

EAST BETHEL CITY COUNCIL MEETING

MAY 20, 2015

The East Bethel City Council met on May 20, 2015, at 7:00 p.m. for the regular City Council meeting at City Hall.

MEMBERS PRESENT: Steve Voss Ron Koller Tim Harrington
Brian Mundle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
Mark Vierling, City Attorney
Mark DuCharme, Fire Chief

1.0 The May 20, 2015, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

Call to Order

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'll make a motion to adopt tonight's agenda and under the Consent Agenda, add line Item H, Supplemental Payment Summary. Koller stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Hearing none motion passes. Motion passes unanimously.**

4.0 Commander Shelly Orlando presented the April 2015 Sheriff's Report of custodial arrests and significant events.

Sheriff's Department Report

DWI's: There were six DWI arrests made in April. One arrest was the result of an impaired driving being called in. This arrest occurred at 12:01 p.m. The driver was located in his vehicle, sitting in his driveway, with damage to his garage from his vehicle hitting it. The suspect admitted to drinking and said he was having 'a bad day' but he hadn't hit any people with his vehicle. The driver ended up testing a .24 blood alcohol content. Two arrests were the result of vehicles that had flat tires and had stopped on the roadside. One arrest was the result of a domestic incident where the Deputy was looking for the suspect was intoxicated and had left in a vehicle. Two arrests were for driving violations. In one of those arrests, a motorcycle passed a marked squad car at over 100 m.p.h. The suspect, upon stopping, advised his speedometer only showed him traveling at 85 m.p.h. The suspect was intoxicated and tested at a .13.

5th Degree Controlled Substance: On April 8, 2015, Deputies were called to a report of a gun-pointing incident, with some males who were arguing out on a roadway. A witness called in stating that there were four males arguing and one male had pointed a gun at two of the males, who then got into a tan colored Lincoln and fled the area. Deputy Nelson was almost struck by a tan colored Lincoln as he was driving towards the location. Deputy Nelson stopped the vehicle and identified the driver and passenger. The passenger had a clear plastic baggie sticking out of his front shirt pocket, which appeared to contain a white powdery substance. This was later confirmed to be methamphetamine. Both driver and passenger denied having a gun pointed at them. They said they had left as they thought they were going to be assaulted, but stated there was not any gun threatened. The suspect who had methamphetamine in his pocket was arrested and taken to jail.

Sheriff's At the suspect residence, the homeowner stated nothing had happened and there was no

gun-pointing incident. The homeowner would not consent to have Deputies check his residence. The homeowner then stated that he had to leave to go to work and wanted to put his trash out. The deputies advised him that he could. After putting his trash can on the curb, the homeowner left with a male and female. Deputies did check inside the container and found three small plastic bags, which contained a small amount of a substance later determined to be methamphetamine. A search warrant was drawn up for the residence and approximately 3 grams of methamphetamine were found, as well as a sawed off shotgun. The controlled substance case (from the home) has been turned over to the Drug Task Force for further investigation.

Disorderly Conduct: On April 12, 2015, a Deputy responded to a call of ATVs driving recklessly on a roadway. Upon arriving, the Deputy met with the complainant who advised that there were three ATVs driving on the street in a reckless manner. The Deputy could see the tire marks indicating the ATVs were driving back and forth across the road. The complainant advised when he asked a male to slow down and quit driving like that the male swore at him and sped off, kicking rocks up onto him. The Deputy went to a nearby residence and made contact with the suspect. The suspect was very belligerent and told the Deputy that it is legal for them to be on the road. The Deputy advised that they couldn't be driving in a reckless manner on the road. The Deputy did cite the male for driving after revocation and disorderly conduct.

Unauthorized Use of a Motor Vehicle / 5th Degree Controlled Substance: On April 17, 2015, Deputies were called to a report of a male following his brother's truck, which was stolen on April 16, 2015, (the night before). The truck was traveling north on Highway 65. The caller advised that the truck had turned off on 229th Avenue and he had lost sight of it. One of the responding Deputies did locate the truck, abandoned in a parking lot on 229th Avenue. The Deputy confirmed that it was the pickup truck that had been stolen. Inside the truck was a sweatshirt that did not belong to the owner and several hypodermic needles. The caller had seen the male and female who were in the stolen truck get into a black pickup truck with a red spray-painted bumper, but had lost sight of them. A responding Deputy knew that vehicle description and advised other Deputies of the suspect who owns that vehicle and that he is known to carry firearms. Other responding Deputies began checking the area where the truck was last seen. One of the Deputies located a female and two males on foot and stopped to detain them. Methamphetamine was discovered on one of the males. All three were transported to jail. The female suspect who had been driving the stolen truck claimed that she was just 'test' driving the pickup and the black truck was following them and she did not know who was in the black truck. One of the males who was in the stolen truck with a female denied being in the truck or knowing anything about it. The third suspect claimed he had just met this couple and they were having car trouble and had asked him to follow them in case they broke down. When confronted with the facts of the case, this male did admit they were taking the white pickup to an address in Isanti where the truck would be 'parted out.' All three went to jail.

Arrest Breakdown: We had 5 felony arrests: 2 were for Possessing a Stolen Vehicle; 1 for Vehicle Theft; 1 for 5th Degree Controlled Substance, and that was all from the above incident. We had another 5th Degree Controlled Substance arrest. Six Misdemeanor Arrests: 1 for Disorderly Conduct; 1 for Damage to Property; 1 for Possess Drug Paraphernalia; 1 for Possess Small Amount of Marijuana; 1 for 5th Degree Assault; and, 1 for Violation of a No Contact Order.

uptake in anything? In any activities? Orlando stated with the warmer weather we have seen an uptake in dog complaints. So, just a reminder if you are out in your yard and you have your dog out in your yard, he needs to either be on leash or voice command. Unfortunately, come springtime, we do have a lot of dogs who run out of their yards and run at large. And then dogs who sometimes bite people. So, you really need to be cognizant of where your dog is and what your dog is doing and anybody who might be coming down the road. And, we do see a lot more activities such as thefts from vehicles when the weather is warmer. And, once school gets out a lot more of those types of crimes we'll see coming up.

Harrington stated Shelly, I've noticed the State Patrol kind of driving up and down 22. Is there a reason for that? Or, is it just because they're going in between the two freeways? It just seems like they've been up and down 22 more often. Orlando stated I don't know what the State Patrol might be doing going up and down 22 but it might be that their troopers basically work from home so if there's one that has moved into the area, then you might be seeing them more. But, I haven't heard anything where they're coming into Anoka more. Harrington stated okay.

Voss asked anything else? Any questions from the audience for the Sheriff's Department? Great, thank you and have a good night. Orlando responded thank you.

5.0
Public
Forum
Introduction
of *Anoka*
Union
Reporter

Voss asked is there anyone signed up? Davis replied no. Voss asked is there anyone here that wants to speak at Open Forum? If not, we'll move forward.

Davis asked Mr. Mayor, at this time could I introduce our new reporter from the *Anoka Union*? Voss replied absolutely.

Dawn Will, *Anoka Union*, stated I'm filling in for Debbie who couldn't be here. The Council thanked Dawn for attending the meeting and indicated it was nice to meet her.

6.0
Consent
Agenda

Item A Approve Bills

Item B May 6, 2015 City Council Work Meeting Minutes
Meeting minutes from the May 6, 2015 City Council Meeting are attached for your review.

Item C Probation Completion by Community Development Administrative Assistant
Amy Norling began full time employment with the City on December 1, 2014, as the Community Development Administrative Assistant. Since that time, she has performed in an exceptional and exemplary manner. Staff is recommending her appointment as a regular employee based on the satisfactory completion of the six-month probationary period required of all new employees.

Item D Resolution 2015-29 Accepting Donation from Hakanson-Anderson
The City of East Bethel has received a donation of eight Minnesota Twins Tickets valued at \$199.00 from Hakanson-Anderson. These tickets will be given away in a drawing as part of the Booster Days Family Fun Night scheduled for Friday, July 17, 2015.

Item E Resolution 2015-30 Accepting Donation from Eckberg Lammers
The City of East Bethel has received a donation of four Minnesota Twins Tickets valued at \$166.00 from Eckberg Lammers. These tickets will be given away in a drawing as part of the Booster Days Family Fun Night scheduled for Friday, July 17, 2015.

Item F Resolution 2015-31 Adopt-A-Park Norseland Manor Community Park

The City has received an application for the Adopt-A-Park Program to adopt the Norseland Manor Community Park from the East Bethel Scholarship Program.

Staff recommends adoption of Resolution 2015-31 recognizing the commitment from the East Bethel Scholarship Program to help keep the Norseland Manor Community Park clean as part of the City of East Bethel's Adopt-A-Park program.

Item G Approve Optional 2AM Liquor License Renewal for The Moonshine Whiskey

Skyota Properties #2, LLC dba The Moonshine Whiskey at 21383 Ulysses St NE, East Bethel, MN 55011 has submitted their renewal form for an Optional 2 a.m. Liquor License. This license needs City approval before being submitted to the Alcohol and Gambling Enforcement. Staff has not received any complaints regarding The Moonshine Whiskey's 2 a.m. license and recommends that Council approve the renewal.

Item H Supplemental Bill List

Ronning stated move to approve the Consent Agenda as written and with H added. Koller stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? That motion passes. Motion passes unanimously.

7.0 Commission Association and Task Force Reports

New Business

7.0A None.
Planning
Commission

7.0B None.
Economic
Development
Authority

7.0C Davis presented the staff report indicating the Council is being asked to consider a funding request for the purchase of dasher boards at the City Ice Arena.
Park
Commission

7.0C.1 At the May 13, 2015, Parks Commission Meeting, the Commission discussed a request to install a City operated boat dock/marina at Lakeview Point. The proposal was presented by East Bethel resident Jeff Wunderlich who lives in the neighborhood and would like a place for residents to rent a dock slip for boats. The Park Commission listened to the proposal along with comments from members of the Coon Lake Improvement Association who were concerned about developing the shoreline at the proposed location and how it would affect protected shoreline vegetation. Other concerns discussed were the cost of the project, parking location, suitability of the site to support a dock, maintenance responsibilities, and storage of the dock. The Park Commission thanked Mr. Wunderlich for the proposal, but unanimously voted to deny the proposal as presented. They requested that Mr. Wunderlich seek support from the Mn/DNR, Coon Lake Improvement Association, and other groups along with a cost estimate and funding proposal for any future consideration.

7.0C.1 The Park Commission also approved the final draft of the 2016-2020 Park Capital

Improvement Plan that they have been working on for the past three months and made a recommendation to the City Council for 2016 budget planning.

The Commission also agreed to hold its regularly scheduled June 10th meeting at the Cedar Creek Ecosystem and Scientific Reserve. The meeting will include a presentation and tour of the facilities and are inviting other public representatives who desire to attend as well.

Davis stated so if anyone would like to attend the next Parks Commission, let me know and we'll get that posted as a Council meeting, if necessary. It will be at Cedar Creek. They'll tour the new building facilities and then take a tour over to Cedar Bog Lake.

Voss asked and what's the date of that meeting? Davis replied Wednesday, June 10th. Mundle asked what time? Davis replied 6:30 p.m. unless they've changed it to 6:00 p.m. I'll have to double check on that. Harrington replied it's 6:30 p.m. Voss stated why don't you post and just say, 'they may be there.' Davis replied okay.

Harrington asked on their projects for next year, I thought they were going to take that skateboarding equipment from Booster Park. On this they've got \$25,000 in here for next year. Because they said they couldn't get enough equipment for that \$25,000 so they were going to take that out? But, I see it's still in here. Davis explained what they decided to do was leave the funding allocation in for this year and combine it with next year's so they'd have \$60,000 to do the project. So, this year's expenditure for the skate park repairs/improvements in Booster West won't be done until next year. Harrington stated okay.

Voss asked so last year's budget was \$35,000? Davis responded correct.

7.0C.2
Parks
2016-2020
Capital
Improvement
Plan

Davis presented the staff report indicating the Council is being asked to consider approving the 2016-2020 Parks CIP and direction to proceed with 2016 improvement projects as presented.

The City of East Bethel Parks Commission adopted a Parks Capital Improvements Plan for 2016-2020 time period at their May 13, 2015, meeting. This plan identified a number of capital projects that should be completed at numerous City parks. From this draft of projects, funding recommendations and revenue projections were developed to produce a prioritized schedule for improvements during the planning period.

A significant portion of the funding required to complete a number of these projects are generated by the Park and Trail Dedication Fees charged as a part of the development process. Minimal funds from these fees are anticipated through the remainder of 2015 and into 2016.

Projected revenues are based on the assumption that the City of East Bethel will provide a minimum of \$50,000 per year to the Parks Capital Fund and that the City will continue to collect park dedication fees for new residential and commercial development.

Commitment to this plan requires the dedication of resources only for 2016. Projects beyond 2016 are identified and prioritized by the Parks Commission to provide Council with recommendations for improvements in 2016 through 2020. Commitment to the 2016 projects is required as part of the 2016 budget process finalized in 2015. Projects beyond 2016 will be addressed in future budget years. This provides the necessary lead time to prepare final plans, specifications, and presentations before Council for the following year's

7.0C.2

Parks
2016-2020
Capital
Improvement
Plan

improvements.

Adoption of this Plan for improvements would result in expenditures estimated at \$60,000 for 2016. Funds are available for these projects from the Park Capital Funds, Park Dedication Fees, and General Fund transfers for 2016.

The Parks Commission and staff are recommending the approval of the 2016-2020 Parks CIP and the projects as listed for 2016 implementation.

Harrington stated I'll make a motion for the approval of the 2016-2020 Parks CIP and projects as listed for 2016 implementation. Ronning stated second. Voss stated any discussion?

Voss asked so the budget as presented in the CIP for Parks is what's going to be presented in the budget planning basically? Davis stated the only thing in this that goes into the budget that you will receive will be the request for the transfer of \$50,000. This just lists the projects that will be done for next year in our General Fund budget. The other portion of it will be made up for maintenance and operation costs. This is just the project cost. Voss stated all right.

Voss stated any other discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

7.0D
Road
Commission
7.0C.1
209th Avenue
Temporary
Closure

Davis presented the staff report indicating the Council is being asked to discuss the need for closure of 209th Avenue west of TH 65.

The City of East Bethel constructed a service road in 2005, Johnson Street, between 211th and 207th Avenues, which is connected to Highway 65 by 209th Avenue. This 0.7 mile section of road was financed by the 2005B General Obligation Bond. Funding for the bond payments is provided by assessments to benefitting property owners and the final bond payment will be made in February 2016. The road services five properties all which are undeveloped. There are no outlets from this road to other streets and no buildings or residences that currently require the road for access.

At the April 14, 2015, Road Commission Meeting, the Commission and staff discussed a request to close 209th Avenue west of Trunk Highway 65. This request was reviewed due to issues with dumping of appliances, tires, and garbage at the end of this road. There have been no dumping incidents since last Fall but the main concern is not the frequency of illegal dumping but the attractiveness of the area for the potential disposal of hazardous materials or other dangerous types of waste. The proposed closure would be temporary and would be in effect until the time development takes place along these streets.

Closing the road would require blocking access with concrete barricades or other access control measures. The most effective location for barricades would be approximately 300 feet west of the intersection of 209th Avenue and Highway 65. However, permission to extend barriers onto two properties adjoining 209th Avenue would have to be secured to prevent vehicles from driving around the street barricades. Agreements with the five property owners served by this road would also need to be executed to insure the means and terms of access to their lands.

7.0C.1

The Road Commission voted to unanimously recommend that Council consider some form

of closure of the road.

The City Attorney was requested to provide an opinion, which is attached in your packet.

Staff and the Roads Commission are seeking Council's direction on this matter.

Ronning stated move to execute a temporary closure of the road as recommended for the time period recommended by the Road Commission and for the purposes recommended by the Road Commission. Koller stated I'll second.

Voss stated any discussion? Koller stated there was illegal dumping there this year, about a month and a half ago, that brought this whole situation up again. Because, it happens a lot there and I know one of the property owners and he's not real happy.

Voss stated I think it makes sense. Jack, on the aerial it looks like it shows two barricades. Davis stated there's an aerial photograph, a colored one, that shows two tick marks. Those are two proposed locations that Nate put down there as general area that it could be done but after looking at it more closely, in order to make sure that the barricades were effective, it would have to be 300 feet west of the intersection. You can see there's some trees on either side and that's where we'd probably have to do something to extend that blockage from the edge of the road to the trees. If not, people could drive around that really easily.

Voss stated my suggestion would be to put in the barricade first rather than put the additional fencing up and see if it continues to be a problem. Because, it will be obvious if they drive around. Hoping people would get the message, you know, that we don't want vehicles back there.

Davis stated as far as getting agreements from the property owners, we would notify them. This road was totally assessed by three property owners. It's paid for by, currently the property owners are, Randy Braastad, Cambridge State Bank, and Premier Bank. As far as the Banks go, we could just notify those. Access to Randy's property would still be available from that section of 209th Avenue so we could go ahead and put some barricades up there, if that's your wish, and see how that affects the traffic into those two dead end portions of the road.

Mundle asked would there be any signage put up stating, 'No Illegal Dumping' or 'No Dumping?' Davis stated we can certainly do that. Mundle stated okay and asked how long is temporarily? Ronning stated the recommendation was until needed. Voss suggested until development happens. Ronning agreed.

Mundle stated in Mark's definition it states, '...Minnesota Attorney General has ruled that cities may use their police powers to close streets temporarily...' He asked is there a definition of what temporary is? Is it three days or can it be three years? Vierling stated within the discretion of the community. Mundle stated okay, so if it stayed there for three years it would be...okay. I see the need to deter the dumping. The only kind of, something just to bring up, we are promoting that we are open for business, that we want business, and now we're going to put Jersey barriers on some streets and not allow access to some potential business sites. What kind of appearance would that have? Just an issue to bring up.

road goes to a plowed field. The west side of the road is currently owned by the properties on Buchanan Street. The east side, I'm not sure what that is but there's no activity for the 10+ years I'm aware of. And, same thing on the south side. That goes down to a blank cul-de-sac.

Davis stated one thing that we would make sure that the property owners on the north and south end of this street are aware of, is if they needed access, we would come in and move the barriers. If they wish to show the property to someone, that we would be there immediately to provide them access.

Voss asked have they been notified of what we're planning to do? Davis replied no, they have not. Ronning stated it might not hurt to make mention that there's no other access or egress from that particular. Davis stated yes, there's no outlets anywhere on this road. Voss stated I'm actually surprised there's not been more issues on these roads.

Ronning stated one of the things discussed at the Roads Commission, it's just good fortune, I think, that we haven't had oil and filters and whatever kind of chemicals or what have you. So, let's protect the community.

Voss stated any other discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

8.0
Department
Reports
8.0A
Community
Development
8.0A.1
Rental
Ordinance
Proposal

Davis presented the staff report indicating the Council is being asked to consider approval of a City Rental Ordinance.

Council has previously discussed and reviewed the need for adoption of a Rental Ordinance. As more rental properties have become available, instances have arisen that may require an ordinance that would cover issues of the concerns and protections of both renters and lessees.

The adoption of a Rental Ordinance would help ensure a safe and sanitary dwelling to renters and address matters of substandard property that has been offered for rental.

If the Rental Ordinance is approved, Staff recommends a rental registration fee of \$25 per unit and this fee would be waived for the initial registration if the owners of rental property register with the City within 45 days of the adoption of this Ordinance. After the initial inspection, rental units would be inspected every two years using the *Residential Rental Housing Inspection Guide* as a basis to identify those life/safety issues for compliance.

Davis stated staff is seeking direction on the attached ordinance. Harrington stated I like the ordinance. It's short and right to the point. I think that's what we want. Voss stated the inspection report, I think, is clearer and it's not as daunting as it was before. Harrington stated yeah.

Davis stated again, the form is only a guide and basically it says we're going to be looking at basic electrical, heating, and some other things that are all based on those room sizes. We tried, and hopefully incorporated, your requests on the revisions in this new draft.

Mundle stated I would just like to add in the check off form, under Electrical, two items. No dangerous exposed wiring, check for any hanging wiring. We had the one site that had some. And that all cover plates for outlets and switches be installed.

Rental
Ordinance
Proposal

Voss stated those are common sense, simple things to do so I would agree with that. Ronning stated it's part of the code anyhow. Mundle agreed it's part of the code. Voss stated a lot of things are part of the code but this one, you know, gives folks something that, 'Oh yeah.' You don't think about that.

Voss asked another other suggestions or comments? Is there a motion on the proposed ordinance and check list as presented tonight?

Koller stated I'll make the motion to approve the ordinance as written. Mundle asked do you want to include the electrical? Koller replied yes, **include no exposed wiring and install cover plates under Electrical.** **Harrington stated I'll second.** Voss stated any other discussion? Hearing none, all in favor to the ordinance say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

8.0A.2
Farm Animal
Ordinance
Amendment

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

Staff was requested by Council to develop a proposal for consideration to amend City Ordinance, Chapter 10, Article V, Farm Animals, as to the keeping of chickens. Currently, our ordinance only allows chickens on residential lots larger than three acres. City staff has researched the practices of other cities regarding this matter and the City Council has had a number of discussions regarding chickens since July 2014. Although not required as a land use review, the Planning Commission was requested to review and comment on this issue. The Planning Commission discussed this matter at their April 28, 2015, meeting and offered the following recommendations:

- To permit the keeping of chickens on lots less than three acres up to six chickens could be allowed.
- No Roosters would be allowed on lots less than three acres

Should Council desire to amend the Ordinance, Staff recommends Council consider additional requirements for the keeping of chickens to include but not limited to the following:

1. The use of the property shall be for single-family residential use only;
2. The property shall contain one (1) detached single-family structure. Chickens shall not be permitted on vacant properties or those containing multi-family residential dwellings including duplexes, townhomes and apartments;
3. Chickens shall not be kept inside the principal structure;
4. No person shall slaughter chickens on-site except when in an area of the property not visible to the public or adjoining properties;
5. Chicken coops and attached exercise pens shall be provided for all chickens;
6. Coops and pens shall be fully enclosed and constructed of durable weather resistant materials;
7. The floor area of the coop shall be a minimum of two square feet in area per chicken;
8. The floor area of the attached pen shall be a minimum of six square feet in area per chicken;
9. Coops and pens shall meet all setback requirements required of accessory

- structures;
10. Coops and pens shall be located in rear yards only;
 11. Coops larger than 200 square feet in area shall meet all accessory structure requirements of the City Code including those pertaining to location, size, number, height, use, and design;
 12. Chickens shall be kept in coops and/or pens at all times unless in fully fenced-in back yards while under supervision;
 13. All food stored for chickens shall be kept in rodent-proof containers stored inside coops or other buildings;
 14. Chickens shall not be kept in such a manner as to constitute a public nuisance as defined by the City Code of City of East Bethel;
 15. The City may enter and inspect any property, including the coop and back yard, at any reasonable time for the purpose of investigating either an actual or suspected violation;
 16. No more than six chickens can be kept on lots between 0.5 acre and 3 acres in size;
 17. No roosters shall be allowed on lots between 0.5 acre and 3 acres in size;
 18. No chickens will be permitted on lots less 0.5 acres;
 19. An Interim Use Permit would required for this use unless the property complies with Section 10-151, (j), (2); and,
 20. All chickens shall be of the subspecies *Gallus gallus domesticus* and tolerant of local climate conditions.

Staff is seeking direction from Council on this matter

Mundle stated make a motion to approve the ordinance with the conditions set forth by the City. Koller stated I'll second.

Voss stated any discussion? On 2 that staff had about the vacant properties, which I understand, but I think we're going to have times when there's multiple parcels. There may be a situation that it's a farmstead, whatever, and it's got another parcel next to it. Maybe you want to give consideration that it's got to be contiguous with the primary home, or something. Davis stated contiguous and under the same ownership. Voss agreed and stated right. I don't know if it will ever come up but most people can't tell what's a vacant parcel and what's not anyway.

Voss stated the only other question I have is what's the 'magic number' with 0.5 acres and whether they have a chicken or not. Davis replied there is no 'magic number' to that. That's one that's totally subjective. I think staff's feeling was that the smaller lots you get by permitting chickens there's more potential for complaints from neighbors. We have one current development within the City that has one-quarter acre lots and another one that's proposed that would have one-quarter acre lots and one or two subdivisions scattered here and there that have one-half acre lots. We just used the one-half acre as the baseline to begin this discussion.

Koller stated I think for now that's probably adequate. Voss stated until someone comes in and says they have a .4 acres and let's talk about it again. Koller stated .49 acres, yeah. Voss stated I've got .4 acres. Mundle stated my neighbor has .5, why can't I. Voss stated I can see chickens in my...doable at least. And, I can see the conflict part of it. Ronning

stated just for general reference, if it was a perfectly square lot, it would be 147 feet by 147 feet. Voss stated .4 is a big City-type lot.

Harrington asked how big were those lots going to be over in Viking Preserve. Davis answered they'll range in size from one-quarter acre to, I think maybe there were some that were up to about 4/10ths of an acre. But, the majority of them will be in the one-quarter acre size.

Voss stated I know there are a few properties in the City that have small lots and have chickens. But, for the most part, they're kept in a coop so they don't let them out. Davis stated another good example are lots at Coon Lake Beach. They average, probably, anywhere from one-tenth of an acre to one-half acre.

Voss stated okay any other discussion? All in favor to the motion say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

8.0A.3
Greystone
Contract

Davis presented the staff report indicating the Council is being asked to consider entering into an agreement with Greystone, LLC regarding their Park operations.

The City of East Bethel through Chapter 38 of the East Bethel City Code of Ordinances regulates Manufactured Homes and Manufactured Home Parks. This Chapter, which was adopted in 1987, was designed primarily for new manufactured home parks and its applicability for existing manufactured home parks is in question. Greystone, previously doing business as Castle Towers, has been in existence since 1970 and at the time of their approval by the City, there were no defined regulations regulating manufactured home parks.

City Staff has been streamlining the approval process for permits and discovered that our existing process did not address State guidelines related to manufactured home parks and requirements, primarily those that were in existence prior to 1987. After discussions with Greystone, we determined that the application of the existing Code in relation to setbacks would be unreasonably restrictive for the lot plan for Greystone, LLC. City Staff met with the owners of Greystone, LLC and discussed a compromise that would meet the State requirements and allow them to operate within their existing lot sizes. This compromise outlines the new standards through contract and not through ordinance. This approach was recommended and prepared by the City Attorney.

Staff is recommending consideration of approval of the Manufactured Home Park Agreement between Greystone, LLC and the City of East Bethel.

Davis noted present with us tonight is also Bob Griffith with whom I had a discussion with today who had indicated that he would not sign the agreement so I asked him to be present tonight to answer any questions or present his issues with this proposal.

Bob Griffith, Box 100, Gary, South Dakota, stated good, I could hear you. I have a device in but I still don't hear that well. On the compromise, Jack used the term 'compromise.' But I guess that just falls into what says 'contract' up there. I'm sure all of you have looked at it. Can somebody tell me why I should sign a compromise, a contract? Voss stated perhaps Mark, you want to chime in on it.

Vierling stated the issue, it's addressed because the area periodically is going to be applying for various permits for locations of trailers and other such items. The City's existing ordinance, it is either going to require an application for a variance or is going to end up in a denial. Rather than have, and the issue was raised previously by the property in terms of the status of his property back when the plat there was originally approved some years back. Griffith stated 'some years back,' 1970.

Vierling stated so in order to try to be fair and try to get back to that level, we're not able to currently locate what the standards were back in 1970 when that plat was approved, we may have to do other search for it, but it was thought it was probably best to see if we could sit down with the property owner and work out something whereby they could then have an assurance from the City that their permits or applications would be if they met something that everybody could agree to would go through automatically and not have a problem with them. Therefore, the contract, which is a format to use, was to facilitate that. If the contract is not what the owner wants or won't agree to, then obviously we're back at 'square one' which is our ordinance is in place and the property is going to have some conflicts with that ordinance. We're going to have to find another means by which to resolve those conflicts that are probably going to be far more difficult to arrive at in terms of expense and time.

Voss asked so is it fair to say that by doing this contract, we're facilitating the concerns of the owner? Vierling stated we're certainly streamlining or putting a process in place whereby they know and we know under which circumstances their applications and permits are going to get granted. They know and we know if they go to sell or mortgage the property or do anything of that nature, and a mortgage lender wants a statement from the City as to what the zone is there and what will be permitted, which happens frequently in many circumstances, the City can send an Estoppels Statement or a statement to the finance lender, which typically is required or they want to get saying, 'Here are the requirements that have been agreed to and that will be followed by the City.' Those types of things facilitate both the development of the property, the sale of the property, the financing of the property, any number of things that a property owner would normally want to have in place in order to facilitate and benefit their ownership of the property. So, they know they don't have an argument with the City or they don't have a fight with the City or at least they don't have to go through some other undefined long process whereby they're going to have to get that type of benefit anyway. So, these agreements facilitate both the relationship between the City and the owner and the ability of the owner to work in business and finance in dealing with their property so they can have the benefit of knowing exactly what their relationship is with the City on that property, what they can and they can't do relative to setback. That's what the agreement does.

Voss stated so Mr. Griffith, I understand from your discussion with Jack is that you're not interested in signing the agreement. Mr. Griffith responded I can't see any reason why I should sign any document to make the City of East Bethel obey the law. This is law. There is law. There is precedent, Supreme Court, and the legislature is law. This gentlemen right here knows that. It's a conforming use at its inception and if it was a conforming use then it's a conforming use now.

Vierling advised not necessarily. Griffith stated then you're going to have to address my counsel. Vierling stated I'd be happy to do that. Griffith stated you have not been happy to. He's tried to contact you. I'm assuming you're the one he's tried to contact. He got nothing out of you. Vierling stated I spoke with him. Griffith stated maybe you spoke with him once but what about the other contact he's tried to make with you? Vierling stated I've

only had one contact with him. He never called me back after that. Griffith stated 'he said, she said.'

Voss stated we don't need to do that tonight but I guess my question is, the City's putting a document forward for your benefit. Griffith stated some benefit. Voss asked you don't believe it's for your benefit? Griffith stated absolutely not. Voss asked so why was there even discussion during this whole time? Griffith asked you mean initially why this come along? Last fall the inspector said you're not getting any more permits.

Voss stated no, the agreement document, I assume, you've reviewed previously. Right? Griffith stated I had a meeting with Jack, Nick, Colleen, anyone else? Jack stated the Fire Chief.

Griffith stated those two, went over what, well first of all, there was a meeting that made it impossible to use the park, the lots. Made it impossible. The setbacks, according to your 87 document there, which is fine. You can have the 87 document and any new parks that are built can conform with that. That's okay. This park was in 1970 so we discussed the thing and I think it pretty much came across the six-foot setback, the houses 20 feet apart, that there would be, I agreed, it's five feet but I agreed to six feet between the houses from the back. I'd never even put them that close myself. And, like I told Jack at the meeting, everyone at the meeting, you're going to get more than 20 feet between them. I want more than 20 feet but I also told him I'm not signing anything. I'm not signing anything because I don't have to. The law...

Ronning asked can you meet the Code for setbacks without adjusting any properties? Griffith stated explain that a little bit to me. Ronning asked can you meet the required setback defined within the present Codes with the City? It's been said already we don't know in 1970 and I presume you don't either so the only thing existing is 1987. Griffith stated yes but, no I...

Ronning asked what you would have to probably deal with if nobody can find 1970 is you'll be dealing with 1987, which you're noncompliant. Griffith stated I don't have to be compliant with 87. What you do is what's the past 45 years have been doing.

Ronning asked what reference is there to what the past 45 years can do? Griffith asked records? Ronning stated it isn't my word or your word. Griffith stated just by what is there and the way it's been done for that period of time.

Ronning stated I don't think very many people would buy that. I understand what you are saying completely but what this appears to be, is there anything missing here? Griffith asked missing? Ronning replied yes. Griffith asked in what respect? Ronning stated that you would rather, that you would like to have in. Voss stated in the agreement. That's what he's asking. Griffith stated I don't want an agreement. I'm not signing an agreement. I don't have to sign an agreement. The law specifies what you need to do.

Ronning stated and the ordinance is 1987 and you're not compliant. Griffith stated that ordinance has nothing to do with 1970. Ronning asked what other ordinance do you have to show? Griffith stated I don't need one. Ronning asked you don't need one? Griffith stated whatever there was when it was established. Ronning stated if you're contrary to the 1987 and that's the only one existing, that's the only one that counts.

Vierling stated I guess the 87 ordinance, in some respects, becomes a moot issue. If the property owner's position is, and I understand that, that what was approved back in 1970 would set the standard, we still have to identify what the 1970 standard was. We don't create a 'red light zone' there that a property owner does whatever they want. There were standards in 1970 and we're going to have to identify them. If that means that things get delayed or put on hold until we identify them and go back and find out what those circumstances were, that's what we'll have to do. But it's not going to be a situation that there are no setbacks there and there are no regulations there. Because there are. We're going to have to go back and identify them and define them and work through however we get to get there. I mean, it's not a situation where there's zero regulations out there. That's what we're not going to have.

Ronning stated with 1970, it doesn't necessarily mean it's within or outside the laws from 1970. Just because it exists doesn't mean it conforms to anything. You have to have something that identifies what conformance is.

Voss asked Mark, for most of the ordinance issues that we're concerned with, say we find out what the standards were in 1970, are there some of those that it doesn't matter what was in 1970? I'm thinking fire code matters. Vierling stated that's true. We're talking zoning land use. In terms of life, health, and safety codes, building codes, electrical codes, fire codes, those types of things apply currently. There's no grandfathering on life and safety codes. On land use codes, no question in the State of Minnesota the property owner has, from the date of platting, some right to the code for the land use issues: setbacks, dimensional requirements, total square footage of a lot, things that were in existence as of that time. The issue is we need to go back and identify those in some manner. It would have been nice to have an understanding that everybody said, 'Fine, we can live with this.' But if we can't, then we'll have to go back and go through the other processes.

Voss stated so in short, this agreement was an attempt to set what those standards are, not knowing what it really was in 1970 and avoiding that homework to find out what it is. Vierling answered yes. Voss stated the property owner is not interested in setting any kind of an agreement.

Griffith stated no, I believe my position is supported by law. Voss stated I think we're agreeing with that. We've just got to determine what the standards were in 1970 and you're going to have to abide by it. Griffith stated what was conforming then, and obviously for 45 years it's followed through.

Vierling stated well not necessarily. I mean there's trailer sizes change and we'll go back and see what the trailer sizes were back in 1970 and impose those on the lots that were created back at that point in time. And, establish what it was from that standard if we have to go forward. But, obviously trailers grow, get longer, wider, whatever the situation may be. That's understandable but if we're going to 'live or die' by what existed back in 1970 that's what we'll go back and do.

Griffith stated and of course you'll have to reference the Apple Valley decision that's already been through one time. Vierling stated that's fine and Apple Valley doesn't stand for the proposition that you have the right to do whatever you want to do there. Apple Valley stands for a decision that there are reasonable regulations that are going to be in place and we'll define them as they were at the time and we'll go back and get them.

Griffith stated and 20 feet between houses, that's State right now. Three feet behind the back of houses, that's State. That's your safety issues there. That's State right now. Vierling stated life, health, and safety issues are different than zoning issues. You're talking 'apples and oranges' there. They are different things.

Ronning asked is the City bound by the State requirements? The City can go more than the State but not more lenient? Vierling stated the State has requirements, but again, minimum relative to zoning, and when you get into life, health, and safety regulations, fire, police, that type of thing, they do set the maximum standard.

Ronning asked if this 1970 agreement is not located or can't be located? Vierling stated it wouldn't be an agreement. The question is we have to go back to the State Historical Society and get their copies of ordinances that exist or go back to newspapers. We'll have to research wherever we can research to see what was approved at that point in time and what the standards were for manufactured housing at that point in time and what was being produced. Then we'll impose those on the lots and the plat that was approved at that point in time. That's the standard we'll abide by.

Ronning stated for a hypothetical conjecture and just something to mull over a little bit, if it is not possible to locate and say it's guaranteed to be located, but if, just for 'ifs sake,' what remedy would there be better than this or different than this to correct what he would like to correct? Vierling stated hopefully we won't get to that but if that happens, it's my belief the law would impose a reasonable requirement for setbacks and front and rear yard setbacks. And, it will have to be a determination as to what those are. It may have to be in court. It's unfortunate it would have to go to that expense, but if that has to be, that has to be.

Davis stated the staff did extensive research. We could find nothing indicating the regulations at the time and actually very little information on the approval of the mobile home park in our records.

Voss stated but these would have been State standards? Vierling stated we'll have to go outside the City's records. We'll have to go through back in 1970 the real estate records. We'll have to go to the State Archives.

Voss stated advisors should have it too, shouldn't they? Vierling asked the what? Voss stated the State. Vierling stated we can certainly follow the statutory requirements but, again, statutory requirements are not going to impose land usages. They are going to do life, health, and safety and that type of issue. So, we'll go back and pull the County records from real estate from back at that point in time because there should have been, or might have been, a recording of the permits that would have been of record in that office. We'll visit the archive records at the State of Minnesota relative to the records of the City of East Bethel. They do carry some archives in the State from the various cities, historically, and what has happened out there. So, we'll try to do as best we can to discern what's out there.

Voss asked Mr. Griffin, would you happen to have any ordinances from when the park was constructed in 1970? Griffin stated huh uh, but I have a suggestion. Voss stated we're 'all ears.' Griffin stated I have a suggestion. Why don't we assume that this never came up last fall or whenever it did, that we take the agreement that we sat down and talked about, and Jack and I have a handshake that that's the way it will be done or better, and just 'let it die.' Just 'let it die' and we'll continue the way its been continued for the past 45 years.

Voss stated I say it a little bit facetiously, but perhaps that's what happened 45 years ago and that's why we don't have records of things. Unfortunately, that's not the way a City can operate.

Ronning stated once something's come to attention, it doesn't just evaporate away. With the process you described, where's the cost burden on that? Vierling stated I think each party could potentially end up bearing their own expense. Griffith stated I didn't get that. This wasn't... Voss stated a City expense is what he's saying. Griffith stated a City expense.

Ronning asked what's our expense? Vierling stated some research and staff time and our time to do what needs to be done. I can't put a number on that because I have no idea how much time we're going to have to spend to dig that stuff up.

Ronning asked what would the argument be as far as, who's defending what position? Vierling stated I'm not exactly sure what the position is that's being defended by the property owner other than, you know, I think the issue that the City has had is you really don't have any articulable standard out there. And without that, things just kind of happen and things just kind of show up, new items show up, new mobile homes, and different sizes and before long, you have a situation where basically you don't have any active regulation going on out there. I don't think any homeowner or property owner wants to have two mobile homes on top of each other. I'm sure nobody wants that. The question is what are the standards. There have to be standards. The question is what are they and how do we get there if we can't identify them.

Ronning stated to me it means, the burden of proof. Somebody has to come up with evidence or some solid concrete thing. That becomes burden of proof and who does the burden of proof lie with now for cost. Vierling asked for cost? Ronning stated the expense of the burden of proof. Vierling stated I think each party will pay their own expense depending on where the issue goes. Ronning stated it isn't free, that's for sure.

Voss stated if we're going to say that this has to be done according to 1987 ordinances in place, I would think the burden is on the City to show that. Vierling stated the City will normally go through and have to demonstrate what the regulations were at the time. What you could have is a situation where, and it has happened in other communities, where the records no longer exist. I would expect that the courts and law would still say that there are some regulations. The question is what was reasonable for that period of time, in which case we may have to examine other neighboring parks and other neighboring properties and see what was regulated back then to identify what the standard was for that period of time.

Ronning asked could you explain the likelihood of those results compared to what the compromise proposed is? Vierling stated I have no idea because we don't know what they are. Ronning stated we don't know.

Koller stated I found here, 'minimum lot size is 4,000 square feet if the park has an on-site sewage treatment and 2,800 square feet if the park is served by municipal sewage. This is July 1, 1970. Vierling asked and what are you reading from? Koller stated Minnesota Department of Health. Vierling stated yeah, that's a life, health, and safety standard and we may end up having to go back to that. There's that standard and we'll use Department of Health. We'll go back to Department of Ag and a few others and see what they have. You might find that there are different regulations depending upon which departments you have

and what they're trying to accomplish.

Voss stated so Mr. Griffith, it's clear that you're not interested in the agreement. Griffith stated no, no. Voss stated and so it makes no sense for us to sign the agreement that you're not interested in signing. Griffith stated no, that's true.

Voss stated so Jack, from a staff perspective, it's down to trying to determine what the 1970 ordinance is. Davis stated we have another issue and that is Mr. Griffith has applied for permits for, I believe there are eight permits, that have not been approved. They haven't been approved because we're trying to work something out on this and they are nearing or at their 60-day submission deadline. What would be the status of those permits and permits going forward if nothing's agreed upon.

Vierling stated Statutorily, you have the right to go to 120 days so from that standpoint, the law gives you that opportunity. I would think within that timeframe we would then go back and identify to the best of our ability what we felt the standard is or should have been back in 1970 and impose that. If the property owner doesn't feel that's fair or right then, obviously, they can take that contest elsewhere. But the City will either grant or deny those permits based upon what we felt the standards are or should have been back in 1970.

Voss asked so is it 120 days? Or, is it 60 days with a 60 day extension? Vierling advised 60 days and the City has the right to extend and administratively Mr. Davis can send out a letter to Mr. Griffith tomorrow, if he wishes, to extend that time for another 60 days, which I would recommend we do. Voss stated so it's administrative. It doesn't need Council? Vierling stated administrative, doesn't need Council action.

Griffith asked does that letter come before the 60 days is up? Or, after? Vierling stated before. Griffith stated that's right and the 60 days is up. *Mr. Griffith approached Mayor Voss with a document.*

Voss asked what's this? Griffith (*inaudible, off mic*). Voss stated no, I understand that. What's the date the application was accepted? Davis stated I'd have to check on those but I think they're probably of the eight, I think the 60 days is just expired recently.

Ronning stated this isn't a typical question for this sort of thing. Voss stated I don't want to cut you off but I think we need to end, close the loop on this. Vierling stated I will check with Jack.

Voss asked if it's after 60 days we still have the ability to go to 120 or not? Vierling responded no, you have to extend for an additional 60 before the first 60 is up. Voss asked and what happens if the City didn't. Vierling stated the explanation of law under Minnesota Statutes is that if the Council doesn't take action, if a final action is not taken within the prescribed Statutory time, the presumption is that the application is approved.

Voss asked does that also hold true in a case such as this where there's a dispute over the regulations? Vierling advised it would be because the Statute implies the duty on the governing body to issue a final decision within the Statutory period. Absent a final decision within the Statutory period, a presumption of grant is legally implied. Voss stated okay.

an offer, it goes away. How long is this open? Vierling stated we don't have an agreement so it's not around any more. Ronning stated okay, it's gone. Vierling stated it's gone, it's been refused.

Voss stated so then do we want to direct staff to determine what those standards would be? Vierling stated I think you do because the issue isn't going to go away. There are other lots so it's a continuing issue in that mobile park. People coming and going and different structures coming and going so it's not as if it's an issue that's not going to come back. It's going to come back frequently.

Voss stated okay, is that Council's consensus to let staff work on this? Ronning replied the only way to go. Voss asked is there other direction? Mundle stated I would be abstaining from that direction. Voss stated okay. Ronning asked is that a motion? Voss stated it's still consensus we don't have any motion. Any other direction? Jack? Mark? Okay. So, that's it.

Griffith stated that's it. What did we decide? Nothing. Right? Voss stated no, we directed staff to look into what the proper standard's going to be for your property. Griffith stated all right.

Voss stated your matter in terms of your application is dealt with at the staff level, not the City Council. Griffith asked what's that now? Voss stated dealt with City staff. Griffith stated okay, with the application. Voss stated on the application you work with Jack on that.

Griffith stated oh, will do. Okay. And then we all need to ask the taxpayers of East Bethel what are they going to get out of it? The last two times they didn't get much out of it. Voss asked when you state, 'the last two times' what specifically do you mean? Griffith stated I've had problems with East Bethel before. Mr. Voss knows about those. Voss stated I do very keenly. Griffith stated okay, same thing. Good enough, I'll deal with Jack. Okay, thank you.

8.0A.4
Interim Use
Permit
Greg and
Diane Bayard
Kennel Lic.
23001 Hwy.
65 NE

Davis presented the staff report indicating the Council is being asked to consider Granting an Interim Use Permit (IUP) for Diane Bayard for a Private Kennel License, Diane Bayard, 23001 Highway 65 NE, Bethel, MN 55005, PIN No. 32-34-23-43-0013.

Mrs. Diane Bayard is requesting an IUP for a private kennel license for the keeping of three dogs on the 7.32 acre parcel she owns. Currently, she has two German Shorthairs and one Border Collie mix. The dogs are not kenneled outdoors; rather, they are housed in the basement of the home. The parcel is not fenced, but the dogs are only allowed outside if they are leashed or controlled. All dogs have proof of rabies vaccination and two are currently licensed with the City. She will acquire the third license if the Private Kennel IUP is approved.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six dogs on parcels five acres or more but less than ten acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner.

8.0A.4

The Bayard's property meets the requirements set forth in City Code for the keeping of

Interim Use Permit
Greg and Diane Bayard
Kennel Lic.
23001 Hwy.
65 NE

dogs, and the conditions for issuance of a private kennel license.

At their regular meeting on April 28, 2015, the Planning Commission approved the kennel license and requests City Council approve an IUP/Private Kennel License for no more than three dogs for Mrs. Bayard, located at 23001 Highway 65 NE, Bethel, MN, with the conditions that are attached in your packet.

Koller stated I'll make a motion to approve the Interim Use Permit for a Private Kennel License with the conditions set forth. Mundle stated I'll second. Voss stated any discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated opposed? None opposed, that motion passes. **Motion passes unanimously.**

8.0B
Engineer
8.0A.1
Mn/DOT
Cooperative Agreement Grant

Davis presented the staff report indicating the Council is being asked to consider approving Resolution 2015-32 Requesting State Participation in Upgrading and Construction of a Frontage Road Along Highway 65.

Staff is seeking authorization to apply for Mn/DOT Cooperative Agreement Funds to finance a frontage road between 187th Lane and Viking Boulevard on the west side of Trunk Highway 65. This project is consistent with the City's Comprehensive Plan and will provide a secondary access from the commercial area adjacent to Johnson Street and 187th Lane.

The final cost of the service road will be dependent on the final alignment. Initial projections for costs at this time are \$2.4 million. Alignments under consideration are Alternatives "A" and "B" on the location map in your packet. Staff is currently working with landowners to secure right-of-way. The maximum grant award for any individual project is \$710,000. The remainder of the costs of the project would be funded from a \$500,000 Highway Safety Improvement Program Grant and existing City MSA Funds.

This request authorizes staff to apply for the Mn/DOT Cooperative Agreement Grant.

Staff recommends approval of the request to submit the Resolution authorizing the application for Mn/DOT Municipal Agreement Funds for this project.

Voss stated okay, we've talked about this for a while. Is there a motion going forward?

Ronning stated I'll move to adopt the recommendation for the approval of the request identified. Mundle stated I'll second. Voss stated any discussion?

Ronning asked what specifically, if you would please, the alignment? Davis stated the two proposed alignments are, number 1, the extension of Johnson Street north of Aggressive Hydraulics to Viking Boulevard It would intersect at Viking Boulevard a quarter mile from the intersection of Highway 65. The second alternative would be the extension of Johnson Street to 189th Avenue, follow 189th Avenue to the platted portion of Taylor Street and then north to Viking Boulevard and intersect Viking Boulevard approximately 200 feet east of the existing Connexus substation.

Ronning stated and that final alignment's open yet? Davis stated it is. We're working with the property owners, on both of them, as to right-of-way. The owners of the property going north of the direct extension of Johnson Street indicated they would be willing to negotiate the right-of-way for that alignment. We're still negotiating, discussing with the alternate

8.0A.1

alignment. Once those are done, we can compare costs and Council can decide which is the most economical route. Ronning stated thank you.

Voss stated so between each route, the funding proposal doesn't change. Correct? Davis replied it doesn't change for the cost of either routes. The major difference between the two is one alignment would involve a floating road section for approximately a quarter of a mile. The other alignment would be a quarter mile longer but it would involve better route soil conditions.

Ronning asked when you say 'better soils' would that mean available property for use? Davis replied it would essentially access some more property; however, those properties would still have access even if we didn't take this route with the exception of one and that would be, it still could be accessed as it's served by access on the western side of the tract. Ronning stated to be continued.

Harrington stated I guess my question, what's Mn/DOT want out of this? They must want something. They're not just going to give us \$500,000. Davis stated that's what we would have to determine when we sit down with Mn/DOT to see what they'd want. I'm sure we'd have to look at maybe some changes or hopefully some improvements at the 187th Lane/Highway 65 intersection and then we'd also discuss the possibility of closure of another cross over that not's in the vicinity. So, in order to get the Cooperative Agreement Grants, we have to give up something to Mn/DOT eliminating access on Highway 65.

Voss stated the one thing we talked about at 187th is not to have a straight cross over. It would just be left turns only. Harrington stated that's what I heard. One of the turn lanes would be closed. Voss stated well, they wouldn't be closed. The north and south turn lanes wouldn't be closed. You just wouldn't be able to go east/west across the highway. Harrington stated oh, okay. Voss stated that's one of the options they talked about one time.

Davis stated we'll have to see what those options are. This just gives us the authorization to go ahead and make the grant application and see if it will be awarded. Voss stated okay and how soon would we find out? Davis replied we should know something probably by early Fall.

Voss stated any other discussion? Ronning stated one quick clarification. With those dates in mind, nothing would happen until 2016. Davis stated that's correct. Ronning stated would be the earliest. Davis stated if this project goes, construction would not begin until next year. Approval of all the funding sources would be hopefully secured by this Fall. Ronning stated yeah, mostly for broader understanding of that.

Voss stated anything else? Hearing none, all in favor to the motion say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

8.0C
City Attorney

None.

8.0D
Finance

None.

8.0E

Davis presented the staff report indicating the Council is being asked to consider approval

of an amendment to the cemetery policy that would require cremation burials be placed inside a suitable vault.

The City of East Bethel Public Works Department maintains three cemeteries including the locating, marking, opening and closing of the burial plots. One problem the staff consistently encounters is the locating of cremation burials without a vault. Many times the urns are too small to locate or are made of a material that breaks down or collapses. The collapsing or breakdown of the urn also causes settling that affects the ground maintenance.

Two cremations are allowed on a single plot, so accurately locating the existing urns is necessary before opening the plot for an additional cremation burial. By requiring the urns to be placed in an approved vault, they can be accurately located and not disturbed.

Most cemeteries in the metropolitan area require vaults for cremation burial. The cost to the family ranges from \$80 to \$300 depending on the vault style. The vaults are made by numerous companies and constructed from durable materials such as reinforced concrete, steel, or high-density polypropylene. The vaults will not be larger than 36 inches to a side to allow up to two per plot and must be able to withstand soil weights resulting from three feet burial depths. Staff recommends the specific style choice be left to the family of the deceased.

Davis stated in your packet is the changes that we have recommended in the Policy and we discussed this at the last meeting and there was a request for more specifications. In our research, there's so many manufacturers for these products that we've left the definition to include products made with concrete, steel, or high-density polypropylene to protect the urn and capable of supporting soil weights in burial depths up to three feet, leaving the individual choice up to the family.

Harrington stated I'll make a motion for approval of the amended Cemetery Policy. Koller stated I'll second.

Ronning stated for consideration of this, we must have run into some issues with it? Could you explain what those are? Davis replied the issues are in the location, we locate the urns if they're already there. Again, we can put two urns to a plot. So in previous attempts to locate urns, sometimes the probes we use go through the urns. We don't detect them. The urns have broken down, they've collapsed under the weight of the soil and we have settlement of the grade which causes additional maintenance problems. The biggest thing, though is accurately locating them. We don't want to disturb one that's already been placed. If they're in a vault, they're easy to locate. We can find the corners and not disturb that vault when we're opening the plot for another cremation burial.

Ronning stated the primary reason for this is to avoid disturbance of somebody's permanent resting? Davis answered that's correct and also to prevent some maintenance issues too with the ground settlement.

Voss stated any other discussion? Questions? Hearing none, all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

DuCharme stated good evening Council. I'd like to present our April 2015 report. In April, we did answer 49 emergency calls. Of those 49 emergency calls, 27 were medical related and of those 27 related medical calls, we assisted in transporting 24 of those patients to the hospital. We did answer a couple building fires. A couple mutual aids to our neighboring

cities. We also had an aquarium that caught fire and significantly smoke damaged one of our homes. That's been looked at by the insurance company and the report back on the aquarium, it was the lights and the pump switches that malfunctioned and caught that smoldering fire. Any questions on our calls?

DuCharme stated since the first of the year, one of our fire fighters, Jeremy Shierts, has been working to establish and begin what we call a Fire Department Auxiliary. Fire Department Auxiliaries in the past have been support vehicles that we've used, for example, on long duration fire calls and emergency calls where food and water are supplied by the Auxiliary members. Years and years ago, those Auxiliary members used to be the spouses and significant others. Times have changed, obviously.

DuCharme explained Jeremy Shierts is looking at an organization of the Fire Department Auxiliary that is more of a non-traditional approach where it will provide several different types of supports to the Fire Department where people who are interested in being part of it can participate in many different areas. One area might be the traditional support where we are able to get the fire fighters fed and watered and things like that. Other areas might be in areas of fund raising for projects that the Fire Department and the City would like us to do.

DuCharme stated so, we've been working on that and we've had a couple organizational meetings. The next organizational meeting is going to be June 4th and that's a Thursday. It's going to be at Fire Station #1, 2751 Viking Boulevard. That meeting is to start about 7 o'clock. One of the things about the things of the Auxiliary is that it's proposed to be part of the Fire Department Outreach Programs. Our Outreach Programs, as of right now, are the HeartSafe Program, our Explorer Program, and our Retired Guys. Those three. This more just an FYI to the Council that we're working on that as another Outreach Program. Significant cost to the City? No because we'd be working under fundraising funds and things like that.

DuCharme stated I am currently contacting the League of Cities though because I do want a clear understanding of what the City's liability will be with true volunteers and how they inter-react with Fire Department operation and City operation. Once I get that information, I'd like to sit down with Jack and go over that. It may be a month or two before we're able to provide a full report. But with this organizational meeting coming up, residents are invited to attend, see what type of sub-organizations that and Outreach Programs that we do have. Once again, that's going to be June 4 at 7 o'clock at the Fire Station. The residents are invited. If somebody needs to call me and get more information, they can call me. That telephone number is (763) 367-7886 and I'd certainly like to talk to those that are interested in it.

Voss stated and they can also just show up at the organizational meeting. DuCharme stated that's right, absolutely. Once again, the address of the Fire Station is 2751 Viking Boulevard. Voss stated still referred to as our 'new' Fire Station. DuCharme stated it still is, yes. It's a very nice facility. Voss stated yes, so basically if there's any residents that have a willingness to help out, and I think the Auxiliary's at the point where they're looking to build their volunteer base. DuCharme stated that's right. Voss stated you don't have to be affiliated with the Fire Department. Residents, business owners, I think it sounds like there's a lot of opportunities to contribute to a group that supports our Fire Department, which is supporting our community.

8.0F
Fire
Department
8.0F.1

DuCharme stated that's correct and Council, I want you to know, by the July meeting that I

come to, we'll have the final draft for your approval of this organization before we're 100% operational.

DuCharme stated a couple other things about our Outreach Programs. Our HeartSafe Program, as you know that's the AEDs and bystander CPR, the East Bethel HeartSafe Program participated at Coon Rapids High School this morning in the instruction of 1,200 students. Voss stated you've got to repeat that. DuCharme repeated 1,200 kids went through the HeartSafe Program at Coon Rapids High School. Obviously that was a large project so Coon Rapids had asked for assistance and we were proud to provide that assistance. So, 1,200 kids we put through CPR and AED training this morning.

DuCharme stated in addition to that, the Mayor and myself attended a meeting over at the City of Coon Rapids and it was a County meeting of cities that are interested in either starting a HeartSafe Program or already have one in place. Caught me off guard a little bit and maybe you also Mr. Mayor, because they asked East Bethel to get up and talk about our Program and how it's being implemented and how it's going and how that could be a model program for other cities there. There were a couple County Commissioners that attended that meeting and myself, our Mayor, Troy Lachinski who heads up our Program, and Wade Hoffman, one of our fire fighters.

Voss stated well, I think there were three individuals, that was interesting, they're all recent survivors of bystander CPR and I'm not sure if you've seen the videos that Troy's been showing. Two of them were in the videos and they were actually there today so it was amazing to see that. They were about as happy to be there as anyone would be. DuCharme stated absolutely.

DuCharme stated on our Explorers, I just want you to know the Explorers are planning on hosting a Waterball Tournament on the Friday of Booster Days. That planning is going along. I met with the Explorers last night and went over some organizational planning to help them achieve their goal. They're pretty excited about that. That's a pretty dynamic group of young people and I'm very impressed with them.

DuCharme stated lastly, Retired Guys, which is also part of our Outreach, they just wanted me to say, 'Hi' to the Council and remind them that they're invited. I think our next lunch is June 5th at Station #1. We start that at 11:30 a.m. They enjoy that and they bring great historical significance to the City.

Harrington asked, Mark, would your fire fighters, would they be interested in any HeartSafe during that Booster Days at all? You know, on Saturday? Something like setting a little table up or something? DuCharme stated they've got some major plans for Booster Days. Harrington stated oh, do they? DuCharme stated yeah and I think they're about ready to bring that to the Committee. It's not only HeartSafe, there's kind of a trio of things that they're interested in. I think they're going to bring that forward to see if that fits in with the Booster Day people. They're absolutely interested.

DuCharme stated and, once again, during Booster Day, the Fire Department will have people on standby for medical runs and of course we assist in the traffic for the parade. I think there's a dance that night too and fireworks. Any other questions?

8.0F
Fire
Department
8.0F.1

Voss asked any for the Chief? Any from the audience? Thank you. DuCharme stated all right, thank you very much.

8.0G
City
Administrator
8.0G.1
May 27
Work
Meeting
Agenda

Davis presented the staff report indicating the Council is being asked to provide direction whether to schedule the May 27, 2015 Work Meeting.

Should Council provide direction to hold the May 27, 2015 Work Meeting an agenda will need to be set. The following items have been previously proposed for or have had discussion:

1. Discuss City Goals for 2015 and beyond; and,
2. Complete the discussion of the City role for Booster Day.

Staff is seeking direction as to scheduling the Work Meeting and any other items to place on the agenda should the meeting be arranged.

Mundle stated one additional item that could be added, the Fire Chief has discussed with me a little bit about the Disaster Plan for City Council, for the City that if a disaster should happen, what should we be doing. So, I believe Jack requested that be presented at a Work Meeting when we have the time.

Davis stated the reason I mentioned that at a Work Meeting if Mark is ready for the presentation, it generally takes about an hour to go through it. Ronning stated yeah, it was at least that long, I think, last time.

Ronning stated at some Work Meeting, I'd like to see, there's a couple places I'm aware of that are zoned B-2 and I guess they would like to expand beyond that. And, if we're interested in more business, I'd like to see us work with whoever we can help. And, if there's some way to identify some of those areas and see if some plan or something could come out of it.

Koller stated I think that would go to the Planning Commission first. Voss stated I think we certainly can have the discussion here and then give direction to Planning and Zoning to look at it. Ronning stated yeah.

Voss stated first thing, are we going to hold a Work Meeting next Wednesday? That's the first question. Is there enough here to warrant having a meeting? Mundle stated hopefully have the Disaster Plan on it. Voss asked is Mark ready to present that? Davis asked did he indicate to you that he was ready? Mundle stated he was talking about it but you could confirm with Mark. Voss stated he's still here, his car's still here at least. Davis stated let me check and see if he's back there and we'll see if he's ready to make that presentation. Ronning stated or if he has that open.

Voss stated even if we don't have that presentation at the Work Meeting, is there still a desire to have a Work Meeting next week to talk about these items? I think Brian, you're the champion of both these, right? Mundle answered yeah. Voss asked so you'd like to have a Work Meeting next Wednesday? Mundle stated I would, yeah. Voss stated I'm fine with it.

8.0G.1
May 27

Harrington stated can we make it 6 o'clock? We do a 6 o'clock one if he's going to have that Disaster Plan. Voss stated even if we don't do it, you know, start at 6 p.m. and we still

should try to keep it to two hours max. Harrington stated correct.

Voss stated we decided we're going to have a Work Meeting regardless. Davis stated okay. He's (DuCharme) coming back in so he can give us some information as to when he'll be ready to make that presentation.

Voss stated so we're making you come to a meeting next week. Is that okay? Davis stated you stayed too long in the parking lot. We were discussing the presentation to this group of the Disaster Plan and wondering when you would be ready to make a presentation.

DuCharme asked next week? Voss stated yeah, Wednesday, 6 o'clock. DuCharme stated could I just check something quickly? Voss answered absolutely. See, normally we would just set these without telling you so you get a benefit tonight.

DuCharme replied yes, that would be good and by the way, tomorrow I will be married 38 years. The Council congratulated Chief DuCharme and his wife and asked him to pass that along.

Davis asked what were the other items discussed for at the Work Meeting? Voss stated I think as listed, the goals and the Booster Day role, and then anything else we want to bring up. But, I think we set a goal for ourselves to try and get done within two hours. I think that's better. Mundle stated at 6 o'clock we decided to start. Davis stated okay, thank you.

8.0G.2
Ice Arena
Management
Contract
Selection

(At this point, Koller left the Council Chambers.)

Davis presented the staff report indicating the Council is being asked to consider the selection of a Management Contractor for the East Bethel Ice Arena

The City Council has reviewed and discussed the selection of a Management Contractor for the East Bethel Ice Arena at City Council Regular and Work Meetings on March 25th, April 15th, April 22nd and May 6, 2015.

At the May 6, 2015, Council Meeting, Staff was directed to discuss with both Gibson Management and Victory Management the possibility of a contract division or a sub-contractual agreement between the two firms to combine their areas of expertise. Discussions were held with and between both vendors and both indicated a certain degree of interest for the consideration of a subcontract arrangement to maximize efficiencies of Arena operations and marketing. However, beyond the initial conversations, further clarification and refining of positions have indicated that there would be too many issues to resolve to make this an acceptable solution. While Staff acknowledges benefit to this type of an arrangement, it by no means, is recommending that this be a mandatory requirement of contract negotiations with the selected vendor.

At this time, there does not appear to be acceptable common ground to consider the merger of services as an alternative to a sole vendor contract. Therefore, Staff recommends approval of a single management contractor for the East Bethel Ice Arena and encourages the approved vendor to continue to evaluate the potential of subcontracting any services that would improve the overall operation and use of the Arena. The decision to subcontract portions of the contract should be at the sole discretion of the contractor selected to manage the Arena with those activities and approval by the City.

8.0G.2
Ice Arena

The City has budgeted \$79,000 for this service for the 2016 Budget. Both proposals exceed this amount and it is recommended that the contractor selected recognize the need to negotiate their quote for services. It is proposed that Council consider the contract for award for this service to be for two years.

Staff recommends that Council consider approval of a contractor to provide management services for the City Ice Arena. Additionally, it is recommended that Council direct staff to negotiate a contract for these services with the selected contractor and present the negotiated contract for consideration of approval at the June 3, 2015, City Council Meeting.

Voss stated so you tried the discussion and that didn't really move forward. Davis stated I spoke with both and then both vendors had conversations between themselves. I'd like to commend both of them for their attempt to see what could be worked out. But at this time, it's my feeling from the both of them that there were some differences that probably would prevent them working in concert with each other at this time.

Voss stated well, this is presented to us once again. Is there any motion going forward with regard to the Ice Arena Contractor selection?

Voss stated I'll make a motion, again, that we select Gibson Management for a two-year contract to be negotiated with City staff. Voss asked is there a second to the motion? Hearing none, that motion dies. Hearing no motions, we'll move forward on the agenda.

(At this point, Koller returned to the Council dais.)

9.0 Other
9.0A
Staff Reports
221st Avenue
Overlay
Project

Davis stated City staff met with the Anoka County Highway Department yesterday and discussed the schedule for the overlay project for 221st Avenue. The County Highway Department's schedule, as proposed, would call for the replacing of a culvert or drainpipe structure in July, which would not interfere with any Booster Day activities and then do the overlay between September 14th and the 28th.

Davis stated we requested that they advance the paving portion of the project to be completed prior to school and they said that would be very difficult for them to do but they felt that they could accomplish the paving within two days and it would be at minimal inconvenience. There would be no detours on either portion of the project. The pipe replacement would be done with traffic. They'd install half and then close the other lane and open the other half up. So, they feel that can be accomplished in a day and they're going to proceed with the schedule as presented and there will be no detours and they expect inconvenience to be, hopefully, at a minimum.

9.0B
Council
Report –
Member
Harrington
Council
Member
Ronning

Harrington stated the only thing I have is there's a fundraiser for the East Bethel Bandit's baseball team June 6 from 1-4 p.m. at EJ's, on 22 and County Road 17.

Ronning stated I don't have anything.

Council
Member
Koller

Koller stated I don't have anything.

Council
Member
Mundle

Mundle stated the EDA meeting last Monday. The EDA approved a budget to submit to the City. Open for Business, that program is getting some people involved so that's great that people are taking advantage of that program. A couple businesses that are still being talked about, talked with about coming to the City is a septic tank manufacturer on some of the property up here on Highway 65 and 221st Avenue on some of the Sylvester property. And, a craft brewery is still being talked with. New GIS system, City staff is testing it out right now and it should be available for public use within a month or so, so that's pretty exciting. Colleen gave us a rundown of how it worked and some of the features and it looks like a really nice program.

Mundle stated the Fire Department staff meeting, they just went over a lot of stuff that's been happening and what's coming up. In this first quarter they've had 150 calls and compared to recent years, that's the most they've had in this quarter. They will be replacing a fire truck here this next year and so they will be coming before City Council for approval so they can get that 'ball rolling.'

Mundle stated HeartSafe, there's at least ten AED devices in East Bethel currently at various locations. It was brought up that the fire hydrant on the east side of Highway 65 over by the Snap Fitness area was tagged as not in service and I did e-mail Jack and Nate questioning why because the Fire Department did not know. Nate knew about it and he is in contact with the manufacturer of that fire hydrant for them to come out and repair it.

Mundle stated I know Mark talked about with the newly formed Auxiliary. Just to introduce it again. The Auxiliary is an organization that will support the Fire Department. A short-term goal is for supporting long scenes, help with food, water, rehab area. Long-term goal is for support to the community, care packages for our house fire victims, snow removal, yard work for heart attack victims, blood drives, etc. The group is open to anyone over 18 that has an interest in helping the community. No Fire Department affiliation is required. Again, the next meeting will be June 4th at 7 p.m. at Fire Station #1. And, you can also call Jeremy for more information and his number is (651) 308-5589.

Mundle stated and the last thing with Booster Day coming up, I just want to make it known and promote that there will be a kickball tournament if enough people sign up. It was tried to be held last year but I just don't think it was promoted enough and enough people knew. So, there will be a kickball tournament if enough people sign up. So, if you're interested, contact the City about that.

Mayor Voss

Voss stated yeah, you kind of 'stole the thunder' on the HeartSafe. That's kind of been a focus for the last month. In fact, Troy and Tammy Gimpl and Chief were at the East Bethel Chamber of Commerce meeting recently and actually trained almost a dozen people there. The Department continues to offer the training free of charge. You can just show up. The dates are advertised on the website. It's at Fire Station #1. They encourage everyone to get trained because it really, really does make a difference. It's a worthwhile thing.

Mayor Voss

Voss stated a question I have with the Arena Contract. When does the current contract run out? Davis responded July 31st. Voss stated I'm sorry? Davis repeated July 31st. Voss stated July 31st so given that there is no direction for an additional contract, I would think

staff needs to make provisions for the City operating the facility after that date. Correct?

Davis stated unless there's a change, we'll have that as our backup plan. Voss stated considering this is the fifth time we've talked about it, I think it would be proper that we start making those contingency plans and then working it into next year's budget as well. It's going to need additional staffing. So, that's all I have.

9.0C
Other

Ronning stated you mentioned the ten AEDs in the City? Mundle replied yes. Ronning asked do we know where they are? Are they identified on the whatever? Mundle stated yes, I want to say that they are on the City website. Davis stated they are. Mundle stated so off the top of my head, I know St. Andrews, the Theater, Hidden Haven, Our Saviours. Voss stated and there's a few businesses that have them. It's on the website. Mundle stated yeah.

AED
Location

Ice Arena
Contract on
& Work
Meeting
Agenda

Harrington stated maybe at this Work Meeting, I know you said five times on the Ice Arena, maybe we should just get this, find out what everybody wants and what people don't want. Voss asked for the Work Meeting agenda? Harrington stated for the Work Meeting we've got next week, get this Contract 'ironed out' for the Ice Arena.

Voss stated if you want it on the agenda that's fine, that will be meeting number six to talk about this. Harrington stated I know. Voss stated no one wanted to talk about it tonight, so. Harrington stated okay, because you don't want the City running it, more money, more people. Voss stated I know, that's why we went with a contract years ago. That's how we used to run it.

Voss stated if there's time on the Work Meeting agenda we can bring it up again.

10.0
Adjourn

Mundle stated I'll make a motion to adjourn. Koller stated I'll second. Voss stated any discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Hearing none motion passes. **Motion passes unanimously.**

Meeting adjourned at 8:47 p.m.

Submitted by:
Carla Wirth

TimeSaver Off Site Secretarial Inc.