

City of East Bethel
City Council Agenda
 Regular Council Meeting – 7:00 p.m.
 Date: September 16, 2015



- | | Item | |
|----------------|-------------|--|
| 7:00 PM | 1.0 | Call to Order |
| 7:01 PM | 2.0 | Pledge of Allegiance |
| 7:02 PM | 3.0 | Adopt Agenda |
| 7:03 PM | 4.0 | Public Hearing |
| | Pg 3-57 | A. 553 Lakeshore Assessment Hearing |
| | Pg 58-72 | B. Dangerous Dog hearing-Joshua Jeppesen, 456 196 th Lane |
| | Pg 73-76 | C. Sheriff's Report |
| 7:40 PM | 5.0 | Public Forum |
| 7:45 PM | 6.0 | Consent Agenda |

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration

- | | | |
|------------|----|--|
| Pg 79-82 | A. | Approve Bills |
| Pg 83-102 | B. | Meeting Minutes, September 2, 2015 City Council Meeting |
| Pg 103 | C. | Resolution 2015-53, Interfund Loan Elimination |
| Pg 104-107 | D. | Pay Estimate 1, 185 th Ave, Laurel, Lincoln Project |

New Business

- | | | |
|----------------|------------|---|
| 7:48 PM | 7.0 | Commission, Association and Task Force Reports |
| | | A. Planning Commission |
| | | B. Economic Development Authority |
| | | C. Park Commission |
| | | D. Road Commission |
| | Pg 108 | 1. September Meeting Report |

- | | | |
|----------------|------------|---|
| 7:55 PM | 8.0 | Department Reports |
| | | A. Community Development |
| | | B. Engineer |
| | | 1. Castle Towers WWTP Report |
| | | C. City Attorney |
| | | D. Finance |
| | | F. Public Works |
| | Pg 109-110 | 1. Recycle Center Grant |
| | | F. Fire Department |
| | Pg 111-114 | 1. August Report |
| | | G. City Administrator |
| | Pg 115 | 1. Schedule September 23, 2015 Work Meeting |

8:15 PM

9.0 Other

- A. Staff Report
- B. Council Reports
- C. Other

8:20 PM

11.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 4.0 A

Agenda Item:

Assessment Hearing-553 Lakeshore Drive

Requested Action:

Conduct an Assessment Hearing for 553 Lakeshore Drive Retaining Wall Reduction

Background Information:

As a result of action by City Council on December 17, 2014, Resolution 2014-52, the owners of 553 Lakeshore Drive were directed to remove a retaining wall at the intersection of 553 Lakeshore Drive and 179 Forest Road that was part of the owners abandoned septic system located on City right of way. The owners did not remove the wall and the City, through contract with Dryden Excavating, completed the work. The City notified the owner of the cost prior to the commencement of the work that the cost would considered as an assessment on the property. The City also gave the owners the opportunity to retain a contractor of their choice to perform the work but the owners did not respond to the offer.

Resolution 2015-48 which sets the date of September 16, 2015 at 7:00 PM at the East Bethel City Hall for an Assessment Hearing for the retaining wall project at 553 Lakeshore Drive was approved by city Council on August 19, 2015.

The City Council is requested to conduct the hearing to consider objections to a proposed assessment for the retaining wall reduction at the intersection of 553 Lakeshore Drive and 179 Forest Road. The proposed assessment roll is on file with the City Clerk and open to public inspection.

The area proposed to be assessed consists of every lot, piece or parcel of land benefitted by said improvement, which has been ordered made and is as follows: Lots 356, 357, 358,359 and 360, all in Block 6 Coon Lake Beach, Anoka County, Minnesota, as located in the City of East Bethel, Minnesota.

The total amount proposed to be assessed is \$4,441.20.

Written or oral objections will be considered at the hearing.

An owner of property to be assessed may appeal the assessment to the District Court of Anoka County pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the

Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the District Court within ten days after service upon the Mayor or Clerk.

No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner(s) is filed with the City Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061 are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.

Under provisions of the Minnesota Statutes, Sections 435.193 to 435.195, the City, may at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments.

The date, time and place of the Hearing was advertised in the Anoka Union in the August 28 and September 4, 2015 editions and copies of the notice with other attachments were mailed to all the owners and hand delivered by Anoka County Community Service Officers to the two owners who reside at 179 Forest Road. The owner refused to accept the hand delivered notices of the Hearing.

Attachments:

Attachment 1- Resolution 2014-52

Attachment 2- Resolution 2015-48

Attachment 3- Before Photo

Attachment 4- After Photo

Fiscal Impact:

To be determined

Recommendation(s):

Unless City Council deems the objections to the assessment as valid, Council is requested to consider approval of the assessment and direct staff to file a 2015 Special Assessments Certification with the Anoka County Property Records and Taxation Division on these parcels.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

RESOLUTION NO. 2014-52

CITY OF EAST BETHEL

ANOKA COUNTY, MINNESOTA

A RESOLUTION MAKING FINDINGS OF FACT

AND DETERMINING THE APPEAL

RELATIVE TO 553 LAKESHORE DRIVE, EAST BETHEL, MINNESOTA

WHEREAS, this matter has proceeded before the City Council as an Administrative Appeal affecting principally a property located at 553 Lakeshore Drive, acquired by Heidi Moegerle, Gary Otremba on February 11, 2013 and an adjacent property at 179 Forest Drive, also owned by Heidi Moegerle, Gary Otremba, hereinafter referenced as “Owners”; and,

WHEREAS, the City Council has received the City Staff report dated December 3, 2014 and incorporates its substance and exhibits herein by reference; and,

WHEREAS, the record on this matter is contained within the City file, and confined to the scope of those documents, memoranda and communications along with the City Ordinances and State Statutes as applicable; and,

WHEREAS, the City Council has received and reviewed the written submission by “Owners”, heard the arguments thereon, has considered the effective ordinance provisions, state statutes and Minnesota Rules pertinent thereto, and having considered all of the foregoing makes the following:

FINDINGS OF FACT

1. Heidi Moegerle and Gary Otremba, hereinafter referenced as “Owners”, purchased 553 Lakeshore Drive, PIN 36-33-23-21-0266 on February 11, 2013. This property was zoned R-1 at the time of the purchase and still retains that zoning designation currently for the purposes of this proceeding. This property is also in a Shoreland Overlay District and is regulated by the applicable City ordinance provisions and is 7,126 square feet in size; and,
2. At the time of purchase, the property was a substandard and a non-conforming lot of record for failure to meet multiple dimensional requirements of the R-1 zone and Shoreland District and the structure located thereon was also non-conforming for lack of a compliant septic system, adequate plumbing and other issues necessary to habitation. A summary of the non-compliant elements of the property relevant to the City’s ordinances is annexed hereto as Exhibit A and is incorporated by reference herein; and,
3. The Owners of the property applied for and received a demolition permit on February 21, 2013. The demolition permit indicated that the work to be completed would be to effect the removal of the entire portion of the structure previously used for habitation, with only the garage portion of the structure to remain. Prior to the issuance of the demolition permit, the Owners met with Ms. Colleen Winter, the Community Development Director to discuss the use of this property. Ms. Winter provided a letter to the Owners (February 18, 2013) that addressed the issue of lot combination and the use of 553 Lakeshore for storage use. There were no objections filed by the Owners relative to this letter at that time; and,
4. Periods of demolition of the inside of the structure occurred and were directed by the Owners between February 21, 2013 and April 2014. The Owners requested an extension and modification of the demolition permit on April 21, 2014. This request was advocated to modify the demolition permit to include only the removal of the 1940’s cabin section of the

structure. This request was granted based on the Owners' previous statements concerning the use of the property and on a pending amendment to City Code that proposed an increase in accessory structure size on lots 0.5 to 1.99 acres to allow up to 960 square feet of accessory structure. The removal of only the "cabin section" would meet this requirement and leave the remaining structure at 960 SF or less and was approved by Staff; and,

5. The City requested a letter of intent from the Owners as to the demolition timetable at the time this permit was extended. The letter of intent submitted by the Owners provided notice, for the first time, to the City that the Owners then intended to utilize the remaining structure in a manner that was inconsistent with previous statements as to the described use of the property at the time the demolition permit was originally obtained. The Owners, at a City Council Meeting on November 21, 2012, previously acknowledged that the retaining wall would have to be removed. At the Local Board of Appeals and Equalization meetings on April 17, 2013 and April 24, 2014 the Owners stated that the structure at 553 Lakeshore is uninhabitable and can only be used for "green space" and storage. In e-mails submitted by the City Assessor and the County Assessor's Office are statements by the Owners that the building was uninhabitable and can only be used for storage. Based on these statements the County Assessor determined it was appropriate to "link" or "chain" the two parcels (553 Lakeshore and 179 Forest Road) together for tax calculation purposes. From and after April 30, 2014, the Owners' reversed their statement of intended use of the property as an accessory structure to that of proposing a principal structure, and served notice that compliance with provisions of the City Code which mandates the combination of contiguous/adjoining lots of common Ownership of which one is non-conforming would not be complied with; and,
6. The demolition, implemented by the Owners, on the structure located at 553 Lakeshore that occurred between February 21, 2013 and April 21, 2014 was internal and consisted of the removal of, but not limited to, the kitchen, bathroom, plumbing and wall coverings. The Minnesota State

Building Code, R306, requires the presence of working plumbing fixtures and a compliant sewage disposal system for a structure to be habitable. The septic system for this property was deemed non-compliant on October 13, 2011; and,

7. In the case where these residential facilities no longer functionally exist, the facility is deemed uninhabitable. As it is no longer habitable based on this definition, the structure loses its status as a principal structure and any “grandfather protection” it may have had from requirements and regulations of City Code; Additionally, the Owners’ demolition of portions of the structure are not “repair or renovation” as they had no approved building permit to replace or restore them, and their removal had the effect of adding additional non-conformity to the structure by reducing below minimum code square footage to the structure; and,
8. An interpretation of the collective impacts to the property by the City Staff was presented to the Owners in early May of 2014 and reviewed personally with the Owners at a meeting on May 20, 2014 by the City Administrator. At the meeting, the City presented their interpretation of the land use issues and actions necessary for achieving compliance with City Code. The Owners were notified of the City’s position, in writing, on this matter on June 11, 2014; and,
9. Subsequent correspondence and meetings on this matter continued through August 20, 2014 to attempt to resolve the issues in question. On August 20, 2014, the City sent the Owners an updated written report to the June 11, 2014 Memo that stated the City’s final position and an option for appeal; and,
10. The City Attorney has issued his opinion that even absent the facts as stated above, that the parcel at 553 Lakeshore was non-conforming when the Owners acquired it in 2013, and must be merged due to the adjacent Ownership by the Owners of 179 Forest Drive. In addition, the Minnesota DNR has provided an opinion to the Owners that outlines the

requirements for lot merger and 553 Lakeshore satisfies none of the requirements for exemption to the requirements; and,

11. In addition to the City Attorney's opinion relating to the combination of lots, it is also the City Staff's position that that the change in use, by the actions and choice of the Owners, from a non-conforming residential structure that existed prior to the demolition has resulted in following:
 - 553 Lakeshore Drive contains an uninhabitable accessory structure with no principle structure on the lot; and
 - 553 Lakeshore Drive has lost any "grandfather" protection that may have been afforded by its prior non-conforming use, structure and lot of record status and is now subject to all the full requirements and regulations of the City Code for that District.

12. Located upon the 553 Lakeshore property and within the adjoining city right of way is a retaining wall constructed and put in place as a temporary structure with permission of the City Council in 1986. That transaction was memorialized in the Council Minutes and in an "Agreement" executed between the then Owners, Roger E. Schoer, and the City, which reflects that the sole purpose of the wall was to facilitate a functioning septic system. The septic system identified within that Agreement has now been closed and its use terminated by actions of the Owners. The City has notified the Owners that they are required to remove the retaining wall from the right of way; the Owners have refused to perform that task; and,

13. Owners assert claims to the property at 553 Lakeshore being a residential single-family use, notwithstanding their past acknowledgements and affirmations and demolition construction activities implemented on the site asserting claims under Minn. Stat 462.357; and,

14. The properties in issue are in an established Flood Plain and Shoreland protection district. The property located at 553 Lakeshore is dimensionally substandard; has no compliant septic system as required by City Ordinance and Minnesota Rules 7080; does not have access to a public sewer; does not have the ability to locate a Type 1 compliant septic system on the property; has had plumbing facilities discontinued and removed from the premises by Owners; has been unoccupied as a

- homestead since Owners' acquisition in 2013, and substantially before then from the former Owners as well, for which periods of time are in excess of one year, and is contiguous to the Owners property at 179 Forest Blvd.; and,
15. Owners have now concurrently denied that they have filed this appeal and also requested a continuance from the present appeal proceedings; The council denied the request for continuance at the December 3, 2014 meeting for the reasons stated in the minutes of that meeting; and,
 16. Owners also claim that they are entitled to building permits to rebuild the property and structure at 553 Lakeshore, claiming that their previous proceedings before the Planning Commission on an ordinance interpretation request failed to comply with Minn. Stat 15.99, and that they are entitled to building permits as a matter of law; and,
 17. Owners had conveyed an interest in and to the property at 553 Lakeshore to the mother of one of the Owners in an effort to subvert the application of the ordinance requiring combination of the lots; and
 18. Owners have not formally applied for a building permit as to either 553 Lakeshore or 179 Forest Street; and
 19. The record title reflects as to both of Owners properties the following:
 - a. 179 Forest Road NE consists of lots 362 thru 366, and, 399 thru 402, Block 6, Coon Lake Beach. Owners Heidi Moegerle and Gary Otremba jointly own lots 362 thru 366; Moegerle owns lots 399 thru 402. Both Owners have jointly placed mortgage loans against all of the lots. All lots are joined into a single tax parcel being Anoka Co. PID# 36-33-23-21-0316 on request of Heidi Moegerle to Anoka County on 7-24-08.
 - b. 553 Lakeshore Drive NE consists of lots 356 thru 360, Block 6, Coon Lake Beach, and were jointly acquired by Owners on February 11, 2013. On May 29, 2014, Owners conveyed the property to themselves and K. Darlene Moegerle for "no consideration". The tax identification number originally assigned to this parcel was Anoka County PID# 36.33.23.21.0266.

c. From and after February 11, 2013, both 179 Forest Road NE and 553 Lakeshore Dr. NE were in common Ownership.

**Based Upon The Foregoing Findings Of Fact, The City Council
Determines And Resolves The Following:**

- a. **Appeal.** The communication from Heidi Moegerle to City Administrator Jack Davis by email dated in November 10, 2014, constitutes an appeal for the purposes of these proceedings. The Owners have itemized to their claims for purposes of appeal under the following items:
1. Unreasonable/unlawful refusal to consider/accept modification to the demolition plans for the structured 553 Lakeshore drive.
 2. Unreasonable/unlawful refusal/denial of building permits to complete the rehabilitation/repair of unsafe area of the living space of 553 Lakeshore Drive.
 3. Unreasonable/unlawful demand to abandon well and septic tank at 553 Lakeshore Drive.
 4. Unreasonable/unlawful demand to combine properties.

“Owners” have at times prior to the hearing in this matter, claimed that there was no appeal that they were pursuing; have also asserted that the appeal should be under Section 14 of the City’s Ordinance relative to building permit process, and most recently claim that the appeal was actually heard by the Planning Commission under Section 2, subpart 6 of the City’s Zoning Code.

The Owners have been afforded multiple meetings with City Staff, had more than ample opportunity to have their issues heard with the City Staff, and recently with Planning Commission. Nonetheless, their appeal, such as it is, was filed after their hearing with Planning Commission in review of the Staff’s interpretation of the City Codes and this appeal has been categorized by the City Staff, is appropriate under Section 2, subpart 590 of the City’s Zoning Code. The Owners have never had a formal application for building permit in front of the City under the City’s Ordinances. No appellate process under the Building Code Section would be appropriate. In essence, their challenge is against Staff determinations relative to their demolition permit, and what they can and cannot do on their property at 553 Lakeshore vis-à-vis their other property at 179 Forest Road.

Resolved: The Staff Recommendation That This Matter Proceed As An Appeal Under Article X, Chapter 2 Section 590 Is Appropriate And Is Approved By The Council.

- b. **Application of Minn. Stat 15.99.** Owners have also claimed that they should be awarded their requests as a result of their “appeal” on the matter of their issues in front of the Planning Commission. Owners’ presentations in front of the Planning Commission were not germane to any permit application, but were to question the City Staff’s interpretation of the City Code. No new applications were received, and no permits had been applied for. Section 15.99 of the Minnesota statutes applies to the processing of timely responses by the City relative to permits not as to appeals or requests for interpretations of City Code. In any event, the applicants (Owners) received timely hearing in front of the Planning Commission under Section 15.99 timelines, and were present for, and received the determination of the Planning Commission denying their interpretation. Owners also received by mail, by virtue of Staff providing directly to Heidi Moegerle, a copy of the Planning Commission Minutes containing a written determination of the Planning Commission.

Resolved: Minnesota Statute 15.99 Has No Application To This Proceeding.

- c. Owners claim that City Staff has been unreasonable in refusing to consider or accept their proposed modifications to the demolition plans. The City Staff file supports the acknowledgments were previously made by the Owners that their acquisition of the property at 553 Lakeshore was dimensionally substandard and was intended by them not to be used as a principal residence, but as an accessory use to their other property at 179 Forest Road. Owners clearly acknowledged and agreed that the 553 Lakeshore property had a deficient septic system, was dimensionally substandard, and that plumbing and related facilities in the structure had been, or would be removed by them as part of their demolition. The City Staff determination that the property is not a habitable residential structure for purposes of the Building Code and City Ordinances is correct. City Staff has been more than patient with the Owners, has given them all reasonable opportunity to bring their property in compliance

with the demolition permit as originally granted, and as required under the City's Ordinances.

Resolved: Staff Determination That No Building Permit Is Allowed Under City Code For The Property At 553 Lakeshore To Reconstruct A Residential Structure Is Correct And Sustained.

- d. **Septic system at 553 Lakeshore.** There is no claim by the Applicants/Owners that the septic system at 553 Lakeshore was, at any time following their purchase, compliant with the regulations requiring a type I septic system under the Minnesota rules as well as the City's Ordinances. The septic system itself is located partially in the right-of-way under a temporary permit from the city that had lapsed by nonuse of the property for residential purposes. The Applicant/Owners claim to occupy the property from and after their acquisition in February of 2013 is false as they in fact occupied their residence adjacent thereto at 179 Forest Road. Residency as opposed occupancy is not predicated upon incremental or part-time use or presence of the property, but actual living there with the intent to reside which could not be accomplished since property had no well septic system or plumbing to accommodate a residential use and they actually resided in a structure adjacent to 553 Lakeshore being 179 Forest Road. Owners were noticed during their acquisition of the property at 553 Lakeshore that a failed septic system was in place on the property.

Resolved: City Staff did not issue an unlawful demand to cease use of the deficient and non-compliant Septic System and close it operationally. City Staff directives to remove the retaining wall previously permitted to support the original septic system placement in 1986 are appropriate as the Septic System is no longer functional and has been closed by the Owners. Owners are ordered to remove the retaining wall at 553 Lakeshore Drive.

- e. **Ordinance requiring combination of the lots.** Staff determination confirmed by the correspondence of August 27, 2014, informing the Owners that the lots comprising 553 Lakeshore Drive and 179 Forest Road requiring the two lots to be combined as prescribed by appendix A zoning section 57, 14 A.3 is correct under state law as well as city ordinance . The Owners property at 179 Forest Road serves as their homestead parcel and is contained within Anoka County tax ID number 36-33-23-21-0316 having been qualified as Homestead for tax purposes

by Anoka County. Although the property at 179 Forest Road was in part owned by Ms. Moegerle individually, and the other part owned jointly by Ms. Moegerle and Mr. Otremba jointly, Ms. Moegerle and Mr. Otremba consented to the merger of all of those parcels into a jointly owned parcel by virtue of their petition and request to Anoka County to combine all lots into a single tax parcel having the benefit of Homestead status in 2008. Mr. Otremba and Ms. Moegerle acquired 553 Lakeshore jointly in February 2013, and from February 2013 to the present date all lots comprising 553 Lakeshore Drive and 179 Forest Boulevard have been owned by the same persons. The Owners attempt to add an additional Owner at 553 Lakeshore in May 2014 has no effect on this issue. The Ordinance in effect for 2013 and 2014 provides as follows:

“If in the case of two or more continued contiguous lots are parcels of land under single Ownership, any individual lot or parcel if any individual lot or parcel does not meet the minimum requirements of this ordinance, such individual lot or parcel shall not be considered as a separate parcel of land for purposes of sale or development, but must be combined with the adjacent lots so the combination of lots will equal one or more parcels of land meeting the full requirements of this section or the provisions of the zoning district in which the property is located, whichever is more restrictive. In no circumstances will there be approval of any proposal for multiple lot developments based upon lots record that do not conform to the provisions of the existing zoning district.”

Section 5 Nonconformities 3. D

Appellant/Owners claim that they meet the standards prescribed by Minnesota Statute §462.357 with regard to nonconformities and subdivision 1h, and should be recognized as having a separate and lawful residential use and single-family residence at 553 Lakeshore. The pertinent provisions of 462.357 subdivision provides:

“1 (e). A nonconforming single a lot of record located within a shoreline area may be allowed as a building site without variances from lot size provided that:

- (1) all structure and septic system setback distance requirements can be met;***

- (2) a type I sewage treatment system consistent with Minnesota rules, chapter 7080 can be installed or the lot is connected to a public sewer, and*
- (3) the impervious surface coverage is not exceeding 25 percent of a lot.*

“1 (f) in a group of two or more contiguous lots of record under common Ownership, an individual lot must be considered as a separate parcel of land for purpose of sale or development, if it meets the following requirements:

- (1) the lot must be at least 66 percent of the dimensional standard for lot with an lot size for shoreline classification consistent with Minnesota rules, chapter 6 120;*
- (2) the lot must be connected to a public sewer, if available or must be suitable for the installation of a type I sewage treatment system consistently Minnesota rules chapter 7080 and the local government controls;*
- (3) impervious surface coverage must not exceed 25 percent of each lot; and*
- (4) the development of the lot must be consistent with the adopted comprehensive plan.*

1 (h) Notwithstanding paragraph (f), contiguous nonconforming lots of record in shoreland areas under a common Ownership must be able to be sold or purchased individually if each lot contained a habitable residential dwelling at the time the lots came under common Ownership and the lots are suitable for, or served by, a sewage treatment system consistent with the requirements of Section 115.55 and Minnesota Rules, chapter 7080, or connected to a public sewer.”

There is no question but that the existing property 553 Lakeshore is dimensionally substandard and does not meet 66 percent of the dimensional requirements of that zone. Additionally, there is no question that the property presently does not have, and did not have, a Type I sewage treatment system on the property consistent with the requirements of City Code or the Minnesota Rules. Additionally, the former septic system on the property was already noted as failing or failed when Owners purchased it and was noncompliant to Code. Owners have not demonstrated that they could locate an approved – compliant Type I septic system upon the

property. Owners allege the opportunity for a holding tank which is not an approved Type I system. Finally, Owners own actions in demolishing their alleged habitable portions of the structure at 553 Lakeshore rendering the property uninhabitable disqualifies them from any right to re-establish same for purposes of trying to re-qualify under the ordinance or statute.

Resolved: The lots at 179 Forest Road and 553 Lakeshore Drive are deemed combined by operation of law.

f. **Resolved: The appeal is pursued by the Owners in this matter is hereby denied.**

- i. City Staff is directed to not issue or allow to be issued any further permits building demolition or otherwise on this property at 553 Lakeshore Drive or 179 Forest Road until such time as the Owners or their agents commit to bring the property into compliance with the Staff directives as noted herein and post appropriate security to that end.
- ii. The properties at 179 Forest Road and 553 Lakeshore Drive are deemed combined for all purposes under the City Code of the City of East Bethel and will be recognized as a single parcel for all land use and development purposes under city code. City Staff is directed to flag or notice all city files relative to either or both properties that the properties are deemed joined for purposes of the city land use and subdivision ordinances and future sale or development if any. No building permits shall be issued on either property until the same are formally combined in the office of the Anoka County Treasurer, Assessor and Recorder
- iii. The City Administrator is authorized to issue an Administrative Certificate for filing in the office of the Anoka County Recorder noting the combination of lots determined hereby.
- iv. The Owners are ordered to remove the retaining wall now located in the right of way adjacent to 553 Lakeshore Drive within 60 days. Absent compliance the City Staff is directed to remove same and certify the costs of doing so against the properties of 553 Lakeshore Drive and 179 Forest Road.

Passed by the City Council of the City of East Bethel this 17th day of
December, 2014.

Robert DeRoche, Jr.
Mayor

Jack Davis,
City Administrator

EXHIBIT A

APPLICABLE CITY ORDINANCES

Retaining Wall – the retaining wall is an issue due to the visibility and location on public right of way. See attached picture. It is encroaching on Forest Rd NE. Applicable Sections of the Zoning Code – Appendix A are:

Section 25 Fence regulations;

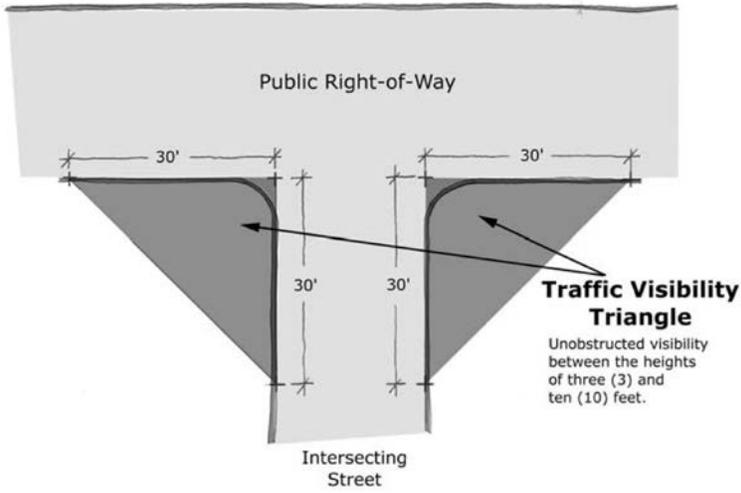
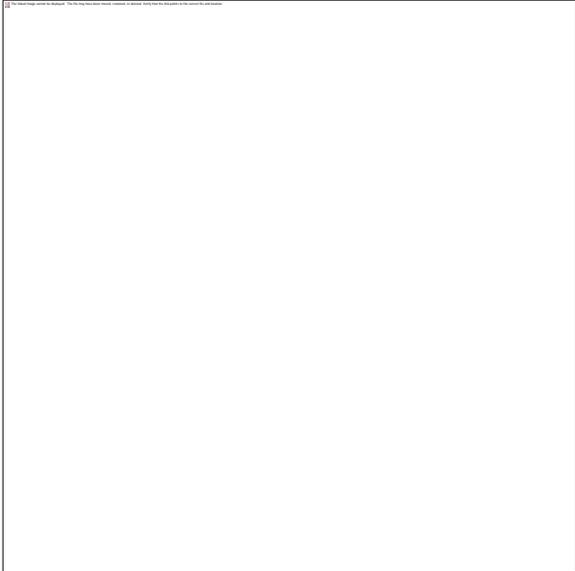
7 Traffic Visibility - On a corner lot, no fence or landscaping shall be placed in such a manner so as to pose a danger to traffic by obscuring the view of approaching vehicular traffic or pedestrians from any driveway or street right-of-way as regulated in Section 15. Traffic Visibility.

Appendix A – Zoning regulations - SECTION 15. - TRAFFIC VISIBILITY

[1. - Requirements.]

On corner lots in all districts, no structure or planting in excess of 24 inches above the street centerline grade shall be permitted within a triangular area defined as follows:

Beginning at the intersection of the projected curb lines of two intersecting streets, thence 30 feet along one curb line, thence diagonally to a point 30 feet from the point of beginning on the other curb line, thence to the point of beginning.



Nonconforming Lot of Record

553 Lakeshore is a legal nonconforming lot of record; however the structure lost its grandfather status when part of the structure was demolished and the sewer was removed, making the cabin uninhabitable. The original intent of the Homeowners was to demolish the cabin and keep the garage; a demolition permit was issued for that purpose. The two lots – 553 Lakeshore, and 179 Forest Road would need to be combined in order to keep the accessory structure. Applying the regulations related to R1 and the Shoreland Management District here is how it breaks down.

All comments related to 553 Lakeshore Dr are noted in red.

SECTION 43. - SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

1. Purpose.

- A. The single-family residential (R-1) district is intended and designed to provide for certain low-density residential areas now developed with single-family dwellings and areas where similar residential development is likely to occur. No more than one single-family dwelling is permitted per lot.

2. Permitted uses. 553 Lakeshore Dr NE

- A. Single-family residential. Was prior to demolition a single-family home, however it had not been inhabited for considerable time in excess of 1 year.
- B. Licensed residential care facility - Serving six or fewer persons.
- C. Recreation - Public.
- D. Essential services - Governmental.

3. Accessory uses.

The following accessory uses are permitted in the R-1 district:

- A. Accessory structures as regulated by Section 14. Accessory Structures. Part of structure would meet Accessory structure definition (garage portion)
- B. Private swimming pool, tennis court, or other similar facility used by a single family.
- C. Unlicensed day care facility - serving six or fewer persons.
- D. Licensed day care facility - serving 14 or fewer persons.
- E. Shelters temporarily located on-site for construction activities during construction or for six months, whichever is less.
- F. Other uses customarily associated with but subordinate to a permitted use as determined by the City.
- G. Radio and television receiving antennas including single satellite dish TVROs, short-wave radio dispatching antennas, or those necessary for the operation of household electronic equipment including radio receivers, federal licensed amateur radio stations

and television receivers, as regulated by Section 17 [16]. Telecommunication[s] Facilities.

H. Kennel, private.

4. Conditional uses.

A. Principal use.

- 1) Places of worship.
- 2) Essential services, utility substations.
- 3) Schools.

B. Bed and breakfast inn.

C. Electric power and communications transmission lines.

D. Other uses similar to those permitted in this section as determined by city council.

5. Interim uses.

The following interim uses are permitted in the R-1 district with an interim use permit:

- A. Home occupations, as regulated in Section 10. General Development Regulations.
- B. Golf courses.
- C. Telecommunication tower.
- D. Grading activities that move more than 1,000 cubic yards of material per acre.
- E. Domestic farm animals as regulated by City Code Chapter 10

6. Certificate of compliance.

- A. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.
- B. Fences as permitted in Section 25. Fence Regulations.

7. Development regulations.

A. Minimum lot requirements.

1)	Lot area 553 Lakeshore		
	(a)	Without sewer and water	10 acres - lot size does not meet this requirement; current lot is approx. 7,200 sq ft. Do not have survey to verify
	(b)	With sewer and water	11,800 square feet

	(c)	Shoreland overlay district with sewer and water	As regulated by [Section] 57. Shoreland Overlay District
2)	Lot width		
	(a)	Without sewer and water	300 feet at the public right of way – approx. 64 ft on Forest Rd., 100 ft on Lakeshore Dr
	(b)	With sewer and water	80 feet at the public right-of-way
3)	Minimum buildable area		
	(a)	Without sewer and water	23,000 square feet - approx 7,200 sq. ft.
	(b)	With sewer and water	8,260 square feet

B. Setbacks.

1)	Principal structure *portion demolished		
	(a)	Front yard	
	(1)	City right-of-way	30 feet
	(2)	>County/state right-of-way	>100 feet
	(3)	Shoreland overlay	25 feet - approx. 14 feet
	(b)	Side yard	10 feet - approx. 13 feet
	(c)	Side street	
	(1)	City right-of-way	25 feet – approx. 20 feet (to deck) – demolished
	(2)	>County/state right-of-way	>100 feet

	(d) Rear yard	25 feet - approx. 14 ft.
2)	Detached accessory structure	
	(a) Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street – This language was changed, but if lots combined the garage portion would meet the setback.
	(b) Side street	25 feet and cannot be located between the principal structure and the street – Garage would meet the requirements (approx. 31 feet)* Need to verify through survey
	(c) Side yard	10 feet – Garage would meet this requirement (verify by survey)
	(d) Rear yard	10 feet – Garage would meet this requirement (verify by survey)

C. Building height:

1)	Principal structure	Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	Shall be limited to one story with a maximum sidewall height of ten feet, measured from the floor surface to the underside of the ceiling member. Roof pitch and style shall match the principal structure. – This language was changed. Sidewall height can be 14 ft.

D. Minimum floor area.

1)	Single-level unit	1,000 square feet – Does not meet. Portion of structure that is left after demolition is 960 sq. ft.
2)	Full two-story with full basement	720 square feet
3)	All other units	>900 square feet

		(main floor plus additional area)
8. - Maximum lot coverage. A.	R-1 not located in the shoreland overlay district	50 percent
B.	All properties located in the shoreland overlay district	As regulated by Section 57. Shoreland Overlay District

(Ord. No. 19, Second Series, 5-5-2010; Ord. No. 28, Second Series, 12-1-2010)

SECTION 57. - SHORELAND OVERLAY (SL) DISTRICT

1. Statutory authorization and policy.

A. *Statutory authorization.* This shoreland ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes.

1) *Policy.* The uncontrolled use of shorelands of the City of East Bethel, Minnesota, affects the public health, safety, and general welfare not only by contributing to pollution of public waters, but also by impairing the local tax base. Therefore, it is in the best interests of the public health, safety, and welfare to provide for the wise subdivision, use, and development of shorelands of public waters. The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use, and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of East Bethel.

2. Scope and applicability.

A. *Jurisdiction.* The provisions of this ordinance shall apply to the shorelands of the public water bodies as classified in this ordinance and unclassified water bodies where applicable. A landscape/garden pond created by a private user where there was no previous water body may, at the discretion of the governing body, may be subject to the provisions of this section.

B. *Abrogation and greater restrictions.* It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

C. *[Compliance with regulations.]* The use of any shoreland of public waters, the size and shape of lots; the use, size, type and location of structure on lots; the installation and maintenance of water supply and waste treatment systems; the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this regulation and other applicable regulations.

- D. *[Severability.]* If any section, clause, provision, or portion of this ordinance is determined to be unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- E. *[Supplemental regulations.]* The regulations contained in this section are in addition to and not in lieu of the other regulations contained in other sections of this ordinance. All other regulations in this ordinance that are inconsistent with the regulations of this section are hereby repealed to the extent of the inconsistency only.

3. Notifications to the department of natural resources.

- A. Copies of all notices of any public hearings to consider variances, amendments, or conditional or interim uses under this subdivision of this ordinance must be sent to the Minnesota Department of Natural Resources (DNR) Commissioner or designated representative and be postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivisions/plats.
- B. A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional or interim uses under this subdivision shall be sent to the DNR Commissioner or representative within ten days of final action.

4. Purpose.

It is the intent and purpose of these regulations to:

- A. Designate suitable land use districts for each body of public water.
- B. Regulate the sanitary and waste treatment system for lots.
- C. Regulate the area of lots and the width of lots suitable for building sites.
- D. Regulate the alteration of shoreland of public waters.
- E. Regulate alterations of the natural vegetation and the natural topography along shorelands.
- F. Conserve natural resources and maintain a high standard of environmental quality.
- G. Preserve and enhance the quality of water.
- H. Preserve the natural environmental values of shorelands.
- I. Maintain water quality, reduce flooding and erosion, and provide sources of food and habitat for a variety of fish and wildlife.

5. Definitions.

Unless specifically defined below, words or phrases used in this section shall be interpreted so as to give them the same meaning as they have in Section 01. General Provisions of Administration, and to give this section its most reasonable application.

Access corridor. An area where vegetation is cut or removed through the buffer to provide access to a lake, stream, or wetland.

Bluff. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

Bluff line. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

- 1) Part or all of the feature is located in a shoreland area.
- 2) The slope rises at least 20 feet above the ordinary high water level of the water body.
- 3) The slope must drain toward the water body.
- 4) The average slope of 18 percent or more shall extend over a distance of 50 feet or more.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Buildable area. The space remaining on a lot after the setback requirements, area with a slope of 33 percent or more, 100-year floodplain, and drainage easements or wetland have been subtracted.

Building line. A line parallel to a lot line or the ordinary high water level at the required setback beyond which a structure may not extend.

Buffer strip. Undisturbed strip of land adjacent to shorelines and wetlands consisting of native or existing vegetation.

Buffer width, minimum. The minimum buffer distance allowed measured perpendicular to the delineated wetland edge or ordinary high water mark of the lake or stream.

Clear cutting. The removal of an entire stand of trees.

Commercial use. The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.

Conditional use. A use as this term is defined in Minnesota Statutes, chapter 394.

Controlled access lots. Lots intended to provide access to the lake for residents of a particular development.

Deck. A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than six inches above ground.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other non-metallic minerals, and peat not regulated under Minnesota Statutes.

Forest land conversion. The clear-cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Hardship. A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality, as defined in MN Statutes, Chapter 462.

Height of building. See Section 01. General Provisions of Administration.

Impervious surface. The area of a lot (above the ordinary high water level) covered with buildings including all appurtenances, driveways and sidewalks, and similar impervious materials. For the purpose of this section, driveways that have a gravel base shall be considered impervious. Decks that allow drainage through the decking and that do not have a plastic weed barrier or some other material that would impede drainage into the ground and swimming pool water surface area shall not be considered impervious.

Intensive vegetation clearing. The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.

Lake—general development. Generally large, deep lakes of varying size and depths with high levels and mixes of existing development. These lakes often are extensively used for recreation and, except for the very large lakes, are heavily developed around the shore. Second and third tiers of development are fairly common.

Lake—natural environment. Generally small, often shallow lakes with limited capacities for assimilation of the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

Lake—recreational development. Generally medium-sized lakes of varying depths and shapes with a variety of landform, soil, and groundwater situations on the lakes around them. They often are characterized by moderate levels of recreational uses and existing development. Development consists mainly of seasonal and year-round residences and recreational-oriented commercial uses.

Lot. A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Lot width. The horizontal distance between the side lot lines of a lot measured at the minimum required setback line from the ordinary high water mark or road right-of-way.

Nonconformity. The same as that term is defined or described in Minnesota Statutes 394.

Non-riparian. A lot with no frontage on a water body.

Ordinary high water level. The boundary of public waters shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowage, the ordinary high water level is the operating elevation of the normal summer pool. On lakes with an ordinary high water level established by the Minnesota Department of Natural Resources, that elevation shall be considered the ordinary high water level.

Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee Ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public waters. Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size will be regulated for the purposes of this code. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts of this code.

Riparian. A lot with frontage on a water body.

River—transition. A river designated as such by the Minnesota Department of Natural Resources.

River—tributary. Consists of watercourses mapped in the protected waters inventory that have not been assigned one of the river classes. These segments have a wide variety of existing land and recreational use characteristics.

Sensitive resource management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding, or occurrence of flora or fauna in need of special protection.

Setback. The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high water level, top of a bluff, road, highway, property line, or other facility.

Sewage treatment system. An on-site septic tank and soil absorption system or other individual or cluster type sewage treatment system.

Sewer system. Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.

Shore impact zone. Land located between the ordinary high water level of public water and a line parallel to it at a setback of 50 percent of the required structure setback.

Shoreland. Land which meets all of the following criteria from public waters:

- 1) A portion of the lot must be located within 1,000 feet from the ordinary high water level of a lake, or 300 feet from a river or stream, or the landward extent of a floodplain designated by an ordinance on a river or stream, whichever is greater.
- 2) A portion of the lot must fall within the shoreland zoning district as delineated on the zoning map.
- 3) A lot must have public water frontage or be in the next tier of lots landward that has primary access from the same public or private road that serves the public water frontage lots (tier two lots).

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the state register of historic sites, or is determined to be an unplatted cemetery.

Steep slope. Land where development or agricultural activity is either not recommended or described as poorly suited due to slope steepness and the site's soil characteristics. Where specific information is not available, "steep slope" is a 12 percent slope measured over a horizontal distance of 50 feet.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Tier one. A lot or parcel of land with frontage on a public water body.

Tier two. A lot or parcel of land that is across the street from a public or private road that serves the lots fronting a public water body.

Toe of the bluff. The lower point of a bluff with an average slope exceeding 18 percent.

Top of the bluff. The highest point of a bluff with an average slope exceeding 18 percent.

Tributary stream. A stream classified as such by the Minnesota Department of Natural Resources.

Unclassified body of water. Unclassified body of water means any lake, pond, backwater, swamp, march, wetland, stream, drainage way, flowage, river, floodplain, or other water-oriented topographical features not designated as being a natural environment lake, recreational development lake, general development lake, or transition river or tributary stream on the zoning map.

Vegetation, natural. Plant life which is native to the location and which would normally grow if the ground were left undisturbed.

Variance. A modification or variation of the provisions of this ordinance as applied to a specific lot or property, except that modification in the allowable uses in the district in which the property is located shall not be allowed as a variance.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

Wetland. Lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water. For the purposes of the ordinance, wetlands must:

- a) Have a predominance of hydric soils;
- b) Be inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- c) Under normal circumstances, support a prevalence of hydrophytic vegetation.

Wetlands generally include swamps, marshes, bogs, and similar areas.

6. Administration.

- A. *Compliance.* The use of any shoreland of public waters, the size and shape of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste removal systems, the grading and filling of any shoreland area, the cutting of shoreland vegetation, and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations. In cases where standards conflict with the standards of the base zoning districts, the more restrictive standard will prevail.

B. *Permits required.*

- 1) A permit is required for the construction of buildings or building additions (and including such related activities as construction of decks, fences, and signs), the installation and/or alteration of sewage treatment systems, and grading and filling activities. Application for a permit shall be made to the city. The application shall include the necessary information so that the city can determine the site's suitability for the intended use and that a compliant sewage treatment system will be provided.
- 2) A permit authorizing an addition to an existing structure shall stipulate that an identified failed sewage treatment system shall be reconstructed or replaced.
- 3) A water use permit from the City of East Bethel is required for all users withdrawing less than 10,000 gallons of water per day or less than 1,000,000 gallons per year from a public body of water. The pumping system must be enclosed in a structure not to exceed four feet by four feet and no more than two feet in height.

C. *Notification to the department of natural resources.*

- 1) Copies of all notices of any public hearing to consider variances, amendments, or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked at least ten days before the hearings. Notices of hearings to consider proposed subdivisions/plats shall include copies of the subdivision/plat.
- 2) A copy of approved amendments and subdivisions/plats, and final decisions granting variances or conditional uses under local shoreland management controls shall be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action.

D. *Variances.*

- 1) Variances may only be granted in accordance with Minnesota Statutes. No variance may be granted for prohibited uses.
- 2) When a variance is approved after the department of natural resources has formally recommended denial in the hearing record, the notification of the approved variance shall be sent to the department of natural resources and include the city council's summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- 3) For existing developments, the application for variance shall clearly demonstrate whether a conforming sewage treatment system is present for the intended use of the property. The variance, if issued, shall require reconstruction of a nonconforming sewage treatment system.

7. Shoreland classification system and land use districts.

- A. Shoreland classification system: The public waters of the city have been classified below and are consistent with the criteria found in Minnesota Regulations, part 6120.3300, and the Protected Waters Inventory Map for Anoka County, Minnesota.

- 1) The shoreland area for the water bodies listed in this subpart [subsection 1)] shall be defined as land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage, and 300 feet from a river or stream, or the landward extent of a floodplain on a river or stream, whichever is greater. The limits of shoreland areas may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the commissioner of the DNR. Mutually inclusive with shoreland areas, the SL districts are shown on the official zoning map.

a) Lakes.

<i>Natural Environment Lakes</i>	<i>Protected Waters I.D.#</i>
Rice Lake	2-43
Lone Pine Lake	2-55
Booster Pond	2-56
Ned's Lake	2-57
Devil Lake	2-58
Deer Lake	2-59
Mud Lake	2-60
Goose Lake	2-62
Anderson Lake	2-63
Unnamed	2-64
Fish Lake	2-65
Unnamed	2-66
Unnamed	2-68
Unnamed	2-69

	Cooper's Lake	2-70
<i>Recreational Development Lakes</i>		
	Minard Lake	2-67
<i>General Development Lakes</i>		
	Coon Lake	2-42

b) Rivers and streams.

<i>Tributary Streams</i>		
	Cedar Creek	*

*All protected watercourses in the city shown on the Protected Waters Inventory Map for Anoka County, a copy of which is hereby adopted by reference, not given a classification in items a) and b) above, shall be considered "tributary."

[B. Reserved.]

C. Land use districts:

- 1) Allowable land uses in the SL districts shall follow the permitted, accessory, conditional, and interim use designations as found in Section 40. General Zoning District Provisions of this ordinance, as may be amended, and as shown on the official zoning map of the city.
- 2) **Nonconformities: The land use districts adopted in this section of this ordinance shall apply to shoreland areas and their delineated boundaries on the official zoning map. All legally established nonconformities as of March 3, 1993, shall be managed according to Section 05. Nonconformities of this ordinance.**

8. Shoreland overlay district standards.

A. Lot area and width standards. The lot area and lot width standards for single- and multiple-family residential lots created after the date of enactment of this ordinance shall meet the requirements of this section.

Unsewered Lakes	Area	Width (feet)

Recreational Development	10 acres	150
General Development	10 acres	300
		553 does not meet this requirement
Natural Environment		
Cooper's Lake	10 acres	300
Mud Lake	10 acres	300
Ned Lake	10 acres	300
Deer Lake	80,000 sq. ft.	200
Devil Lake	80,000 sq. ft.	200
Rice Lake	80,000 sq. ft.	200
Goose Lake	80,000 sq. ft.	200
Fish Lake	80,000 sq. ft.	200
Anderson Lake	80,000 sq. ft.	200
Lone Pine Lake	80,000 sq. ft.	200
Booster Pond	80,000 sq. ft.	200
Unnamed 2-64	80,000 sq. ft.	200
Unnamed 2-66	80,000 sq. ft.	200
Unnamed 2-68	80,000 sq. ft.	200
Unnamed 2-69	80,000 sq. ft.	200

Sewered Lakes	Area	Width (feet)
Recreational Development	20,000 sq. ft.	80
General Development	15,000 sq. ft.	80
Natural Environment	40,000 sq. ft.	125
Unnamed 2-64	40,000 sq. ft.	125
Unnamed 2-66	40,000 sq. ft.	125
Unnamed 2-68	40,000 sq. ft.	125
Unnamed 2-69	40,000 sq. ft.	125

B. *[Standards for controlled access lots.]* Lots intended as controlled accesses to public waters or as recreation areas for use by Owners of nonriparian lots within subdivisions are permissible and must meet or exceed the following standards:

- 1) They shall meet the width and size requirements for residential lots, and be suitable for the intended uses of controlled access lots.
- 2) If docking, mooring, or over-water storage of more than six watercraft is proposed at a controlled access lot, the width of the lot (keeping the same lot depth) shall be increased by the percent of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Controlled Access Lot Frontage Requirements	
<i>Ratio of Lake Size to Shore Length (acres/miles)</i>	<i>Required Increase in Frontage (percent)</i>
Less than 100	25
100—200	20
201—300	15
301—400	10

Greater than 400	5
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- 3) They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.
- 4) Covenants or other equally effective legal instruments shall be developed that specify which lot Owners have authority to use the access lot and what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, or docking. They must also include other outdoor recreational activities that do not significantly conflict with general public use of the public water or the enjoyment of normal property rights by adjacent property Owners. The covenants must limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water, and must require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations. They must also require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water assuming summer leaf-on conditions.

C. *Placement, design, and height of structures.*

- 1) *Lot area.* Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.
- 2) *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with an approved variance to conform to the adjoining setbacks from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.
 - a) Structure and on-site sewage system setbacks from ordinary high water level:

<i>Setbacks</i>			
	<i>Structures</i>		
<i>Classes of Public Waters</i>	<i>Sewered</i>	<i>Unsewered</i>	<i>Sewage Treatment System</i>
Lakes			
Natural	150 feet	150 feet	150 feet

Environment			
Recreational Dvlp	75 feet	100 feet	75 feet
General Dvlp	50 feet	75 feet - 553 Lakeshore does not meet this setback requirement	50 feet
Creeks and Streams	100 feet	100 feet	75 feet

b) Additional structure setbacks. The following additional structure setbacks apply regardless of the classification of the water body:

<i>Setback from</i>	<i>Setback</i>
Top of bluff	30 feet
Unplatted cemetery	50 feet
Right-of-way line of federal, state, or county highway	50 feet
Right-of-way line of town road, public street, or other roads or streets not classified – 553 does not meet this requirement on the Forest Road side	25 feet

c) Bluff impact zones. Structures and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

3) *Design criteria for structures.*

- a) *High water elevations.* Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed is at a level at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is less, of the lake, creek, or stream fronted by the property.

Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to that elevation, electrical and mechanical equipment is placed above that elevation, and if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

- b) *Accessory structures.* Said structures shall meet the normal structure setback in item c) of this subpart and comply with the following provisions:

- (1) The structure or facility must be treated or screened so as to be minimally visible from public waters and adjacent shorelands. Treatment techniques include, but are not limited to, use of vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions;
 - (2) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.
- c) *Stairways, lifts, and landings.* Stairways and lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:
- (1) Stairways and lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public recreational properties.
 - (2) Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public recreational properties.
 - (3) Canopies or roofs are not allowed on stairways, lifts, or landings.
 - (4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion by following the Minnesota Pollution Control Agency's (MPCA) best management practices.
 - (5) Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer leaf-on conditions whenever practical.
 - (6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons shall be allowed for achieving access to shore areas provided that the dimensional and performance standards of subitems 1 through 5 are complied with in addition to the requirements of Minnesota Regulations, chapter 1340.
 - (7) Significant historic sites. No structure shall be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository. Any alteration to or use of an historic site shall be subject to applicable historic preservation regulations.
 - (8) Steep slopes. The zoning administrator shall evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetative screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer leaf-on conditions.
- 4) *Height of structures.* All structures in residential districts, except churches and non-residential agricultural structures, shall not exceed 30 feet in height to the eave line of a residence or 30 feet total height for other structures.

- 5) For lakes, rivers, and streams, the lowest floor level must be placed at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is greater.
- D. *Shoreland alterations.* Alterations to vegetation and topography shall be regulated to preserve shoreland aesthetics, preserve historic values, prevent bank slumping, fix nutrients, protect fish and wildlife habitat, and prevent erosion into public waters, according to the MPCA's Best Management Practices.
- 1) Vegetation alterations. Vegetation alterations necessary for the construction of structures, sewage treatment systems, roads, and parking areas as regulated by subpart 6 of this subdivision [item 9 of this section 57] are exempt from the vegetation alteration standards that follow.
 - 2) Removal or alteration of vegetation within an SL district, except for agricultural and forest management uses as regulated in subparts b and c of subpart 8 of this subdivision [subsections B. and C. of item 11 of this section 57], respectively, is allowed subject to the following standards:
 - a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas but within an SL District is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.
 - b) In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view of the water from the principal dwelling site and to accommodate the placement of stairways, landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (1) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer leaf-on conditions, is not substantially reduced;
 - (2) Existing shading of water surfaces is preserved along rivers, creeks, and streams; and
 - (3) The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards in which case responsible removal is allowed.
- E. *Topographic alterations/grading and filling.*
- 1) Grading, filling, and excavations necessary for the construction of structures, sewage treatment systems, and driveways under validly-issued construction permits for these facilities do not require the issuance of a separate grading and filling permit. However, the grading and filling standards in this subpart shall be incorporated into the issuance of permits for construction of structures, sewage treatment systems, and driveways hereafter.

- 2) Public roads and parking areas are regulated by subpart 6 of this subdivision [item 9 of this section 57].
- 3) Notwithstanding items 1.) and 2.) above, a grading and filling permit will be required for:
 - a) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones within an SL District.
- 4) The following considerations and conditions must be adhered to during the issuance of construction permits, grading and filling permits, conditional use permits, variances, and subdivision approvals:
 - a) Grading or filling in any type 2, 3, 4, 5, 6, 7, or 8 wetland must be evaluated to determine how extensively the proposed activity would affect the following functional qualities of the wetland:
 - (1) Sediment and pollutant trapping and retention;
 - (2) Storage of surface runoff to prevent or reduce local flooding;
 - (3) Protection of fish and wildlife habitat;
 - (4) Recreational use;
 - (5) Shoreline or bank stabilization; and
 - (6) Noteworthiness, including special qualities such as historic significance, critical habitat for endangered plants and animals, or others.

This evaluation must also include a determination of whether the wetland alteration being proposed requires permits, reviews, or approvals by other local, state, or federal agencies, such as a watershed district, the Minnesota DNR, or the U.S. Army Corps of Engineers.

- a) [b)] Alterations shall be designed and conducted in a manner that ensures only the smallest amount of bare ground is exposed for the shortest time possible;
- b) [c)] Mulches or similar materials shall be used where necessary for temporary bare soil coverage, and a permanent vegetation cover must be established as soon as possible;
- c) [d)] Methods to minimize soil erosion and to trap sediments before they reach any surface water feature shall be used;
- d) [e)] Altered areas must be stabilized to acceptable erosion control standards consistent with the Anoka County Soil and Water Conservation Districts and the U.S. Soil Conservation Service;
- e) [f)] Fill or excavated material shall not be placed in a manner that creates an unstable slope;

- f) [g)] Plans to place fill or excavate material on steep slopes shall be reviewed by qualified professionals to promote continued slope stability and must not create finished slopes of 30 percent or greater;
- g) [h)] Fill or excavated material shall not be placed in bluff impact zones;
- h) [i)] Any alterations below the ordinary high water level of public waters must first be authorized by the DNR Commissioner under Minnesota Statutes.
- i) [j)] Alterations to topography shall only be allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties;
- j) [k)] Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three feet horizontal to one foot vertical, the landward extent of the riprap is within ten feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three feet.

9. Placement and design of roads, driveways, and parking areas.

- A. Public and private roads and parking areas shall be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation shall be provided by a qualified professional that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the requirements of the Anoka Conservation District.
- B. Roads, driveways, and parking areas must meet structure setbacks and shall not be placed within bluff and shore impact zones when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.
- C. Public and private watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met. For private facilities, the grading and filling provisions of subpart 5 of this subdivision [subsection E. of item 8 of this section 57] must be met.

10. Stormwater management.

The following general and specific standards shall apply:

A. *General standards.*

- 1) When possible, existing natural drainageways, wetlands, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.
- 2) Development shall be planned and conducted to minimize the extent of disturbed areas, runoff velocities, erosion potential, and runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and sediment must be retained on-site.
- 3) When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle stormwater runoff using natural features and

vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage, vegetation, and infiltration rather than buried pipes and manmade materials and facilities.

B. *Specific standards.*

- 1) Impervious surface coverage of lots shall not exceed 25 percent of the lot area. 553 Lakeshore when combined with 179 Forest Road should meet this standard.(subject to survey) Standing alone only it does not.
- 2) When constructed facilities are used for stormwater management, documentation must be provided by a qualified professional that they are designed and installed consistent with the Anoka Conservation District requirements.
- 3) Newly-constructed stormwater outfalls to public waters must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.

11. Special provisions for commercial, industrial, public/semi-public, agricultural, forestry, and extractive uses and mining of metallic minerals and peat.

A. *Standards for commercial, industrial, public, and semi-public uses.*

- 1) Surface water-oriented commercial uses and industrial, public, or semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses must meet the following standards:
 - a) In addition to meeting impervious coverage limits, setbacks, and other zoning standards in this ordinance, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.
 - b) Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need.
 - c) Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:
 - (1) No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the county sheriff.
 - (2) Signs may be placed, when necessary, within the shore impact zone if they are designed and sized to be the minimum necessary to convey needed information.
 - (3) Other outside lighting may be located within the shore impact zone or over public waters if it is used primarily to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

- 2) Commercial, industrial, public, and semi-public uses without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the normal ordinary high water level setback or be substantially screened from view from the water by topography or vegetation, assuming summer leaf-on conditions.

B. *Agriculture use standards.*

- 1) General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan consistent with the Anoka Conservation District requirements or the U.S. Soil Conservation Service, as provided by a qualified professional or agency.
- 2) The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high water level.

C. *Forest management standards.* The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Nonpoint Source Pollution Assessment—Forestry, and the provisions of Water Quality in Forest Management "Best Management Practices in Minnesota."

D. *Extractive use standards.*

- 1) *Site development and restoration plan.* An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated alterations to vegetation and topography. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.
- 2) *Setbacks for processing machinery.* Processing machinery must be located consistent with setback standards for structures from ordinary high water levels of public waters and from bluffs.

C[E]. *Mining of metallic minerals and peat.* Mining of metallic minerals and peat, as defined in Minnesota Statutes, shall be a permitted use provided the provisions of Minnesota Statutes and all city ordinances are satisfied.

12. Conditional and interim uses.

Conditional and interim uses allowable within shoreland areas shall be subject to the review and approval procedures established in Section 04. Applications and Procedures of this ordinance. The following additional evaluation criteria and conditions apply within shoreland areas:

- A. *Evaluation criteria.* A thorough evaluation of the water body and the topography, vegetation, and soils conditions on the site must be made to ensure:

- 1) The prevention of soil erosion or other possible pollution of public waters both during and after construction;
- 2) The visibility of structures and other facilities as viewed from public waters is limited;
- 3) The site is adequate for water supply and on-site sewage treatment;
- 4) The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

B. *Conditions attached to conditional or interim use permits.* The city council, upon consideration of the criteria listed above and the purposes of this ordinance, shall attach such conditions to the issuance of the conditional or interim use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- 1) Increased setbacks from the ordinary high water level;
- 2) Limitations on the natural vegetation to be removed or the requirement that additional vegetation be planted; and
- 3) Special provisions for the location, design, and use of structures, sewage treatment systems, watercraft launching and docking areas, and vehicle parking areas.

13. Water supply and sewage treatment.

A. *Water supply.* Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the MPCA.

B. *Sewage treatment.* Any premises used for human occupancy must be provided with an adequate method of sewage treatment as follows: **553 does not have a septic system.**

- 1) **Publicly owned sewer systems must be used where available.**
- 2) **All private sewage treatment systems must meet or exceed the MPCA standards for individual sewage treatment systems contained in the document titled, "Individual Sewage Treatment Systems Standards, Chapter 7080."**
- 3) **On-site sewage treatment systems must be set back from the ordinary high water level in accordance with the setbacks contained in this section.**
- 4) **All proposed sites for individual sewage treatment systems shall be evaluated in accordance with the criteria in this section. If the determination of a site's suitability cannot be made with publicly available and existing information, it shall then be the responsibility of the applicant to provide sufficient soil borings and percolation tests from on-site field investigations.**

Evaluation criteria:

- a) **Depth to the highest known or calculated groundwater table and bedrock.**
- b) **Soil conditions, properties, and permeability.**

- c) Slope.
- d) The existence of lowlands, local surface depressions, and rock outcrops.
- 5) All lots must have sufficient area for the construction of two soil treatment areas, wherever possible.
- 6) Nonconforming sewage treatment systems shall be regulated and upgraded in accordance with Section 13. [General Residential Building Standards] of this subdivision.

14. Nonconformities. – 553 Lakeshore lost its status as a legal nonconforming Principal structure when a portion of the cabin was removed and the septic was taken out. Allowed to keep the garage as a legal nonconforming structure provided it is combined with 179 Forest Rd.

All legally established nonconformities as of the date of this ordinance may continue, but they will be managed according to applicable state statutes and Section 04. Applications and Procedures of this ordinance for the subjects of alterations and additions, repair after damage, discontinuance of use, and intensification of use; except that the following standards will also apply in shoreland areas:

A. *Construction on nonconforming lots of record.*

- 1) Lots of record in the Office of the Anoka County Recorder on the date of enactment of local shoreland controls that do not meet requirements of this section may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate Ownership from abutting lands at all times since it became substandard, the lot was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
- 2) A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the planning commission shall consider sewage treatment and water supply capabilities and constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
- 3) If, in a group of two or more contiguous lots under the same Ownership, any individual lot does not meet the requirements of this section, the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of the ordinance as much as possible.

B. *Additions/expansions to nonconforming structures.*

- 1) All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of this section. Any deviation from these requirements must be authorized by a variance in accordance with Section 04. Applications and Procedures.

- 2) Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria and standards are met:
 - a) The structure existed on the date the structure setbacks were established.
 - b) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure.
 - c) The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or does not encroach closer than 30 feet, whichever is more restrictive.
 - d) The deck is constructed primarily of wood, and is not roofed or screen-enclosed.

C. *Nonconforming sewage treatment systems.*

- 1) A sewage treatment system not meeting the requirements of subpart 10 of this subdivision must be upgraded, at a minimum, at any time a permit or variance of any type is required for any improvement on or use of the property, prior to issuance of any permits. For the purposes of this provision, a sewage treatment system shall not be considered nonconforming if the only deficiency is the sewage treatment system's improper setback from the ordinary high water level.
- 2) The city council has by formal resolution notified the DNR Commissioner of its program to identify nonconforming sewage treatment systems. The city will require upgrading or replacement of any nonconforming system identified by this program within a reasonable period of time not to exceed ten months. Sewage systems installed according to all applicable local shoreland management standards adopted under Minnesota Statutes in effect at the time of installation may be considered as conforming unless they are determined to be failing, except that systems using cesspools, leaching pits, seepage pits, or other deep disposal methods, or systems with less soil treatment area separation above groundwater than required by the MPCA for design of on-site sewage treatment systems, shall be considered nonconforming.

15. Subdivision/platting provisions.

- A. *Land suitability.* Each lot created through subdivision must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis shall consider susceptibility to flooding, existence of wetlands, soil and rock formations with severe limitations for development, severe erosion potential, steep topography, inadequate water supply or sewage treatment capabilities, near-shore aquatic conditions unsuitable for water-based recreation, important fish and wildlife habitat, presence of significant historic sites, or any other feature of the natural land likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the city.
- B. *Consistency with other controls.* Subdivisions shall conform to all official controls of the city. A subdivision shall not be approved where a later variance from one or more standards in official controls would be needed to use the lots for their intended purpose. A subdivision shall not be approved unless domestic water supply is available and a

sewage treatment system consistent with this ordinance is installable and operable. Each lot shall meet the minimum lot size and dimensional requirements of this ordinance, including at least a minimum contiguous lawn area that is free of limiting factors sufficient for the construction of two standard soil treatment systems. Lots that would require use of holding tanks must not be approved.

C. *Information requirements.* The following information shall be required to determine land suitability:

- 1) Topographic contours at two foot intervals or less from U.S. Geological Survey maps or more accurate sources showing limiting site characteristics;
- 2) The surface water features required in Minnesota Statutes to be shown on plats obtained from U.S. Geological Survey quadrangle topographic maps or more accurate sources;
- 3) Adequate soils information to determine suitability for building and on-site sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;
- 4) Information regarding adequacy of domestic water supply, extent of anticipated vegetation and topographic alterations, near-shore aquatic conditions, including depths to and types of bottom sediments and aquatic vegetation, and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;
- 5) Location of 100-year floodplain areas and floodway districts from existing adopted maps or data; and
- 6) A line or contour representing the ordinary high water level, the "toe" and the "top" of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

D. *Dedications.* When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

E. *Platting.* All subdivisions that create lots or parcels that are less than five acres in size, have less than 300 feet road frontage and width on a publicly-maintained street, or if a street is to be constructed or dedicated for the purpose of subdividing, shall be processed as a plat in accordance with the city's subdivision ordinance.

F. *Controlled access or recreational lots.* Lots intended as controlled accesses to public waters or for recreational use areas for use by nonriparian lots within a subdivision shall meet or exceed the sizing criteria in this section.

(Ord. No. 19, Second Series, 5-5-2010)

**EXTRACT OF MINUTES OF MEETING OF THE
CITY COUNCIL OF THE CITY OF
EAST BETHEL, MINNESOTA**

HELD: August 19, 2015

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of East Bethel, Anoka County, Minnesota, was duly held at the City Hall in said City on the 19th day of August, 2015, at 7:00 o'clock P.M.

The following members were present:

Steve Voss, Tim Harrington, Ron Koller, Brian Mundle and Tom Ronning

and the following were absent:

None

Member Ron Koller introduced the following resolution and moved its adoption:

RESOLUTION NO. 2015-48

**RESOLUTION CALLING HEARING ON
ASSESSMENTS FOR RETAINING WALL REDUCTION
AT 553 LAKESHORE DRIVE**

WHEREAS, the City Clerk, with the assistance of the City consulting engineer, has prepared an assessment roll for the retaining wall reduction improvement project for 553 Lakeshore Drive, and said proposed assessment roll is on file with the City Clerk and open to public inspection;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of East Bethel, Minnesota, as follows:

1. The Clerk shall publish notice that this Council will meet to consider the proposed assessments on September 16, 2015, at 7:00 o'clock P.M. in the City Hall of said City of East Bethel, Minnesota. The published notice shall be in substantially the form set forth on Exhibit A attached hereto.
2. A copy of the notice in substantially the form set forth in Exhibit B attached hereto shall be mailed to the owners of each parcel of property described in the assessment roll.

**EXHIBIT A
 NOTICE OF HEARING ON ASSESSMENTS
 FOR RETAINING WALL REDUCTION
 AT 553 LAKESHORE DRIVE**

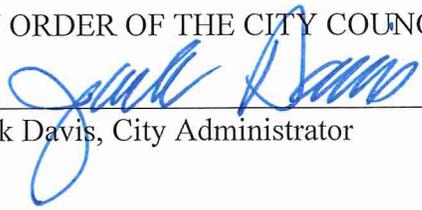
TO WHOM IT MAY CONCERN:

TIME AND PLACE	Notice is hereby given that the City Council of the City of East Bethel, Minnesota, will meet in the City Hall in the City of East Bethel, Minnesota, on the 16th day of September, 2015, at 7:00 o'clock P.M.
GENERAL NATURE OF IMPROVEMENTS:	To consider objections to the proposed assessments for the Retaining Wall Reduction at 553 Lakeshore Drive Improvements previously ordered by the City Council.
ASSESSMENT ROLL OPEN TO INSPECTION:	The proposed assessment roll is on file with the City Clerk and open to public inspection.
AREA PROPOSED TO BE ASSESSED:	The area proposed to be assessed consists of every lot, piece or parcel of land benefitted by said improvement, which has been ordered made and is as follows: Lots 356, 357, 358, 359 and 360, all in Block 6, Coon Lake Beach, Anoka County Minnesota, as located in the City of East Bethel, Minnesota.
TOTAL AMOUNT OF PROPOSED ASSESSMENT:	The total amount proposed to be assessed is \$4,441.20.
WRITTEN OR ORAL OBJECTIONS:	Written or oral objections will be considered at the hearing.
RIGHT OF APPEAL:	An owner of property to be assessed may appeal the assessment to the district court of Anoka County pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption of the assessment and filing such notice with the district court within ten days after

	service upon the Mayor or Clerk.
LIMITATION ON APPEAL:	No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner is filed with the Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061 are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.
DEFERMENT OF ASSESSMENTS:	Under the provisions of Minnesota Statutes, Sections 435.193 to 435.195, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments.
MAILED NOTICE:	The notice of this hearing mailed to property owners contains additional information.

DATED: August 19, 2015.

BY ORDER OF THE CITY COUNCIL



 Jack Davis, City Administrator

**EXHIBIT B
NOTICE OF HEARING ON ASSESSMENTS
FOR RETAINING WALL REDUCTION
AT 553 LAKESHORE DRIVE**

TO:	Heidi Moegerle and Gary Otremba 179 Forest Road NE East Bethel, MN 55092 And K. Darlene Moegerle 2030 Chester Blvd Richmond, IN 47374
TIME AND PLACE	Notice is hereby given that the City Council of the City of East Bethel, Minnesota, will meet in the City Hall in the City of East Bethel, Minnesota, on the 16th day of September, 2015, at 7:00 o'clock P.M.
GENERAL NATURE OF IMPROVEMENTS:	To consider objections to the proposed assessments for the Retaining Wall Reduction at 553 Lakeshore Drive Improvements of 2015 heretofore ordered by the City Council.
ASSESSMENT ROLL OPEN TO INSPECTION:	The proposed assessment roll is on file with the City Clerk and open to public inspection.
AREA PROPOSED TO BE ASSESSED:	The area proposed to be assessed consists of every lot, piece or parcel of land benefitted by said improvement, which has been ordered made and is as follows: Lots 356, 357, 358, 359 and 360, all in Block 6, Coon Lake Beach, Anoka County Minnesota, as located in the City of East Bethel, Minnesota.
TOTAL AMOUNT OF PROPOSED ASSESSMENT:	The total amount proposed to be assessed is \$4,441.20.
WRITTEN OR ORAL OBJECTIONS:	Written or oral objections will be considered at the hearing.
RIGHT OF APPEAL:	An owner of property to be assessed may appeal the assessment to the district court of Anoka County pursuant to Minnesota Statutes, Section 429.081 by serving notice of the appeal upon the Mayor or Clerk of the City within 30 days after the adoption

	of the assessment and filing such notice with the district court within ten days after service upon the Mayor or Clerk.
LIMITATION ON APPEAL:	No appeal may be taken as to the amount of any assessment adopted by the City Council unless a written objection signed by the affected property owner is filed with the Clerk prior to the assessment hearing or presented to the presiding officer at the hearing. All objections to the assessments not received at the assessment hearing in the manner prescribed by Minnesota Statutes, Section 429.061 are waived, unless the failure to object to the assessment hearing is due to a reasonable cause.
DEFERMENT OF ASSESSMENTS:	Under the provisions of Minnesota Statutes, Sections 435.193 to 435.195, the City may, at its discretion, defer the payment of assessments for any homestead property owned by a person 65 years of age or older for whom it would be a hardship to make the payments.
SPECIFIC AMOUNT TO BE ASSESSED:	The amount to be specifically assessed against your particular lot, piece of parcel of land is \$4,441.20.
PREPAYMENT:	You may prepay the entire assessment to the Treasurer of the City until the assessment roll is certified to the County Auditor; after certification to the County Auditor, prepayments of the entire amount remaining due may be made to the Treasurer at any time prior to November 15 of any year.*
NO PARTIAL PREPAYMENT:	The City Council has not authorized the partial prepayment of assessments prior to certification of the assessment or the first installment thereof to the County Auditor.
PREPAYMENT WITHOUT INTEREST, OR WITH INTEREST TO END OF YEAR:	No interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment roll. At any time prior to October 16, 2015 the owner may prepay to the Treasurer the whole assessment remaining due with interest accrued to December 31 of the year in which the prepayment is made.

INTEREST RATE:	If the assessment is not prepaid within 30 days from the adoption of the assessment roll, interest will accrue on the assessment at the rate of 5%. Interest accrues from the date to be specified in the resolution levying the assessment, but not earlier than the date of such resolution.
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DATED: August 19, 2015.

BY ORDER OF THE CITY COUNCIL

Jack Davis
City Clerk

1. Said notice attached as Exhibit A hereto shall be published by the City Clerk in the official newspaper at least two weeks prior to the hearing and the notice attached hereto as Exhibit B shall be mailed by the Clerk to the owners of each parcel described in the assessment roll.

2. If the adopted assessment differs from the proposed assessment as to any particular lot, piece or parcel of land, the Clerk shall mail to the owner a notice stating the amount of the adopted assessment. Owners must also be notified by mail of any changes adopted by the Council in interest rates or prepayment requirements from those contained in the mailed notice of the proposed assessment.

The motion for the adoption of the foregoing resolution was duly seconded by member Tim Harrington and upon a vote being taken thereon, the following voted in favor thereof:

Steve Voss, Tim Harrington, Ron Koller, Brian Mundle and Tom Ronning

and the following voted against the same:

None

Whereupon said resolution was declared duly passed and adopted.

STATE OF MINNESOTA)
) ss
COUNTY OF ANOKA)

I, the undersigned, being the duly qualified and acting Clerk of the City of East Bethel, Minnesota, DO HEREBY CERTIFY that I have carefully compared the attached and foregoing extract of minutes of a meeting of the City Council of said City held on the date therein indicated with the original thereof on file in my office, and the same is a full, true and complete transcript therefrom insofar as the same relates to a resolution calling a hearing on assessments for ASSESSMENTS FOR RETAINING WALL REDUCTION AT 553 LAKESHORE DRIVE, in the City of East Bethel.

WITNESS my hand as such Clerk and the seal of said City this 19th day of AUGUST, 2015.

(SEAL)



City Clerk







City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 4.0 B.

Agenda Item:

Dangerous Dog Hearing

Requested Action:

Determine by Hearing if a dangerous dog determination issued by the City Administrator to Joshua Jeppesen should be maintained, modified or removed.

Background Information:

The hearing relates to a dog bite incident that occurred on August 10, 2015. The Anoka County Sherriff's office reported that a brown pit bull owned by Joshua Jeppesen bit, in the public right of way in front of 445 196th Lane, a dog owned by Scott Koivisto.

Since the incident was unprovoked as reported by the investigating deputy, off the owner's property and Mr. Jeppesen's dog was the aggressor, it is now sufficient to issue a dangerous dog notice pursuant to Chapter 10 of the city code based on the incident report (Attachment 1). A review of city records indicates that Mr. Jeppesen's dog was not licensed at the time of the incident and the owner has not obtained a license as of September 11, 2015. The dog was not current with its rabies vaccinations. The dog was vaccinated on August 11, 2015.

Based on the veterinarian report submitted by Mr. Jeppesen (Attachment 2), the dog was not seized. However, the owner was instructed to quarantine the dog at the 456 196th Lane address and after it was reported running loose, the owner was advised to keep the dog out of the City until this matter was resolved.

The owner has submitted written request to appeal the decision of the dangerous dog declaration. Pursuant to City Code Chapter 10, Article II, Dogs, Subd. 3, an animal owner is allowed to contest the dangerous dog determination. In this case, Mr. Joshua Jeppesen, the animal owner, has requested a hearing before Council.

Per City Code chapter 10, section 10-72, the owner is to be granted a hearing before the City Council. Mr. Jeppesen will be present on September 16, 2015 to appeal the determination that the dog in question is a dangerous dog.

The City Council pursuant to section 10-72 has several options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons, if present, why the dangerous dog determination should be lifted or sustained.
2. If the dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. Allow the owners to keep the animal with restrictions.
3. If the dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

The following are requirements for maintaining the animal should the dangerous dog determination be sustained. Per City Code these include:

Sec. 10-76. - Dangerous dog requirements.

(a)

Requirements. If after a hearing, if a hearing is requested under [section 10-72](#), the city council finds the dog to be dangerous but does not order the destruction of the dog, the council shall order all of the following requirements for the keeping of the dog in the city, which, beginning six months after the dog is declared a dangerous dog, will be reviewed on an annual basis by the city administrator. If, in reviewing the requirements for keeping a dangerous dog, the owner has provided the evidence required under Minn. Stats. § 347.51, subd. 3a. and there have been no ordinance violations for a period of two years, the city administrator may use discretion in determining whether any of the requirements set forth below will still be required:

(1)

That the owner provide and maintain a proper enclosure for the dangerous dog as defined in [section 10-70](#)

(2)

That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the city, to inform children, that there is a dangerous dog on the property as specified in Minn. Stats. § 347.51. The owner must pay a reasonable fee to cover the cost of the warning symbol;

(3)

That an easily identifiable, standardized tag identifying the dog as dangerous and containing the uniform dangerous dog symbol must be affixed to the dog's collar at all times as specified in Minn. Stats. § 347.51;

(4)

That the owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$300,000.00. The insurance must insure the owner for any personal injuries inflicted by the dangerous dog. The owner shall have 14 business days from the request to show proof of insurance, except that if the dog is impounded, proof of insurance must be demonstrated prior to the dog's release;

(5)

That if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 18 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration;

- (6) That the owner provides and shows proof of microchip identification implanted in the dog as required in Minn. Stats. § 347. 515;
- (7) That all dogs deemed dangerous by the city council be registered with the city within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the city administrator;
- (8) That the dog be sterilized at the owner's expense;
- (9) The dog must have a lifetime license and be up to date on rabies vaccination; and
- (10) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of dangerous dog by the city council.

(b) *Seizure.* The animal control authority shall seize any dangerous dog if the owner(s) do(es) not meet each of the above requirements ordered by the city council within 14 days after the date notice is sent to the owner(s) that the dog is dangerous and no appeal has been filed.

(c) *Reclaiming dangerous dogs.* A dangerous dog seized under this section may be reclaimed by the owner(s) of the animal upon payment of impounding and boarding fees and presenting proof to the animal control authority that each of the requirements under this division of this Code have been met. An animal not reclaimed under this section within 14 days may be disposed of as provided under [section 10-73](#), and the owner(s) is(are) liable to the animal control authority for costs incurred in confining and destroying the dog.

(d) *Subsequent offenses.* If an owner of a dog which has been declared dangerous and is subject to the requirements of this section has allegedly failed to comply with the requirements, the dog must be seized by the animal control authority. Notice shall be provided to the owner(s) of the basis for the seizure and the right to request a hearing before the city council to determine whether the requirements were violated. A request for hearing must be made within 14 days of the seizure. If the owner(s) fail(s) to request a hearing within 14 days, or is(are) found to have violated the requirements, the council shall order the dog destroyed in a proper and humane manner and the owner(s) shall pay the costs of confining and destroying the dog. If the owner(s) is(are) found not to have violated the requirements, the owner(s) may reclaim the dog under the provisions of this section.

(e) *Registration fee.* The owner(s) of a dog that has been declared dangerous shall pay an annual registration fee to the city of \$500.00 in addition to any regular dog licensing fees and a reasonable fee to cover the city's administrative costs within 14 days of the declaration and again after annual anniversary dates. If the dog has been impounded, the fee must be paid prior to the dog's release. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with the requirements of this section.

(Ord. No. 3, Second Series, 9-3-2008)

Attachment(s):

- 1) Incident Report #15-169288
- 2) Veterinarian Report

Fiscal Impact:

To be determined

Recommendation(s):

Staff recommends City Council conduct a hearing relating to the dangerous dog determination and issue a decision to sustain the dangerous dog determination in this incident pursuant to City Code Chapter 10, Animals, Article II. Dogs, Division 3 with directions as to the issuance of requirements for keeping the dog or lift the determination and release any conditions in this matter.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

INCIDENT INFO

Agency Name: ANOKA COUNTY SHERIFFS OFFICE		ORI #: MN0020000	JCF: <input type="checkbox"/>	Add'l Pages: <input type="checkbox"/>	 * 1 5 1 6 9 2 8 8 *
Reporting Officer(s): 18882 ALDERINK, JUSTIN				Total Value Stolen (Property): \$0.00	
Date Reported: 08/10/2015 07:43 PM	Assigned: 1943	Arrived: 1953	Cleared: 2030	Total Value Damaged (Property): \$0.00	
Earliest Date/Time Occurred:		Latest Date/Time Occurred:			
Location of Offense/Incident: 456 196 LN NE EAST BETHEL, MN 55011-				Apt.:	Grid: L60000 - EAST BETHEL

OFFENSE(S)

MOC Code:	Classification:	Disposition:
09561	ANIMAL - DOG BITES	ASSISTED/ADVISED

NARRATIVE

Incident Narrative 1
DISPATCHED TO 445 196 LN NE ON A REPORT OF A DOG V. DOG BITE.

SEE SUPPLEMENT.

DEPUTY ALDERINK
LJ 8/13/15

FORWARD COPY TO CITY OF EAST BETHEL ATTN:CITY ADMINISTRATOR

NAME CODES: A - Adult Arrested, AC - Arresting Citizen, C - Complainant, D - Driver, F - Family/Parent, G - Guardian, J - Juvenile Arrested, M - Mentioned, MP - Missing Person, I - Other Involved, O - Owner, P - Passenger, PT - Perpetrator, R - Reportee, S - Suspect, V - Victim, W - Witness

NAME(S)

<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: A	Code: R	Name: KOIVISTO, SCOTT WILLIAM	Alias:			
Address (Street, City, State, Zip): 445 196 LN NE CEDAR, MN 55011-				Apt.:	Date of Birth: 06/12/1967	Sex: MALE	Race: WHITE
Height: 511	Weight: 185	Hair Color: BLOND	Eye Color: GREEN	Home/Bus. Phone: 763-434-9109	Work/Bus. Cell:	Cell/Pager/Fax: 763-232-8332	
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: J	Code: W	Name: KOIVISTO, ASHLEY MARIE	Alias:			
Address (Street, City, State, Zip): 445 196 LN NE EAST BETHEL, MN 55011-				Apt.:	Date of Birth: 09/14/1999	Sex: FEMALE	Race: WHITE
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone: 763-434-9109	Work/Bus. Cell:	Cell/Pager/Fax:	
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: A	Code: O	Name: JEPPESEN, JOSHUA SCOTT	Alias:			
Address (Street, City, State, Zip): 456 196 LN NE EAST BETHEL, MN 55011-				Apt.:	Date of Birth: 05/18/1982	Sex: MALE	Race: WHITE
Height: 507	Weight: 167	Hair Color:	Eye Color: BLUE	Home/Bus. Phone: 952-467-6432	Work/Bus. Cell:	Cell/Pager/Fax: 952-843-3829	

CASE

Supervisor:	Extra Copy To:	Related Case Number:
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Case Number:
15169288

MISSING PERSON

A/JJU:	Code:	Name:	Home Phone:			Work Phone:		
Address (Street, City, State, Zip):						Apt.:	Cell/Pager:	
Date of Birth:	Sex:	Race:	Height:	Weight:	Hair Color:	Hair Length:	Facial Hair:	Eye Color:
Alias/Nickname:			Clothing:					
Scars/Marks/Tattoos:								
Missing Person Circumstance:								

VEHICLE(S)

Code:	License Plate #:	State:	Year:	Veh. Type:	VIN:	Veh. Year:	Make:	
Model:	Veh. Style:	Color:	Value:	Earliest Date/Time Occurred:	Latest Date/Time Occurred:			
Description/Special Equipment:								

Code:	License Plate #:	State:	Year:	Veh. Type:	VIN:	Veh. Year:	Make:	
Model:	Veh. Style:	Color:	Value:	Earliest Date/Time Occurred:	Latest Date/Time Occurred:			
Description/Special Equipment:								

PROPERTY

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

AFFIDAVIT:

<i>I certify the above information to be true and correct.</i>	Signature:	Date:
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SUPPLEMENTARY INVESTIGATION REPORT

CASE NO. 15-169288



OFFENSE: DOG BITE

COMPLAINANT:

ADDRESS:

ADDITIONAL DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.

DISPATCHED TO 445 196 LN NE ON A DOG V DOG BITE. UPON ARRIVING I SPOKE TO SCOTT AND HIS DAUGHTER AMK. SCOTT STATED THAT HIS DOG IS ALREADY ON ITS WAY TO GET EVALUATED BY A VET BECAUSE OF INJURIES. SCOTT SHOWED ME PICTURES OF HIS DOG, COOPER, INJURIES. I SAW 2 PUNCTURE WOUNDS TO THE REAR LEG OF THE DOG. IT IS UNKNOWN IF THEY WENT ALL THE WAY THRU OR IF THERE WERE MORE PUNCTURES ON THE OTHER SIDE OF THE LEG. SCOTT PROVIDED ME WITH HIS PROOF OF RABIES VACCINATION FOR COOPER AND STATED THE DOG IS ALSO REGISTERED WITH THE CITY. SCOTT STATED THAT THE DOG THAT ATTACKED HIS DOG IS A BROWN PITBULL AND LIVES AT 456 196 LN NE AND THE OWNER IS JOSHUA.

I THEN SPOKE TO SCOTT'S DAUGHTER, AMK, SINCE SHE WAS WALKING THE DOG AT THE TIME. AMK STATED THAT HER AND HER SISTER WERE WALKING THIER 2 DOGS AND KNEW THAT THEY HAD A PITBULL AT THE HOUSE ACROSS THE STREET. AMK STATED THAT THIER DOGS WERE ON LEASHES AND THEY WALKED ON THE NORTH SIDE OF THE STREET SO THEY COULD BE FURTHER AWAY FROM THE PITBULL. AMK STATED THAT SHE SAW THE DOG LOOSE IN THE YARD, BUT JOSHUA WAS OUTSIDE WORKING ON A VAN AS WELL. AMK STATED THAT THE PITBULL WALKED OVER TO THEM IN THE STREET. AFTER THE DOG GOT OVER TO THEM IT BEGAN GROWLING AT HER DOGS. AT THAT POINT HER DOG, COOPER, BACKED UP AND GROWLED AS WELL. THE PITBULL THEN BIT COOPER IN THE BACK LEG. AMK THEN HIT AND KICKED THE PITBULL AND JOSHUA CAME OVER AND THEY SEPARATED THE DOGS. AT THAT TIME SCOTT RAN FROM HIS YARD OVER TO WHERE SHE WAS AS WELL.

AFTER SPEAKING TO SCOTT AND HIS DAUGHTER, I MADE CONTACT WITH JOSHUA. JOSHUA STATED THAT HE WAS OUTSIDE WORKING ON A VAN. JOSHUA STATED THAT HIS DOG, REBEL, WAS OUTSIDE IN THE YARD. JOSHUA STATED THAT HE SAW REBEL WALK OVER TO THE OTHER DOGS AND HE THOUGHT THAT THEY WERE JUST GOING TO SNIFF EACH OTHER. JOSHUA THEN STATED THAT REBEL AND COOPER LATCHED ONTO EACH OTHERS BACK LEGS. I ASKED JOSHUA IF REBEL HAS ANY INJURIES AND HE STATED THAT HE DIDNT THINK SO. I ASKED JOSHUA FOR HIS RABIES RECORDS AND HE STATED HE DIDNT HAVE THEM BUT WOULD GET THEM TOMORROW SINCE HIS VET IS

THIS OFFENSE IS DECLARED:

Unfounded
Cleared by Arrest
Exceptionally Cleared
Inactive (Not Cleared)
Refer to other Agency

SIGNED: _____
Investigating Officer

DATE: _____

SIGNED: _____
Chief or Commanding Officer

DATE: _____

PAGE 2
15-169288
DEPUTY ALDERINK

CLOSED FOR THE NIGHT. I EXPLAINED TO JOSHUA THAT SINCE HIS DOG WAS OFF HIS PROPERTY AND AT LARGE THAT HIS DOG WAS THE AGGRESSOR AND THAT THIS IS AN UNPROVOKED BITE. I EXPLAINED TO JOSHUA THAT HE NEEDS TO KEEP REBEL ON THE PROPERTY AT ALL TIMES AND IF HE CANT DO IT WITH VERBAL COMMANDS THAT HE NEEDS TO KEEP THE DOG TIED UP. I EXPLAINED TO HIM THAT THE CITY WOULD BE IN CONTACT WITH HIM REGARDING THE INCIDENT AS WELL. I ALSO TOLD HIM THAT I WOULD COME BACK FOR THE RECORDS TOMORROW.

ON 8/11/2015 AT 1900HRS I STOPPED BACK OUT WITH JOSHUA. JOSHUA HAD THE RECORDS FOR REBEL. THE RECORDS SHOWED THAT REBEL WAS 1 YEAR OVER DUE FOR HIS RABIES VACCINATIONS. JOSHUA PROVIDED ME WITH PAPERWORK THAT SHOWED THAT HE BROUGHT REBEL TO THE OAK GROVE ANIMAL HOSPITAL AND HAD HIM EVALUATED FOR RABIES AND HE WAS ALSO GIVEN A RABIES VACCINATION. I CONTACTED THE CITY REGARDING THE VACCINATION RECORDS. THE CITY ADMINISTRATOR DID NOT WANT TO SIEZE THE DOG AT THIS TIME SINCE WE HAVE RECORDS. THE CITY ADMINISTRATOR WANTED TO MAKE SURE I TOLD JOSHUA TO KEEP THE DOG UNDERCONTROL AT ALL TIMES OUTSIDE UNTIL HE CONTACTS HIM REGARDING A HEARING ON THE DOG.

I THEN TOLD JOSHUA WHAT I LEARNED FROM THE CITY AND EXPLAINED TO HIM THAT ANYTIME HE IS OUTSIDE WITH THE REBEL THAT HE NEEDS TO BE TIED UP OR ON A LEASH UNTIL TOLD OTHERWISE BY THE CITY.

AFTER SPEAKING WITH JOSHUA I MADE CONTACT WITH SCOTT. I ADVISED SCOTT OF THE RECORDS I WAS ABLE TO OBTAIN. I ALSO ADVISED HIM OF WHAT THE CITY WAS GOING TO DO AS WELL. I OBTAINED A COPY OF THE MEDICAL RECORDS FOR COOPER REGARDING THE TREATMENT FOR THE BIT. THE VET PAPER WORK DOES INDICATE 4 PUNCTURES ON THE RIGHT REAR LEG OF COOPER.
CLEAR

FORWARD COPY TO CITY OF EAST BETHEL ATTN: CITY ADMINISTRATOR

DEPUTY ALDERINK
LJ 8/13/15

THIS OFFENSE IS DECLARED:

Unfounded	<input type="checkbox"/>	SIGNED: _____	DATE: _____
Cleared by Arrest	<input type="checkbox"/>	Investigating Officer	
Exceptionally Cleared	<input type="checkbox"/>		
Inactive (Not Cleared)	<input type="checkbox"/>	SIGNED: _____	DATE: _____
Refer to other Agency	<input type="checkbox"/>	Chief or Commanding Officer	

Affiliated Emergency Veterinary Service - BL

11850 Aberdeen St NE
Blaine, MN 55449
763.754.5000

Monday, August 10, 2015

Client Information:

Scott Koivisto (#133309)
445 196th Ln NE
Cedar, MN 55011
(763) 434-9109

Patient Information:

Cooper (#152746)
German Shorthair Pointer, 5 yr
neutered male

CASE SUMMARY

Presenting Complaint:

Admission: Monday, August 10, 2015 07:59 PM Attacked by another dog (unknown vaccine status), lacerations.

Presenting Weight 32.4 kg, Temperature: 103.1°F (very excited), Pulse: 140bpm, Resp: 40rpm

History:

Cooper presented due to being bitten by another dog. Owner reports her daughters were walking Cooper when the neighbors dog walked up to Cooper and was smelling him. Then the other dog attacked him, and Cooper was crying out. The owner of the other dog came and pulled it off Cooper. He was limping on the right rear leg. No previous health problems, no meds.

Tentative Diagnosis:

Dog bite wounds

Dispensed Items:

1. +Cephalexin Caps 500mg #40

Rx: Give TWO (2) capsule(s) orally every 12 hours until gone.

KEEP OUT OF REACH OF CHILDREN!!!

2. +Carprofen (Novox) Tabs 75mg #14

Rx: Please give ONE (1) tablet(s) by mouth every 12 hours as needed to relieve pain and inflammation. If vomiting or black/tarry stool develops, please stop this medication and contact your veterinarian immediately.

KEEP OUT OF REACH OF CHILDREN.

Size 30 e-collar

Discharge Instructions:

(8/10/2015 Discharge instructions written by Dr. Kara Nelsen

1. Medications- Start medications when you get home.
2. Diet- Offer food and water as usual. If Cooper was anesthetized, do not give anything by mouth until he is fully alert.
3. Exercise- Restrict exercise to leash walks for 10 to 14 days.
4. E-collar- Keep an E-collar on your pet at all times to prevent licking and chewing at the wounds.
5. Progress exam- See your veterinarian in 2-3 days for a progress exam and vaccine booster.
6. Notify us or your veterinarian if the area re-opens or if drainage, redness, or swelling

occurs at the site, if Cooper is vomiting, does not eat, seems painful, not using the leg, or if other signs develop or worsen. Further diagnostics or therapy may be needed.

"Cooper"'s medical record can also be accessed online, follow the link at www.aevs.com. Please expect a delay of 1-2 business days for account approval.

Please feel free to contact our office if you have any questions or concerns. Thank you for allowing us to care for "Cooper".

For more information about your pet's health condition and/or medications, go to www.VeterinaryPartner.com or www.HealthyPet.com. For more information about the Affiliated Emergency Veterinary Service and to complete our online survey, go to www.aevs.com. Visit us on Facebook.

MEDICAL RECORD

Shift Summary:

(8/10/2015) Kara Nelsen, DVM (BL)

Temperature: 103.1°F, Pulse: 140 BPM / , Respiration: 40 RPM, MM: pink, CRT: 1 sec, Cumulative Pain Score: 3-4 (0-12), Weight: 32.400 kg, 71.28 lb, 1.02 m2

Appearance: BAR

Hydration: adequate

Eyes: NSF

Ears: NSF

Nose: NSF

Oral Cavity: tartar

Heart/Lungs: normal rhythm, no murmurs, lungs auscult clear

Abdomen: soft, non-painful

Musculoskeletal: ambulatory x4, sensitive but weight bearing on the right rear leg

BCS: 3.5/5

Neurological: CPs intact x4, painful right rear

Urogenital: NSF

Skin: punctures noted on the right thigh, medial and lateral, mild hemorrhage; mild crepitation noted on palpation of the thigh

Lymph Nodes: NSF

Comments: None

Problem List: bite wounds

Recommendations: Recommended pain injection, clip/clean, chem10 for NSAID, antibiotics, e-collar and discussed radiographs; discussed Rabies booster at rDVM (although the other owner stated their dog was utd)

Client Elected: All as recommended except wait on radiographs

Assessment: Bite wounds, punctures

Prognosis fair pending further diagnostics and response to therapy. Currently stable. Discussed conservative management at this time, although full sedation and exploration of the wounds/drains, etc. may be needed.

Plan: outpatient

Diagnostics:

Chemistry Data (ICD) (August 10, 2015 09:12 PM)

Test	Result	Flag	Normal Range	Indicator
ALKP	91		23-212 (U/L)	
ALT	31		10-125 (U/L)	
ALB/GL	1.1			
GLOB	2.9		2.5-4.5 (G/DL)	
ALB-	3.3		2.3-4 (G/DL)	
TP	6.2		5.2-8.2 (G/DL)	
BUN/CR	15			
CREA	1.2		0.5-1.8 (MG/DL)	
BUN	18		7-27 (MG/DL)	
GLU	96		74-143 (MG/DL)	

Therapy:

Injection(s):

1. +Hydromorphone Inj 2mg/ml 3mg IV administered at 9:05 PM
- +Clip/Clean Wound: Two punctures clipped and cleaned with dilute 4% nolvasan solution on lateral aspect of right rear leg. Four punctures clipped and cleaned on the medial aspect of right rear leg.

H E A L T H C E R T I F I C A T E

Issued by

Norwood Veterinary Clinic
315 Merger St PO BOX 97
NYA, MN 55368
(952) 467-3785

This certificate certifies that the following animal has received the services listed below at our practice.

Date....: 8/11/15
Owner...: Dawn Hesselgrave
 17695 85Th CT
 Brownton, MN 55312

Phone....: (952) 454-1626

Animal...: Rebel
Age.....: 06 Yrs 10 Mths
Weight...: 57.3 lb
Breed...: AM STAFF TERR
Color...: BRINDLE
Species..: CANINE
Sex.....: MALE

Tag #...: 12820
Chip ID :

Rabies Vaccination	Given: 7/10/10	Due: Overdue
Dis/Hep/Lep/Parv/Par/Corn	Given: 7/10/10	Due: Overdue
Fecal Test	Given: 7/10/10	Due: Overdue
Annual Exam	Given: 7/10/10	Due: Overdue
Heartworm Test	Given: 7/10/10	Due: Overdue

Signed: Cindy Ammann Date: 8-11-15

Call us at 952-467-3785 if any health conditions develop.

Norwood Veterinary Clinic

315 Merger St PO BOX 97

NYA, MN 55368

(952) 467-3785

08/11/15 10:51

P a t i e n t M e d i c a l R e c o r d

Page 1

Name: Rebel
 Species: CANINE
 Breed: AM STAFF TERR
 Color: BRINDLE
 Birthday: 9/15/08 06 Yrs 10 Mths
 Sex: MALE
 Rabies Tag: 12820 Status: I
 Ani. Notes:
 Chip ID
 Referred:
 Reminders (Due Dates)
 ** 9/14/14 CPVE ** 9/14/14 DHLPPC
 ** 6/15/14 FECAL ** 6/15/14 HWTEST
 ** 9/14/14 RABIES
 * Service/Vaccination Due in Next 30 Days.
 ** Service/Vaccination Past Due.

Id: 4541626 Rebel
 Owned by: Dawn Hesselgrave
 17695 85Th CT
 Brownton, MN 55312
 Tele: (952) 454-1626

Codes:

Weights:

Date	Weight	Code
9/01/12	57.4 LB	26.03 K
1/07/12	57.9 LB	26.25 K
7/10/10	55.7 LB	25.26 K
2/17/10	53.7 LB	24.35 K
6/26/09	52.7 LB	23.90 K

Date	Invoice	Description	Code	Qty	Provider
09/11/14	0150048	DISP: MOMETAMAX OINT 15gr		1.00	CL
		DISP: EPI-OTIC CLEANSER 8 OZ		1.00	CL
12/30/13	0145491	DISP: MOMETAMAX OINT 15gr		1.00	CL
09/01/12	0137439	CANINE EAR CLEANING		1.00	CL
		EXAMINATION		1.00	CL
		PRESCRIPTION DISPENSING FEE		1.00	CL
		DISP: PRIMOR TABS. 600mg.		12.00	CL
06/18/12	0136017	DISP: MOMETAMAX OINT 15gr		1.00	CL
		DISP: EPI-OTIC CLEANSER 8 OZ		1.00	CL
01/07/12	0132828	EXAMINATION		1.00	CL
		CANINE EAR CLEANING		1.00	CL
		DISP: MOMETAMAX OINT 15gr		1.00	CL
07/10/10	0123372	PRE VACCINATION EXAM		1.00	CL
		DIST/PARVO/CORONA/LEPTO		1.00	CL
		RABIES VACCINATION-2 YEAR		1.00	CL
		Tag #: 12820		1.00	CL
		HEARTW., LYMES, EHRLIC. TEST		1.00	CL
		CANINE EAR CLEANING		1.00	CL
		DISP: MOMETAMAX OINT 15gr		1.00	CL
		DISP: EPI-OTIC CLEANSER 8 OZ		1.00	CL
02/17/10	0120443	EXAMINATION		1.00	CL
		EAR FLUSH		1.00	CL
		DISP: MOMETAMAX OINT 15gr		1.00	CL
06/26/09	0116300	EXAMINATION		1.00	CL
		DIS/HEP/PAR/PARVO/CORONA		1.00	CL
		RABIES VACCINATION-1 YEAR		1.00	CL
		Tag #: 11602		1.00	CL
		PUPPY HEARTWORM		1.00	CL
		DISP: IVERHART (+)-BROWN		5.00	CL
		EAR FLUSH		1.00	CL
		DISP: NEO/POLY/DEX-DROPS		1.00	CL
10/27/08	0111921	DISP: NEMEX TABS SM. DOG		1.00	CL

Patient History Report: Rebel - 8/11/2015

Clinic:

Oak Grove Animal Hospital
19035 Lake George Blvd
Oak Grove, MN 55303

763-753-6336

Client:

Joshua Jeppsen
456 196th Lane NE
Cedar, MN 55011

Home Phone: 952-843-3829

ID: 15270, File #: 15272

Patient: Rebel

ID: 23295
Tag: 20629-15
Species: Canine, American Staffordshire Terrier
Sex: male/intact
Age: 6 yrs, DOB: 8/10/2009
Weight: 57.3 Lbs
Color: Brindle
Last visit: 8/11/2015

Referred By:

Tel: / Fax:

Medical Record Entries:

8/11/2015

DA2PP Annual - (Dr. Kaija Youngner)

8/11/2015

Exam/Annual Physical - Hx: Josh reports Rebel was involved in a mild dog fight yesterday when another dog entered Rebel's yard. Rebel has no prior history of aggression to any human or animal. Rebel has been treated for chronic ear infections by another vet, but otherwise he has been healthy. O reports he has had 2 prior rabies vaccines (2010 and 2011) and previous distemper vaccines.

PE: BAR, BCS=2.5/5, pink and moist mucous membranes, Oral: minimal tartar, Ophthalmic: fund/palp/men/PLR wnl OU, Otic: moderate tan debris AU, mild erythema AU, CV: HR-96, normal respiratory sinus arrhythmia, Abdomen: nsf, Integumentary: skin and coat in good condition, Repro: 2 descended testicles, Nervous System: no cranial or cognitive deficits, normal mentation, LN/Urinary/all else wnl.

Behavior note: Rebel did not show any anxiety or aggression during his exam today. He readily took treats and did commands (sit, lay down, shake) during his appointment.

CC/Plan: Overall, Rebel appears to be in very good health with mild signs of allergies. Told O to call with any further questions or concerns. KY
(Dr. Kaija Youngner)

8/11/2015

Rabies 1 Year - (Dr. Kaija Youngner)

Rabies Vaccination Certificate

Based on NASPHV form 50

Owner's Name & Address

Last Jeppsen	First Joshua	Telephone 952-843-3829
------------------------	------------------------	----------------------------------

No. & Street 456 196th Lane NE	City Cedar	State MN	Zip 55011
--	----------------------	--------------------	---------------------

Species Canine	Sex Male	Age 6 yrs	Weight 57.3 Lbs	Breed American Staffo	Colors Brindle
--------------------------	--------------------	---------------------	---------------------------	---------------------------------	--------------------------

Name: **Rebel**

Chip:

Producer: **Merial**

Duration: **1 Year**

18256

Vacc. Serial (lot) No.

For Licensing Agency Use
License No. _____ Year
_____ 2015
_____ 20
_____ 20

Other
Change Add
Control:

Date Vaccinated:
Tue, Aug 11, 2015
Rabies Tag #: **20629-15**
Vaccine due again:
Wed, Aug 10, 2016

Vet Lic. # **058-11**


Dr. Kaija Youngner
Oak Grove Animal Hospital
19035 Lake George Blvd
Oak Grove, MN 55303

Tel: 763-753-6336



City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 4.0 C

Agenda Item:

Anoka County Sheriff's Report

Requested Action:

Information Item

Background Information:

Council will be presented the August 2016 Sheriff's Report

Fiscal Impact:

Recommendation(s):

No action required at this time

Anoka County Sheriff's Office Report
August 2015

Custodial Arrests / Significant Events

DWI's – There were 3 DWI arrests in August. One arrest occurred as a result of a vehicle hitting a squad which was stopped at a stoplight, waiting to turn eastbound from Hwy. 65. The vehicle sideswiped the squad and kept traveling south. The deputy was able to catch up to the vehicle and stop it. The male smelled of an alcoholic beverage and was unable to perform field sobriety tests. The male refused to take a breath test, however the deputy who was struck was having some back pain as a result, so a search warrant was obtained for a blood draw. The male is charged with felony criminal vehicular operation as well as felony DUI. The test results have not come back yet. The second DWI arrest was a result of a deputy witnessing a driver run a red light. The driver was very nervous, upon being pulled over and said he had been chased by a motorcycle club and was worried that the deputy was not a real deputy. The male failed field sobriety and admitted to using methamphetamine. The male did submit to a urine test. The final arrest was the result of a male who had driven off the roadway and crashed into a cable box. The male advised he had three drinks after work and was on his way home. The male did submit to a breath test and showed a bac of .19.

2nd Degree Assault / Terroristic Threats / Domestic Assault:

On 08-10-15 a delayed assault report was made with a deputy regarding an assault that had occurred five days prior. The female victim reported her live-in boyfriend had been acting strangely and she thought he may have been on methamphetamine. She advised he was very angry with her and took away her cell phone. She advised he held a knife to her throat and threatened to kill her and then himself. The male then calmed down and left the room. The male wouldn't allow her to leave the residence that day. The next day he left and she found a ride to leave as well. She had instructed the suspect's mother to call the police and tell them about the suspect taking her cell phone and her car. The suspect's mother did so, but did not mention any threats or threatened assault (as she was unaware of it). The victim decided to get an order for protection and contacted the deputy to find out why no one had contacted her about what had happened. The suspect was unable to be located and an arrest warrant was issued for the incident.

Burglary: On 08-11-15 Deputy Bolles was contacted regarding a burglary that had occurred on 08-10-15. The homeowner reported she had found her son's window pried open with the screen off. She then noticed that a safe containing \$11,000 was missing. The homeowner reported she believed the suspect to be her son's friend, whom she had seen driving in the neighborhood on the 10th. Deputy Bolles recognized the suspect name as someone whom a welfare check had been requested after a melee in the St Francis McDonald's parking lot in the very early hours of 08-11-15, due to a large fight involving several people took place. There was no one in the lot upon the officer's arrival to the call. Deputy Bolles met with the homeowner/victim who reported she had been at the McDonald's with her son around 2:00 a.m. to meet with the suspect. A few of her son's friends also happened to be there and agreed to "back up" her son if necessary. The suspect denied taking the safe, however it was located in his backseat. Several males then began breaking windows on the suspect vehicle. The victim was able to recover the safe and about \$9,500. The suspect told her he had spent the other \$1,500. The suspect was known to the victim to be homeless and a drug user. The victim and her son took the items and left. The suspect ended up going to the St Francis Police Department a few hours later, not making any sense. Deputy Bolles did have St. Francis detain the male until he could arrive there and make an arrest. The victim reported she had not involved law enforcement initially, as she just wanted to get help for the suspect for his drug addiction.

Possession of Stolen Property: On August 26th Deputy Nelson conducted a traffic stop on a slow moving vehicle traveling on the shoulder of Hwy 65. The driver was revoked and neither of the two passengers had a valid drivers license. The vehicle was also missing its rear tire and was down to the rim. The driver also advised he did not know if the vehicle was insured or what company it would be insured through. The deputy cited the driver for driving after revocation, driving without valid insurance and advised that he would be towing the vehicle. The driver and two passengers advised they were going to walk to a nearby establishment and left. Deputy Nelson was conducting an inventory search of the vehicle, and located two shotguns lying on the floor behind the front seats. Deputy Nelson also located a large amount of power equipment. Deputy Nelson contacted dispatch to run the firearms and the dispatcher advised that these firearms sounded similar to firearms that had been taken in a Spring Lake Park burglary a few days ago. The firearms were then confirmed stolen. Deputies then began to search for the three that had walked away. They located the two passengers and

advised the driver had fled into the woods. The male passenger who had been sitting in the back seat was taken into custody. The female passenger who was in the front seat was turned over to a Spring Lake Park officer for questioning. The driver was located a short time later at the establishment and taken into custody.



City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 6.0 A- D

Agenda Item:

Consent Agenda

Requested Action:

Consider approval of the Consent Agenda

Background Information:

Item A

Approve Bills

Item B

September 2, 2015 City Council Minutes

Meeting minutes from the September 2, 2015 City Council Meeting are attached for your review and approval.

Item C

Resolution 2015-53, Authorizing the Elimination of an Interfund loan

The City created a revolving loan program to assist Commercial business's costs associated with connecting to the City's utility system. In order to provide initial funding for this program the HRA loaned funds to the EDA in which were then borrowed by business's utilizing the program. Staff is recommending that Council approves the EDA paying off this loan (\$46,652.12) with the HRA in full. This is strictly an accounting measure designed to have only one entry in our system. This is a bookkeeping procedure and will not involve any new City funding. The City's Auditing Firm has been advised of this request and has no issues with this action.

Item D

Pay Estimate #1 for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

This item includes Pay Estimate #1 to Peterson Companies for the 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project. This pay estimate includes payment for erosion control, clearing and grubbing, bituminous pavement reclamation, earthwork and storm sewer construction. Staff recommends partial payment of \$213,762.91. A summary of the recommended payment is as follows:

Total Work Completed to Date	\$ 225,013.59
Less 5% Retainage	<u>\$ 11,250.68</u>
Total payment	\$ 213,762.91

Payment for this project will be financed from the Municipal State Aid Construction Fund. Funds are available and appropriate for this project. A copy of Pay Estimate #1 is attached.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Payments for Council Approval September 1, 2015

Bills to be approved for payment	\$99,881.80
Electronic Payroll Payments	\$26,557.37
Payroll - City Staff September 10, 2015	\$35,012.55
Total to be Approved for Payment	\$161,451.72

City of East Bethel

September 1, 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Anoka County CDBG	Professional Services Fees	218	Able Well	233	23300	\$6,410.95
Anoka County CDBG	Professional Services Fees	1479	Lashinski Septic Service	233	23300	\$625.00
Anoka County CDBG	Professional Services Fees	1479	Lashinski Septic Service	233	23300	\$625.00
Anoka County CDBG	Professional Services Fees	CA4507	North Metro Electric	233	23300	\$1,245.00
Anoka County CDBG	Professional Services Fees	8957	Steinbrecher Companies Inc.	233	23300	\$12,450.50
Arena Operations	Bldgs/Facilities Repair/Maint	082615	Wright-Hennepin Coop Electric	615	49851	\$29.95
Arena Operations	Cleaning Supplies	94738	Menards Cambridge	615	49851	\$141.83
Arena Operations	General Operating Supplies	104030	Becker Arena Products,Inc	615	49851	\$440.00
Arena Operations	Refuse Removal	1105250	Ace Solid Waste, Inc.	615	49851	\$101.79
Building Inspection	Electrical Inspections	090115	Brian Nelson Inspection Svcs	101		\$1,340.25
Building Inspection	Motor Fuels	753065	Mansfield Oil Company	101	42410	\$239.53
Building Inspection	Printing and Duplicating	29263	Do All Printing.Com	101	42410	\$225.00
Building Inspection	Professional Services Fees	261675	STS Staffing	101	42410	\$217.92
Building Inspection	Surcharge Remittance	23114003051	MN Dept Labor & Industry	101		\$1,518.23
Central Services/Supplies	Information Systems	B150903J	Anoka County Treasury Dept	101	48150	\$225.00
Central Services/Supplies	Information Systems	1332289017550	Midcontinent Communications	101	48150	\$650.00
Central Services/Supplies	Legal Notices	253882	ECM Publishers, Inc.	101	48150	\$408.50
Central Services/Supplies	Office Supplies	IN0896130	Innovative Office Solutions	101	48150	\$65.15
Central Services/Supplies	Office Supplies	IN0903728	Innovative Office Solutions	101	48150	\$23.20
Central Services/Supplies	Telephone	082815	CenturyLink	101	48150	\$97.43
City Administration	Professional Services Fees	M21554	TimeSaver Off Site Secretarial	101	41320	\$340.38
Economic Development Authority	Professional Services Fees	300014093	Regents of University of MN	232	23200	\$1,000.00
Engineering	Architect/Engineering Fees	34899	Hakanson Anderson Assoc. Inc.	101	43110	\$3,996.21
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$1,626.80
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$115.88
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$643.52
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$1,023.40
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$116.00
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$741.55
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$2,104.98
Engineering	Architect/Engineering Fees	34902	Hakanson Anderson Assoc. Inc.	101	43110	\$1,078.80
Fire Department	Bldgs/Facilities Repair/Maint	2914	Amador Locksmith & Door Svc	101	42210	\$1,089.00
Fire Department	Motor Fuels	753065	Mansfield Oil Company	101	42210	\$381.03
Fire Department	Motor Fuels	753069	Mansfield Oil Company	101	42210	\$295.71
Fire Department	Professional Services Fees	27805	Med Compass, Inc.	101	42210	\$80.00
Fire Department	Refuse Removal	1105250	Ace Solid Waste, Inc.	101	42210	\$64.30
Fire Department	Telephone	082815	CenturyLink	101	42210	\$59.54
Fire Department	Telephone	082815	CenturyLink	101	42210	\$173.55
Fire Department	Telephone	082815	CenturyLink	101	42210	\$116.95
Fire Department	Telephone	082815	CenturyLink	101	42210	\$58.34
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	15533	Blaine Lock & Safe, Inc.	101	41940	\$112.50
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-08-15	Premium Waters, Inc.	101	41940	\$29.60
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	126328	Robert B. Hill Company	101	41940	\$18.00
General Govt Buildings/Plant	Cleaning Supplies	IN0903728	Innovative Office Solutions	101	41940	\$5.42
General Govt Buildings/Plant	Refuse Removal	1105250	Ace Solid Waste, Inc.	101	41940	\$51.10
MSA Street Construction	Architect/Engineering Fees	34896	Hakanson Anderson Assoc. Inc.	402	40200	\$1,204.65
MSA Street Construction	Architect/Engineering Fees	34897	Hakanson Anderson Assoc. Inc.	402	40200	\$14,449.10

City of East Bethel

September 1 , 2015

Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Park Maintenance	Chemicals and Chem Products	130434	Lake Restoration, Inc.	101	43201	\$365.00
Park Maintenance	Clothing & Personal Equipment	1182265605	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Clothing & Personal Equipment	1182276956	G&K Services - St. Paul	101	43201	\$19.00
Park Maintenance	Equipment Parts	P38521	MN Equipment	101	43201	\$50.94
Park Maintenance	Equipment Parts	P53111	MN Equipment	101	43201	\$62.78
Park Maintenance	Equipment Parts	P53632	MN Equipment	101	43201	\$12.32
Park Maintenance	Motor Fuels	753065	Mansfield Oil Company	101	43201	\$326.60
Park Maintenance	Motor Fuels	753069	Mansfield Oil Company	101	43201	\$568.68
Park Maintenance	Other Equipment Rentals	93513	Jimmy's Johnnys, Inc.	101	43201	\$1,165.00
Park Maintenance	Personnel/Labor Relations	2540291508	First Advantage LNS	101	43201	\$91.80
Park Maintenance	Repairs/Maint Machinery/Equip	107835	MN Equipment	101	43201	\$453.92
Park Maintenance	Tires	1-55654	Steve's Tire Inc.	101	43201	\$200.00
Planning & Zoning	Escrow Reimbursement	090115	Builders By Design	101		\$1,000.00
Planning & Zoning	Escrow Reimbursement	082715	Joseph Morgan	101		\$500.00
Police	Professional Services Fees	08 2015	Gratitude Farms	101	42110	\$250.00
Recycling Operations	Bldg/Facility Repair Supplies	94087	Menards Cambridge	226	43235	\$33.98
Recycling Operations	Bldgs/Facilities Repair/Maint	B036335	Braun Intertec Corporation	226	43235	\$532.00
Recycling Operations	Other Equipment Rentals	93513	Jimmy's Johnnys, Inc.	226	43235	\$70.00
Recycling Operations	Refuse Removal	1105250	Ace Solid Waste, Inc.	226	43235	\$160.83
Street Capital Projects	Architect/Engineering Fees	34898	Hakanson Anderson Assoc. Inc.	406	40600	\$207.20
Street Maintenance	Bldgs/Facilities Repair/Maint	1182265605	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	1182276956	G&K Services - St. Paul	101	43220	\$5.33
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-08-15	Premium Waters, Inc.	101	43220	\$29.60
Street Maintenance	Clothing & Personal Equipment	1182265605	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Clothing & Personal Equipment	1182276956	G&K Services - St. Paul	101	43220	\$17.96
Street Maintenance	Equipment Parts	1952-352201	O'Reilly Auto Stores Inc.	101	43220	\$22.99
Street Maintenance	General Operating Supplies	93420	Menards Cambridge	101	43220	\$60.91
Street Maintenance	General Operating Supplies	277565	S & S Industrial Supply	101	43220	\$23.94
Street Maintenance	Lubricants and Additives	1539-396821	O'Reilly Auto Stores Inc.	101	43220	\$83.97
Street Maintenance	Motor Fuels	753065	Mansfield Oil Company	101	43220	\$141.52
Street Maintenance	Motor Fuels	753069	Mansfield Oil Company	101	43220	\$1,410.33
Street Maintenance	Motor Vehicles	104788	Midway Ford Company	701	43220	\$28,781.70
Street Maintenance	Motor Vehicles Parts	F-252400053	Allstate Peterbilt North	101	43220	\$8.30
Street Maintenance	Motor Vehicles Parts	3481580	Auto Nation SSC	101	43220	\$850.00
Street Maintenance	Motor Vehicles Parts	3485347	Auto Nation SSC	101	43220	\$318.98
Street Maintenance	Other Equipment Rentals	756-C-009338	First Student	101	43220	\$165.00
Street Maintenance	Professional Services Fees	145824	Gopher State One-Call	101	43220	\$49.50
Street Maintenance	Refuse Removal	1105250	Ace Solid Waste, Inc.	101	43220	\$81.90
Street Maintenance	Street Maint Materials	102366	Pavement Resources Inc.	101	43220	\$533.75
Street Maintenance	Street Maint Materials	110405	River Country Cooperative	101	43220	\$18.99
Street Maintenance	Telephone	082815	CenturyLink	101	43220	\$70.00
Street Maintenance	Welding Supplies	1539-393936	O'Reilly Auto Stores Inc.	101	43220	\$25.99
Water Utility Capital Projects	Architect/Engineering Fees	34900	Hakanson Anderson Assoc. Inc.	433	49405	\$1,258.80
Water Utility Capital Projects	Architect/Engineering Fees	34901	Hakanson Anderson Assoc. Inc.	433	49405	\$1,289.85
Water Utility Operations	Bldgs/Facilities Repair/Maint	082615	Wright-Hennepin Coop Electric	601	49401	\$26.67
Water Utility Operations	Chemicals and Chem Products	3769184 RI	Hawkins, Inc	601	49401	\$60.00
Water Utility Operations	Telephone	082815	CenturyLink	601	49401	\$125.33

City of East Bethel
September 1 , 2015
Payment Summary

Dept Descr	Object Descr	Invoice	Check Name	Fund	Dept	Amount
Water Utility Operations	Telephone	082815	CenturyLink	601	49401	\$72.94
Water Utility Operations	Telephone	082815	CenturyLink	601	49401	\$178.67
						99, 1 0
Electronic payroll payments						
Payroll	PERA					\$6,264.79
Payroll	Federal Withholding					\$5,698.85
Payroll	Medicare Withholding					\$1,583.86
Payroll	FICA Tax Withholding					\$6,772.42
Payroll	State Withholding					\$2,284.80
Payroll	MSRS/HCSP					\$3,952.65
						2 ,55

EAST BETHEL CITY COUNCIL MEETING

SEPTEMBER 2, 2015

The East Bethel City Council met on September 2, 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
Mike Jeziorski, Finance Director
Mark DuCharme, Fire Chief
Craig Jochum, City Engineer

1.0 The September 2, 2015, City Council meeting was called to order by Mayor Voss at 7:00
Call to Order p.m.

2.0 The Pledge of Allegiance was recited.

**Pledge of
Allegiance**

3.0 **Harrington stated I'd like to make a motion to adopt tonight's agenda and under
Adopt Department Reports, we'd like to add the topic on Engineer for Biosolids Permitting
Agenda and Disposal. Koller stated I'll second. Voss stated any other discussion? All in favor
say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes
unanimously.**

4.0 Davis presented the staff report, noting Stepping Stone Emergency Housing, the only
Presentation licensed homeless shelter in Anoka County, will make a presentation to Council explaining
4.0A. the mission and benefit of their organization to the City, as well as a request financial
Stepping support for their activities.
Stone

Emergency Julie Jepson, Development Director for Stepping Stone Emergency Housing, stated good
Housing evening gentlemen. I first have to start this evening by making two apologies. One for my
very casual attire. I was at my son's school for three hours this afternoon and I came
directly from there. My second apology is that I had every intention of staying here for the
meeting but I have to leave right after to go to my daughter's school. It's not the first week
of school that's the busiest; it's the week before the first week of school that's the craziest.
So, please accept my apologies.

Jepson stated again, my name is Julie. I grew up in a very upper middle class white family, going to church twice on Sunday and once on Wednesdays. I grew up knowing that I would graduate from high school, knowing I would graduate from college, get married, and have, hopefully, two children. All of which happened. It wasn't an option. It wasn't a decision. It was just the way life is. That's the way I was raised. You do all those things and pay your taxes and you live a good life and you are a very good person of society, creating value to your community. Being as involved with my kids as I am, being involved in their school as I am, I'm raising my kids to expect the same things out of life.

4.0A.
Stepping
Stone
Emergency
Housing

Jepson stated all of these things happened to me and I've lived a very lucky life. When I used to see homeless people on the street pushing their shopping carts, holding their signs along the side of the street, and thinking to myself, 'Why don't you just get up. Just go to work. Find a job for heaven's sakes. Get your motivation. Find it and move on with your life.' In asking those questions to myself, I was really doing myself a disadvantage because that was before working at Stepping Stone. Now that I work at Stepping Stone, I see what hopelessness looks like, and helplessness, and homelessness actually looks like. So rather than pointing the finger away from myself, I point it at myself and ask instead, 'Why should I expect them to get up and go to work? To get up and make their lives better?' They didn't have my life. I was not abused from the time I could walk. I was not raped over and over again by a family member. I did not serve in Viet Nam, come home just to have a horrendous accident and have a traumatic brain injury. I haven't made such a stupid decision that it has dictated my life moving forward. Nor have I had medical bill after medial bill after medical bill that has crippled me from working ever again.

Jepson stated those are true examples of our guests and those are true examples of homelessness in Anoka County. Anoka County homelessness is not pushing a shopping cart or holding a sign. Anoka County homelessness looks like you and I. It's very transparent because we can't see it, because it's in our parks, it's in parked cars, it's couch hopping from home to home, it's finding somewhere that you can lay your head at night comfortably.

Jepson stated so that's what we are at Stepping Stone. We are some place where our guests can lay their head comfortably and feel safe and secure. In 2012 and 2013, I did have a major medical issue and I am here by the grace of God. I didn't go bankrupt, I didn't lose my job, I still have my house, but I have all those things because I have a support system. I have family, friends, colleagues, that supported me through that time. Homeless people don't have that. They don't have someone they can talk to and tell a joke to. They don't have someone they can complain about their day to. They don't have someone who can pick them up after a car accident, from a health procedure, from a dentist appointment. They don't have that support system. That, too, is what Stepping Stone is for them. We are their family. We are their friends and we are their colleagues.

Jepson stated a guest and I were talking the other day and she said to me, 'You know before coming to Stepping Stone, I couldn't see the light at the end of the tunnel for me.' She said, 'I didn't even think I was in a tunnel.' I kind of chuckled at that but in reality, that's what it is. They're lost. They don't know where to go. They don't know where to think. They're only focused on surviving the here and now and when you are focused on surviving, on finding your food and where you're going to put your head and what you're going to do the next day, you can't think a week from now and you certainly can't think a year from now. They're thinking about today and what today means and what today brings.

Jepson stated there's a lot of things that I've learned since working at Stepping Stone. I'm just going to share a few things, one of which is that being poor is very hard. I can stand here today with 100% certainty that the people who are staying at Stepping Stone do not want to be there. They're not 'living the dream,' they're not 'living the life,' they're not 'living off the system and milking it for every dollar it's worth.' Because I can tell you if those kinds of people came to Stepping Stone, they wouldn't last. Living there is not very easy. It's not very comfortable. You're living in a dormitory-style setting with very 'black and white' rules, set schedules, set chores, set expectations based on individual needs and goals they have for their lives in getting out of that homelessness.

4.0A.
Stepping
Stone
Emergency
Housing

Jepson stated the second day that I started working at Stepping Stone, about three and a half years ago, one of our case managers said to me, 'Finding someone a place to live, finding someone a house, isn't the hard part. It's teaching them how to keep it. That's the hard part.' For them that's also what Stepping Stone is. We do the hard part. We walk alongside them, giving them the basic skills, providing them with our community resources and amenities. We do give them their basic needs. We do give that handout but a handout that's compassion. Like I said before, they're so focused on their survival skills, they're so focused on making it through the day with their food, and just the simple things that you and I do every single day. So we take that stress away from them, happily so, so that they can focus on themselves and getting better and doing more and doing better.

Jepson asked so what is Stepping Stone after all this? We have 76 men and women, 50 men and 26 women, from youth and adults, ages 18 and older. We have a waiting list of about 50 to 100 people, depending on the weather. We're already preparing for this winter, which is interesting to consider for a homeless shelter. We put a priority on our waiting list for those ages 18 to 23 as well as for U.S. veterans. We are funded in numerous ways. Sixty percent of our funding comes from government funding. We get State funding through what's called Group Residential Housing as well as funding from the Office of Economic Opportunity through an Emergency Shelter Grant and that is federal funds passed through the State. Fifteen percent of our funding comes from in-kind donations, primarily food. We do have to provide our guests three meals a day with a snack in the evening. Then 25% comes from individual donations, civic groups, faith-based groups, and independent foundation grants.

Jepson stated that's really why I'm here today. I'm asking for you, as the City of East Bethel, to contribute financially to Stepping Stone and I'll tell you why. This year we're going to have 600 men and women living at Stepping Stone. Of those 600, 15%, or 90 people will be coming from this part of Anoka County. It might not seem like a lot to you, and in the grand scheme of things it might not, but for those 90 people, it is essential that they are Stepping Stone. To put it in perspective, the State values the shelter that is given by us for each individual at \$12,000 per person. So, for those 90 people coming from your community, each person costs us \$12,000 to shelter.

Jepson stated another number that shocked me, and this is the last and final thing of the many things I've learned recently, is that for those 90 people who are homeless, it costs tax payers, on average, \$40,000 for them to remain homeless, \$40,000, \$12,000. There's so many factors that go into that \$40,000 number; however, the largest factor, the most contributing dollars that go into that, is health care. A homelessness person's health care is the emergency room because they cannot be turned away. So, they have to be helped, they have to receive care. The way Stepping Stone counters that, in addition to all of our programs and all of our services, actually State policy maker told us there's nothing like us in the State, let alone the country.

Jepson stated I'm happy to answer any questions about our programs or services but the thing that we're doing at Stepping Stone to counteract that \$40,000, that medical care cost, is we have an Allina Clinic in our shelter, in our building, in our facility. And, we have doctors and nurses and pharmacist and chemical dependency counselors, and smoking cessation counselors come to Stepping Stone and work on our guest's current and preventative health care needs. In addition to them doing that, they work on our guests and what's going to happen when they leave. And, figure out a plan so that they don't ever have to use the emergency centers again for their main health care. So, not only are we

4.0A.

Stepping

Stone

Emergency

Housing

helping them in the immediate, we're helping you as taxpayers take the burden off of you as well.

Jepson stated so yes, I ask today for your financial support because we are helping your community and we won't stop helping your community. But, I am going around to all the cities in Anoka County because I think it's important for you to understand who we are and who we're helping and what a difference you guys can make in your cities. I'm happy to answer any questions you might have. Thank you for having me today.

Voss stated thank you Julie. Any questions? Ronning stated not a question, a comment I guess. This homelessness thing, I've listened to this same things about 'Why don't they just get up by their boot strings and pull themselves up,' whatever. I lived in the Detroit for 17 years and if you want to see homelessness and sad, dejected, destroyed people, that's, it can be heart breaking. There was one guy that I was supporting who was living under Cobo Hall by the freeway and I just, I don't remember his name anymore but I'd see him out there and I'd slip him some money. And, every so often you'd see him just beat to pieces. Somebody beat the 'tar' out of him. And, nothing you could do, just feel bad for him and give him a couple bucks. Then he disappeared so as far as I know he either was in prison or somebody killed him. But, there's not a whole lot of options for these.

Ronning stated there was a young guy doing community services at the church I go to. Seventeen years old and he'd been living in his car during the wintertime for about two years. He was kicked out of the house. It's really a terrible problem. Jepson stated it really is. Ronning stated I sympathize very much and appreciate what you're doing. Jepson stated thank you.

Voss asked how long has Stepping Stone been around? Jepson stated we've been around since 2005. We started in a 4-plex apartment building right off Ferry Street in Anoka and just recently, almost three years ago, moved to the facility that we're in now and have 18,000 square feet. Voss stated good.

Mundle asked what contributions are other cities making towards Stepping Stone? Jepson stated we've never been funded, we've never gotten funding, from a city directly. Mundle asked from any city? Jepson stated from any city directly. We do get funds through the Anoka Round Up Program but that's where citizens can round up their utility bill and then the 'pool' is given to the city and then the city gives us the money but it originates from the community. So, no one, based on my presentations of the next two months, have come back with a dollar figure. And, I'm not asking for a specific dollar figure because I don't know your budget. I don't know your passions or your philosophies on giving to community organizations. So, I'm leaving that in your hands plus we don't have a background for those gifts to us either. So, I'm leaving it in your trustworthy hands to make a good decision.

Voss stated one of the agenda items to be brought up tonight, we're actually passing our preliminary levy. It's on our agenda to be passed. So in order to make any donation, we'll have to re-examine our budget over the next couple months to see how that fits in. But, I think we'll certainly be discussing it as we go forward. Jepson stated thank you very much.

Davis stated in moving forward next year, if you would come and present your request, say perhaps in May, it would be much easier for us to attempt to incorporate that in our budget planning. Voss stated most cities start their budget process about that time too. Jepson

4.0A.
Stepping
Stone
Emergency
Housing
4.0B.
2016
Preliminary
Levy and
Budget

stated okay, I will absolutely make a note of that, thank you. Voss stated you're not absolutely late, but it would be a lot easier if it was earlier in the year. Jepson stated okay, thank you. Voss asked any other questions? Thank you for being here tonight. Jepson stated I appreciate your time.

Davis presented the staff report, noting the Council is being asked to consider approving the preliminary tax levy for 2016.

As a result of budget discussions conducted at the Council Work Session in July, City Council acknowledged that the preliminary property tax levy for 2016 be set such that funds are available to accomplish the goals and objectives identified in those meetings.

The proposed preliminary 2016 General Fund Budget is proposed to be \$4,973,300, which is an increase of \$124,600 or 2.6% from the 2015 budget. A General Fund levy of \$4,109,300 is necessary for 2016, which is an increase of \$58,800 over the 2015 budget. A Debt Service levy of \$1,142,000 is necessary for 2016, which is an increase of \$18,000 over the 2015 budget. Overall, the 2016 Preliminary City Levy is \$5,251,300 or 1.5% greater than figure was for 2015.

The preliminary budget must be submitted to Anoka County by September 30, 2015. The preliminary budget can be reduced but not increased prior to the adoption of the final budget in December of 2015. This budget can be reduced but not increased prior to the adoption of the final budget in December of 2015.

Davis stated in your packets, there are attachments. There are four resolutions and the Preliminary Budget, each one of these need to be acted upon individually, if you choose to approve them tonight and also the Sheriff's Contract for 2016.

Staff recommends adoption of the preliminary levy and budget and submission as such to the County by Resolution on or before September 30, 2015. At this time Mike Jeziorski will present an overview of the Preliminary 2016 Budget.

Jeziorski stated thank you Mr. Davis, Mr. Mayor, members of Council. Again, my name is Mike Jeziorski, I'm your Finance Director. Again, I just have a few slides to go through. As far as the agenda, I'm going to touch on the budget timeline, we're going to touch on some financial highlights of the City, and will get into the 2016 General Fund Budget and what that means for the 2016 Levy, answer any questions you may have, and then we can consider the approval of the resolutions.

Jeziorski stated again the budget and levy is a yearlong process. It really starts at the first of the year when the budget model is created and you're payroll data is updated into the system. Again, your payroll makes up about 40% of your General Fund budget. With that in hand and then the debt service portion of your budget updated, we bring that to the Finance Committee for an overview of where we're seeing the 2016 budget heading. Then with those items kind of completed, we provide the line item budgets to each one of the Department Heads to fill in their needs for the upcoming year.

Jeziorski stated with that in hand, we have a nice good proposed budget that we submit to the Council. We did that on July 8th. Where we are tonight, September 2nd, is when we look at the Preliminary Budget and Levy resolution. The important part about today is once this is approved, this is what the actual stakeholders will see on their property tax

4.0B.

2016

Preliminary

Levy and

Budget

statements. It will indicate when they can come and have input in the final budget. That, again, is up for discussion for December 2nd.

Jeziorski stated some of the financial highlights of the City, our General Fund Balance is projected to be about \$2.3 million at the end of this year. That's going to be roughly 47% of the Preliminary 2016 Budget. We have a Fund Balance Policy that says we would like to have 40% or above. Again, the reason that we set it in the neighborhood of 40% to 50%, is because the City doesn't receive their first tax settlement until six months into the year so they need to cash flow the first six months of the operations in order to not have to borrow any money. That's why we end the year with about \$2.3 million. That gets us through the first six months of the next year.

Jeziorski stated the City also has a Capital Cash Balance of about \$2.9 million. Again, these are savings for equipment, building capital, streets, and park equipment. The City also has a very strong bond rating at AA. In the past two years, we've refinanced three bond issues: 2005A, 2010A, and 2010B. The 2005B bond will be defeased in 2016. The definition of 'defeased' is essentially the last payment, the principal payment, and that's going to be February 1, 2016. That will be completely off the books. Then also 2010C, we just have \$1.3 million kind of sitting in that fund and it's waiting to pay off the principle balances in 2017. Finally, this past Wednesday, the Met Council passed Amendment #2 to our Reserve Capacity Loan, which is a pretty good thing.

Jeziorski stated getting right into the highlights of the General Fund 2016 Budget, for 2015 we had General Fund Revenues of \$4,848,700. For 2016 then, we're projecting revenues of \$4,973,300, or a 2.6% increase. For our General Fund Expenditures, the same numbers in order to have a balanced budget. For 2015, \$4,848,700 and then for 2016, \$4,973,300, a 2.6% increase.

Jeziorski stated again, I like to show this slide. We have a lot of different contributors to our revenue sources but the main contributor is our property taxes. Eighty-Three percent of our revenue stream is derived from property taxes. Each one of these items, obviously, is very important but property taxes makes up 83% of our funding.

Jeziorski stated getting into the expenditures, again, I had mentioned that 40% of our General Fund budget is personnel, so salaries and benefits. The Mayor and Council and Committee stipends, we're proposing 0% change in salaries and stipends. The City itself has 19 FTEs, full-time equivalents. Eleven of those FTEs are in the union and their contract runs from 2014 to 2016. In that contract, it had a 2% COLA increase for 2016. They also had a cash benefit increase from \$917 to \$950 per month. Then there's also three FTEs eligible for step increases. There's eight FTEs non-union. Again, the same kind of thing applies for them. Two percent COLA increase, \$950 cash benefit, and then there's also four FTEs eligible for step increases.

Jeziorski stated Other, we have 35 paid on call fire fighters, one part-time cable technician, two seasonal Public Works employees, and then 30 election judges are also included in the 2016 Budget.

Jeziorski stated another way to split our budget is looking at it from a program standpoint. Our General Government, which makes up our City Administration, our Mayor, Council, Finance Department, IT, Legal, things like that, the budget for 2015 was \$1,075,400. For 2016, it's \$1,084,300 or an increase of 1%. Community Development, that's our Building

4.0B.
2016
Preliminary
Levy and
Budget

Inspection and our Planning and Zoning, for 2015 that was \$407,900. For 2016 it is projected to be \$428,000 or a 5% increase. Public Safety that is going to be our Public Safety, Anoka County contract for our police services, and our Fire Department. For 2015 the budget number was \$1,590,000 and for 2016, we're projecting that to be \$1,620,300 or a 2% increase.

Jeziorski stated Engineering costs are projected to stay the same at \$35,000 or a 0% change. Public Works, again that's our Street Department and our Parks Department. For 2015 the budget was \$1,212,900 and in 2016 it's \$1,273,200 or a 5% change. Transfers to Other Funds, again, those are transfers that the City makes to those Capital Improvement Funds, the Street Fund, the Building Capital, the Parks Fund, that's projected to increase by \$5,000 from \$525,000 to \$530,000, or a 1% change.

Jeziorski stated so overall, in order to fund these expenditures, the City is looking at a 1% increase to the General Fund Levy, going from \$4,050,500 to \$4,109,300. The Debt Service Levy, again to fund the seven different debt issues we have, is projected to increase by 1.6% going from \$1,124,000 to \$1,142,000. Overall, taking the General Fund Levy and the Debt Service Levy and combining them, we have an increase of about 1.5% going from \$5,174,500 to \$5,251,300. With that, I'll entertain any questions that you may have. Voss asked any questions of Mike?

Mundle stated so essentially it's about \$75,000 that it's increasing. Correct? Jeziorski stated correct. Mundle stated so \$5.1 million budget that's. Ronning asked what was the number? \$73,000, \$75,000? Mundle stated I said roughly \$75,000.

Ronning asked what would that work out percentage-wise? Mundle stated 1.5, I believe. Jeziorski stated the actual increase is \$76,800. Ronning asked any idea what inflation is? Jeziorski stated actually I don't know off hand. Ronning asked do you think it's over 1.5? I doubt it. Under 1.5, I'm backwards. Voss stated it's around 2, I think that's what I heard. Most of it's from personnel, right? The COLA increase. Davis stated correct, the major cost increase are from personnel, contractual obligations, some basic increases in public safety costs, and an election cost next year that we don't have this year. One that we incur every other year so our election costs go from essentially \$2,000 a year to \$15,000 to \$20,000 a year, every other year.

Ronning stated so we're looking, very likely, 25% less anyhow than inflation costs. Just another way to look at that stuff sometimes. Sounds like a certain amount of money but when you compare it to every day grocery stores and stuff, it's not much, not bad. Voss asked any other discussion?

Harrington stated I'll make a motion for adoption of the primary Budget and Levy and submission, as such, to the County for resolution on or before September 30, 2015. Mundle stated I'll second. Voss stated to clarify, it is Resolution 2015-49, correct? Harrington answered correct. Voss asked any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. That motion passes unanimously.

Davis stated if we can go through these resolutions individually. The next resolution would be 2015-50, Setting the Preliminary Levy and Budget. Voss asked is there a motion to this resolution? **Koller stated I'll make the motion to approve Resolution 2015-50. Mundle stated I'll second that one. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**

4.0B. 2016 Preliminary Levy and Budget

Davis stated the next resolution is 2015-51, Resolution Setting Preliminary EDA Property Tax Levy & Budget for 2016. **Mundle stated I'll make a motion to approve Resolution 2015-51, Set the Preliminary EDA levy and Budget. Harrington stated I'll second.** Voss stated any discussion?

Ronning asked what are the numbers on that Jack? Davis stated \$123,400, I believe. It's the same budget we've had for the EDA for the past three years. Ronning stated two or three years ago, I think it was \$133,000 or \$136,000. Davis stated it originally started out as something like \$144,000 and then it went down to \$133,000 and now it's at \$123,400, I believe. I believe those are the numbers. Ronning stated thank you. Voss stated any other discussion? All in favor say aye?" **All in favor.** Voss stated opposed? Motion passes. **Motion passes unanimously.**

Davis stated the next resolution is Resolution 2015-52 Consenting to the HRA No Tax Levy for 2016. **Ronning stated move to adopt Resolution 2015-52 Consenting to the HRA No Tax Levy for 2016. 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.**

Davis stated the final portion of this is approval of the Law Enforcement Contract with the Anoka County Sheriff's Department for 2016 at \$1,026,000. **Koller stated I'll make a motion to approve the 2016 Sheriff's Department Contract. Harrington stated I'll second.** Voss asked any discussion?

Voss stated Mark, I assume you've reviewed this? Vierling advised the contract, in form at least, is a repeat from prior years. There's been no change to the substance of the text other than dollar amounts. Voss stated okay. Any other discussion? All in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.**

5.0 Public Forum

Voss asked is there anyone here tonight to speak to City Council at the Public Forum? If not, we will move forward with Consent Agenda.

6.0 Consent Agenda

Item A Approve Bills

Item B August 19, 2015 City Council Minutes

Meeting minutes from the August 19, 2015, City Council Meeting are attached for your review and approval.

Item C Transportation Economic Development Program

The Transportation Economic Development Program (TED) is a competitive grant program available to communities for highway improvement and public infrastructure projects that create jobs and support economic development. It is a joint program of the Minnesota Department of Employment and Economic Development (DEED) and the Minnesota Department of Transportation (MnDOT).

A total of approximately \$30 million is available through the 2015 TED program. This includes approximately \$28 million in MnDOT trunk highway funds and approximately \$2 million of DEED general obligation bond funding.

6.0
Consent
Agenda

The program may provide up to 70 percent of the costs for trunk highway interchanges and other improvements (which is defined as the accepted bid of the construction cost of the project) or the State's share as determined by MnDOT's cost participation policy, whichever is less.

Staff is seeking approval from City Council to submit an application that would support and seek funding for the Phase I Service Road Project from the TED Program. Applications are due by September 25, 2015.

Ronning stated move to adopt the Consent Agenda as written on the City Council agenda. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.

**7.0
New Business**

Commission Association and Task Force Reports

7.0A
Planning
Commission

Davis presented the staff report, noting the Council is being asked to consider granting an Interim Use Permit (IUP) for Joseph and Amanda Pikala for the keeping of farm animals.

7.0A.1
IUP for
Joseph &
Amanda
Pikala

Joseph and Amanda Pikala are requesting an IUP for the keeping of six chickens on their 2.48-acre lot. The chickens will be housed in a 4' x 8' chicken coop with an 8' x 24' run, which will be located 25 feet from the property line. Their property is zoned Rural Residential and they meet the requirements of the Ordinance, Chapter 10, Article V – Farm Animals and the attached amendments.

The Planning Commission recommends that City Council consider approval of an IUP for keeping six chickens for Mr. and Mrs. Pikala, located at 4423 Viking Boulevard NE, East Bethel, Minnesota. Property Identification Number 25-33-23-24-0016 with the conditions that are attached in your packet

Mundle stated I'll make a motion to approve the IUP for keeping six chickens for Mr. and Mrs. Pikala, located at 4423 Viking Boulevard NE, with the conditions set forth by the City. Koller stated I'll second. Voss stated discussion? Ronning stated the conditions set forth by the City, just clarification for anybody watching, it's all within the City Code. Voss stated as I understand it, there wasn't any public comment at the meeting. Davis confirmed that's correct. Voss stated any other discussion? All in favor say aye?" All in favor. Voss stated opposed? That motion passes. Motion passes unanimously.

7.0B
Economic
Development
Authority

None.

7.0C
Park
Commission

None.

7.0D
Road
Commission

None.

8.0 None.

**Department
Reports**

8.0B Davis stated at this time our City Engineer will review our current status with the
Engineer decommissioning of the Castle Towers Waste Water Treatment Plant and where we stand in
8.0B.1 this matter.

Biosolids
Permitting
and Disposal

Jochum stated thank you Mr. Mayor, Members of the Council. I'm just going to give a brief update of where we're at from the last meeting. There's a little more detail in the memo I prepared, if you have that, but I'm just going to kind of breeze through that. So, basically, staff met with Matt Montane. He's a Type IV Operator that's going to help us permit the sites. We decided on trying to permit on-site some of the material. It's not all going to fit but we're going to give that a shot. We're going to pick one of the two sites in Anoka County, which are within two miles of the site. Then Montane Environmental actually has a relationship with a farmer about ten miles north in Isanti. So, he's going to permit that as kind of a back up. We're thinking we only need 40 acres and the Anoka site will be enough but just in case something happens with that, we'll have a backup site.

Jochum stated we talked a little bit more with them about disposal of it. That's kind of what they do, that's one of their expertise more on the tanker side of the trucks. Basically, like we'd already known, there's two methods. One is to mix the material in a slurry. You end up with about a 10% solid, put that into tanker trucks, and haul it off site that way. Or the other method is basically the opposite. Dry the material out, dry enough to actually excavate with a backhoe or a loader. Put it in dump trucks and truck it out that way.

Jochum stated so just to kind of give you a feel for how much material's out there. We did some calculations and how many trucks we could expect. For Method 1, which is the agitated material, putting it in tankers and hauling it out, a typical sized tankers are either the smaller ones at 3,000 gallons or the larger ones, the 9,000 gallons. So, depending on which one you use of course, it's 300 to 900 truckloads that method. The other method, of course the drying it out, they thought that probably the volume can be reduced to about 60% of its current volume. That would take 200 end-dump-type trucks, the larger ones that dump out the back with a gate. Or, the single axes typical dump truck is probably about 365 of those. So it kind of gives you an idea how much material's out there and how much we need to move.

Jochum stated I guess other than that, we didn't really talk too much about anything else at the meeting other than he's going to move forward with the permitting and, again, that's going to take about 60 to 90 days. He did think the second method, even though he doesn't specialize in that, it would be drying it out, so I guess that's one thing we need to decide over the next couple of weeks, which method we're going to use. If we're going to dry it out, we've got to start pushing it up, get a contractor with a dozer to start pushing it up into one corner of the pond. Or if we use the other method, basically we're going to leave it sit. It actually needs water.

Voss asked is one method preferable over the other in terms of odor control? Jochum stated well I would assume the slurry method's going to be less odor because it's going to have water in it and it's going to be agitated. It's likely not going to have any odor. But, we're not expecting either method to have too much odor. Voss stated maybe that's something you can ask Mr. Montane, what their experience is. Jochum stated I guess one thing to

8.0B.1

Biosolids

Permitting
and Disposal

note, though, we're getting fairly comfortable that this is going to be under \$100,000.

Koller asked how many yards of material are we talking about? Jochum stated wet as it sits now, but it's about 60%-65% moisture, water, it's about 7,500 yards. But one other thing we're going to do. We're going to do a little more surveying now that the City kind of has the water off it. So, the material's kind of settled down so we're going to survey it one more time on the edges so we'll get a good...right now we're assuming it's about 3.5 feet deep but we're going to know a lot better after this week if that 3.5 is accurate. It could be a little more but it could be a little less. So, we're talking 300 to 900 trucks or maybe we're talking 200 to 700. But, we think we're pretty close. We'll refine that number a little more.

Voss asked the benefit of land farming it on site is just reduced costs of trucking, correct? Jochum stated yeah, that's essentially the, bulldozer taking some of that out of there, as much as we can spread on site and then incorporating it with a plow or till or some sort of piece of equipment like that.

Voss stated and the obvious question is the number of trucks going through that neighborhood. Our roads, is there a route that has strong road to handle all that truck? Jochum stated no, essentially they're all the same. But, it's kind of a, it's probably best to try to use the bigger trucks. They do have more axels. They don't really weigh any more so it would be less trips. But, then again, it's also the neighborhood perception. They're going to see these large semi-type trucks. But if you use the smaller trucks there's a lot more of them. It's kind of a balance and we're just hoping the road holds up. But there's no other options that I know of to get out of there.

Davis stated there's only one way in and one way out. One advantage to trucking it out with the solids is it could possibly be done in the winter time when there could be potentially less damage to the road. That road was recently overlaid so the asphalt, there's probably four to five inches of asphalt base there. The road that went out of there, we haven't had too many problems with road issues. There are no wet areas that we'll be traversing over. What we want to do too is now that we have these numbers, is start getting some estimates from both parties that would operate this on either the pump or the haul method, the dry haul and start comparing the cost and then trying to get three quotes on this.

Voss asked any other questions for Craig? Koller stated thanks. Voss asked at the next meeting we'll have another update? Jochum answered yes and, again, we'll do a little more survey, which we can then get the potential people that want to quote it.

Ronning asked what's our timing on this Jack? Davis answered hopefully by the next meeting we can have some quotes so that we'll know, essentially, which direction we're going to go. Whether we're going to try to pump it out or are we going to try to push it up and dry. Because if we're going to push it up and dry it, we need to start that within the next two or three weeks.

Ronning asked we have into the next year to complete this? Davis responded October of 2016. Ronning stated if we wait for September of 2016, it might be late. Davis stated it sure could. Jochum stated it's best, if we do go with the pushing it up and drying it, the trucking method, I've heard from a lot of Type IV that work with this stuff, for some reason, if you get it up and it goes through a freeze/thaw, it seems to dry well, that process helps dry the stuff tremendously.

8.0B.1
Biosolids
Permitting
and Disposal

Voss in terms of the receiving facilities, they can still take it frozen? Jochum stated no, it will likely be a spring. So, we'd push it up in the pond, we'd have to leave it in the pond. Push it up in a corner and then the first thing in the Spring, it will be hauled out. Voss stated oh, so we wouldn't be hauling out in the winter. Jochum stated either method, we won't have our permits, it takes about 60 to 90 days.

Ronning stated it may not be a subject for here but how are we protected if we go for the drying. Keep it as dry as we can get it. Jochum stated we've got to get it pushed up, which could take some time. It's likely going to push it for half a day, leave it sit, it might take a week. Voss stated half of it's going to slough off. Jochum stated yeah, it's going to be a process though. But then to get it up such that it drains off, then that water does not sit in the pond. Nate has already got the edge kind of dug down so that the surface water doesn't sit on there any more.

Ronning asked and there's no harm in that surface water? Jochum responded by stating correct.

Davis stated the water that was in there was considered 'treated.' And, it can be drained off. I did mention something about wintertime disposal, the only reason I mentioned that was the road conditions. If we couldn't do anything in the winter and probably a time schedule will not permit us to do that, then the next timeframe we'd have would be after road restrictions lifted. We'd be looking, maybe it's possible, as getting it out of there somewhere around the first of May. Voss stated all right, thanks Craig. Jochum stated thanks.

8.0C
City Attorney

None.

8.0D
Finance

None.

8.0E
Public Works

None.

8.0F
Fire
Department
8.0F.1

Davis presented the staff report indicating the East Bethel Firefighters Relief Association is requesting the City Council ratify the East Bethel Firefighters Relief Association bylaws, Appendix C with a \$500 benefit increase, from \$4,000 per year of service to \$4,500 per year.

EBFRA
By-Laws and
Benefit
Increase

The East Bethel Firefighters Relief Association is requesting that City Council approve the attached amendments to the East Bethel Firefighters Relief Association Bylaws. The current Bylaws were approved by City Council on August 20, 2014. The only change proposed is to amend Appendix C to include a \$500 benefit increase. The fund is currently 126% funded.

With this proposed increase of \$500 per service year, the fund is projected to be 113% funded as of December 31, 2015. The East Bethel Firefighters Relief Association Board of Trustees approved the change of the bylaw on Monday, July 20, 2015. For this bylaw to take effect, the City Council must also approve this item.

This change in bylaws will have no fiscal impact to the City of East Bethel. In the event the East Bethel Firefighters Relief Association portfolio falls below 95% of the Fund balance,

8.0F.1

EBFRA

By-Laws and

Benefit

Increase

the City of East Bethel would then be required to make mandatory contributions to the Fund according to the Minnesota Auditor Office's formula.

Davis stated at this time Mr. Troy Lachinski will present the request to raise the benefit from \$4,000 to \$4,500.

Troy Lachinski stated hello everybody. Thank you for your time. I appreciate the opportunity to come and talk to you again about this topic. You know, how did we get here? This is a process that starts very early in the year with the budget cycle. It starts off, maybe in March we started with an independent audit, which we have to go through every year. The independent audit is completed that looks at our accounting practices, looks at our financial situation, and that finalized report is actually submitted to the State Auditor for their records as well.

Lachinski stated shortly after that, we start working on our schedules and our forms that we need to turn into the State Auditor and during that time, one of the forms that we have to fill out is a maximum benefit form, which calculates, based on our finances, based on our number of members, what the maximum benefit could be to the Relief Association. So this year, our number came in at \$4,600.

Lachinski stated the next thing that we do, you know the process that we follow is the process laid out by the State Auditor. It's our Statement of Position, considerations when making a benefit change. So, #1, we determine the maximum benefit allowed. #2, we run our financial projections. One of the forms that we have to fill out every year is a Schedule 1 and a Schedule 2, which lays out how many members we have, how many years they've been on the Department, what their investing percentage is, what our current benefit level is, what we think that our projected income's going to be from municipal contributions, our State aid, and our investment portfolio.

Lachinski stated once we do all that, we put all the numbers into a form and at that point, we can do some scenarios on what we think is going to happen. So, we run those scenarios every year and this year where it came out to look the best for us is not to go with the maximum benefit of \$4,600 but to keep that a little bit lower. The number that we choose was \$4,500.

Lachinski stated the next step that we do is we have to decide as a Trustee, all the Trustees in the Association have to look at the numbers, figure out if they're prudent, and vote on whether we want to increase the benefit, which we did back in July. Then the next step is we have to get it ratified by the City Council. A benefit increase of \$4,000 to \$4,500 may seem like a large amount but if you look at the number of years of service and what that benefit is really for, we have this Fund for one purpose and that is to pay a benefit to our fire fighters. The main reason that we want to have a good benefit for our fire fighters is for retention and for recruitment. One of the key things for any fire department is to have qualified and tenured and experienced fire fighters so that we can take care of our City in the best possible manner.

Lachinski stated if you look at what Mike presented earlier, we talked a little bit about increases to the City for the budget purposes. One of the big keys is the salaries. Maybe people don't really know this but the fire fighters on the Fire Department are paid on call. So, we do get paid per call but the amount is not very much. I'm not complaining about that because we're not on the Fire Department to make money. That's not our main reason.

8.0F.1
EBFRA
By-Laws and
Benefit
Increase

It's because we all love our City and we want to give back to the City. That's the main reason that we're here. If you want to look at myself, I make roughly 40% of the calls during my shift. I make all the trainings and the business meetings and I was paid last year, give or take, roughly \$1,800. So, that's what an average fire fighter may make. If we look at a benefit level that you get as a lump sum after serving some time, let's say 20 years, that's the real benefit. That's the real thing that keeps people on the Department. That's kind of where we come up with these numbers.

Lachinski stated so, if we look at the history, we did get a benefit increase the last couple of years because the stock market has been very strong. In 2012, we were 125% funded so we thought, 'Okay, well, the maximum benefit worksheet said we could go a little bit higher. We decided to go with \$200. Let's see what happens next year.' Well, the end of that year we actually were 132% funded. So, the next year we looked at it again and thought, 'Well, let's give a \$400 benefit increase because the funding ratio, we want it to be as close to 110% as possible.' So we went up to \$4,000, which was an increase of \$400. At the end of last year, we were still 132% funded. At the time we did our forms and such, in the middle of this year, we were at 126% funded so those are the reasons that we came up with this number.

Lachinski stated I had the opportunity to talk to you guys back in July at the Work Session. I went through a presentation that showed exactly where the numbers come from, what the benefit means, how you get the benefit. So, I guess at this time I'd like to know, is there any other questions that you guys have?

Voss stated I think the first question, did you rerun your model in the past week? Lachinski stated I re-ran the numbers actually today and I anticipated that you may ask that question. A couple things. First of all, we have actually two funds on the Relief Association. We have a long-term fund and we have a short-term fund. First of all, neither one of those funds are very aggressively invested because we're not in this to be risk takers. We're not in it for the 'short grab.' The long-term account is more aggressive of the two but the short-term is very, very, very un-aggressive. So why do we have two different accounts? The short-term account is made up of enough money in our portfolio that we could pay out anybody that could request a payment today. We look at that as a five-year pay out. So, anybody that could be paid out today or within the next five years. So that means the person is over 50 years old and they are already at least have ten years experience, which makes them 60% vested. So, if you look at the short-term account, I have some numbers here, the short-term account is \$348,000. The year-to-date return on that is actually still positive as of yesterday. Then today the stock market went way up. So, the short-term account is invested in a way that it's very risk free because we know that any of that money could get paid out, literally, tomorrow. Somebody could request to get paid off.

Lachinski stated the long-term account, as of yesterday's close, was actually down about 4%. Although what that said, the stock market went up about, it was almost 2% today it looked like. So, it's a 'roller coaster' ride. If you look at, I ran some graphs so if we look at, here's today so you can see it went way up and then a little bit up and down, up and down, and then it ended way up. If you're looking at it over the last five days, it's pretty much even. It goes up, it goes down, it goes up, it goes down, pretty much even. If you look over the last three months, it was pretty steady, pretty steady, pretty steady, a little bit of a drop off, well a pretty big drop off, came back, went down, went back up, 'roller coaster.' If you look at it over the last five years, now that's the number we need to look at. You know, there are 'bumps in the road' all the way but it's basically still going up. If you

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look at the portfolio that way, it's a long-term basis, it's still very positive. Our numbers are not aggressive. Every year the number that we use is 3.5%. We guess that, okay, at the end of the year, we're hoping to do 3.5%. If we have a bad year, we think that's going to be 0%, or maybe -3.5%. I looked at the number for the rate of return and as of yesterday, it was -3.5%. Even if we went forward with the benefit increase that we're discussing, we still would be 105% funded assuming that nothing else happens in the market the rest of the year.

Lachinski stated the other thing that we have to look at, these 'what if' scenarios all include the State Auditor's formula on what the actual liability is. The State Auditor, they're really nice, they just assume that everybody's going to stay on for more than ten years and everybody's going to get paid the full benefit of the amount. So, for example, today our benefit level is \$4,000 per year of service. In their calculation, we have a fire fighter right here that has one year of service, as far as the State Auditor's concerned, that's \$4,000 worth of liability. As far as real liability, if that fire fighter quits today, they get paid nothing. So, if we look at the schedule forms liability, it's \$1.5 million. If you look at the real liability, if every firefighter were to quit the Department today, the payout would be just over \$1 million. We have \$1.735 million in the fund. So, those are the numbers we look at. It's a very legitimate question. Are we paying attention to what the stock market is doing right now? We definitely want to be prudent. We definitely want to make sure that we don't increase our benefit level and the stock market declines and then there's suddenly a mandatory municipal contribution. We don't want that.

Ronning stated I went back and looked at some of the history. 2006 was \$3,200 with 2007 at a \$200 increase, 6% to \$3,400 and stayed \$3,400 for 2007, 2008, 2009, 2010, 2011, and 2012. And, 2013 it came up another \$200. 2014 it came up \$400. So, it's at the \$4,000 you mentioned. Part of our responsibilities is to look at what the obligation for the taxpayers would be if it goes below 95%, then we have obligations. Is that correct? Lachinski stated yes, you'd have an obligation to cover the difference. You don't have to cover it in a lump sum. For example, I think in the year 2009, obviously the stock market had a big downturn back in 2008. It was the great recession, or the recession of our time and at that time, there was a municipal contribution that was required. The way that works is the State Auditor looks at our numbers, they figure out what the deficit is, and the City's required to pay 10% of that deficit each year until there is no more deficit. The way that one worked out, is the first year I think it was a \$28,000 mandatory contribution. Then the following year, there was like \$14,000.

Ronning asked is this in the 2008-2009 timeframe? Lachinski stated yes, the 2008-2009 timeframe and that's the only time that's happened in the history of our Relief Association as well. Then at that point, the stock market came back to where it needed to be and there wasn't any more mandatory contribution.

Ronning stated the last couple of years we've spoken about this, it's been 120%, 110%, or whatever, 130% I think at one point. Was there any obligation to the City under that? Lachinski replied no.

Ronning asked is there any other source of revenue for that outside of your investments? Lachinski stated the three main sources of revenue for the Relief Association, well the three only is: #1 the investments, which usually makes up about 70% of our income per year; State aid, which is 2% money that is collected from homeowner's insurance. It all goes into a big 'pot' and the State of Minnesota decides. They look at each city, the population, and

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the worth of those properties and they divvy that money back out to all the different cities for their relief associations. So, that's our #2 source of revenue. Then the #3 source of revenue is the voluntary municipal contribution that you guys are so kind to provide to us each year.

Ronning stated so some of this just background for everybody to understand. There was considerable investment in 2008-2009 and I don't know if there was 10 or not, has there been anything on the City's obligation since then? Lachinski replied no. Ronning stated so it's pretty, the point is kind of to say that it's your money to begin with. Lachinski stated that's right. Ronning stated it's been a pretty responsible thing and also to verify that we pay attention to this stuff. We don't look at it lightly ourselves. We have, it's your money but we have an obligation with it as well. I don't know if there's anything else that I can think of.

Lachinski stated well, there's one other thing that I'd like to add too. Starting in the last year, the City's actually provided some accounting services to us so Mike is actually been doing a lot of our financial work for us. He does a mini-audit every single month just to make sure that the numbers all add up. So, we want to be in full disclosure. We want to make sure that we're working closely with the City, that we're all making good decisions. We want to make sure that we have a good working relationship and want to be 'one big happy family.' It's been really great. We had a great accountant before as well, but it's really nice having some additional help. Somebody that can do this as part of their job and pay very close attention to it. It's been a great help to us so we'd like to thank you guys for that as well.

Ronning stated I'm not sure if you've said, if you did I apologize for missing it, the 120-something percent now, with the increase how does that change? Lachinski stated let's just say that everything stayed the same as exactly where it is right now, we'd still be at 105% funded at the end of the year. That's just assuming that nothing's going to change. Like I said, the numbers that I ran today only go through actually yesterday's close of today and I know today's close of day was up close to 2%. You can't look at the stock market on a day-by-day basis because you'll drive yourself crazy.

Ronning stated that's a meaningful change but you say the homeowners' insurance and is there any kind of a conservative estimate what that puts you? 105%? Would you be at an estimate of 110% next year? Lachinski stated my estimate would be 113%. I would think that by the time everything 'shakes out' at the end of the year our rate of return in 2015 would be +3.5%. That's the calculation that we normally go with.

Lachinski stated if you look at the history of our Relief Association investments, I think over the last ten years it's still +9 and that's with some horrible years, with 2008 in there too. Like I showed this graph and this shows the black line, this was in the presentation we went through at the Work Meeting, but it just goes up and up and up every year. I mean, right here, this is the funding percentage. If you look at where we were in 2013, 132%, I think that was top five in the State. So, of all the cities that have a plan similar to ours, we were one of the most over-funded cities in all of Minnesota. What that means is our benefit is not big enough because the only reason to have that fund, is to pay benefit. Of course we want to be prudent. We always want to be well over 100% funded. But, 132% is a little bit high. Ronning stated but better high than low. Lachinski stated well, that's correct.

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Voss asked Jack, Troy mentioned that the contribution, the volunteer contribution the City makes every year, what do we have budgeted in 2016? Davis replied \$14,000. Voss asked is that fairly consistent with previous years too? Davis replied it is and actually it's a reduction. That amount of the volunteer City contribution was reduced from \$17,000 to \$14,000 three years ago upon the stock market's performance and it has held constant since then. So, the City did contribute up to \$17,000 until 2013 and that was reduced to \$14,000 and it's been \$14,000 for the last three years.

Lachinski stated if you put that into perspective, of the two years that there was a mandatory contribution, I think one year, it wasn't much more than that voluntary contribution those years it was mandatory. One other thing I'd like to point out too, one of the requirements that the City has now is, maybe Mike you can speak to it, the GASBY change?

Jeziorski stated there's some additional accounting standards that need to be completed by the Relief Association on an annual basis and that's going to run the Relief Association some additional dollars on an annual basis. Again, there isn't really any financial impact to the Relief Association itself but then if that is not completed, this additional requirement, it kind of spirals into the City's financial report. So, it's just best, obviously, to get this actuarial study done, this additional requirement completed and know that there's a substantial cost to it. It's better to just kind of get it done and do it that way.

Lachinski stated the Relief Association agreed to take on the cost of that even though there's not benefit to the Relief Association to do that. But, it is a help to the City and that's all in the spirit of working together and making sure that we're one unit working together.

Voss stated okay, any other questions? With that, we need a motion going forward. Davis stated if someone wishes to make a motion, the motion would be to ratify the East Bethel Fire Fighters Relief Association Bylaw Appendix C with the \$500 benefit increase. **Mundle stated I make a motion to approve the ratification of the East Bethel Fire Fighters Relief Association Bylaw Appendix C with the \$500 benefit increase. Harrington stated I'll second.** Voss stated any discussion? Hearing none, all in favor say aye?" **All in favor.** Voss stated opposed? That motion passes. **Motion passes unanimously.** Lachinski stated thank you very much. Voss stated thanks gentlemen.

Lachinski stated since I'm up here, I know it's not during the Open Forum, but I just want to give a quick update on HeartSafe. Actually I just came, we're doing HeartSafe training at the Ice Arena. Right now as we speak, Ryan and Wade are over there. We're training all of the coaches and any parents and hockey players from the St. Francis Youth Hockey Association. That will be happening over the next three weeks. We've got three dates set up. In addition, last month they came to the Parks Commission and we got them trained and next week I'll be at the Roads Commission as well. So, things are still progressing along. We fully expect to get our designation still within this calendar year. I just wanted to get on record to let everybody in the City know if you have a group or business in the City of East Bethel, we're happy to come out and do free training on CPR and AED use.

Ronning asked do you have a maintenance agenda, philosophy, or anything as far as retraining at a certain period of time? Lachinski stated people can be retrained as often as they feel comfortable. Some people, actually, the folks at Coon Lake Market, some of those people have already been trained twice. They came to the pancake breakfast and I also did a training at Coon Lake Market just last month. So, if people want to get trained three times a year, or once a year, or once every other year, whatever is most comfortable for them.

- 8.0F.1 Ronning stated there's no limit, you're willing to update, whatever. Lachinski stated we're willing to, we've had training classes with as many as 46 and as small as 1. We're willing to do whatever it takes to get our City HeartSafe. Ronning stated thanks for what you guys do. Lachinski stated thank you.
- EBFRA
- By-Laws and Benefit Increase
- 8.0G Davis stated I have a couple things to bring up tonight. One issue that Council has discussed in the past was the 1-in-10 acre lot requirement that is in our Comprehensive Plan for all areas within the City. For whatever reason, when the Comp Plan was adopted in 2008, this was inadvertently put in there. I don't know if it was done after but it was in error. We brought this to the attention of the Met Council and the Met Council agrees it was an error. They're not going to take any action or make us enforce that in areas outside the Sewer District. So, we can proceed with the 2-2.5-acre lot density developments. They just said address that when we do our Comp Plan update. We'll go ahead and make that correction though within the Plan itself now so anyone interested in developing outside the sewer corridor can go ahead at the 2.5-acre density levels.
- City Administrator
- Comp Plan Map Correction
- Voss stated so are we going to make the change now? Davis stated we'll make the change. The only place it's mentioned is on the map so we'll make the change in the map now, submit that to the Planning Commission for their approval and it will get back to the Council for their approval.
- Voss asked we're not waiting for the whole update? Davis replied no, we'll do that now and then the whole thing will be finally corrected when the Comp Plan's updated officially in 2018.
- Reserve Capacity Loan Revision
- Davis stated Mayor Voss and I attended the Met Council meeting last Wednesday and the amendment for the revisions in the Reserve Capacity Loan Program were approved by the full Met Council with no discussion, objections. We took the trip down to St. Paul and sat there for ten minutes and got up and left. But, that was taken care of so everything with the Reserve Capacity Loan, what we discussed previously, the elimination of that loan if the debt hits \$2 million, the equalization of our SAC rates with just the \$700 increment of which that will be frozen if that \$2 million cap is hit, and then the elimination of our loan payment if that \$2 million cap is hit also. So, I think that's a very good deal for the City and I wish to thank everybody that helped us get that through.
- 9.0 Other**
- 9.0A None.
- Staff Reports
- 9.0B Mundle stated the Business Retention Expansion Program's having two training sessions coming up for the members that will be interviewing. It will be September 9th during the day and September 17th during the evening. A reminder that Tuesday, September 15th, is the Anoka County Sheriff's Open House from 4 to 7 p.m. and the public is definitely invited to that. That is down at the Hanson location. Wish everybody a safe and good Labor Day weekend.
- Council Member Koller
- Koller stated I met with the Planning Commission and we already approved the chicken variance. BWSR's required audits from both Watersheds, the Sunrise River we've already got the bids back and we have chosen an auditor so that's done. And, the Upper Rum we just received the bids back so at the next meeting we'll be picking an auditor for that. That's about it.

- Council Member Harrington Harrington stated September 15th, from 12:30 to 6 o'clock, the blood mobile will be next door at the Senior Center. There's a phone number that you can call to make an appointment. The new striping the County put down on County Road 22, the fluorescent, is done. It really lights the road up at night now.
- Verizon Cell Tower Update Harrington stated I have one question for Jack. What's the status on that cell tower next door, Verizon? Is anything going to be done this year? Davis stated we're working on it. There have been many 'hic-ups' in the whole process. It's been an issue that we've had some difficulties. I won't say it's necessarily Verizon's but perhaps Verizon's representatives. We think that we have everything worked out now and we just re-reviewed the site plan to make sure everything was correct in their latest submittals. So, we're following up on the information we just received. So, hopefully, we'll be able to tell you something a little bit more in two to four weeks. But, it's been a real process in dealing with them on this matter.
- Council Member Ronning Ronning stated nothing other than echo what Brian said. Have a safe and happy Labor Day. Be safe. This is the last travel weekend of the season, pretty much.
- Mayor Voss Voss stated a question, follow up, on the striping project. We're also going to have streetlights along Viking. Is there seven, eight, of them? Do we have any knowledge on timing of that at all? Davis stated no more updates than the last one when we contacted Anoka County to see what the status was. At the time, they weren't ready to schedule the preconstruction conference. They said they hoped they would be able to do that some time in September. We anticipate or hope that project could commence construction at least in October. If it goes beyond that, then the costs to Anoka County will be raised because Connexus does have wintertime rates that are higher than their normal rates. So, Nate is monitoring that and I'll be able to give you an update on it at the next Council meeting. Voss stated good, that's all I have.
- 9.0C Other 9.0D Closed Session Not-Public Data None.
- Vierling stated thank you Mr. Mayor. For the benefit of the public and for the record, we note that the City Council's about to go into Closed Session under the authority of Minnesota Statute 13D.05, subd. 2, subparagraph 1. The matter involved is essentially a personnel matter of internal affairs but because it raises allegations contained within the protected areas of that Statute, the Council is required to go into Closed Session to deal with the matter. The Closed Session will be tape recorded as required by law with that tape maintained for a period of two years. Council will come back into Open Session after they have concluded that Closed Session and announce any action that may have been taken during that Closed Session. With that being said Mr. Mayor, I'd recommend that a motion be made to go into Closed Session for the purposes I've indicated.
- Move to Closed Session **Mundle stated make a motion to go into Closed Session at 8:15 p.m. for the purposes that City Attorney has indicated. Harrington stated I'll second. Voss stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion passes. Motion passes unanimously.**
- Reconvene Open Session Vierling stated thank you Mr. Mayor. For the benefit of the record and for those folks still with us on cable TV, we'd note that the Council's concluded its Closed Session, which went from 8:18 p.m. to 8:53 p.m. It was attended by all Members of the City Council, the

Reconvene Mayor, and in addition had City Administrator Jack Davis, Chief Mark DuCharme of the
Open Session Fire Department with us, and myself, Mark Vierling as the City Attorney in attendance.

Vierling stated the Council was updated by staff on issues, gave some suggestions and feedback, but took no formal motions on any matter. That being said, the Closed Session was concluded and that summarizes the action of the Council during Closed Session. Thank you.

10.0 **Harrington stated I'll make a motion to adjourn. Mundle stated I'll second. Voss**
Adjourn **stated any discussion? All in favor say aye?" All in favor. Voss stated opposed? Motion**
passes. Motion passes unanimously.

Meeting adjourned at 8:55 p.m.

Submitted by:
Carla Wirth
TimeSaver Off Site Secretarial Inc.

DRAFT

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION NO. 2015-53

RESOLUTION AUTHORIZING ELIMINATING AN INTERFUND LOAN

BE IT RESOLVED by the City Council (the "Council") of the City of East Bethel, Minnesota (the "City"), as follows:

WHEREAS, the City of East Bethel set up a due to due from loan from the HRA to the EDA in order to fund its revolving loan fund

WHEREAS, the EDA has a sufficient cash balance in order to pay off the interfund loan in its entirety with the HRA

WHEREAS, the current loan balance the EDA has with the HRA is \$46,652.12.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: The City hereby authorizes the Finance Director to eliminate this interfund loan by having the EDA payoff the entire loan balance of \$46,652.12 with the HRA

Effective Date. This resolution is effective at September 16th, 2015.

Adopted this 16th day of September, 2015 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Steven R. Voss, Mayor

ATTEST:

Jack Davis, City Administrator

PAY ESTIMATE #1
CITY OF EAST BETHEL
185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

August 31, 2015

Honorable Mayor & City Council
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: 185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project
Contractor: Peterson Companies
Award Date: July 15, 2015
Completion Date: July 15, 2016

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Peterson Companies:

Bid Schedule "A" - S.A.P. 203-122-001 - 185th Avenue NE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	CLEARING	1.25	ACRE	\$2,500.00	1.25	\$ 3,125.00
2	GRUBBING	1.25	ACRE	\$2,500.00	1.25	\$ 3,125.00
3	REMOVE PIPE CULVERTS	27	LIN FT	\$24.26	14	\$ 339.64
4	REMOVE FENCE	781	LIN FT	\$2.35	781	\$ 1,835.35
5	REMOVE SIGN TYPE C	8	EACH	\$30.00	8	\$ 240.00
6	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	41	LIN FT	\$2.35		\$ -
7	SALVAGE SIGN TYPE C	1	EACH	\$45.00		\$ -
8	SALVAGE STEEL POST	25	EACH	\$22.90	25	\$ 572.50
9	COMMON EXCAVATION (EV) (P)	8649	CU YD	\$6.96	3,590	\$ 24,986.40
10	MUCK EXCAVATION (EV)	5970	CU YD	\$9.11	4,738	\$ 43,163.18
11	SELECT GRANULAR BORROW (LV)	2013	CU YD	\$16.66	576	\$ 9,596.16
12	GEOTEXTILE FABRIC TYPE V	555	SQ YD	\$0.54		\$ -
13	CALCIUM CHLORIDE SOLUTION	5742	GALLON	\$1.00		\$ -
14	AGGREGATE BASE CLASS 5	3367	TON	\$17.00		\$ -
15	FULL DEPTH RECLAMATION	6167	SQ YD	\$0.57	6,167	\$ 3,515.19
16	SHOULDER BASE AGGREGATE CLASS 2	45	TON	\$49.54		\$ -
17	MILL BITUMINOUS SURFACE (2")	5	SQ YD	\$70.00		\$ -
18	BITUMINOUS MATERIAL FOR TACK COAT	424	GALLON	\$4.10		\$ -
19	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)	1022	TON	\$60.15		\$ -
20	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	1022	TON	\$59.99		\$ -
21	15" RC PIPE APRON	2	EACH	\$910.47		\$ -
22	18" RC PIPE APRON	4	EACH	\$935.22	2	\$ 1,870.44
23	21" RC PIPE APRON	1	EACH	\$959.96		\$ -
24	18" RC PIPE CULVERT DESIGN 3006 CLASS III	120	LIN FT	\$24.32		\$ -
25	TRASH GUARD FOR 15" PIPE APRON	2	EACH	\$150.73		\$ -
26	TRASH GUARD FOR 18" PIPE APRON	2	EACH	\$173.22	2	\$ 346.44
27	TRASH GUARD FOR 21" PIPE APRON	1	EACH	\$209.21		\$ -
28	15" RC PIPE SEWER DESIGN 3006 CLASS V	1223	LIN FT	\$22.14	64	\$ 1,416.96
29	18" RC PIPE SEWER DESIGN 3006 CLASS III	736	LIN FT	\$18.39	80	\$ 1,471.20
30	21" RC PIPE SEWER DESIGN 3006 CLASS III	27	LIN FT	\$41.41		\$ -
31	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	9.5	LIN FT	\$323.20	3.4	\$ 1,098.88
32	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	37.0	LIN FT	\$358.06		\$ -
33	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	3.0	LIN FT	\$1,108.90		\$ -
34	CASTING ASSEMBLY	12	EACH	\$725.52		\$ -
35	GEOTEXTILE FILTER TYPE IV	20.8	SQ YD	\$1.02		\$ -
36	INSTALL RANDOM RIPRAP	5.1	CU YD	\$30.40		\$ -
37	CONCRETE CURB AND GUTTER DESIGN B618	2581	LIN FT	\$12.75		\$ -
38	6" CONCRETE DRIVEWAY PAVEMENT	10	SQ YD	\$65.00		\$ -
39	GUIDE POST TYPE B	7	EACH	\$65.00		\$ -
40	WIRE FENCE DESIGN 72-9322	97	LIN FT	\$31.50		\$ -

PAY ESTIMATE #1
CITY OF EAST BETHEL
185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

Bid Schedule "A" - S.A.P. 203-122-001 - 185th Avenue NE (Continued)

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
41	WIRE FENCE DESIGN 6.5-9323	756	LIN FT	\$22.75		\$ -
42	SIGN PANELS TYPE SPECIAL	11.4	SQ FT	\$22.35		\$ -
43	SIGN PANELS TYPE C	94.6	SQ FT	\$34.00		\$ -
44	INSTALL SIGN TYPE C	1	EACH	\$145.00		\$ -
45	INSTALL STEEL POST	25	EACH	\$54.96	12	\$ 659.52
46	SILT FENCE, TYPE MS	1363	LIN FT	\$3.10	1,423	\$ 4,411.30
47	STORM DRAIN INLET PROTECTION	10	EACH	\$250.00		\$ -
48	SEDIMENT CONTROL LOG TYPE COMPOST	3089	LIN FT	\$3.75	1,920	\$ 7,200.00
49	CULVERT END CONTROLS	4	EACH	\$50.00		\$ -
50	FERTILIZER TYPE 3	1160	POUND	\$0.45		\$ -
51	SEEDING	2.9	ACRE	\$2,305.00		\$ -
52	SEED MIXTURE 25-131	1276	POUND	\$1.85		\$ -
53	MULCH MATERIAL TYPE 4	1.5	ACRE	\$3,130.00		\$ -
54	EROSION CONTROL BLANKETS CATEGORY 2	7030	SQ YD	\$1.15		\$ -
55	4" SOLID LINE WHITE - PAINT	4115	LIN FT	\$0.27		\$ -
56	4" SOLID LINE YELLOW - PAINT	1210	LIN FT	\$0.28		\$ -
57	4" BROKEN LINE YELLOW - PAINT	300	LIN FT	\$0.28		\$ -
58	4" DOUBLE SOLID LINE YELLOW - PAINT	500	LIN FT	\$0.56		\$ -
59	4" SOLID LINE WHITE - EPOXY	4115	LIN FT	\$0.41		\$ -
60	4" SOLID LINE YELLOW - EPOXY	1210	LIN FT	\$0.41		\$ -
61	4" BROKEN LINE YELLOW - EPOXY	300	LIN FT	\$0.41		\$ -
62	4" DOUBLE SOLID LINE YELLOW - EPOXY	500	LIN FT	\$0.82		\$ -
Total Bid Schedule "A"						\$ 108,973.16

Bid Schedule "B" - S.A.P. 203-123-001 - Laurel Road N.E.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	REMOVE SIGN TYPE C	4	EACH	\$30.00	4	\$ 120.00
2	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	24	LIN FT	\$4.00		\$ -
3	SALVAGE SIGN TYPE C	1	EACH	\$45.00		\$ -
4	SALVAGE RANDOM RIPRAP	14	CU YD	\$13.54	14	\$ 189.56
5	COMMON EXCAVATION (EV) (P)	215	CU YD	\$6.96		\$ -
6	CALCIUM CHLORIDE SOLUTION	719	GALLON	\$1.00		\$ -
7	AGGREGATE BASE CLASS 5	418	TON	\$17.00		\$ -
8	FULL DEPTH RECLAMATION	654	SQ YD	\$0.57	654	\$ 372.78
9	SHOULDER BASE AGGREGATE CLASS 2	6	TON	\$108.75		\$ -
10	MILL BITUMINOUS SURFACE (2")	3	SQ YD	\$33.00		\$ -
11	BITUMINOUS MATERIAL FOR TACK COAT	53	GALLON	\$5.60		\$ -
12	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)	127	TON	\$66.25		\$ -
13	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	127	TON	\$66.09		\$ -
14	15" RC PIPE APRON	2	EACH	\$910.47		\$ -
15	TRASH GUARD FOR 15" PIPE APRON	2	EACH	\$150.73		\$ -
16	15" RC PIPE SEWER DESIGN 3006 CLASS V	99	LIN FT	\$21.33		\$ -
17	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	7.0	LIN FT	\$286.99		\$ -
18	CONSTRUCT DRAINAGE STRUCTURE DESIGN SPECIAL	3.1	LIN FT	\$649.65		\$ -
19	CASTING ASSEMBLY	3	EACH	\$822.47		\$ -
20	GEOTEXTILE FILTER TYPE IV	20.8	SQ YD	\$2.00		\$ -
21	INSTALL RANDOM RIPRAP	5.1	CU YD	\$30.40		\$ -
22	CONCRETE CURB AND GUTTER DESIGN B618	295	LIN FT	\$12.75		\$ -
23	GUIDE POST TYPE B	2	EACH	\$65.00		\$ -
24	SIGN PANELS TYPE SPECIAL	11.3	SQ FT	\$22.35		\$ -
25	SIGN PANELS TYPE C	11.3	SQ FT	\$37.00		\$ -
26	INSTALL SIGN TYPE C	1	EACH	\$145.00		\$ -
27	STORM DRAIN INLET PROTECTION	2	EACH	\$250.00		\$ -
28	SEDIMENT CONTROL LOG TYPE COMPOST	356	LIN FT	\$3.75	300	\$ 1,125.00

PAY ESTIMATE #1
CITY OF EAST BETHEL
185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

Bid Schedule "B" - S.A.P. 203-123-001 - Laurel Road N.E. (Continued)

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
29	CULVERT END CONTROLS	1	EACH	\$50.00		\$ -
30	FERTILIZER TYPE 3	80	POUND	\$0.45		\$ -
31	SEEDING	0.2	ACRE	\$8,535.00		\$ -
32	SEED MIXTURE 25-131	88	POUND	\$1.85		\$ -
33	MULCH MATERIAL TYPE 4	0.2	ACRE	\$5,685.00		\$ -
Total Bid Schedule "B"						\$ 1,807.34

Bid Schedule "C" - S.A.P. 203-125-001 - Lincoln Drive N.E.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	CLEARING	0.25	ACRE	\$2,500.00	0.30	\$ 750.00
2	GRUBBING	0.25	ACRE	\$2,500.00	0.30	\$ 750.00
3	REMOVE PIPE CULVERTS	21	LIN FT	\$7.39	61	\$ 450.79
4	REMOVE FENCE	414	LIN FT	\$3.43	414	\$ 1,420.02
5	REMOVE RIPRAP	26	CU YD	\$29.16	26	\$ 758.16
6	REMOVE SIGN TYPE C	2	EACH	\$30.00	2	\$ 60.00
7	REMOVE MAILBOX SUPPORT	2	EACH	\$200.00	2	\$ 400.00
8	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	50	LIN FT	\$1.92		\$ -
9	SALVAGE LANDSCAPE ROCK	20	SQ YD	\$11.45		\$ -
10	SALVAGE RANDOM RIPRAP	3	CU YD	\$57.84	3	\$ 173.52
11	COMMON EXCAVATION (EV) (P)	4183	CU YD	\$6.96	2,421	\$ 16,850.16
12	MUCK EXCAVATION (EV)	3392	CU YD	\$9.34	1,603	\$ 14,972.02
13	GEOTEXTILE FABRIC TYPE V	240	SQ YD	\$0.54		\$ -
14	CALCIUM CHLORIDE SOLUTION	3439	GALLON	\$1.00		\$ -
15	AGGREGATE BASE CLASS 5	1975	TON	\$17.00		\$ -
16	FULL DEPTH RECLAMATION	4170	SQ YD	\$0.57	4,170	\$ 2,376.90
17	SHOULDER BASE AGGREGATE CLASS 2	29	TON	\$54.56		\$ -
18	MILL BITUMINOUS SURFACE (2")	3	SQ YD	\$33.00		\$ -
19	BITUMINOUS MATERIAL FOR TACK COAT	249	GALLON	\$4.00		\$ -
20	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)	600	TON	\$60.18		\$ -
21	TYPE SP 12.5 NON WEARING COURSE MIXTURE (2,B)	600	TON	\$60.02		\$ -
22	TYPE SP 12.5 WEARING COURSE MIXTURE (2,B) 2.5" THICK	58	SQ YD	\$16.50		\$ -
23	18" RC PIPE APRON	1	EACH	\$935.22		\$ -
24	TRASH GUARD FOR 18" PIPE APRON	1	EACH	\$173.22		\$ -
25	15" RC PIPE SEWER DESIGN 3006 CLASS V	775	LIN FT	\$21.57	32	\$ 690.24
26	18" RC PIPE SEWER DESIGN 3006 CLASS III	28	LIN FT	\$37.98		\$ -
27	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	9.4	LIN FT	\$364.04		\$ -
28	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	30.0	LIN FT	\$402.99	9.7	\$ 3,909.00
29	CASTING ASSEMBLY	9	EACH	\$680.47		\$ -
30	GEOTEXTILE FILTER TYPE IV	25.6	SQ YD	\$1.02		\$ -
31	INSTALL RANDOM RIPRAP	6.8	CU YD	\$65.15		\$ -
32	CONCRETE CURB AND GUTTER DESIGN B618	1220	LIN FT	\$12.75		\$ -
33	6" CONCRETE DRIVEWAY PAVEMENT	25	SQ YD	\$65.00		\$ -
34	MAILBOX	2	EACH	\$164.50		\$ -
35	MAILBOX SUPPORT	2	EACH	\$107.25		\$ -
36	INSTALL LANDSCAPE ROCK	20	SQ YD	\$22.90		\$ -
37	GUIDE POST TYPE B	1	EACH	\$65.00		\$ -
38	WIRE FENCE DESIGN 72-9322	348	LIN FT	\$46.00		\$ -
39	METAL POST EXTENSIONS	56	LIN FT	\$20.00		\$ -
40	SIGN PANELS TYPE C	59.0	SQ FT	\$34.00		\$ -
41	SILT FENCE, TYPE MS	1073	LIN FT	\$3.10	1,131	\$ 3,506.10
42	FLOTATION SILT CURTAIN TYPE STILL WATER	189	LIN FT	\$16.10		\$ -
43	STORM DRAIN INLET PROTECTION	9	EACH	\$250.00		\$ -
44	SEDIMENT CONTROL LOG TYPE COMPOST	840	LIN FT	\$3.75	780	\$ 2,925.00
45	FERTILIZER TYPE 3	360	POUND	\$0.45		\$ -

PAY ESTIMATE #1
CITY OF EAST BETHEL
185th Avenue, Laurel Road and Lincoln Drive Street Reconstruction Project

Bid Schedule "C" - S.A.P. 203-125-001 - Lincoln Drive N.E. (Continued)

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
46	SEEDING	0.9	ACRE	\$3,595.00		\$ -
47	SEED MIXTURE 25-121	98	POUND	\$2.95		\$ -
48	SEED MIXTURE 25-131	44	POUND	\$1.85		\$ -
49	MULCH MATERIAL TYPE 4	0.2	ACRE	\$5,685.00		\$ -
50	EROSION CONTROL BLANKETS CATEGORY 2	3291	SQ YD	\$1.15		\$ -
51	4" SOLID LINE WHITE - PAINT	2285	LIN FT	\$0.27		\$ -
52	4" DOUBLE SOLID LINE YELLOW - PAINT	1105	LIN FT	\$0.56		\$ -
53	4" SOLID LINE WHITE - EPOXY	2285	LIN FT	\$0.41		\$ -
54	4" DOUBLE SOLID LINE YELLOW - EPOXY	1105	LIN FT	\$0.82		\$ -
Total Bid Schedule "C"						\$ 49,991.91

Bid Schedule "D" - Miscellaneous Construction

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	USED TO DATE	EXTENSION
1	MOBILIZATION	1	LUMP SUM	\$119,326.00	0.43	\$ 51,310.18
2	CONSTRUCT ACCESS ROAD	1	LUMP SUM	\$16,112.00	0.50	\$ 8,056.00
3	TRAFFIC CONTROL	1	LUMP SUM	\$7,750.00	0.50	\$ 3,875.00
4	TRAFFIC CONTROL SUPERVISOR	1	LUMP SUM	\$1,500.00	0.50	\$ 750.00
5	STABILIZED CONSTRUCTION EXIT	1	LUMP SUM	\$2,000.00		\$ -
6	EROSION CONTROL	1	LUMP SUM	\$500.00	0.50	\$ 250.00
Total Bid Schedule "D"						\$ 64,241.18

Total Bid Schedule "A" - S.A.P. 203-122-001 - 185th Avenue NE	\$ 108,973.16
Total Bid Schedule "B" - S.A.P. 203-123-001 - Laurel Road N.E.	\$ 1,807.34
Total Bid Schedule "C" - S.A.P. 203-125-001 - Lincoln Drive N.E.	\$ 49,991.91
Total Bid Schedule "D" - Miscellaneous Construction	\$ 64,241.18
Total Work Completed to Date	\$ 225,013.59
Less 5% Retainage	\$ 11,250.68
WE RECOMMEND PAYMENT OF:	\$ 213,762.91

APPROVALS:

CONTRACTOR: PETERSON COMPANIES

Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: _____

Title: Project Manager Date: 9/2/15

ENGINEER: HAKANSON ANDERSON

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed: _____

Title: City Engineer Date: 9/9/15

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date: _____



City of East Bethel Road Commission Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 7.0 D.1

Agenda Item:

September Roads Commission Meeting

Requested Action:

Information only

Background:

Lex Reinke from First State Tire in Isanti gave a presentation on tire derived aggregate and how it is used in road construction. Examples and locations of the use of this material for construction roads in areas of poor soils and high water tables were provided to the Commission.

This is an alternate method of construction that has useful applications in areas where roads must cross wetlands. The cost of this construction is generally comparable to that of normal construction in areas with suitable soils.

This method of construction has been and can be a consideration for Phases 1-4 of the City's Service Road Plan for the Sewer District.

Attachments:

Fiscal Impact: None at this time

Recommendation(s):

Road Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

8.0 E.1

Agenda Item:

Recycle Center Grant

Requested Action:

Consider approval of grant funds for improvements to the City Recycle Center

Background Information:

On June 10, 2015 the City of East Bethel submitted a request to Anoka County Recycling and Resource Solutions for additional funds for repairs and improvements to the City Recycling Center located at 2761 Viking Blvd NE. These repairs and improvements will upgrade not only the functionality but also the appearance of the Recycling Center.

The funds requested were for doors, equipment tires, gutters, gutters and downspouts, replace the existing wood double swing gate with chain link, and 4 self dumping hoppers for recyclable materials. The estimates received for these items totaled \$13,698.96. Sue Doll, with the Anoka County Recycling and Resource Solutions, notified the City on September 9, 2015 that the grant for the work had been approved and that additional funding of \$11,301.04 up to a total of \$25,000 was available.

As a result we hope to be able to add the chain link fence described below to this year's improvement project.

The next phase of improvements at the Recycle Center will be for the following items:

1. 460 feet, 8 feet high chain link fence with privacy screening
2. One 35' x 40' addition
3. Approximately 20,000 square feet of paving
4. Exterior improvements

Bids will be obtained and then presented to Anoka County for approval of this additional grant request.

Fiscal Impact:

The repairs and improvements would be totally funded by a grant from Anoka County and no City funds would be required for this work.

Recommendation(s):

Council is requested to approve these grant funds for the improvements to the Recycle Center

City Council Action:

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Fire Department Report

Requested Action:

Informational only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**East Bethel Fire Department
August 2015
Response Calls**

Incident Number	Incident Date	Alarm Time	Location	Incident Type
375	08/30/2015	00:55	339 Cedar RD NE	EMS call
374	08/29/2015	02:22	3806 Edmar LN	EMS call
373	08/26/2015	18:04	24381 Durant ST NE	EMS call
372	08/24/2015	14:54	18164 Hwy 65	EMS call
371	08/24/2015	08:56	24355 65 HWY NE	EMS call
370	08/22/2015	09:01	24355 Highway 65 NE	Smoke in the area
369	08/22/2015	02:18	510 218 Ave	Smoke in the area
368	08/21/2015	11:36	1122 Klondike DR NE	EMS call
367	08/20/2015	20:28	18164 Highway 65	EMS call
366	08/20/2015	17:10	24355 Highway 65 NE	EMS call
365	08/20/2015	13:10	19385 University AVE NE	Gas leak (natural gas or LPG)
364	08/20/2015	07:24	2810 Viking BLVD NE	EMS call
363	08/19/2015	16:00	23142 65 HWY NE	EMS call
362	08/17/2015	13:08	3542 Edmar LN NE	EMS call
361	08/16/2015	08:56	18164 Highway 65	EMS call
360	08/14/2015	05:16	22733 London ST NE	EMS call
359	08/13/2015	11:33	18164 Hwy 65	EMS call
358	08/13/2015	11:08	22277 Quincy ST	EMS call
357	08/12/2015	12:50	20520 Polk ST	EMS call
356	08/11/2015	10:19	18529 Hwy 65	Fire Alarm
355	08/11/2015	04:41	2832 185 LN	Fire Alarm
354	08/10/2015	05:36	3900 Edmar LN	EMS call
353	08/09/2015	10:12	3014 Viking BLVD NE	Vehicle accident
352	08/08/2015	20:08	1728 208th LN NE	EMS call
351	08/08/2015	12:52	24054 Johnson ST	Gas leak (natural gas or LPG)
350	08/07/2015	18:24	852 221 AVE	EMS call
349	08/06/2015	21:06	HWY 65 and Viking	Vehicle accident
348	08/06/2015	16:23	1830 Briarwood LN NE	Vehicle accident
347	08/06/2015	06:25	22960 Sunset RD NE	EMS call
346	08/05/2015	10:52	4706 229th AVE NE	EMS call
345	08/02/2015	15:49	4416 224th AVE NE	EMS call
344	08/01/2015	17:15	500 Sims RD E	Passenger vehicle fire
343	08/01/2015	08:49	1016 181st LN NE	EMS call

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City of East Bethel City Council Agenda Information

Date:

September 16, 2015

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

September 23, 2015 Work Meeting

Requested Action:

Direction to schedule the September 23, 2015 Work Meeting

Background Information:

Should Council provide direction to hold the September 23, 2015 Work Meeting an agenda will need to be set. The following items have been previously proposed for or have had discussion:

1. Social Media Policy
2. Other

Attachments:

Fiscal Impact:

Recommendation(s):

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

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____