-day process, 120 at the most. They recently sent out a nation-wide memo that, 'Don't plan on getting your permits too quickly.' I think Jack's kind of familiar with that memo, or letter, that they sent out. Actually, there are some people, I think Julie Braastad, is being active on that situation and trying to get some of the County people to talk to the Legislature. Because, it's really 'throwing a wrench' in everybody's projects. Mn/DOT has actually hired a Corps, a person, to sit there and work on Mn/DOT permits. It's gotten that bad. But, we have been active with them in trying to keep up-to-date with them and, hopefully again, they can get our permit through. That's the only thing that we're somewhat concerned about."

DeRoche, "Who all do we have to deal with on that? The Corps of Engineers? DNR?" Jochum, "All of the other ones are pretty much on board and it's pretty much a done deal. It's just the Corps. It's more of a 'you're in line.' DeRoche, "Really." Jochum, "Even though it isn't any big issues, it's just you're in line and they get to you when they get to you."

Davis, "The Corps has changed some of their internal processes for awarding these permits. We met with Julie Braastad and explained our concern not only with this project but also with the Viking Preserve project. Julie does have a meeting scheduled with Senator Franken to express her concern about our issues and also other issues the County is experiencing with this. This is a federal issue and that is where to put the pressure on, from the federal level. We are getting some attention from that. I don't know if it's going to expedite anything in these two particular matters. But, this is what we've done to try and address the situation."

Ronning, "Looking at the construction schedule, once the construction is completed, what do we own? How much of this do we assume possession of and operation." Jochum, "We would continue to maintain it after the base course is on. But, they have a warranty, basically one year after the wear course is on. So their warranty would go up to, basically, 2016." Ronning, "You talking about the road?" Jochum, "Right."

Ronning, "Okay, I'm no where near that. The Lift Stations and things?" Jochum, "Yes." Ronning, "In those areas, what will we own once the construction's done?" Jochum, "We

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will own everything. There'll be a one-year, again, warranty once that's final, which will take us to June/July of 2015."

8.0B Engineer 8.0B.1 Project Reports

Ronning, "What do we own as far as mechanical?" Jochum, "We'd own one new lift station but we're getting rid of a lift station so that's kind of a 'wash.' We own and still will own Lift Station #1 that serves Castle Towers and will own about, seven miles of forcemain."

DeRoche, "Where are we at with, have we even started looking at the decommissioning of that plant and what steps we're going to have to take and who we're going to have to go through? Jack?" Davis, "At this time, one of things that Craig and I have talked about and one of the things we're going to start within the next month is, the application to Met Council for a grant to do that decommissioning, which will enable us to save approximately $200,000 or more. We would have those funds available to address some other utility issues. These would be the remainder of the bond funds. We think that we have a good case with Met Council because we would be cleaning up a polluted area and also creating an opportunity for additional housing. So, we're solving two things with one problem and addressing some of the requirements that they have for this Program. So, we'll be preparing that application to submit to them. Probably the decommissioning of the plant may not occur until next year. We'll have to keep a few things out but I wouldn't anticipate anything being done on that for at least another year."

Ronning, "Could you sell it for fracking water? Is it bad enough for that? On these mechanical equipments and things, I assume you maybe have books that identify the life span, the operating costs, and things like that? We have budget talks coming up and it would be interesting to know how much some of this stuff. I don't know what we have on this water tower, if we've budgeted that. If, well just the things that haven't been in existence, that we're going to have to start paying for." Davis, "Actually, those aren't part of our general budget. Those are part of our enterprise funds so they're expected to generate revenues to pay for themselves. But, we do address budgets for them but they won't be part of our general levy. As far as the operating expense, I'm sure there are charts and tables that specify what it costs to run those pumps for 'x' number of hours based on the kilowatt cost of electricity and what maintenance costs are. Most of the time on these, you really don't know what your operating costs are until you get in and experience your own particular situation, the amount of flow that you have. Then you have to factor electrical costs in and other things. So, as Craig said, we are eliminating one lift station. More importantly, though, we're eliminating the operation of that sewer plant. To give you an example, it costs about $80,000 a year to keep that thing operational. When this goes off line, our costs for that are going to drop dramatically. We'll have a few costs to keep some things going up there, keep it checked until it is decommissioned. And, also, we'll have the opportunity at the next meeting, or maybe the Council meeting in July, to finally declare that surplus equipment and authorize staff to begin the process of trying to get rid of those things up there that will sell. So, we'll probably realize a savings of at least $40,000 to $50,000 per year just by decommissioning the plant."

Ronning, "My understanding of the enterprise fund and how it's supposed to work, but I'm not going to hold my breath. I don't see anybody waiting." Davis, "It will work up there because we do have somewhat of a customer base. It's already built in." Ronning, "Yeah, that's true." Davis, "There have been some subsidies. The subsidies have actually gone, though, to pay off the bond debt up there. The operational costs, we've been able to cover those with the existing customer base."

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8.0B Engineer 8.0B.1 Project Reports

Ronning, "Does that get lifted again around Sims Road?" Jochum, "No, that's the only lift. The lift that lifts to that system, and then it goes to Lift Station #1. Lift Station #1, right now, lifts it to the treatment plant directly. We are unhooking that and putting it into the gravity, which then flows to Lift Station #2, eventually. So, that gets lifted twice from the trailer park."

DeRoche, "Anybody else? No? Thanks Greg." Ronning, "Yeah, thanks Greg."

8.0C City Attorney

None.

8.0D Finance

None.

8.0E Public Works

None.

8.0F Fire Department

None.

8.0G City Administrator 8.0G.1 Ice Arena

Davis reviewed the staff report, indicating City staff, with the review and comment from the City Attorney, has prepared a contract for Gibson Management LLC for the period of August 1, 2014 to July 31, 2015 for Ice Arena Management Services. The contract is in the amount of $79,000, which is a reduction of $5,000 from the prior contract.

Staff recommends Council consider approval of the contract with Gibson Management for Ice Arena Management Services for the period of August 1, 2014 through July 31, 2015.

Ronning motioned to approve the Contract for Gibson Management LLC for the period August 1, 2014 to July 31, 2015 for Ice Arena Management Services in the amount of $79,000. Harrington seconded. DeRoche, Harrington, and Ronning-Aye; Koller and Moegerle-Nay, motion carries 3-2.

8.0G.2 Personnel Policy Amendment

Davis presented the staff report, indicating the City Personnel Policy has had no major revisions since 2008. In order to comply with changes in regulations relating to Equal Opportunity, Harassment and Drug and Alcohol Free Workplace and to correct other deficiencies in the Policy, the attached modifications are submitted for your review and consideration.

The Policy was submitted to the City Attorney for comment and they provided the attached red-line copy. The attached clean copy includes the City Attorney's recommendation and Staff additions to update other aspects of the document. This update is necessary to remain current with all new employment regulations and requirements.

Staff requests City Council consider approval of the City Personnel Policy as presented.

Moegerle motioned (for the purpose of discussion) to approve the City Personnel Policy as presented. Koller seconded.

Moegerle, "I'm looking at Section 3, Conduct and Ethics, and I was surprised by the use of the word 'client' under 3.1.3: 'Failure to promptly respond to client communications or inquiries.' Is that the term that we use to lump residents and businesses and people who

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come to the City to purchase permits? Are we using that term as 'clients' or is that taken from some other application?" Davis, "That's been in the policy for a long time." Moegerle, "Okay." Davis, "I'm not sure where its origination came from."

8.0G.2 Personnel Policy Amendment

Moegerle, "One concern that I had, which I mentioned to Jack earlier, is that this is not in traditional outline format. So, it gets difficult to read because things are not indented and made clear what is subordinate to the other. I would ask that whatever happens to this, that when it comes back, that it be in outline format in a normative way so it's easier to read."

DeRoche, "The number one question I have is who took the time to go through and clean this up, as it were? There's so much stuff in here that's redlined out and just taken out completely. I'm wondering why that is because, as my concern was earlier, is it making it harder for employees to understand what's going on? Or, is it just eliminating details because somebody thinks it looks cleaner?" Davis, "It actually simplifies things. The majority of the work was done by an attorney in Mark's office, Mr. McClain. A lot of things in here are not really part of what should be a Personnel Policy. They are more procedures, things that are contained elsewhere, like the grievance procedure in the labor agreement. It takes a lot of things out that are redundant and takes a lot of things out that just more or less don't really add any substance to what's there. I think it makes it much simpler, much easier to understand, and eliminates all the things that are, more or less, double talk that are in here."

DeRoche, "I'm going to use a phrase that Tom uses, 'If it's not broke, don't fix it.' Apparently, the City has used this same outline and policy for many, many, many years and now it's us that's changing it. And, what triggered that?" Davis, "Actually, the Policy needs to be reviewed every year because there's always changes in employment law. There's also changes in things that come up. One of the particular things, and here's the way the vacation stuff was previously written, we cleaned that up so there's no interpretation of it. Before, the interpretation could actually be read, there could be a whole year in-between those increments. Again, the employment law is the main thing and if there is any other thing that comes up, personnel-wise, it's always a good idea to review this on an annual basis."

DeRoche, "I guess I can see doing a review on an annual basis, but this is quite the overhaul." Davis, "It is and that's because nothing's been done on it for six years. So it was due time to overhaul it." Vierling, "If Council would like to have a Workshop and have Mike come up and walk you through it, he'd be happy to do that, with the changes and why he suggested them."

DeRoche, "Well, some of the things that I had concerns with were things that referenced the Constitution and Constitutional Law and Employment Law. I'm not an attorney in that kind of stuff so when I see that crossed out in blocks, then it makes me question why did we take all of that out of here?"

Ronning, "There are terms in there that don't apply, as far as I'm concerned. An 'appointment,' a 'regular assignment to a paid position at the City's service,' that's employment. I have never seen it called 'appointment.' I'll skip through that and just go to one here."

DeRoche, "I understand that laws change. Look at your sewer laws for god's sake. But, it was a lot of striking out." Davis, "Again, there were a lot of things in this Personnel Policy

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that aren't usually standard items in a Personnel Policy." Vierling, "There's a fair amount in there that Mike commented was more like a civil service position as opposed to an employment at will position."

8.0G.2 Personnel Policy Amendment

Moegerle, "I had a question on a couple of things. And, I skipped ahead to 3.5, and that's Tobacco. The use of that is permitted. What about e-cigarettes? They also have an odor. There's some debate now on that and if we don't address it at this point, we'll address it at some point. What's the trend on that?" Vierling, "I'd suggest, on that, you kind of wait for a year. Legislatively and certainly under the Minnesota Clean Indoor Air Act, the indication is going to be that's going to be included. Which would also take care of much, in large part, utilization in public places. But, we fully expect that there is going to be a lot more to be fleshed out on that before we get done with the year. So that, I would suggest, is an item you simply pick up in 2015. Moegerle, "Okay." DeRoche, I would agree on that."

Ronning, "There are a number of things in here where it talks about harassment retaliation. It's like three-four sections in a row that essentially repeats the same thing. But, if you go to, I don't know what page it is, 3.4.1. Drug and Alcohol Testing, and the new strikethrough, 'Drug and Alcohol Testing, Purpose, The policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota Statutes Chapter 181.950 through 181.957.' The new language is: "This policy is to provide for the testing of employees and job applicants in conformance with the requirements of Minnesota Statutes Chapter 181.950 to 181.957.' 'Scope.' The strike through 'Scope. This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a contingent offer of employment by the City.' The new language is: 'This drug and alcohol testing policy applies to all employees of the City and to all job applicants who have received a contingent offer of employment by the City.' Definitions, the strike through is: 'For the purpose of the Policy, the following definitions will apply: 1. Alcohol – Ethyl alcohol, 2. Confirmatory Test and Confirmatory Re-Test.' I've got to do this almost one at a time. 'Definitions, for the purpose of the Policy, the following definitions will apply.' The new language: 'For the purposes of the Policy, the following definitions will apply. 1. strikethrough: Alcohol – Ethyl alcohol, 2. strikethrough: 'Confirmatory Test and Confirmatory Re-Test. A drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statute Chapter (I think it's) 181.052.' Number 2 here is: 'Confirmatory Test and Confirmatory Re-Test. A drug or alcohol test that uses a method of analysis allowed under one of the programs listed in Minnesota Statutes Chapter 181.953, Subd. 1.' The point is that the whole thing is identical. It is strikethrough but it is almost all identical. I gave up when I got that far. I found some things that I wouldn't agree with the verbiage but everybody has editor comments about somebody else's writing."

Vierling, "Again, I think this is a very detailed document. There are reasons why you have the sections you have. Some of them might have been moved for structure. So, where they were in one section they were brought over to another section in order to make connection, not necessarily to change the content but to line it up with other paragraphs so it flowed in a sequence in that given section. I appreciate this is tedious reading without any question at all."

Ronning, "I enjoyed it." Vierling, "Then you probably enjoy reading the Tax Code too, and that's great. But, again, if the Council has any question at all I know Mike would welcome the chance to come up in a Workshop Session with you and go over it in whatever detail you want to go over it with him."

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8.0G.2 Personnel Policy Amendment

Moegerle, "I have a substantive question. Under the Sexual Harassment and Retaliation. I talked to Jack about that. It seems like the reporting procedure, which is the paragraph I'm going to talk about, covers sexual harassment and retaliation so it seems to me that the retaliation should precede the reporting procedure, which is structural. But, under Reporting Procedure, 'Second: Immediately report the incident to his/her direct supervisor, Human Resources, or the City Administrator.' Which brings up the subject of, do we have Human Resources? Is Mike Jeziorski doing human resources? What is our plan for that? Or, should we strike that? Does that presuppose something we don't have?" Davis, "We don't have an official designated Human Resources position. Mike does assume some of those duties. I assume some of them. It could be further clarified or even eliminated as a step. I don't think it's substantive myself."

DeRoche, "I'm sorry, who's our HR person?" Davis, "We don't have a specific HR person. There are a number of us that assume portions of those duties."

Ronning, "Could Harley do it? There are some other, as a contract person myself, 'Employees may bring complaints, ask questions…' and I would say, '<u>or</u> raise concerns under this policy without fear...' When it says 'and' it's inclusive, everything there is inclusive. Or is one, any one, or more. '…reprisal or retaliation.' 'All employees and applicants are responsible for understanding, adhering to and strictly enforcing this policy.' As that is written, you are subject for discipline if you don't help enforce that policy. You can be disciplined for 'I'm not talking. I'm not telling on him.' We called it 'snitch rule,' I think, when the company tried to do that. If you didn't 'snitch' you would be disciplined. And, that depends on how it is interpreted but that's what it says."

Moegerle, "And your point is that it's good? Or, it's bad?" Ronning, "It's bad. Are you going to discipline somebody because they saw somebody goof off and didn't report it? So, you're going to discipline two instead of one? The enforcement is the question. Anybody that is in that line is subject to that enforcement."

Moegerle, "Two people going to the bank, one shoots the bank teller, the bank teller dies, both of them go up for murder, for felony murder. One didn't pull the trigger. There's an analogy there." DeRoche, "Conspiracy to murder? Maybe somebody goofing off at work might be a little different." Moegerle, "There's an analogy there." Vierling, "There is. It does highlight between the two comments. Obviously, there is a gradation in degree in terms of the seriousness of the event. Somebody goofing off for a half hour is one thing. Somebody consuming alcohol and driving a company vehicle on the road, quite another." DeRoche, "Absolutely."

Ronning, "Am I mistaken that this is inclusive of everybody as far as strict enforcement?" Vierling, "I think, as you read it, and I'll certainly take your word for it because I was not able to follow because my computer locked up a little bit." Ronning, "Oh, sorry." Vierling, "I don't have all the high tech machines that some people do."

Ronning, "And, there's a reporting procedure. 'Immediately report the incident…' Immediately isn't always possible, just: 'Report the incident.' I don't know if there's any interest in something like this, there is something called 'zero tolerance' when it comes to any of the harassment, all that stuff. And, that's the 'umbrella' that covers everything." Vierling, "The Council certainly has the ability to discuss that as part of adoption here, how strict you want to be in some of these aspects."

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DeRoche, "I think, 'let it ride' the way it is. On that, I'll call the question. The motion is to accept the Personnel Policy as drafted, with the corrections made by legal counsel, and suggested by staff."

8.0G.2 Personnel Policy Amendment

Moegerle motioned an amendment to approve the City Personnel Policy as amended to formal outline and normative outline format.

Vierling, "I'm not sure what you mean by, 'from a formatting standpoint.' But, I suggest you hold that. In terms of formatting it, we can always deal with that."

DeRoche, "In keeping with advice earlier this evening, we need to vote on one thing and then if there's going to be amendments, we can do that. Otherwise, we just went through this with the structural stuff."

Amendment motion failed for lack of a second.

All in favor, original motion carries unanimously.

Moegerle motioned to format the City Personnel Policy into normal outline format so that there are subheadings. Motion failed for lack of a second.

Ronning, "Are you amending the first motion that we just called the question on?" Moegerle, "No, I'm not." Vierling, "This is the formatting." Moegerle, "Yes, the format in regular outline format because there are points in here where we don't use the normal outline format and we end up having bullet points in here. At least, that was in the rough draft."

Ronning, "Would you qualify this as a draft? And the final product would have those corrections in place?" Moegerle, "It's kind of an administrative situation." Vierling, "You have a redline and a final. I wouldn't regard a motion for formatting to be substantive. If Council wants it to look in a different way but we are not changing content, staff will certainly do whatever it is you choose, to reformat the document so it reads better for you."

DeRoche, "We can just direct staff to do that, can't we?" Vierling, "Absolutely." DeRoche, "Jack, the rest of the Council, are you amenable to that? We direct Jack to put this in format?"

The consensus of the Council was to direct staff to reformat the City Personnel Policy into a normal outline format with subheadings.

Ronning, "Do you have, what's the final with this? We had a vote on the question." DeRoche, "Yeah, we're done." Vierling, "It passed." DeRoche, "It passed." Ronning, "The question passed." DeRoche, "Yeah, I called the question on the motion and I re-read the motion back and it…" Ronning, "Was there another vote?" DeRoche, "Yeah." Moegerle, "You voted for it." Koller, "You voted for it." Ronning, I voted for the question, I know that. Okay."

Vierling, "If you'd like to re-record your vote otherwise, you may at this time." Ronning, "No, what's said is said, you can't take things back."

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8.0G.3 City Clerk June Cafeteria Contribution

Davis reviewed the staff report, indicating the Deputy City Clerk has been on Family Medical Leave since February 24, 2014. The Personnel policy stipulates that the City maintain medical insurance contributions for employees at the same rate as was provided prior to the leave and for the duration of the Family Medical Leave. The Family Medical Leave provisions for this requirement expired at the end of May and the City is no longer required to contribute a benefit amount for the month of June. Given that this employee, though recovering from her medical condition, has been more than willing and made herself readily available by phone and e-mail to assist the City and Staff on questions regarding the job duties of this position and that her assistance in these matters has been numerous and invaluable, Staff is requesting that the Council consider approving the standard monthly contribution amount of $904.69 for the month of June, for payment of the Deputy City Clerk's medical insurance premiums.

Moegerle motioned to authorize paying the benefit amount of $904.69 for the Deputy City Clerk's June medical insurance premiums. Harrington seconded.

DeRoche, "I would hate to loose someone like that over $900." DeRoche, "Well, with the contribution she still makes and the phone calls that she gets, she is still working and we don't know what she's going to be doing."

Davis, "Just to make a distinction, she is on medical leave and she's doing this on a totally voluntary basis and there are times that we do call her when she's definitely not feeling well and she's gone well above and beyond any expectation as to provide us with answers to our questions. I think she's well deserving of this and, hopefully, there'll be some resolution to her situation here in the short term."

Ronning, "This is tied to the Family Medical Leave Act?" Davis "Yes."

DeRoche, "Well, I don't see any problem with it. I hope to see her back."

Ronning, "I'm curious why it's tied to the Family Medical Leave Act? Why wouldn't it just be a medical leave?" Davis, "Because she has applied for Family Medical Leave, that's what most people do because that does afford you job protection while you're off but it's only available for 12 weeks in a 12 month period. So, it's expired at the end of May."

Ronning, "And, you've got to have 1,250 hours in the previous 12 months to qualify. And another thing, you've got to have more than 50 employees." Davis, "Not for the straight Family Medical Leave." Vierling, "Not under the State adoption in Minnesota." Ronning, "Okay, the State adoption, but I remember very clearly going through this stuff in 1993. At any rate, seems odd to me."

Moegerle, "I call the question."

All in favor, motion carries unanimously.

8.0G.4 Proposed Cell Tower Location

Davis presented the staff report, indicating Verizon is considering an area along Highway 65 between 221st Avenue and 237th Avenue as a possible location for a cellular transmission tower. We have had preliminary discussions with Verizon regarding potential locations over the past months and have reviewed potential sites in this area including Castle Towers Sewer Plant, City property east of the Post Office, John Anderson, Booster and Bonde Parks and the Metropolitan Council's Rapid Infiltration Basin at 229th and 65. Per our Ordinance,

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8.0G.4 Proposed Cell Tower Location

Telecommunications Facilities, Appendix A, Section 16, the following locations are identified by the City in order of priority as to the placement of telecommunications towers:

1. Antennas should be located upon public lands or structures, i.e., water towers and public facilities.
2. Co-location on existing antenna support structures.
3. Within the easement of high power overhead transmission lines of 69 KV or greater.
4. Central Business (B-2), Highway Business (B-3), and Light Industrial (I) Districts within one-fourth mile of Trunk Highway 65.

A previous meeting with Verizon eliminated the Bonde, Booster West and John Anderson Parks and Castle Towers Sewer Plant as potential sites. Verizon's preference is to attempt to locate their facilities on public properties, and with the potential availability of a site located in the vicinity of the Public Works Building, other commercial/industrial areas along Highway 65 have become secondary on their list.

City Staff is conducting discussions with Verizon regarding a proposed lease and a site for a cellular transmission tower at the southwest corner of the Public Works Building. The proposed lease site would be 100 feet by 55 feet and within this area would the gravel access pad, 190-foot monopole tower and the equipment shelter, enclosed by a 6-foot chain link fence. The location of the facility at this site would not interfere with any activities of the Public Works Department.

This proposal was presented to the Parks Commission at their April 8, 2014 meeting. The Parks Commission was not in favor of locating the facility in either Booster West or Booster East Parks and recommended that if the proposal should move forward the Commission would prefer it be located on Site # 2, adjacent to the southwest corner of the Public Works Building.

The location at Site # 2 would be preferable due to the following:

- Existing vegetation provides screening for the base of the tower and shelter building
- There would be no disturbance to any Park facilities
- The nearest residence is 670 feet and is screened by the 30-40-foot pine and spruce trees along the eastern edge of Fire Station # 2/Public Works Building
- The view of the tower from the residences on Vermillion Street would screened by the tree line along the eastern edge of Booster East Park
- This site would appear to have least impact on residential areas within Verizon's footprint of service.

If this proposed site is acceptable to City Council, an application for an IUP will need to be submitted and reviewed by the Planning Commission. The IUP would then be submitted to City Council for final approval.

The location of cellular transmission towers on public properties is a common practice. The City of Ham Lake and Roseville each have two towers adjacent to their City Halls and Andover has antennas located on the water tower next to their City Hall and Community Center.

Staff requested that Verizon consider our water tower as a location but this site was not in the area required for their service needs.

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8.0G.4 Proposed Cell Tower Location

There is an attached lease agreement, which would not be finalized until after the approval of an IUP for this activity and is included only as a sample for the form of the final draft. The lease agreement is not part of the consideration for approval of the site location and will be addressed if this moves forward beyond site approval.

The anticipated lease revenue from this tower would be a minimum of $18,000-$24,000 per year with the potential for additional revenue from future carriers co-locating on the tower. Approval of the site would provide Verizon the minimum assurances that an IUP would be considered for this use.

Staff recommends that Council consider Site # 2, as indicated in your packet, as a location for a Verizon cell tower location and that approval of the site only indicates that City Council would be willing to negotiate a lease agreement for use of this property that would be agreeable to both the City and Verizon.

Moegerle motioned to consider Site # 2 as a location for a Verizon cell tower location and that approval of the site only indicates that City Council would be willing to negotiate a lease agreement for use of this property that would be agreeable to both the City and Verizon. Harrington seconded.

DeRoche, "Just a couple questions. $18,000 to $24,000. What's the difference other than $6,000?" Davis, "The difference would be in the negotiations. In your attachments, we included what other cities are getting for tower rates. Two of the most recent, with Andover and Cambridge, they were getting anywhere from $1,800 to $2,100 per month, which would put us, if we could get the same thing, if it was an apples-to-apples comparison, if it's the same thing they're looking for, we could maybe get potentially $21,600 or $24,000 for it. Their initial proposal was $18,000 so we want to try to negotiate that upwards, if possible."

DeRoche, "And, it's open for another carrier to put something up there, within reason?" Vierling, "Mark is working on the negotiation process within the lease. To be honest with you, the format of their lease, I don't really care for. But, one of the things that Jack mentioned that he wanted in there was the opportunity to have at least four to five antennae from different carriers to be able to be co-located on that structure. I think that's a very good point."

DeRoche, "How did we go from having to be kind of like a derrick to now a monopole at 190 feet? Is that what, that 10-foot lighting rod?" Davis, "The total height of the facility would be under the FAA requirement, which I believe is 199 feet. There may be another small, like you say, some type of a lightening rod or ground rod on top of the pole. But, the pole itself, according to the information we've got, would be 199 feet from the base elevation to the top of the pole."

DeRoche, "Right, but how, from a structural standpoint? Weren't they saying that it had to be kind of a derrick?" Davis, "They discussed that originally. It would be the three-legged type of tower but they've gone back and after they looked at the site, they concluded the monopole would be the best for that location."

DeRoche, "Ken, I didn't see the Park Commission meeting. What were their thoughts on that?" Park Commission Chairperson Ken Langmade, "Well, of the sites that we looked at, this was the most favorable to us. The one in the park, they didn't really care for but the rest of us all felt that this would be the place to put it if the Council went along with it."

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DeRoche, "Well, I think it's important to go with what the Commission says, or at least consider it. So, that's why I asked. Okay, that's fine."

8.0G.4 Proposed Cell Tower Location

Moegerle, "I have a question. In the write up, you talk about the area being 100 feet by 55 feet. And, I realize that this site ground lease agreement is a sample. But, it talks about, in the first paragraph, '(all of Lessor's property is referred to hereinafter as the "Property") being described as a 100 foot by 100 foot site containing eight hundred (10,000) square feet…' How big? What are we renting, 100 by 55, 100 by 100, is it 800, is it 10,000?" Davis, "It's 100 feet by 55 feet as indicated in your write up. The lease agreement is only a sample. The lease agreement is not what we are proposing. It's only a sample format of what can be done. Mark is looking at working on that, we talked about modifications to it and the other ground lease stuff. So, the area they would be leasing is 100 feet by 55 feet."

DeRoche, "Which is something you could catch when the contract comes because we still have to approve the contract." Moegerle, "Absolutely. But, I guess my question is, are the fees going to be tied to how many calls get routed through this? It's not by the square footage that's used? Okay." Vierling, "Typically your cell tower rentals all go on a fixed annual payment that you can break down into a monthly payment, if you wish. Or, just annually. And, then there's a COLA cost of living adjustment to it and the opportunity to add revenue every time a new antenna gets added to the structure."

Moegerle, "Sure. I just wanted to make sure because there's so many different references to how much land they're going to get. I just wanted to be sure that it wasn't related to how much square feet they are taking up for their…" Vierling, "One of the many reasons I didn't like their lease form." Moegerle, "Amen."

Ronning, "Compare that lease thing, if you have Dish Network or go with one of those and go on vacation, you still pay. Do we know, or does Jack ask, which type of tower is more useable for multiple carriers?" Davis, "I don't think it really matters to them. I've seen monopoles with several different antennas on it and in the towers. I think they would probably prefer the monopole. It's probably easier and cheaper to erect than the towers and I don't think, from a structural standpoint, there's a lot of difference. There may be some site requirements where they may actually have to put the legged-tower in but in this case, they say they can do the monopole and they can add other co-locators on the tower."

Ronning, "Is that self standing? Self supporting? Or, are there guy-wires?" Davis, "There are no guys on there. It would just be a huge footer base it will be attached to."

DeRoche, "Is there any means or way that we could put some of our emergency communication antennas on the towers? Or, could that be put into one of the leases? That would give us quite a bit better radio reception for both police and fire." Davis, "It could be something that could be mentioned. We'll just have to see how receptive they were to negotiating that." Vierling, "We've done that in other jurisdictions. Because the broadcast frequency on those is different, there's an interference issue. Sometimes you have to double check with and may need to get an interference engineer to come in and see whether or not you can do that and accommodate the various requests that are all up there in terms of what will be on that tower when it is fully rented out, and that type of thing. It's possible but there are some issues with that."

DeRoche, "Any other questions? All right, the motion is to move this forward to the Planning Commission. Correct Jack?" Davis, "The next step would be to submit this to

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8.0G.4 Proposed Cell Tower Location

the Planning Commission so they could approve an IUP, which would then be submitted to the City Council for final approval."

All in favor, motion carries unanimously.

9.0 Other

9.0A Staff Reports

Davis, "We had discussed previously and mentioned the possibility of having a Work Meeting to discuss the potential change in the ordinance to go from 1 in 10 back to 2.5 acre lots, whether that be City wide or in certain areas. Are there any specific dates you would like to see to discuss that? Or, begin those discussions?"

DeRoche, "I'd like to give it, I don't know, two, three weeks just to do some research and look things up. Any other?"

Koller, "I'm pretty wide open this month." Harrington, "I'm wide open." Ronning, "I'm pretty much wide open." Moegerle, "I've got some conflicts coming up so it just depends on when you set it up. Specifically, before the next Council meeting I would not be able to attend a Work Meeting."

Koller, "The 25th is a Wednesday, three weeks." DeRoche, "25?" Davis, "25th of?" DeRoche, "June." Davis, "That's fine with me." Koller, "So, it's Wednesday?" Davis, "Do you want to do it before? We have a Council Meeting on the 4th and the 18th of June. Do you want to do it on the Council Meeting, prior to the 18th meeting?"

Koller, "Will two weeks be enough?" Moegerle, "That's fine by me. Although I probably won't attend."

DeRoche, "Well, what's that going to give us? An hour to discuss it?" Davis, "If you want to do a separate meeting, just to totally focus our attention on that, the 25th is fine also." Koller, "That works for me."

Davis, "That's all I have."

9.0B Council Report – Member Moegerle

Moegerle, "A couple things. One, with the EPA announcement about the emissions, it brings up the issue that we discussed during the Great River Energy law suit and that was the effect of CapX2020, which is going to be coming in, which is about making the electrical grid more efficient. And, at that time, there was some discussion that our ordinances with regard to transmission line placement could use some improvement. And so, while there may not be a direct connection at this time, CapX2020 is moving forward so maybe this is a time to bring this back up and to look at our transmission line ordinances.

As I said earlier, I would not be able to attend a Work Meeting before the June 18th meeting because I'll be attending the League of Minnesota Cities' Annual Conference in St. Cloud. And, normally I would dash out of there a little bit earlier but the last meeting of the day is the 2014 Legislative Recap and Policy Preview, which is just one of the most informative sessions that they have. So, I may be a little bit late or may get hung up if we have some really good conversations about the Legislative Recap. But, that is because I'm at the League of Minnesota Cities.

Then, finally, some of you may know that there was quite a discussion about a piece of property that my husband and I purchased, known as 553 Lakeshore, which was the subject of the Local Board of Equalization meetings. As of the last meeting, we did have the

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9.0B Council Report – Member Moegerle

official report sent to us as Council. But, I have yet to receive it from the County Assessor. However, I did want to read you a portion of the conclusions. It says: *'In conclusion, we do not recommend a change in value for the reasons outlined in the appraisal portion of this packet.'* Which is too complicated to report here. However, I did want you to know also that they state: *'During this review, we observed issues of equalization amongst some of the land values in this area. Our office will submit these observations to Mr. Tolzmann to review before the next assessment. Correcting these types of issues could affect property beyond the subject. This will allow for proper notification of any potentially affected property owners that were not part of this appeal.'*

So, in the short, it's good news for me personally that the valuation of that property will not be changed. However, what it has triggered is a change in valuation for other homeowners, positive or negative, in the future. Just wanted to let you know that's the end of the story and the end of the chapter. And, that's all I have."

Council Member Ronning

Ronning, "Nothing."

Council Member Harrington

Harrington, "I received an e-mail. I think everybody, all the other members, did this week from Denise Lachinski. She sent the internet from 'nerdwalker' that crunched the numbers for 96 Minnesota cities with more than 10,000 residents to find out the best cities for home ownership in the State. East Bethel was number 9. I thought that was a pretty good article."

DeRoche, "That's because of our friendly, smiling faces up here." Ronning, "Or else, it's in spite of the friendly, smiling faces."

Council Member Koller

Koller, "I met with the Fire Department Monday and they got a call about an illegal burn. I got to ride along and in the northeast part of the City, there was a person who owns a roll-off dumpster business and he was emptying his dumpsters on his property and burning all the contents. It was a rather large mess there so the Fire Chief and the Deputy went to talk to him and I believe they forwarded the entire investigation over to the EPA and the DNR.

Fire Chief DuCharme also showed me the new generator that East Bethel appropriated from government surplus. It's a very large back-up generator that will, hopefully, be hooked up to the City building here so we have power in emergencies. And, it is over double the size we need but the price was incredibly cheap through the government surplus. So, I think that was a really good deal." Davis, "That was a savings of about $14,000 on the generator itself."

Koller, "Yep, and it's military surplus." DeRoche, "And we have already allocated the money to hook it up and put the pad in. We did that what, one or two Council meetings ago? Didn't we?" Davis, "We didn't allocate the funds but we do have a budget fund for building improvements and repairs and it will be taken out of that." DeRoche, "Wasn't that the $15,000?" Davis, "What Council approved at the last meeting was the Consent Agenda to pick up the generator at a cost of $1,000 and that was the approval. From the other estimates we got, it looks like it may take about another $15,000 to do the connections, put in the transfer switches, the pads, install the electric service from the building to the generator. But, we do have funds available in the current budget to take care of that."

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Koller, "That's it for me."

Mayor DeRoche

DeRoche, "Well, it's been pretty quiet. Hillbilly Hoedown at the Coon Lake Beach community this weekend, at 3 o'clock. You want to come over earlier, they have a horseshoe contest, beanbags, pretty good time. Good time for the community to get together. They have bands going during the day, bands during the night, and good food. Everybody's welcome to stop by.

I got a lot of questions on the CDBG grants and look forward to kind of helping people out with that.

It's been pretty quiet, pretty quiet. I would like to put a word out to certain people, or parties, that think it's okay to race up and down the street on their 4-wheeler, about 50-60 miles an hour. I hope that one of these days that the Deputy catches you doing it, locks up your ATV. And, to any of the parents out there who watch this and think it's okay to allow your kids to drive the go-carts all over the place, you may want to kind of keep tabs on that because it would be unfortunate to have a couple people that are just blatantly disregarding what the rules are, whether it's State law or City ordinances, to have our ATV stuff get jeopardized. So, think."

Ronning, "Are you aware of any boating accidents or anything this early in the season?" DeRoche, "A lot of close calls. A lot of big boats. People don't yet understand boats don't stop. They crash."

9.0C Other

None.

10.0 Adjourn

Moegerle made a motion to adjourn at 9:52 p.m. Koller seconded. All in favor, motion carries unanimously.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial, Inc.

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2014-2015 Liquor License Renewal List
For Approval at the June 18, 2014 City Council Meeting

NAME OF LICENSEE	ON-SALE	OFF-SALE	ON-SALE 3.2	OFF-SALE 3.2	SUNDAY SALES	WORKERS COMP	BACKGROUND FORMS RECEIVED	INSURANCE CERTIFICATE	ALL DONE	CHECK & APPS RECD.	CITY CODE REQUIREMENTS MET
BLUE RIBBON PINES	N/A	N/A	$250.00	N/A	$200.00	Yes	Yes Total of five owners	Yes	Yes	4/29/2014	Yes
COOPER'S CORNER	N/A	N/A	N/A	$150.00	N/A	Yes	Yes Total of four owners	Yes	Yes	4/30/2014	Yes
COOPER'S CORNER LIQUOR	N/A	$380.00	N/A	N/A	N/A	Yes	Yes Total of four owners	Yes	Yes	4/30/2014	Yes
E.J.'S BOTTLE SHOP	$3,500.00	$280.00	N/A	N/A	$200.00	Yes	Yes Total of two owners	Yes	Yes	4/30/2014	Yes
GO FOR IT	N/A	$380.00	N/A	N/A	N/A	Yes	Yes Total of one owner	Yes	Yes	4/22/2014	Yes
HIDDEN HAVEN COUNTRY CLUB	$3,500.00	N/A	N/A	$150.00	$200.00	Yes	Yes Total of one owner	Yes	Yes	4/30/2014	Yes
HUNTER'S INN	Not renewing, new owners July 1, 2014										
MOONSHINE WHISKEY	$3,500.00	N/A	N/A	N/A	$200.00	Yes	Yes Total of one owner	Yes	Yes	6/18/2014	Yes
ROUTE 65 DISCOUNT LIQUORS	N/A	$280.00	N/A	N/A	N/A	Yes	Yes Total of two owners	Yes	Yes	5/21/2014	Yes
ROUTE 65 PUB & GRUB	$3,500.00	N/A	N/A	N/A	$200.00	Yes	Yes Total of two owners	Yes	Yes	5/21/2014	Yes
SMOKEY'S PUB N' GRILL	$3,500.00	$380.00	N/A	N/A	$200.00	Yes	Yes Total of three owners	Yes	Yes	5/5/2014	Yes
VIKING MEADOWS	$3,500.00	N/A	N/A	N/A	$200.00	Yes	Yes Total of four owners	Yes	Yes	5/7/2014	Yes
WAYNE'S LIQUOR	N/A	$380.00	N/A	N/A	N/A	Yes	Yes Total of one owner	Yes	Yes	5/13/2014	Yes

If in bold, then requirements have been met. If not in bold, we have not received information required.

City of East Bethel
June 18, 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
Payroll	Insurance Premium	5573080	Delta Dental	101		$831.30
Payroll	Insurance Premium	141640021119	PreferredOne	101		$7,492.31
						$8,323.61

City of East Bethel
City Council
Agenda Information

* *

Date:
June 18, 2014

* *

Agenda Item Number:
Item 7.0 D.1

* *

Agenda Item:
2015-2019 Street Capital Improvement Plan (CIP)

* *

Requested Action:
Consider approval of 2015-2019 Street Capital Improvement Plan (CIP)

* *

Background Information:
The Streets Capital Improvement Plan was developed by the Roads Commission to prioritize street improvement projects over the next five years. The Roads Commission adopted the 2015-2019 Streets Capital Improvement Plan at their June 10, 2014 meeting. The plan is presented in the attachments to this report.

The recommended street maintenance projects for 2015 are estimated to cost $669,900 and include the chip seal of those city streets listed in the attachment and the overlay of 7th St, Isanti St, Rochester St, and Leyte St.

For 2015, the Road Commission has recommend using the Municipal State Aid (MSA) fund for the construction of 189th Ave and Buchannan St in the Classic Commercial Park to provide a connection from the commercial park to Jackson St. Currently the commercial park only has one access location at 187th Ave and TH 65. The additional access could help alleviate some of the stacking issues that occur at 187th Ave, provide additional access for emergency vehicles and open up additional property for development in the municipal services area. The proposed road is currently designated as an MSA route and has been part of the City's street plan since 2005. The estimated cost of the project is $1,000,000 and would be funded through monies the City receives from the State of Minnesota for construction and maintenance of the State Aid road system. The City is permitted to advance fund, essentially borrow from future allocations, up to four times the annual construction allotment or $3,000,000 whichever is less. The current project estimate would require advance funding of approximately $154,452 from the 2016 annual allotment of $557,291. The extension of water service along a portion of this improvement, at a cost estimated at $300,000, is also recommended as part of the project. The City will also apply for Cooperative Agreement Grant from MnDOT to offset the costs of this project.

The Road Commission also recommended the City look at the possibility of a connection from 189th to Viking Blvd at some point in the future adjacent to the property currently owned by Our Saviors Church.

Commitment to this plan requires the dedication of funding for 2015 only. Projects beyond 2015 are identified and prioritized by the Roads Commission to provide Council with recommendations for 2016 through 2019 as part of the overall capital project planning for major street improvements. Commitment to projects beyond 2015 will be considered for approval as part of each years subsequent budgets.

Attachment(s):

1. MSA Capital Fund and Street Capital Fund Projects, Funding Analysis 2015-2019
2. Concept plan for 189th and Buchannan St
3. Utilities Plan
4. City Frontage Road Plan

* * * *

Street Capital Projects
2015-2019
Funding Analysis

MUNICIPAL STATE AID FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2015 Beginning Balance	$288,257			$288,257
Municipal State Aid Funding		$557,291		$845,548
189th Ave			$1,000,000	-$154,452
2015 Ending Balance				-$154,452
2016 Beginning Balance	-$154,452			-$154,452
Municipal State Aid Funding		$557,291		$402,839
Davenport St Reconstruction			$550,000	-$147,161
2016 Ending Balance				-$147,161
2017 Beginning Balance	-$147,161			-$147,161
Municipal State Aid Funding		$557,291		$410,130
181st Ave Reconstruction			$400,000	$10,130
2017 Ending Balance				$10,130
2018 Beginning Balance	$10,130			$10,130
Municipal State Aid Funding		$557,291		$567,421
University Ave Reconstruction			$450,000	$117,421
2018 Ending Balance				$117,421
2019 Beginning Balance	$117,421			$117,421
Municipal State Aid Funding		$557,291		$674,712
Projects TBD			$0	$674,712
2019 Ending Balance	$674,712			
TOTAL MUNICIPAL STATE AID FUND SOURCES & USES		$2,786,455	$2,400,000	

Note: MSA Funding can be "Advanced Funded" to met certain requirements. The City can advance fund up to 4 times the construction allotment or $3,000,000 whichever is less
A negative balance is not an indication of too many projects. It simply means the City has anticipated numerous projects and can fund this within the regulations identified by MnDOT.

Street Capital Projects
2015-2019
Funding Analysis

STREET CAPITAL FUND	Beginning Balance	Sources (Revenues)	Uses (Project Costs)	Ending Balance
2015 Beginning Balance	$741,186			
Transfer from General Fund		$425,000		$1,166,186
225th Ave-Sealcoat			$23,000	$1,143,186
222nd Ave-Sealcoat			$7,000	$1,136,186
226th LN-Sealcoat			$20,000	$1,116,186
London St- Sealcoat			$25,000	$1,077,686
221st Ave-Sealcoat			$35,000	$1,042,686
Wake St- Sealcoat			$15,000	$1,027,686
Waconia Circle and Staples St-Sealcoat			$110,000	$917,686
Isanti St-Overlay			$56,400	$861,286
Rochester St-Overlay			$140,000	$721,286
7th St Overlay			$140,000	$581,286
Leyte St-Overlay			$85,000	$496,286
2015 Ending Balance				$496,286
2016 Beginning Balance	$496,286			
Transfer from General Fund		$425,000		$921,286
Rendova St- Overlay			$140,000	$781,286
Okinawa and Tippecanoe-Overlay			$225,000	$556,286
209th, Austin, and 204th-Overlay			$505,900	$50,386
2016 Ending Balance				$50,386
2017 Beginning Balance	$50,386			
Transfer from General Fund		$425,000		$475,386
Sunny View Addition- Sealcoat			$53,000	$422,386
DeGardners Addition- Sealcoat			$75,500	$346,886
2017 Ending Balance				$346,886
2018 Beginning Balance	$346,886			
Transfer from General Fund		$425,000		$771,886
Hidden Haven West-sealcoat			$180,000	$591,886
Hidden Haven East-sealcoat			$70,000	$521,886
Cedar Brook Addition-sealcoat			$90,000	$431,886
2018 Ending Balance				$431,886
2019 Beginning Balance	$431,886			
Transfer from General Fund		$425,000		$856,886
Projects TBD			$0	$856,886
2019 Ending Balance				$856,886
Total Street Capital Fund Sources and Uses		$2,125,000	$2,009,300	

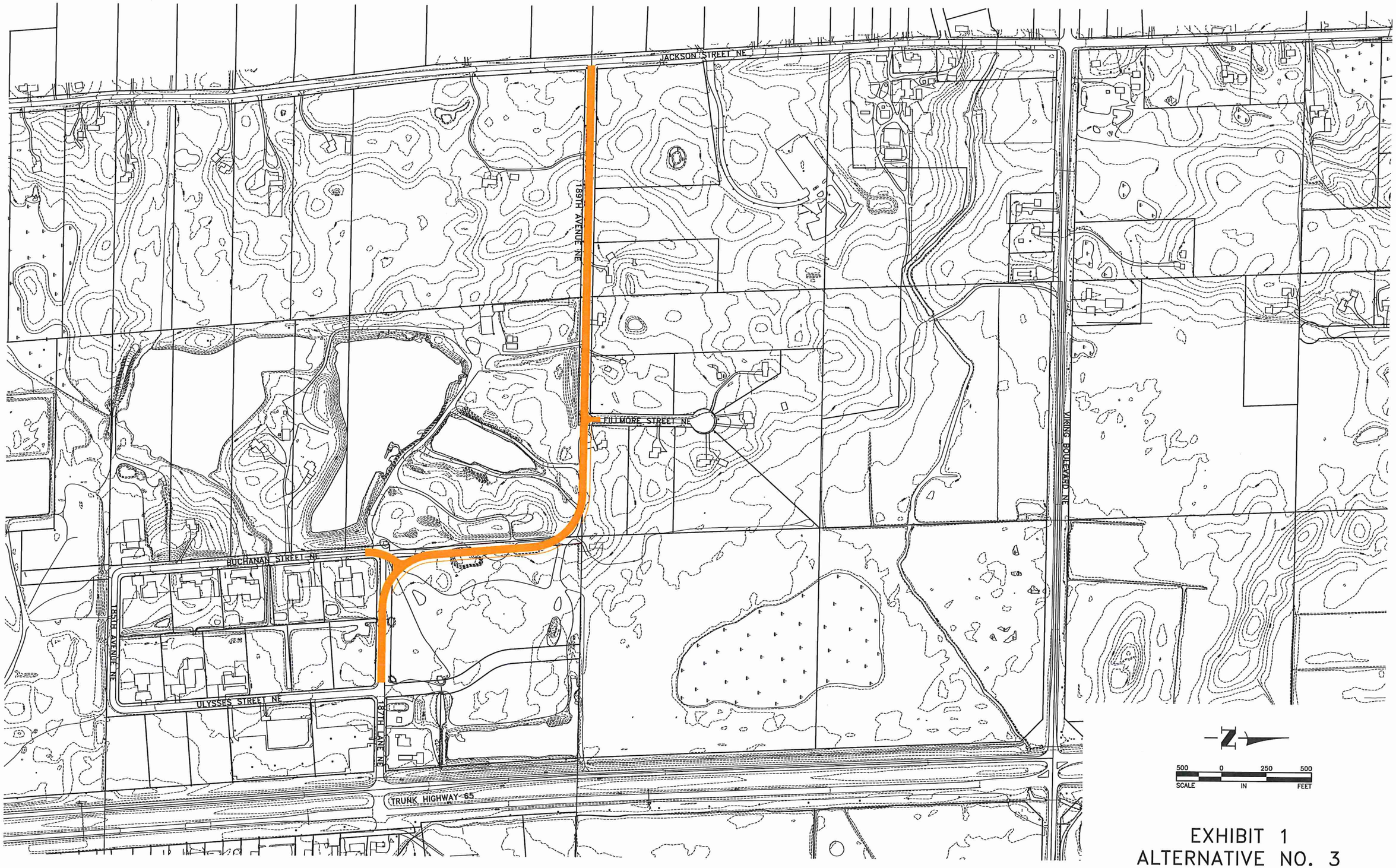

EXHIBIT 1
ALTERNATIVE NO. 3
TH 65 WEST FRONTAGE ROAD

Mar 05, 2014 – 11:04am
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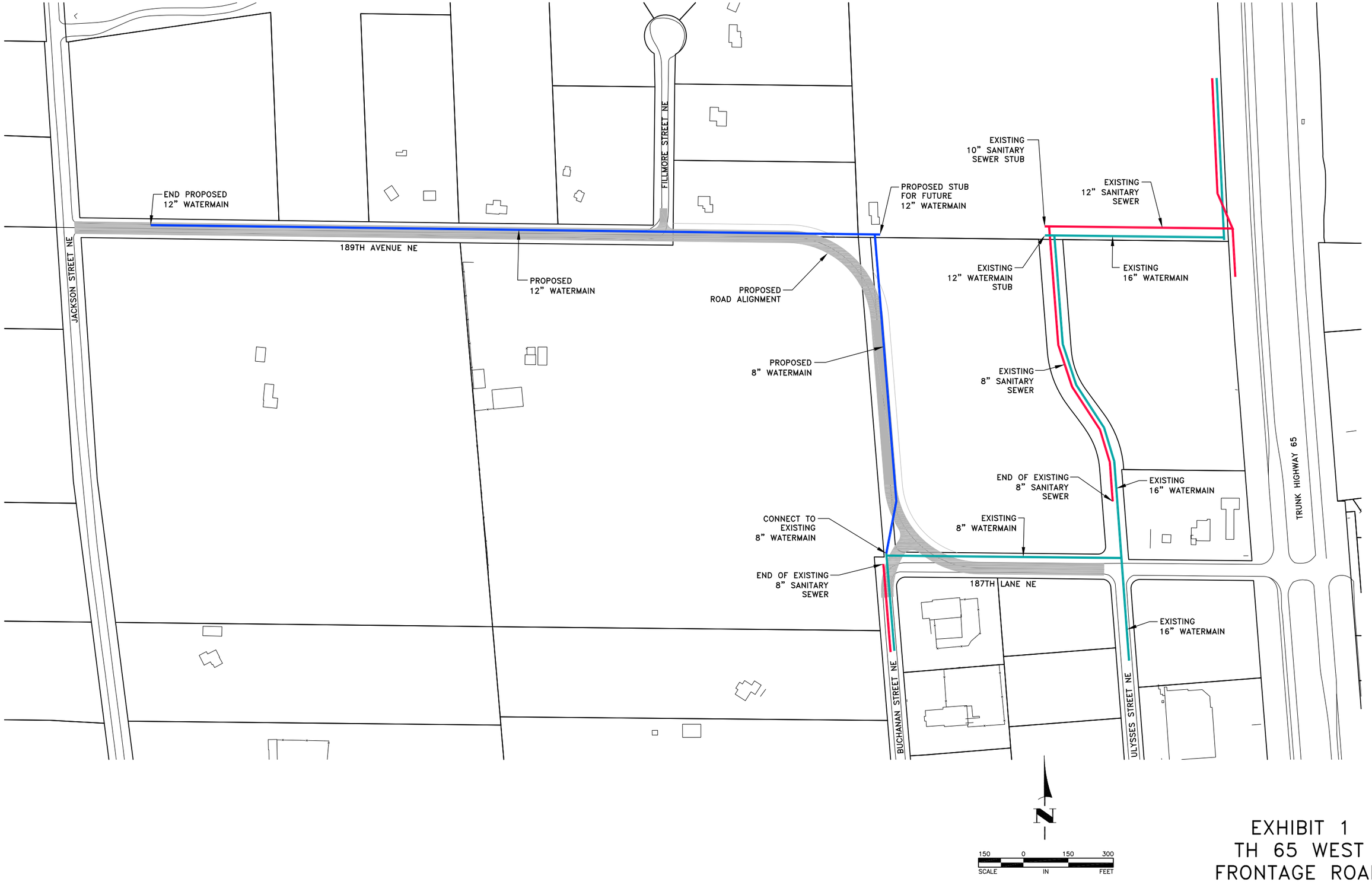

EXHIBIT 1
TH 65 WEST
FRONTAGE ROAD

May 08, 2014 – 4:56pm
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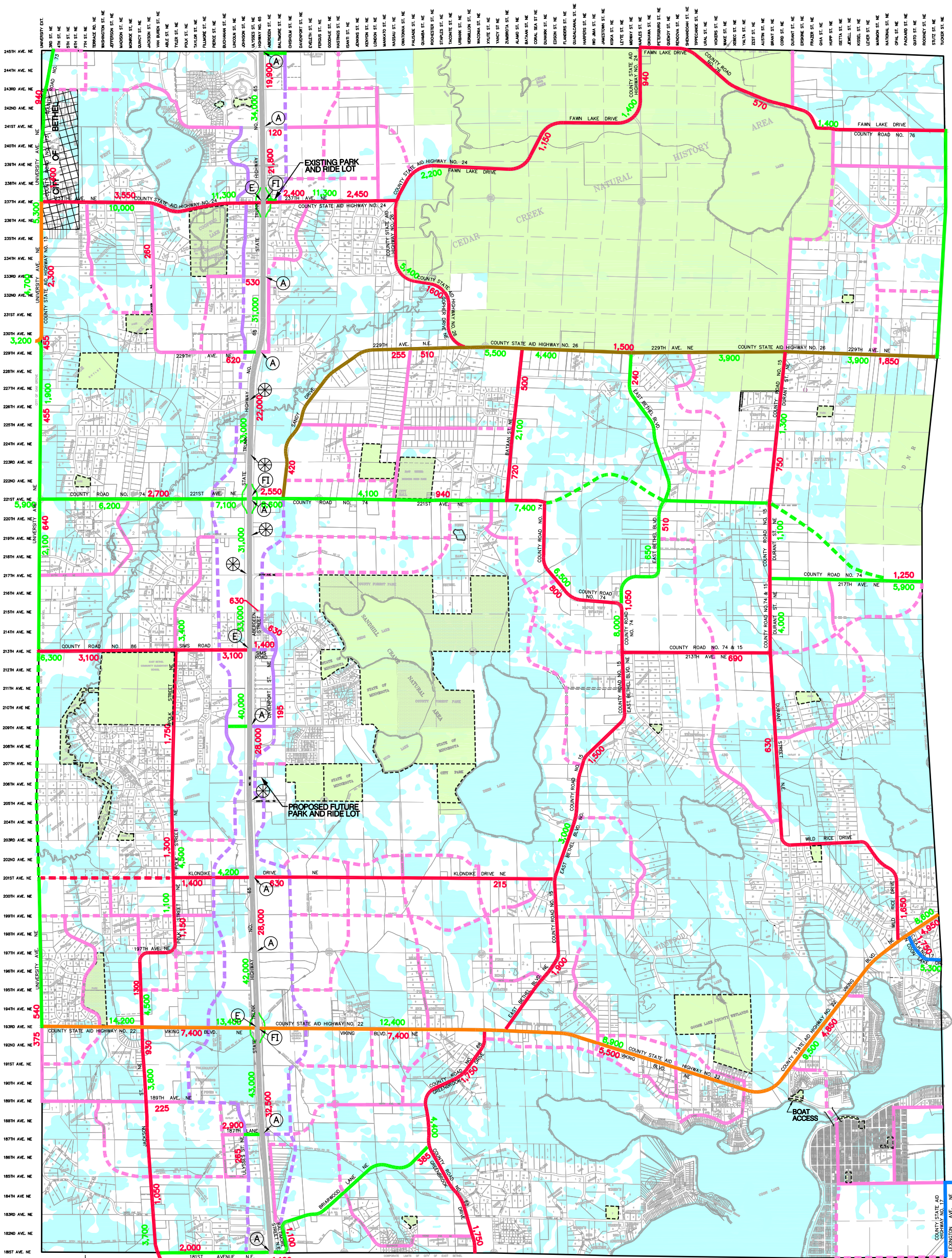

FUNCTIONAL CLASSIFICATIONS

- PRINCIPAL ARTERIAL
- A-MINOR EXPANDER
- A-MINOR CONNECTOR
- B-MINOR
- MAJOR COLLECTOR
- MINOR COLLECTOR
- FRONTAGE ROADS
- NEIGHBORHOOD COLLECTOR
- LOCAL CITY STREETS

LEGEND

- WETLANDS: FROM THE NATIONAL WETLAND INVENTORY MAP
- PARKS, REFUGE, STATE LANDS, COUNTY LANDS AND SCHOOL PROPERTY
- (E) EXISTING SIGNAL LOCATION
- (P) PROGRAMMED SIGNAL LOCATION
- (A) ALLOWED SIGNAL INSTALLATION
- SIGNAL INSTALLATION NOT ALLOWED AND MEDIAN BREAK SCHEDULED CLOSED
- (FI) FUTURE FULL ACCESS INTERCHANGE INTERSECTION
- 1745 2005 A.A.D.T. VOLUMES
- 20,200 2030 PROJECTED A.A.D.T. VOLUMES

NOTE:
PROPOSED ALIGNMENT LINES DASHED

Hakanson Anderson Assoc.,Inc.
Engineers, Surveyors & Landscape Architects
3601 Thurston Ave., Anoka, Minnesota 55303
612-427-5860 FAX 612-427-0520

REV. AUG. 16, 2006
REV. JULY 21, 2006
REV. MARCH 14, 2006
DATE: AUGUST 22, 2005

FIGURE VIII-4
ARTERIALS AND ALL COLLECTORS AND FRONTAGE ROADS
CITY OF EAST BETHEL

FILE: EB901

May 15, 2014 – 4:34pm
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City of East Bethel
City Council
Agenda Information

* *

Date:
June 18, 2014

* *

Agenda Item Number:
Item 8.0 D.1

* *

Agenda Item:
2015 Budget Meeting

* *

Requested Action:
Consider scheduling a Work Meeting to discuss the 2015 Budget for July 9, 2014 at 6:30 PM

* *

Background Information:
Staff, based on direction from the Finance Committee, prepares and provides City Council with a proposed budget for the coming year each July. At this meeting each department budget is submitted for review by Council. The City Administrator will present each budget and the department heads will be available to answer questions.

Staff will take the direction from Council and make budget adjustments for the preparation of the preliminary budget which must be approved by Council and sent to Anoka County by September15, 2014. Consideration for approval of the 2015 Budget by Council is tentatively scheduled for December 3, 2014.

*** ***

Attachment:

Fiscal Impact:
To be determined

*** ***

Recommendation(s):
Staff recommends that City Council schedule a Work Meeting for July 9, 2014 at 6:30 PM to receive presentation of the 2015 proposed budget.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
June 18, 2014

* *

Agenda Item Number:
Item 8.0 F.1

* *

Agenda Item:
Fire Department Report

* *

Requested Action:
Informational only

* *

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

* *

Fiscal Impact:
None

* *

Recommendation(s):
Informational only.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

East Bethel Fire Department
May 2014 Response Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
210	05/31/2014	17:04	24355 Hwy 65 NE	EMS call
209	05/31/2014	16:31	18563 Vermillion ST NE	Lightning strike (no fire)
208	05/31/2014	15:51	2304 145 LN	Building fire – Mutual Aid
207	05/31/2014	04:07	6675 231 LN NE	Building fire – Mutual Aid
206	05/30/2014	20:37	20241 65 HWY NE	Permit Burn Check
205	05/30/2014	16:31	2816 229th AVE NE	Grass Fire
204	05/30/2014	16:00	3255 Viking BLVD NE	EMS call
203	05/29/2014	16:15	21929 Durant ST NE	Gas leak (natural gas or LPG)
202	05/28/2014	12:31	Wake ST NE	Gas leak (natural gas or LPG)
201	05/26/2014	14:57	1836 209 CT	EMS call
200	05/26/2014	05:55	1046 181 LN	EMS call
199	05/26/2014	01:49	Hwy 65 & 237th	Smell of Natural Gas
198	05/24/2014	21:23	21332 Van Buren ST NE	EMS call
197	05/23/2014	20:59	24355 Hwy 65	EMS call
196	05/23/2014	20:54	Durant ST & 229th	Grass Fire
195	05/23/2014	09:20	18414 Everglade DR NE	EMS call
194	05/22/2014	09:00	18414 Everglade DR NE	EMS call
193	05/21/2014	08:58	20706 Naples ST NE	EMS call
192	05/20/2014	17:34	1607 209th AVE NE	EMS call
191	05/20/2014	12:21	18164 65 HWY NE	EMS call
190	05/19/2014	13:29	20706 Naples ST	EMS call
189	05/18/2014	17:23	19442 Jamestown ST NE	EMS call
188	05/18/2014	15:07	24221 Durant ST	Motor vehicle accident with injuries
187	05/18/2014	07:54	19001 Jackson ST NE	EMS call
186	05/17/2014	19:28	4870 235th LN NE	Good intent call, other
185	05/16/2014	21:46	22754 Taylor ST NE	EMS call
184	05/15/2014	15:28	22713 Buchanan ST	EMS call
183	05/14/2014	18:11	Lincoln DR & Elm	Cancelled– vehicle accident
182	05/14/2014	10:23	19943 Polk ST NE	Unauthorized burning
181	05/14/2014	09:30	22149 Vermillion ST	Smoke Alarm – Burnt Food
180	05/12/2014	19:45	20854 Eveleth ST	EMS call
179	05/11/2014	08:23	19825 Polk ST NE	EMS call
178	05/11/2014	02:31	18540 Everglade DR NE	EMS call
177	05/10/2014	20:28	21707 Tyler ST NE	EMS call
176	05/09/2014	10:26	3938 191 AVE NE	EMS call
175	05/08/2014	21:25	506 237 AVE NE	Arcing, shorted electrical equipment
174	05/08/2014	16:35	24425 Durant ST	EMS call
173	05/08/2014	11:40	24355 Hwy 65 NE	Wind storm, tornado assessment
172	05/07/2014	23:12	1301 221 AVE NE	EMS call
171	05/07/2014	21:49	19990 Austin ST NE	CO detector
170	05/07/2014	19:16	19990 Austin ST NE	CO detector
169	05/07/2014	14:31	20512 University AVE	EMS call
168	05/05/2014	20:20	4515 224 AVE	EMS call
167	05/05/2014	12:32	446 Dogwood ST	Unauthorized burning
166	05/04/2014	09:47	18635 Ulysses ST NE	Vehicle Fire
165	05/01/2014	11:48	1150 216th AVE NE	EMS call
Total				**46**

City of East Bethel

Subject: Fire Inspector Report

May 1 – 31, 2014

City of East Bethel Fire Inspection List

Name	Address	Comments
American Tool	23773 Johnson St	No Violations
Knowlton's Thunderheads	23773 Johnson St Suite 3	Emergency Light
Cedar Creek Auto	21388 Johnson St	2nd Inspection: No Violations
Blue Sky Alpacas	21476 Johnson St	2nd Inspection: No Violations
Another Mans Treasure	18803 Hwy 65	Emergency Lights
Saarela Insurance	1535 Viking Blvd	No Violations
Wholesale Marine	18801 Hwy 65 Suite B	No Violations
AAA Auto Parts	Hwy 65	New key in lock box for gates
Luxury Imports Auto Sales	18343 Hwy 65	2nd Inspection: Emergency Light
Smokies Pub-n-grill	522 Lincoln Dr	2nd Inspection: No Violations
Viking Meadows Golf	1788 Viking Blvd	No Violations
NOTE: First Inspections Unless Noted		

00 Businesses Inspected

Reported by: Mark Duchene
Fire Inspectors

East Bethel Fire Department
Type of Medical Calls

May, 2014

Number of Medical Calls 27

Type	Number	Transport by Ambulance
Medical Complications	8	8
Short of Breath	1	1
Cardiac	11	9
Bleeding	0	0
Illness	0	0
Trauma	2	2
Assist	0	0
Other	5	4
Cancelled Medical Call	0	0
Totals	27	24

Note:

DOA - 1

City of East Bethel
City Council
Agenda Information

* * * *

Vote Yes: _____ Vote No: _____

No Action Required: _____

CITY OF FOREST LAKE

ORDINANCE NO. 627

AN ORDINANCE AMENDING SECTION 153.096 OF THE CITY CODE OF THE CITY OF FOREST LAKE AND PERTAINING TO THE KEEPING OF DOMESTICATED CHICKENS WITHIN THE CITY OF FOREST LAKE

The City Council of the City of Forest Lake herby ordains as follows:

Section 1. Section 153.096 of the City Code of the City of Forest Lake is hereby amended by adding a new subsection (OO) *Chickens, keeping of as follows:*

1) The keeping of domesticated chickens is permitted on single-family residential properties less than five (5) acres and within all residential zoning districts subject to the following requirements:

   a) Any person wishing to keep chickens in the City of Forest Lake on a property shall first obtain a Certificate of Compliance from the City;
   b) The principal use of the property shall be single-family residential;
   c) The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential buildings including duplexes, townhomes and apartments;
   d) No more than five (5) hen chickens shall be permitted;
   e) No person shall keep a rooster;
   f) All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions;
   g) Chickens shall not be kept inside the principal structure;
   h) No person shall slaughter chickens on-site except when in an area of the property not visible to the public;
   i) Chicken coops and attached exercise pens shall be provided for all chickens;
   j) Coops and pens shall be fully enclosed including overhead and constructed of durable materials;
   k) The floor area of the coop shall be a minimum of 2 sq/ft in area per chicken;
   l) The floor area of the attached pen shall be a minimum of 6 sq/ft in area per chicken;
   m) Coops and pens shall meet all accessory structure setback requirements;
   n) Coops and pens shall be located in rear yards only;
   o) Coops larger than 120 sq/ft in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use and design.
   p) Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
   q) All food stored for chickens shall be kept in rodent proof containers stored inside coops or other buildings;

r) All premises in which chickens are kept or maintained, including coops and pens, shall be kept reasonably clean from filth, garbage and any substances which attract rodents. All feces shall be collected and properly disposed of on a regular basis;
s) Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of Forest Lake;
t) The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with the Certificate of Compliance and the City Code.

Section 2. Section 153.096 of the City Code of the City of Forest Lake is hereby amending subsection (P) *Livestock and livestock operations* as follows:

2) No livestock shall be placed on any site of less than 5 acres, except chickens located on single-family properties located in residential zoning districts meeting additional requirements in § 153.096 (OO).

Passed and adopted by the City Council of the City of Forest Lake, Minnesota this 25th day of March 2013.

BY: _____

Chris Johnson, Mayor

ATTEST:

_____

Aaron Parrish, City Clerk/Administrator

CC - 3-25-2013

Keeping of Domesticated Chickens on Small Residential Lots

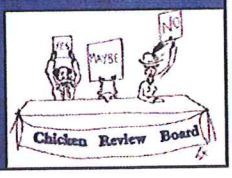
Text Amendment to the Zoning Ordinance

Urban Chicken Movement

- Sustainable/green living
- Residents interested in locally-grown food sources
- Stillwater, Maplewood, St. Paul, Roseville, Ham Lake
- Strongest interest in the more urban areas with very small lot sizes: St. Paul, Minneapolis, etc.

Planning Commission Review

- General Discussion - Sept. 12, 2012
  - Keeping chickens on smaller urban lots
  - Growing trend to allow chickens in other cities
  - Why residents want chickens
- Staff findings and in-depth discussion - Jan. 9, 2013
  - Reviewed common regulations within other chicken ordinances
  - Draft ordinance presented
- Final revisions - Feb. 13, 2013
  - Chicken breeds
  - Chickens in backyards under Supervision
- Public Hearing –March 13, 2013
  - Motion to approve (Yes – 6, No - 1)



Findings

- ***Planning Commission stated the following reasons why they were in favor of the proposed regulations:***
- • The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
- • The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
- • The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
- • Raising chicken has educational value for families/children, such as 4-H;
- • Domesticated chickens are also considered pets (cleaner than dogs);
- • With control and structure should not be or cause a nuisance;
- • The City has an ordinance to allow Pigeons.

Planning Commission Review

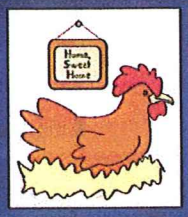
- Text Amendment to the Zoning Ordinance - March 13, 2013
- Public hearing held.
- Planning Commission recommend approval.

Current Zoning Ordinance - Review

- Chickens are recognized as "livestock"
- Chickens only allowed in rural zoning districts (C, A, RR)
- Requires min. of 5 acres

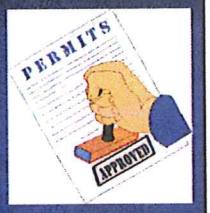
Proposed Zoning Ordinance Changes

- Allow on residential properties <u>less than 5 acres</u>
- Allow in all residential zoning districts
- Must have single-family residence
- Not permitted on vacant properties or if multi-family residences (duplexes, townhomes and apartments)



Permits and Process

- One-time permit
- Administrative review by Community Development staff
- $50 permit application fee



Number of Chickens Permitted

- Maximum of 5 hen chickens per property
- No roosters allowed

Slaughtering Restrictions

- On-site slaughtering allowed if not visible to the public (coop, garage, screened yard, etc)
- Similar to processing wild ducks, pheasants and game

Chicken Breeds

- All chickens must be domestic species (*Gallus gallus domesticus*) and tolerant to local climate conditions.

Chicken Coops and Pens

- Require coops/pens for all chickens
- Must be fully-enclosed with overhead material
- Minimum area requirement per chicken
  - Coops: 2 sq/ft
  - Pens: 6 sq/ft

Chicken Coops and Pens

- Coops and pens must meet accessory structure setbacks (often 10 feet from side and rear property lines)
- Chicken coops/pens located in back yards only
- Coops larger than 120 square feet must meet accessory structure requirements (size, number, height, impervious surface, etc.)

Containment Requirement

- Chickens must be contained in coops and attached pens
- Exception: Allowed in fenced-in back yards if under supervision

Minimizing Impacts and Nuisances

- Food must be stored in containers or inside buildings
- Coops/pens must be kept clean at all times
- May not create a public nuisance
- Public Nuisance Ordinance §96.02 recognizes noxious smells, accumulating manure and dead animals

Planning Commission Action

- Text Amendment to the Zoning Ordinance (public hearing)
- Planning Commission provides recommendation to City Council
- Motion to approve:
  Recommend approval of the draft ordinance amending Section 153.096 of the City Code of the City of Forest Lake pertaining to the keeping of domesticated chickens

Forest Lake
AS GOOD AS IT SOUNDS

Date: March 25, 2013

To: Honorable Mayor and City Council Members

From: Community Development Department

Re: Amending Section 156.096 of the City Code of the City of Forest Lake and Pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens")

The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area. Many cities have chosen to allow them in residential backyards by ordinances. The topic of allowing "urban" chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings.

September 12, 2012 Planning Commission Meeting
Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

January 9, 2013 Planning Commission Meeting
Community Development staff collected additional information and reviewed many ordinances from other cities that allow urban chickens. Findings were presented to the Planning Commission on January 9, 2013. Staff also provided a draft ordinance based on ordinances from other cities that allow urban chickens. Discussion highlights from the January 9, 2013 meeting include:

- Forest Lake current zoning ordinance recognizes chickens as livestock. Only allowed in rural lots of at least five 5 acres.
- Consider changing ordinance to allow in C, A, RR, SF, MXR-1, MXR-2 on single-family properties less than five (5) acres.
- Not allowed if vacant property or multi-family use.
- Permitting process, fees, education requirement
- Coops/Pens: Require minimum size, enclosed, location on lots, coops as accessory structures, and distance restrictions to homes on neighbor's property.
- On-site slaughtering
- Allowing free range
- Addressing potential nuisance issues
- Lake properties

February 13, 2013 Planning Commission Meeting

Community Development staff presented a revised draft ordinance to the Planning Commission on February 13, 2013. Final revisions to the draft ordinance and discussion highlights include:

- Allow chickens in all residential zoning districts on single-family properties Chicken coops/pens to meet all accessory structure setbacks.
- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

The Planning Commission had no further comments on the draft ordinance.

A public hearing was held at this meeting and no comment was provided from the public.

Planning Commission stated the following reasons why they were in favor of the proposed regulations:

- The Planning Commission had been notified that there has been an increase interest from the community to raise domesticated chickens in the single-family district;
- The raising of domesticated chickens in single-family districts is common in other communities (growing trend);
- The Planning Commission feels this is economical for families in the community and is a healthy means of getting eggs & chicken in their diet;
- Raising chicken has educational value for families/children, such as 4-H;
- Domesticated chickens are also considered pets (cleaner than dogs);
- With control and structure should not be or cause a nuisance;
- The City has an ordinance to allow Pigeons.

Recommendation

The Planning Commission has recommended on ~~7-0~~ 6-1 vote, the City Council approve and adopt the proposed ordinance amending Section 156.096 of the City Code pertaining to the Keeping of Domesticated Chickens (a.k.a. "Urban Chickens").

Date: March 13,2013

To: Planning Commission

From: Community Development Department

Re: Urban Chicken Ordinance

Background

The topic of allowing "urban" chickens on smaller, single-family residential properties has been discussed at three previous Planning Commission meetings. At the Planning Commission meeting on September 12, 2012, Community Development staff presented the topic of keeping urban chickens for purposes of discussion. Staff advised that there has been an increase in public inquires over the past two years from residents interested in keeping chickens on smaller residential properties. The interest in keeping chickens on residential properties in urban settings is a growing trend in Twin Cities area . Many cities have chosen to allow them in residential backyards by ordinances. The topic of urban chickens and potential concerns were discussed among Planning Commissioners and staff. The consensus of the Planning Commission was to have staff collect additional information on the topic and present the findings at a later meeting.

Community Development staff collected additional information and reviewed many ordinances from other cities that allow urban chickens. Findings were presented to the Planning Commission on January 9, 2013. Staff also provided a draft ordinance based on ordinances from other cities that allow urban chickens. Discussion highlights from the January 9, 2013 meeting include:

- Forest Lake current zoning ordinance recognizes chickens as livestock. Only allowed in rural lots of at least five 5 acres.
- Consider changing ordinance to allow in C, A, RR, SF, MXR-1, MXR-2 on single-family properties less than five (5) acres.
- Not allowed if vacant property or multi-family use.
- Permitting process, fees, education requirement
- Coops/Pens: Require minimum size, enclosed, location on lots, coops as accessory structures, distance restrictions to homes on neighbor's property.
- On-site slaughtering
- Allowing free range
- Addressing potential nuisance issues
- Lake properties

Community Development staff presented a revised draft ordinance to the Planning Commission on February 13, 2013. Final revisions to the draft ordinance and discussion highlights include:

- Allow chickens in all residential zoning districts on single-family properties Chicken coops/pens to meet all accessory structure setbacks.
- Allow chickens outside of coops/pens if placed in fenced-in back yards and when under supervision by owner.
- Chicken breeds and domestic chickens.
- Chickens on lake properties.

Recommendation

Staff has prepared the proposed draft zoning text amendment at the direction of the Planning Commission. The Planning Commission shall hold a public hearing this evening, consider the proposed zoning ordinance text amendment and provide a recommendation to the City Council.

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, September 12, 2012
7:00 PM

Approved 9/12/2012

MEMBERS PRESENT
Dick Damchik, Craig Andersen, Steve Cunningham, Ed Eigner, Paul Girard, Kathy Kuehn, Bill Loushine, Maggie Vogel-Martin;
Absent: Julie La Fleur
STAFF MEMBERS PRESENT
Doug Borglund, Community Development Director, Aaron Buffington City Planner,
CITY COUNCIL MEMBER(S) PRESENT Mike Freer
PUBLIC ATTENDING:
MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM
PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE
Craig Anderson had discussions with Doug Borglund regarding progress and construction of past project(s).

ITEM 2. Approval of the June 13, 2012 Minutes

MOTION was made by Craig Anderson, seconded by Steve Cunningham to approve the June 13, 2012 minutes as presented.

Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, voted in favor. Bill Loushine, Paul Girard, Ed Eigner abstained.
MOTION CARRIED. (5 Yes 3 Abstained)

ITEM 3. To consider the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC, a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility. Location: 131 19th Street SW; PID 07.032.21.13.0002; Legal Lot 1 Block 1 Everton Park; Zoning B-2 Highway Business District

Doug Borglund, Community Development Director provided a review of Staff Report dated September 12, 2012.
Items discussed/reviewed are as follows:

- Applicant's request: Expand on existing building; 858 square foot addition to be used for an automobile showroom facility.
- Existing landscaping and planting beds located along the building foundation are overgrown and will be replaced with new plantings.
- Three parking spaces will be removed with building addition; Minimum parking requirements still being met with proposal.
- Addition will not require additional stormwater control or a Comfort Lake-Forest Lake Watershed District permit.
- Addition will not create any access or safety concerns (fire, emergency vehicles)
- Minor grading needed around building foundation.

- Proposed architecture meets the city requirements.
- Staff recommends to approve project with conditions listed in the staff report dated September 12, 2012.

Darwin Lindall, Architect provided additional comments.

- Proposed architecture enhances the overall look of building and provides addition focus to the main entrance into the building.
- Will use aluminum (ACM) panels above and around the entrance.
- Architecture will conform to the standards required by GMC and also blend into existing building.
- Signage will be changed in the future. Signage would be backlit channel letters.
- Cleaning up existing landscaping and adding new shrubs and plantings (junipers, boxwoods, ornamental grasses, etc) will enhance the look of the building.

Planning Commission Discussion

- Why is Site Plan Review required for this project?
- Staff Doug Borglund advised that all commercial building expansions require Site Plan Review based on ordinance.

MOTION was made by Steve Cunningham and seconded Maggie Vogel-Martin to recommend to City Council approval of the request of owner Darwin Lindahl Architects PA on behalf of Building and Site Owner Whitaker Buick GMC, Dellwood Holdings LLC a site plan review approval to allow an 858 square foot addition onto an existing 17,806 square foot office/showroom facility with staff conditions listed in the staff report dated September 12, 2012.

All members present voted in favor. **MOTION CARRIED. (8 Yes)**

ITEM 4. Discussion Item: Urban Chickens

Doug Borglund provided a presentation. Items discussed/reviewed are as follows:

- City staff has received a significant increase in public inquiries in the past two years regarding this item.
- Residents wish to have a limited number of chickens on smaller-sized residential properties for egg laying and personal use. Some see it as a hobby. Others like growing their own food.
- Urban chickens are a growing trend in other cities in the Twin Cities metro area. Other cities already allow them (St. Paul, Maplewood, Minneapolis, Roseville, etc.).

Planning Commission discussion:

- Kathy Kuehn: She is familiar with residents in other cities that allow urban chickens.
- Steve Cunningham: Health concerns would need to be explored.

- Craig Anderson: Having the ability to contain chickens with fencing, coops, fencing would be important.
- Dick Damchik: How would we address a property if their chickens become an issue or a nuisance? Doug Borglund advised that some cities require permits to ensure they follow ordinance requirements.
- Maggie Vogel-Martin: Sees no difference between chickens and dogs/cats. There can be problems with any kind of animal, not just chickens.
- Doug Borglund requested the Planning Commission provide direction to city staff to determine if the item should be explored further.
- Consensus of all Planning Commission members was to direct city staff to collect additional information on urban chickens to present to Planning Commission. Staff should determine what other cities have urban chicken ordinances and how they are regulating to minimize any concerns.

Other Discussion by Planning Commission:
Craig Anderson brought up a concern with past projects and Applicants not following through with plans or conditions that were approved by Planning Commission and City Council. He suggested that Planning Commission members need to pay more attention to details when reviewing packet materials and proposed plans.

Doug Borglund advised that it is difficult to control the actions and free will of others. City staff often handles these issues through enforcement.

MOTION was made by Paul Girard and seconded by Craig Anderson to adjourn the meeting at 7:43 P.M. All members present Voted in favor. **MOTION CARRIED. (8 Yes)**

Doug Borglund, CDD
Planning Commission

Approved	**Forest Lake Planning Commission Minutes** **Forest Lake, Minnesota** **Wednesday, January 9, 2013** **7:00 PM**

MEMBERS PRESENT
Dick Damchik, Craig Andersen, Steve Cunningham, Maggie Vogel-Martin; Kathy Kuehn, Bill Loushine, Paul Girard,
Absent: Ed Eigner, Julie La Fleur
STAFF MEMBERS PRESENT
Aaron Buffington City Planner, Beatrice Smith, Support Staff
CITY COUNCIL MEMBER(S) PRESENT
PUBLIC ATTENDING: Applicant, Shane O'Sullivan
MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM
PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE
None
ITEM 2. Approval of the December 12, 2012 Minutes,

MOTION was made by Craig Andersen seconded by Steve Cunningham to approve the 12/22/2012 Minutes as presented. All members present voted in favor.
MOTION CARRIED. (7 Yes)

ITEM 3. Public Hearing : To consider the request of owner / applicant: Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills

Aaron Buffington, City Planner provided a review of staff report dated January 9, 2013. Attached Item A-1.
Items discussed as follows:

- Location of property
- Process and request-why variance is required
- Septic system design
- Drain field not meeting 75' setback from wetland
- Background and conditions of septic system-portion of septic system (drain field) that would encroach in the 75' wetland setback,
- Property contours, location of wetlands, principal structure, well, trees – proposed location of septic system being the best locations based upon soil testing and other variables.
- Review by Washington County and MN Dept. of Health (Well Division)
- Septic System permits done by Washington County
- Variance Findings of Fact
- Staff recommendations

PUBLIC HEARING: No one present for Public Hearing
07:09 PM Open / Closed 07:09 PM

MOTION was made by Craig Andersen and seconded by Kathy Kuehn to recommend to City Council approval of the request of owner applicant Shane O'Sullivan a variance at 9910 Julep Trail N. to reduce the 75-foot setback to a wetland for the placement of a septic drain field. PID 12.032.21.14.0002; Legal: Lot 19 Blk 2 Sudb. CD 81825 Valley Hills contingent upon satisfaction of all staff recommendations dated January 9, 2013.
All members present voted in favor. **MOTION CARRIED. (7 Yes)**

ITEM 4. Discussion Urban Chickens
Aaron Buffington, City Planner provided a review of the Staff Report dated January 9, 2013. Attached Item A-2.
Items discussed as follows and items to be considered:

- Why this items was being presented, Planning Commission has reviewed before
- How the Planning Commission feels about updating the Zoning Ordinance to allow the keeping of Urban Chickens in residential neighborhoods.
- How other communities are handling/allowing chickens on smaller residential properties
- Definitions of livestock-under current Zoning Ordinance Chickens are recognized as livestock
- Zoning Districts that allow livestock-Urban Chickens
- Under the current ordinance how much property is required for livestock and the zoning districts that livestock is allowed
- Drafting a proposed ordinance
- Item to consider: should a permit be required: A review/study indicates most communities require some type of permitting: Staff Recommends Certificate of Compliance $50 fee. One time review and permit.
- Item to consider: Number of chickens allowed; Staff Recommends 5 chickens no roosters
- Item to consider: Enclosed requirements (Coops and pens) Size specification; setbacks for coops and pens; building requirements (heights) should coops and pens be considered an accessory structure; Definition of chicken pens (runs); requirements for chicken pens
- Distance restriction and locations to homes on adjacent properties.
- Minimum area requirements
- Regulation of roosters
- Slaughtering restrictions
- Nuisance clauses
- Prohibit "free Range"
- Other Discussion items
  a) Chickens in back yards outside of enclosures (Pen, coops)
  b) Coop distance from occupied structures
  c) Lake properties
  d) Neighbor approval
  e) Educations requirements

f) Selling eggs
- Recommendation/Action

Planning Commission Discussion
Is this Zoning Ordinance appropriate for the City of Forest Lake:

Dick Damchik was not in favor of updating ordinance. Does not like the idea of urban chickens in residential/city lots due to various reason and causing issues. Also, asked for definition of urban chicken.

The majority of members felt a need to update ordinance and allow urban chickens in Single Family (SF), Single and Townhouse Residential (MXR-1) and Single and Two Family Residential (MXR-2) Zoning Districts Chickens would be allowed only if a single-family residence is present.
Items discussed:
Whether the area requirements are large enough
What to consider for setback
Whether the coop should be considered an accessory structure
How large should the coop be
Some chicken coops are portable: do we need something in ordinance to address this?
Who would do the policing of chicken coops
Can chickens fly

Suggested Items for zoning ordinance:
1. Coop not to be recognized as an accessory structure unless it is larger than 120 sq. feet.
2. Coop and pen to be 10 feet from property lines; structure can be located next to principal structure; (Staff recommended 50')
3. Staff recommendation for permit requirements-Agreed with Staff Recommendations
4. Number of chickens Permitted. Agreed with Staff Recommendations
5. Enclosed requirement: Add if property owner has a fenced in backyard the urban chickens would be allowed to roam freely and not be required to be contained in the Pen.
6. Agreed with Area requirements coops 2 sq/ft and pens 4-8 sq/ft
7. Regulation of roosters. Agreed with Staff Recommendations
8. Slaughtering restrictions – Agreed to Staff Recommendations
9. Nuisance clauses – Agreed with Staff Recommendations
10. Prohibit "free range" – disagree OK if in a fenced in back yard
11. Chickens should be in backyard only. Agreed with Staff Recommendations
12. Ok to have Urban Chickens on lake properties – No issues or concerns, would still need to meet all setback requirements and permitting.
13. Education requirement – Agreed with Staff Recommendations
14. Selling eggs – Did not see as an issue of concern, no regulations needed.

Planning Commission members would like Staff to come back with suggested items in draft form.

Adjourn

MOTION was made by Paul Girard and seconded by Maggie Vogel-Martin to adjourn the meeting at 08:01 P.M. All members present Voted in favor. **MOTION CARRIED. (7 Yes)**

Doug Borglund, CDD
Planning Commission

Approved

Forest Lake Planning Commission Minutes
Forest Lake, Minnesota
Wednesday, February 13, 2013
7:00 PM

MEMBERS PRESENT
Dick Damchik, Steve Cunningham, Paul Girard, Julie La Fleur, Bill Loushine, Dennis Battey
Absent: Craig Andersen, Kathy Kuehn, Maggie Vogel-Martin
STAFF MEMBERS PRESENT
Doug Borglund, Community Development Director; Aaron Buffington City Planner
CITY COUNCIL MEMBER(S) PRESENT Susan Young
PUBLIC ATTENDING: Ron Hammes, Ben Oliver
MEETING CALLED TO ORDER BY Dick Damchik, Chairman at 7:00 PM
PLEDGE OF ALLEGIANCE

ITEM 1. PLANNING COMMISSION PUBLIC COMMUNICATION UPDATE
None.

ITEM 2. Approval of the January 9, 2013 Minutes

MOTION was made by Steve Cunningham seconded by Bill Loushine to approve the 1/9/2013 Minutes as presented.

Dick Damchik, Steve Cunningham, Paul Girard, Bill Loushine, Dennis Battey voted in favor; Julie La Fleur abstained.

MOTION CARRIED. (5 Yes, 1 Abstained)

ITEM 3. Discussion and Comments regarding City Ordinance 130.06 Use and Possession of Firearms and other Weapons

Doug Borglund provided a review of current ordinance. Items discussed/reviewed are as follows:

- Ordinance has become outdated.
- Ordinance not part of Zoning Ordinance although it refers to zoning districts when determining where an indoor gun range can be located.
- Current ordinance allows use in B-3 and I districts. Zoning map and districts have since been updated make current ordinance outdated and no longer in-sync.
- Requires conditional use permit as a recreation-commercial use.
- Indoor gun range doesn't really fit the definition of "commercial recreation".
- New language proposed to recognize indoor gun range as retail sales and service and allowed in all commercial, industrial and General Mixed Use District (MU-2) zoning districts.
- Should indoor gun ranges be allowed in Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts?
- Significant federal and state regulations control the design of ranges (lead collection, wall thickness, etc.)

- Indoor gun ranges and retail gun sales are often tied together where ranges are inside the gun sales shop.
- City Council reviewed the subject item, requested Planning Commission provide comments since the current and proposed ordinance language have land use components to them.
- Is conditional use process appropriate and should it be required? Or is it more appropriate to allow use as permitted (retail).

Planning Commission Discussion

- Julie LaFluer: Why should Neighborhood Commercial district be considered for exclusion in the proposed language?
- Borglund: Proximity to neighborhoods and schools.
- Steve Cunningham: Has concerns allowing gun shops in Neighborhood Commercial (NC) Districts.
- Dick Damchik: Where are bow and arrows allowed to be shot? Are they allowed in neighborhoods?
- Paul Girard: Not allowing indoor gun ranges in the Neighborhood Commercial (NC), Downtown (MU-1) and Broadway Business (B-1) Districts is valid due to Comprehensive Plan, intent of those zoning districts and increased pedestrian traffic in those districts. MU-2 district seems adequate for indoor ranges because properties are more auto-oriented.
- Julie LaFluer: Concerns with placement of indoor ranges in proximity to neighborhoods and schools. Would like to see ranges kept out of MU-2. Or allow on properties south of 11th Ave (MU-2).
- Consensus to City Council #1: Permit indoor ranges in the B-3, Industrial, Industrial Park and MU-2 district on properties south of 11th Ave on the west side of Highway 61.
- Consensus to City Council #2: Require an Interim Use Permit on properties either leased or owned by applicant.

ITEM 4. Continuation from January 9, 2013 Planning Commission meeting: Review Urban Chickens – Ordinance Draft

Aaron Buffington reviewed PowerPoint and discussion to date.

- Current regulations
- Districts allowing chickens
- Permits and Process
- Maximum number of hen chickens; No roosters
- Slaughtering restrictions
- Allowable breeds
- Chicken coops as accessory structures
- Location on property
- Size of coop requirements

- Coop proximity from lot lines (10 feet)
- Containment requirements. Additional considerations include fenced yards, types of fences, supervision.
- Nuisance clauses
- Chickens on lake properties
- Neighborhood approval not necessary
- Educational component with application
- Selling of eggs on-site

Planning Commission Discussion

- Dick Damchik: Does not support having coops or chickens between lake and principal structure
- Dennis Batty: Clarification regarding allowable breeds.
- Staff Buffington: Many chickens breeds are adaptable to backyards and local climates. Recommend all domesticated chicken breeds.
- Julie LeFluer: Coop setbacks are adequate. Would like to see chickens be kept in coops unless under supervision in a fenced yard.
- Paul Girard: Keep chickens in pens unless under supervision. Also would like coops to meet all accessory structure setbacks.
- Julie LeFluer: Concerns with predators. Chickens should be kept inside enclosed pens at night.
- Dennis Batty: Agrees with allowing chickens out of coops when under supervision.
- Steve Cunningham: People will put investment into coop.
- Consensus of Planning Commission: Staff should make final revisions to the draft ordinance and set the public hearing.

MOTION was made by Paul Girard and seconded by Steve Cunningham to adjourn the meeting at 8:25 P.M. All members present voted in favor. **MOTION CARRIED.**

Doug Borglund, CDD
Planning Commission

CITY OF NORWOOD YOUNG AMERICA
ORDINANCE NO. 250

AN ORDINANCE AMENDING CHAPTER 5 OF THE CITY CODE RELATING TO ANIMALS.

I. THE CITY COUNCIL OF THE CITY OF NORWOOD YOUNG AMERICA, MINNESOTA, HEREBY ORDAINS CHAPTER 5 OF THE CITY CODE IS AMENDED AS FOLLOWS:

CHAPTER 5. ANIMALS

500.01 Definitions. The following definitions shall be used in the application and interpretation of the provisions of this chapter:

Animal, Farm. "Animal, Farm" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, ponies, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese pot-bellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable. *Backyard Chickens as defined in this Chapter are exempt from this definition.*

Backyard Chicken. *"Backyard Chicken" shall mean a female chicken that serves as a source of eggs or meat.*

Coop. *"Coop" shall mean the structure for the keeping or housing of backyard chickens as permitted by this Chapter.*

Rooster. *"Rooster" shall mean a male chicken.*

Run. *"Run" shall mean an area attached to a coop where backyard chickens can roam unsupervised.*

Section 550 – Farm Animals

550.03 Keeping of Backyard Chickens.

A. *Purpose. It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding past time. It is further recognized that the keeping of backyard chickens, if left unregulated, may interfere with the residential character of certain neighborhoods. Therefore, it is the purpose and intent of this Section to permit but strictly limit the keeping of backyard chickens for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community.*
B. *Keeping of Backyard Chickens Allowed. A person may keep up to four (4) backyard chickens on a residential property that is not in the Transitional/Agricultural District of the City as provided for in Chapter 12-Zoning of the Norwood Young America City Code, provided:*

1. *The parcel where the backyard chickens are kept is within a Residential District as provided for in Chapter 12 (Zoning) of the Norwood Young America City Code;*
2. *The keeper of the backyard chickens resides in a detached dwelling at the parcel at which the backyard chickens are kept;*
3. *The subject parcel is a minimum of 10,000 square feet; and,*
4. *The owner of the subject parcel obtains a backyard chicken permit from the City, issued in compliance with this Chapter.*

C. *Permit Required: A permit is required for the keeping of backyard chickens.*

1. *Those desiring to keep backyard chickens shall file a written application with the City Administrator on a form provided by the City and pay an application fee. Fees to be charged for the permit to keep backyard chickens shall be set by City Council on the fee schedule.*
2. *The application shall include:*

    a. *The breed and number of chickens to be maintained on the premises;*
    b. *A site plan of the property showing the location and size of the proposed coop and run, setbacks from the coop to property lines and surrounding buildings (including houses on adjacent lots), and the location, style, and height of fencing proposed to contain the backyard chickens in a run; and,*
    c. *Written statements that the Applicant will at all times keep the backyard chickens in accordance with all of the conditions prescribed by the City Administrator, or modifications thereof, and that failure to obey such conditions will constitute a violation of the provisions of this Chapter and will be grounds for cancellation of the permit;*
    d. *Such other and further information as may be required by the City Administrator; and*
    e. *The required fee.*

3. *The City Administrator and/or designee shall process the application.*
4. *All initial permits will expire on December 31st of the following year after their issuance unless sooner revoked. Renewal permits shall expire on December 31st of the second year following their issuance unless sooner revoked.*
5. *The City, upon written notice, may revoke a permit for failure to comply with provisions of this Section or any of the permit's conditions.*
6. *The City may inspect the premises for which a permit has been granted in order to ensure compliance with this Section. If the City is not able to obtain the Occupant's consent to enter the property, it may seek an administrative search warrant or revoke the permit.*

D. *General Standards and Limitations for the Keeping of Backyard Chickens.*

1. *The keeping of roosters as a backyard chicken is prohibited.*
2. *Backyard chickens shall not be raised or kept for the purpose of fighting.*
3. *Backyard chickens shall not be kept in a dwelling, garage, or accessory structure other than those meeting the requirements of an enclosed coop.*
4. *All backyard chickens must have access to an enclosed coop meeting the following minimum standards:*

    a. *The enclosed coop may not occupy a front or side yard.*
    b. *The enclosed coop must have a minimum size of four (4) square feet per animal and shall not exceed a maximum of forty (40) square feet in total area.*

c. *The enclosed coop shall be setback a minimum of twenty-five (25) feet from any principal structure on the subject parcel and any property line.*
d. *The enclosed coop shall have a roof type and pitch that is similar to the principal structure on the lot.*
e. *The enclosed coop shall be similar in color to the principal structure on the lot.*
f. *The enclosed coop shall employ exterior building materials that are similar in type and quality to those employed on the principal structure.*
g. *The enclosed coop shall be constructed of permanent residential dwelling building materials. Coop components that are not designed or intended for use as permanent residential dwelling building materials, including but not limited to, garage doors, tires, pallets, employment of interior residential structural components on the exterior (drywall, particle board, plywood), sheet metal, fiberglass panels, plastics, corrosive metal, household items (appliances, fixtures, furniture), canvas, flimsy materials, tarps, non-permanent items (cages, portable kennels), wire panels, and the like are prohibited.*
h. *The floor of the enclosed coop shall be comprised of impervious surface such as vinyl, tile, concrete, or treated wood.*
i. *The enclosed coop must be built to protect the backyard chickens from extreme heat or cold.*
j. *The enclosed coop shall be at all times maintained in a good condition.*
k. *The enclosed coop shall meet all applicable building, electrical, HVAC, plumbing, and fire code requirements.*

5. *All backyard chickens shall have access to a run meeting the following minimum standards:*

a. *The run shall be a fully-enclosed and covered area attached to a coop where backyard chickens can roam unsupervised.*
b. *The run shall adhere to setbacks required for enclosed coops to which they are attached.*
c. *The enclosed run shall be well drained so there is no accumulation of moisture.*
d. *Run components shall feature fencing materials approved for use in the R-1 Single Family Low Density Residential District as provided for in Chapter 12-Zoning of the Norwood Young America City Code*
e. *Run components not designed or intended for use as fence material, including, but not limited to, garage doors, tires, pallets, sheet metal, ribbed steel, metal siding, corrosive metal, solid (i.e. more than ninety percent (90%) opaque) metal, galvanized ribbed steel, household items (appliances, fixtures, furniture), makeshift or flimsy materials (plastic, paper, twine, rope, tin, webbing), farm animal fencing (barbed wire, chicken wire, high tensile, electric wire, woven wire, or other livestock fencing), canvas, tarps, non-exterior grade residential construction materials, and the like are prohibited.*
f. *Landscaping shall be employed on the perimeter of the run to shield views of the run from adjacent properties.*
g. *The run shall be at all times maintained in a good condition.*

6. *The following minimum sanitation standards shall be observed at all times:*

a. *Slaughtering of backyard chickens on the property is prohibited.*
b. *Leg banding of all backyard chickens is required. The band must identify the owner, the owner's address, and the owner's telephone number.*

c. *The owner shall keep a written record from a Doctor of Veterinary Medicine licensed to practice in the State of Minnesota. The written record shall certify the health of each backyard chicken before obtaining the chicken and annually thereafter.*

d. *All premises on which backyard chickens are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surrounding area must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the City Administrator and/or Enforcement Officer removing backyard chickens from the premises or revoking the backyard chicken permit.*

e. *All grain and food stored for backyard chickens permit shall be kept indoors in a rodent proof container.*

f. *Backyard chickens shall not be kept in such a manner as to constitute a Nuisance as provided for under Chapter Six of the Norwood Young America City Code.*

g. *Persons no longer intending to keep backyard chickens on the subject property shall notify the City in writing and remove the enclosed coop and run.*

h. *The enclosed coop and run shall be removed from the property upon permit expiration and/or permit revocation.*

II. EFFECTIVE DATE. THIS ORDINANCE IS EFFECTIVE UPON ITS ADOPTION AND PUBLICATION AS PRESCRIBED BY LAW.

Adopted by the City Council this 9th day of June 2014.

Attest: _____ Mayor

_____
Diane Frauendienst, City Clerk/Treasurer

Chicken Ordinances for other local Cities

City	Lot size	# of Chickens Allowed	Roosters allowed?	Zoning Requirements
Anoka, city of	Not specified	Max limit 4	No	Within City Limits
Wyoming	< 2 buildable acres	Max limit 4	No	R1, R2, R3 and R4
	> 2 buildable acres	4 per acre	No	
Forest Lake	< 5 acres single family residential properties (not allowed on multi-family residential properties	Max limit 5	No	Residential zoning district
Shoreview	< 2 acres	Max limit 4	No	
	> 2 acres	Conditional use permits may be required for more than 4	May be provided crowing is not nuisance	RE, Residential Estate Zoning district and R1 Detached Residential District
North Branch	0-0.99	0	No	R1, R2, RR, AG-1, AG-2
	1.0-2.49	5	No	
	2.5-5.0	10	No	
	5.01-10.0	50	Yes	
	10.0 and larger	Based on current MPCA animal chart	Yes	
Ham Lake	Except domesticated pets, and as permitted under Chapter 5-200, no raising, breeding, keeping or occupancy of livestock, poultry or other animals shall be permitted on any lands other than those zoned R-A Rural Single Family Residential. In land zoned R-A such activities may be permitted on parcels in excess of five contiguous acres, provided the occupant has obtained an Animal Permit			
Oak Grove	Does not specify Just for Special regulations for the keeping of non-domestic animals it specifies Pen size			

St Francis	< 5 acres	Not permitted	Not specified	Not specified
	> 5 acres (although when determining size 1 acre will be excluded as being considered for residence, lawns, etc..)	Max 20 , with 1 additional acre required per 10 additional fowl		

Municipal Survey Results

Poultry and Fowl Ordinance Survey (November 2012)

- **52 cities surveyed**

- **67 percent (35 cities)** do not allow chickens in the back yard of urban lots.
  - Allow on 1.5 – 3.5 acre minimum lot area if zoned agricultural
  - 5 acre minimum lot area popular
  - 10 acre minimum lot area by two cities

- **33 percent (17 cities)** allow chickens with coop, pen, minimum lot, licensing, etc. requirements
  - Licensing: 10 cities required an annual license.
  - Licensing Fee: $0 - $100 $55 avg.
  - Inspections: 5 cities inspect annually
    3 periodically
    1 complaint basis

Municipal Survey Results

- **Inspections:** 5 cities inspect
  3 periodically
  1 complaint basis
- **Maximum number of chickens:**
  - 2 cities without any limits
  - 3 cities allow up to 3 chickens
  - 4 cities allow up to 4 chickens
  - 3 cities allow up to 5 chickens
  - 1 city allows up to 6 chickens
  - 1 city allows up to 10 chickens
- **Roosters:** 12 cities prohibit
  1 city if neighbors approve
  2 cities allow

Municipal Survey Results

- **Slaughter:** 16 cities prohibit
  1 city determines in review process

- **Building Permit Required:** 13 cities

- **Coop/pen Setbacks:**

Property Line		Other Residential Structures	
0 – 3 ft.	2 cities	6 feet	1 city
5 feet	4 cities	25 feet	3 cities
10 feet	5 cities	30 feet	2 cities
25 feet	1 city	50 feet	2 cities
50 feet	1 city	75 feet	1 city

Chicken Run Rescue – Mary Britton Clouse
www.chickenrunrescue.org

Experiences: Rescue center, rodents, ground cover, dwelling damages, predators and injured/diseased chickens

Recommendations:

1. Keep the minimum lot size requirement as is.

2. If allowed on smaller lots, then:
   - **100% consent of neighboring property owners.**
   - **Stringent requirements and fund inspections and enforcement for shelter and care.**
   - **Strict cruelty/neglect enforcement.**
   - Permit chickens as "companion pets" only. Not for food.
   - No prohibition on roosters.
   - Prohibit slaughtering, breeding, sale or barter of animals or by products.
   - Limit the number of permits.

A link to the Chicken Run Rescue's slideshow will be sent to by email on Monday, April 22, 2013.

St. Paul – Animal Control Officer

68 permits – more pending

Initiated as a permit process from Animal Control Center

Respond to complains. Now involves Zoning Dept., Building Dept., Health Dept. and Public Safety. **Each Department must allocate resources.**

Animal Control Center **recommends stringent coop and pen standards** because of complaints and diversity of materials being used. St. Paul did not adopt stringent requirements and now causes **neighboring resident issues**.

Chicken Feces Challenges. Used as yard fertilizer or mixed with compost is prohibited.

75 percent approval by neighboring property owners within 150 feet. **Recommends 100 percent.**

St. Paul – Animal Control Center…continued

$25 permit for less than 3 chickens, $18 renewal
$72 permit for 4 or more chickens

Compliance by majority of permit holders. **Enforcement challenges and costs.**

Animal health and diseases. Can determine if the chickens are generally in good health, but not trained to recognize diseases that require veterinary care.

DIRECTION:

- ❑ YES
- ❑ NO

1. Accept the Planning Commission's and Public Safety, Health and Welfare Commission's recommendations not to amend City ordinances to allow poultry and/or fowl in the back yard of urban residential lots.

- ❑ YES
- ❑ NO

2. Amend the City's Zoning Ordinance to change the five acre minimum requirement to a different minimum acreage requirement.

   a) If you think there should be a change for the minimum acreage requirement, what should that change be? (check one)

      - ❑ 10 acres
      - ❑ 5 acres (current requirement)
      - ❑ 4 acres
      - ❑ 3 acres
      - ❑ 2 acres
      - ❑ 1 acre
      - ❑ .5 acre
      - ❑ .25 acre

b) Neighboring property owner/tenant's written approval? (check one)

- ❑ 100% adjoining landowner/tenant.

  or

- ❑ 100% property owner/tenant within 150 feet.

  or

- ❑ 100% property owner/tenant within 500 feet.

c) Minimum setback between coop/pen to neighboring residential dwelling? (check one)

- ❑ 100 feet
- ❑ 75 feet
- ❑ 50 feet
- ❑ 25 feet
- ❑ 15 feet
- ❑ 10 feet

City of East Bethel
City Council
Agenda Information

* *

Date:
June 18, 2014

* *

Agenda Item Number:
Item 8.0 G.2

* *

Agenda Item:
Temporary Clerical Employee

* *

Requested Action:
Consider extending the employment of the temporary employee to provide clerical services in the absence of the Deputy City Clerk

* *

Background Information:
Council approved the hiring of a temporary clerical assistant on April 16, 2014. This hire was approved through June 6, 2014 to compensate for the absence of our Deputy City Clerk. Our Deputy City Clerk will not be able to return to work at this time and will be out until at least August 4, 2014.

Attachments:

* *

Fiscal Impact:
Costs for this service to date have been $1,888.92 and there are still ample funds in the Deputy City Clerk's Budget available to cover this expense through the end of the year if required. Extension of this position will result in no increases in the 2014 Budget.

* *

Recommendation(s):
City Council is requested to consider approval of the extension of the temporary clerical employee through October 1, 2014.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
June 18, 2014

* *

Agenda Item Number:
Item 9.0 D

* *

Agenda Item:
Closed Session, Not Public Data, Minn. Stat. § 13D.05, subd. 2 and Performance Review, Minn. Stat. § 13D.05, subds. 1 (d) 3 (a)

* *

Requested Action:
Staff requests Council hold a Closed Session per statutes as described above

* *

Background Information:
Staff will provide background information on the Not Public Data item under separate copy. Attached is a performance review form for the evaluation of the City Administrator. Please complete this questionnaire prior to the meeting and return it for tabulation and/or discussion.

* *

Attachment:
Performance Review Form

Fiscal Impact:

* *

Recommendation(s):
As recommended above

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL

City Administrator
Assessment Form

Date: _____

Please follow the general format below for each area to be assessed. Narrative comments are encouraged.

General Performance Factors: This instrument is based on five basic criteria of the City Administrator's performance.

I. Skills and Attributes of the City Administrator
II. Relationship with the City Council
III. Organizational Management
IV. City Leadership
V. Summary Comments

Summary Performance Rating Scale: In assigning a performance rating, the following scale should be used:

5	Outstanding:	The City Administrator consistently exceeds objectives. Has performed well beyond the expectations & requirements.
4	Above Expectations:	The City Administrator accomplishes responsibilities and objectives at a higher level than expected or required.
3	Meets Expectations:	The City Administrator accomplishes primary responsibilities & achieves major objectives at a satisfactory level.
2	Below expectations:	The City Administrator is not meeting primary responsibilities or important objectives. Those which are accomplished do not meet an acceptable degree of quality, more quality and quantity should be expected.
1	Unsatisfactory:	The City Administrator is not meeting requirements and expectations and must improve in this area.

I. IMPORTANT SKILLS & ATTRIBUTES OF THE CITY ADMINISTRATOR

Skills & Attributes	5	4	3	2	1
Ethical Standards / Integrity – Demonstrates personal honesty and frankness in day-to-day relationships. Sets the standard for fair play and honest dealings. Consistently acts in a trustworthy manner and expects the same from others.					
Team Builder / Mentor - Emphasizes continual learning, trust, inclusion and shows personal commitment toward welfare of others.					
Problem Solver - Proactively identifies problems, secures relevant information and develops sound, practical advice and/or solutions to problems faced.					
Change Agent – Encourages openness to change and is willing to take reasonable risks					
Facilitator of Conflict Resolution – Identifies and addresses early signs of conflict. Ensures that issues and concerns are effectively and efficiently responded to and resolved, cultivating positive relations along the way.					
Consensus Builder - Overcomes barriers to produce agreement that meet the underlying concerns of a majority of stakeholders (Council, staff, citizens, regional government, citizen groups, etc.) through the generation of alternative concepts with a basis for comparing the alternatives and selecting the best one based on the city's values.					
Process Leader - Initiates change by crafting strategies to drive a process or issue; developing the rationale behind the strategy itself, showing commitment to the process by actively participating in its phases and encouraging frank, open discussion of issues and challenges.					

Average Score: _____

Skills & Attributes of the City Administrator Comments:
(Good things that the City Administrator should keep on doing or specific area that need strengthening or improvement)

II. RELATIONSHIP WITH THE CITY COUNCIL

Relationship with the Council	5	4	3	2	1
Information – Presents timely materials, reports, presentations and recommendations clearly, concisely, candidly, comprehensively, convincingly, and objectively. Prepares sound agendas with balanced workloads.					
Communications – Entire Council is kept informed with consistency, immediacy, and equally (no surprises). Responds promptly to Council inquiries. Plans and organizes a system of reports for the Council that provides up-to-date information concerning citizens issues, finances, etc. Engages in meaningful two-way communication (listens and shares information) and provides open-minded responses to feedback. Able to respectfully disagree in a healthy, professional way where appropriate.					
Recommendations – Provides sound, thorough and balanced advice that has good basis (independent of the receiver's personal or political agreement with proposals).					
Fulfillment of Direction - Ensures that the actions and direction of the City Council are faithfully executed to the best of his and staff's abilities.					
Partiality - No partiality or favoritism is shown in the distribution of information or in the availability of the City Administrator. Deals with Council as a whole.					
Politically Savvy – Considers political implications of actions, and is not overly controlled by them. Does not make decisions or recommendations in a vacuum. Keeps Council focused on policy issues, not administrative details. Engages the appropriate					

stakeholders in major decisions and in an appropriate manner.					

Average Score: _____

Relationship with the City Council Comments:
(Good things that the City Administrator should keep on doing or specific area that need strengthening or improvement)

III. ORGANIZATIONAL MANAGEMENT

Organizational Management	5	4	3	2	1
Administration of personnel - Provides supervision, direction and leadership to department heads and personnel of the city.					
Management of public funds - Ensures the cost-effectiveness of programs, balances budgets, and secures the financial health of the community utilizing best financial practices. Cost-effective measures are persistently pursued. Provides transparency regarding use of the public's monies. Maximizes "pay-as-you-go" with debt utilized only for long-term, larger projects benefiting current and future residents.					
Implementation of programs and policies - Works with elected officials and community leaders to achieve common goals and objectives for the community.					
Coordination of service delivery – Manages the day-to-day operations of the city and ensures that laws and policies approved by elected officials are equitably enforced throughout the city. Organizes work operations, and establishes timetables to meet community needs. Anticipating future needs, ensures the long-term ability to deliver basic services.					
Annual Budget - Plans and organizes the preparation of an annual budget and capital improvement plan with clear, understandable justifications that conforms to budget and/or policy parameters established by the					

Council. Budget is administered within adopted limits.					

Average Score: _____

Organizational Management Comments:
(Good things that the City Administrator should keep on doing or specific area that need strengthening or improvement)

IV. CITY LEADERSHIP

City Leadership	5	4	3	2	1
Mission, vision and values of the City - Consistently guides the organization using the spirit of these statements.					
Focus – Sees the big picture and keeps, council, staff and self focused on the most important things.					
Positive working environment and employee morale – Has a positive manner.					
Adaptability – Encourages openness for change and reasonable risk-taking and flexibility					
Intergovernmental / community relations - Represents the city, establishes positive relationships and lines of communication with other governmental agencies and community groups to support the interests of the city and our regional leadership position. Seeks areas of intergovernmental and community group cooperation that meet city interests and goals. Positively promotes and represents city.					
Results Oriented – Utilizing performance measurement methodology, goal and object setting, focuses on continual improvement and achieving objective results (not simply activity). Personal work reflects commitment to excellence.					

Average Score: _____

City Leadership Comments:
(Good things that the City Administrator should keep on doing or specific area that need strengthening or improvement)

II. SUMMARY

TOTAL AVERAGE SCORE: _____

FINAL COMMENTS:

What can the City Administrator take the greatest pride in? What do you feel are his strongest points, his finest accomplishments this year?

What area(s) do you feel most needs improvement? Why? Do you have any constructive, positive ideas how the City Administrator can improve in these areas?

What can the City Administrator do differently to make the City Council more effective and efficient? Please offer specific actions or changes for consideration.