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."

Moegerle, "I do have a question. In the write up, there was a list of six items. Sweeping

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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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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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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."

Davis, "What we discussed, at the EDA's last meeting, if Council wishes us to proceed with

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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 substantive change in Item C so I'd like to pull Item C and also Item D." DeRoche,

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"Wasn't Item D pulled at the last session?" Davis, "No, it hasn't been presented yet." DeRoche, "Simple question."

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 less than 0.5 acres; and

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

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 window<u>s</u>, ~~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 think for just the average person, it is a little easier for them to read the whole thing and

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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."

DeRoche, "Any more discussion? All in favor?" Moegerle, "I just withdrew it." Vierling,

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"You don't need to vote on it, you just withdraw it." DeRoche, "We don't need any comments."

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 inspector?" Davis, "That's going to be, more or less, left up to the homeowner and the City.

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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."

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.

DeRoche motioned to amend Ordinance Number 49, Third Series, An Ordinance

7.0A.1 Amendment to Ordinance 49, Accessory Structures

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

7.0A.1 Amendment to Ordinance 49, Accessory Structures

discuss this."

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."

Davis, "It really needs to stay in there. Because, now the way it reads, if we eliminate it,

7.0A.1 Amendment to Ordinance 49, Accessory Structures

'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. Moegerle, "I seconded it." Vierling, "No, Councilmember Koller seconded it." Koller,

7.0A.1 Amendment to Ordinance 49, Accessory Structures

"That's right." DeRoche, "So, you know what they're saying, right Tom?" Ronning, "Yeah."

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.

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.”

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

8.0A.1 Community Development Block Grant Report

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."

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, Article V, Farm Animals

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.

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

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

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.

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 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

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

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."

DeRoche, "Sure."

Ronning, "Roughly, how many requests? I've heard people talk about it before, probably

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

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 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 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. That's really the only downside to it."

DeRoche, "Greg, I had a couple people that talked to me at the breakfast over the weekend

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

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."

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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."

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

8.0B Engineer 8.0B.1 Project Reports

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 Craig." Ronning, "Yeah, thanks Craig."

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 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."

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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 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."

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

8.0G.2 Personnel Policy Amendment

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."

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."

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,

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.

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."

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

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

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."

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.