

EAST BETHEL PLANNING COMMISSION MEETING  
March 22, 2016

The Planning Commission met for a regular meeting at 7:00 pm at East Bethel City Hall.

MEMBERS PRESENT: Randy Plaisance, Chair    Glenn Terry    Tanner Balfany  
Eldon Holmes                                      Lou Cornicelli

ABSENT: Lorraine Bonin  
Sherry Allenspach

ALSO PRESENT: Colleen Winter, Community Development Director  
Tim Harrington, City Council Liaison

1. Call to Order	Chair Plaisance called the meeting to order at 7:00 pm.
2. Adopt Agenda	<b>Mr. Holmes moved and Mr. Balfany seconded to approve the agenda as presented. Motion carried.</b>
3. Approval of 2/23/16 Minutes	Mr. Terry questioned why on page 7 all of the discussion made by the Planning Commission on the item of the proposed CST business was summarized in the sentence “The Commission consensus was that visual impact, traffic issues, and environmental issues all need to be addressed.” Mr. Terry stated that there were a lot of serious points and discussion raised and that he didn’t know why that was omitted and so tersely abbreviated. Ms. Winter offered to go back and review the tape and add the comments back into the minutes. She reminded the commission that the format of the meeting minutes are no longer verbatim minutes, but are summary minutes. Mr. Terry noted all audience member comments were verbatim. Ms. Winter reiterated that Commission comments could be added to the minutes. Mr. Terry believes that that is important, as there were issues raised that were not brought up by the public and that that is a very impactful design and issue that should be looked at. Ms. Winter suggested the Chair table approval of these minutes until the April meeting when a revised set of minutes that reflects a more verbatim style can be presented for approval. Chair Plaisance asked if there were further changes to the minutes. Mr. Holmes said that the minutes could be passed, except that section on CST. Chair Plaisance stated he thought that the minutes needed to be approved as completed minutes, Mr. Holmes stated that was not the case. Chair Plaisance stated he thought the minutes should be tabled until the next Planning Commission meeting and recommended same. Mr. Terry made a recommendation to not reprint the whole of the minutes for the next packet, but only the amended portion.
4. Final Plat for Sauter’s Commercial Park 2 <sup>nd</sup> Addition	Final Plat – Sauter’s Commercial Park 2 <sup>nd</sup> Addition Property Owner: T & G Land Inc./Tom Sauter Address: 1052 189 <sup>th</sup> St. NE, East Bethel, MN 55011 PIN: 32-33-23-22-0002 Zoning: Light Industrial  Requested Action: Final Plat approval

	<p>Background Information:                  At the February 23, 2016 Planning Commission meeting a Preliminary Plat for Sauter Commercial Park 2nd Addition was approved. Before you is the Final Plat of Sauter Commercial Park 2nd Addition. At this time Mr. Sauter is proposing to plat only two lots and an Outlot.</p> <p>Comments:</p> <ol style="list-style-type: none"> <li>1. All required documents as outlined in our Subdivision Ordinance Chapter 66 have been submitted and review and comments have been given per our City Engineer, all appropriate changes were made on the Preliminary Plat to align with the future Service Road.</li> <li>2. The Applicant submitted a Joint Application form for Activities affecting Water resources and there will be no impact to existing wetlands. A wetland delineation was completed.</li> <li>3. Lot 1, Block 2 will remain a single family residence at this time.</li> <li>4. Mr. Sauter has agreed to dedicate the right of way for the City of East Bethel to complete the extension of a Service Road (Buchanan St and 189th).</li> <li>5. A Developer's agreement will be drafted and approved by the City Council at the same time as the Final Plat.</li> </ol> <p><b>Mr. Balfany moved and Mr. Holmes seconded to approve Final Plat Sauter's Commercial Park 2<sup>nd</sup> Addition as presented. Motion carried.</b></p>
<p>5. CST Update</p>	<p>Ms. Winter stated the next item before you is a proposed business relocation to 237<sup>th</sup> Avenue and Highway 65 for a company, CST Distribution, LLC. The applicable Code section is Appendix A, Zoning, Light Industrial and Section 4, Article 12, as well as several other sections within our Code. This evening is really a review and comment on the proposed relocation of CST to East Bethel.</p> <p>Ms. Winter stated CST Distribution, LLC and CST Transportation, Inc., are owned by Chad &amp; Megan Toft. CST Distribution, LLC is a wholesale distributor of softener salt, mulch, ice melt, firewood, washer fluid, and bottled water and also a contract packager of primarily mulch and soils. CST Transportation, Inc. is a local/regional transport trucking company, specializing in forklift mounted flatbed trucks, with occasional over-the-road capabilities. Customers include Menards, Home Depot, Cub Foods, and Super America stores among others.</p> <p>Ms. Winter stated CST is proposing to construct up to a 32,000 square foot warehouse/office facility and a 10,000 square foot bagging plant. The property is the Mike Wyatt property at 237th and Highway 65, which is a 40-acre parcel. The mulch will be stored and dyed outside during the winter months. By June, the majority of the mulch piles and pallets are gone. They do not process trees into mulch but the material is shipped in, dyed and bagged on site.</p> <p>Ms. Winter stated CST's proposed business use as a production, distribution, and warehouse facility is consistent with the zoning for the site at 237th and Highway 65. Article 12 in our Code requires a Site Plan Review prior to the issuance of any building permits to ensure safe, functional and attractive development. This Plan will be submitted to the Planning Commission and the</p>

	<p>City Council for approval. Tonight’s discussion is a preliminary discussion and the formal Site Plan will be submitted to the Planning Commission at the regular meeting in March for approval.</p> <p>Staff has met with the owners of CST Distribution and discussed with them the requirements of a formal Site Plan Review. City staff has also toured their facilities in Rogers and Elk River. City staff has made them aware of the following:</p> <ul style="list-style-type: none"> <li>• Visual Impact upon the immediate neighborhood and the need to provide adequate screening.</li> <li>• Environmental issues including, but not limited to, groundwater drawdown, treatment of dyeing effluent, stormwater runoff, noise, odors, control of site debris.</li> <li>• Traffic issues relating to truck impact on 237th Avenue, entrance locations and potential stacking issues, peak traffic concerns, as well as need for by-pass lanes or need for right-in right-out only.</li> </ul> <p>Ms. Winter stated I should comment, the Site Plan itself will be reviewed by Anoka County Highway Department because this is on a County road. Therefore, the Highway Department will ultimately have the say as far as what they are going to be required to provide for access to this location.</p> <p>Ms. Winter stated the Site Plan process does cover the issues as stated along with signage, lighting, and landscaping. A formal Site Plan Review does not require a public hearing; however, the Roads Commission and EDA have also reviewed this project and their recommendations will be reflected in the final submission to City Council.</p> <p>Ms. Winter stated included in your packet is a fact sheet about CST; a Site Plan, which I have up on the board and I can explain a little bit more about that; a location map; as well as some photos of their current operation and where it’s located, which I can also provide to you as we get through this process. So that’s what I have so far Mr. Chair.</p> <p>Chair Plaisance stated very good. At this time, we will have comments from the Commission. Discussion?</p> <p>Mr. Holmes asked are we going to eventually have a service road alongside 65? Ms. Winter replied the Roads Commission, at their last regular meeting, had talked about the need for an additional service road in this area. That service road that would be proposed, in all likelihood, would be a continuation of Davenport, which is right here. <i>(Ms. Winter pointed to the location on an overhead slide.)</i> So the service road, it’s a little hard to see and I apologize for that, but it’s right in this location. It would continue up and eventually connect with Cemstone.</p> <p>Mr. Holmes asked so it goes straight north instead of turning like... Ms. Winter stated right, there is an existing driveway that exists on this property. That’s located right here.</p> <p>Ms. Bonin asked how far from Cemstone is that? Ms. Winter asked this? Ms. Bonin answered yeah. Chair Plaisance stated it is quite a ways. Ms. Allenspach stated yeah, I was going to say one mile.</p>
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Ms. Winter stated in a very preliminary discussion with Anoka County there existing entrance simply wasn't going to work not only for their truck traffic but just simply it wasn't going to work for the site. So we know that there's going to be a requirement to have a second access. Again, the formal Site Plan has not been submitted to the County but in very preliminary conversations we've had with the County, they've indicated there's got to be two different access points for this property.

Mr. Terry stated semis, two semis, would stack that back into the intersection. Ms. Winter stated correct. Ms. Allenspach stated one might.

Chair Plaisance stated access, Colleen that you have going through the middle of the property. *(Ms. Winter referenced an overhead slide.)* Ms. Winter asked right here? Chair Plaisance stated yes. Is that going to extend to other properties? Or, is this just for their property? Ms. Winter stated it's for their property for the time being. It's in our Comp Plan to continue north as those properties develop. So if the properties to the north of here someday develop, then that road would continue as part of that service road.

Chair Plaisance stated so I'm seeing, according to this plan, that you have pallet storage on the opposite side from where the main business is being located. Ms. Winter stated correct. Chair Plaisance asked is that going to be an issue? Moving things from one side of the road to the other if that does continue? Ms. Winter stated I guess that's part of the conversation, that as a Planning Commission, you're going to want certainly to talk about.

Ms. Winter stated maybe let me go through this real briefly if I could please. So we talked about the service road or the potential road here. There's another access, and again, this is all very preliminary, that potentially is here as well. Those, as we talked about, the access points, will be determined by the County. So, that's just, we know there has to be two of them.

*(Ms. Winter referenced overhead slides.)* Ms. Winter stated the proposed building, one of the buildings, the production and warehouse facility, would be located here and this would include the office as well. Then located right here would be their bagging operation, which is the 10,000 square foot building. The pallet storage would take place on this portion of the lot, back here. Their mulch dyeing operations would be right in this area. Along the front of the property, on the south side, there would be a berm from this point all along this side, all the way up to Davenport and on the other side of Davenport. Again, it's difficult to see. If anybody wants, there are maps up here as well, at the podium that outline the Site Plan. Then the berm itself, you can kind of see, it's really hard to see in this drawing, but it would be landscaped and at an elevation where it would adequately screen so that there wouldn't be a sight line from this side of the road.

Ms. Winter stated the other thing that is proposed at this point, is these are two different holding ponds that are being proposed. One being an infiltration type of pond. And then they are going to have to go through the joint application

because there is a wetland here as well as a wetland up here. So there are two known wetlands on the property. So, they will have to go through the joint application affecting waterways as well for further delineation of where those wetlands are located and whether or not they'll have any impact on the wetlands. In addition, as we talked before, they do use between 30,000 and 40,000 gallons of water a day when they are dyeing the mulch. So, they are going to have to go through the process of dealing with what is required for permitting for a large water user per MNDNR rules.

Mr. Holmes stated Colleen, before you do that, that front area to the west that's going to be display area, is that correct? The farthest one to the west? Chair Plaisance asked where it sticks out towards the road? Mr. Holmes stated yeah, where it sticks out. Ms. Winter stated their future plan would be to have a retail display area so they would have some retail at that location as well. Mr. Holmes stated okay.

Ms. Winter stated there is a house on this property and the proposal would be to tear down that existing house. Mr. Cornicelli asked so that parcel includes that old house that's in that, north of Coopers, north of the Liquor store? Ms. Winter answered the house north of the one by the liquor store. It's the white one. Mr. Cornicelli stated right.

Chair Plaisance asked so they are going to be bringing in the mulch from another location? Ms. Winter answered yes. Chair Plaisance asked they are not mulching on the property, correct? Ms. Winter answered no, it's just bulk, coming in bulk and they would be dyeing it and bagging it.

Ms. Winter stated this picture that I'm showing you right here is their existing operations. It's just a little bit of an overview. Their current location, they're currently in two different locations right now in Elk River and Rogers. The idea is they want to be able to combine. They've run out of space at both of those locations. They're very interested in bringing all their facilities into one location. Included in your packet was the fact sheet that we had talked about. How many employees they were going to have, that type of thing.

*(Ms. Winter referenced an overhead slide.)* Ms. Winter stated so the mulch piles, you can see what they look like here. And then this is their actual machine that they use to dye the mulch. That's all sitting on pavement. Then this is just another picture looking at their yard as far as what it would look like.

Mr. Terry asked how is the runoff from that dyeing process treated? Ms. Winter stated we don't know at this point. Obviously, it has to be treated and it has to be done in such a way that it's environmentally safe.

Ms. Bonin asked can it be reused? Ms. Winter stated I don't know. Ms. Bonin stated I would think they could reuse some of that water rather than getting rid of all of it.

Mr. Terry asked do we know what their daily truck traffic count would be? Ms.

Winter answered anywhere from 20 to 40 trucks. Mr. Terry asked that's in and out? Or, out one way and then again in at the end of the day? Ms. Winter stated that's a good question. They currently have 14 trucks that are parked at their facility. They operate 27 trucks. So, it would appear that the trucks would be there loading, unloading, and going back out. The actual number of trucks that are parked there would be 14. Then the other trucks are disbursed throughout the cities.

Ms. Allenspach stated and Colleen, if you wanted to put that first concept plan back up, it shows where they park their trucks along the north edge. It's got a row. Chair Plaisance stated yes, the northwest side. Ms. Allenspach stated where they're all parked along. They're not just, like, all over the property. Ms. Winter stated yes. Here's the location for where they're proposing to park their trucks. It's in this section right here. Ms. Allenspach stated thank you.

Ms. Allenspach asked around the pallet storage areas, are they planning any kind of fencing or buffer? Or, is it not necessary? Ms. Winter stated according to what our requirements are, they are required any time you are adjacent to residential areas you are required to provide screening. In addition, they have talked about from a security standpoint fencing in some of these areas as well for security purposes. Ms. Allenspach stated that's what I wondered, Thanks.

Mr. Terry stated the 30,000 to 40,000 gallons per day, is that only during the dyeing process? Ms. Winter answered correct. Mr. Terry asked and do you know what, how long in the year that occurs? Ms. Winter answered I believe it's right around six months. Mr. Terry stated six months. It's hard for me to quite grasp the scale of that. But, is that a potential risk to the ground water supply? Ms. Winter stated I think that's one of the questions that needs to be asked. I don't know that we know that answer at this point. I can tell you that there are some other large users in that same area. You have the Wyatt property that's just to the north of there that's a large user of water as well. Obviously, the residences on the south side aren't maybe large users but combined, utilize a significant amount of water. Mr. Cornicelli stated that's 5.5 million gallons, rough math.

Mr. Terry asked is there any evidence of any problems with the water table in the locations where they're at? Ms. Winter stated I guess I don't know the answer to that.

Mr. Holmes stated the question I have, we already have a company in East Bethel that does the dyeing and stuff of the wood. I don't know how many times I've heard about the smell and stuff from that. Is that going to be the same problem here? Because I know a lot of residents sure don't like the smell from that. Mr. Terry asked is it from the dyeing? Because they do the mulching there. Mr. Holmes stated yeah, they do the mulching and I don't know if the smell is from the mulching or from the dyeing, or whatever. Ms. Winter stated in that case, I would imagine it's more from the mulching side of it. Mr. Holmes stated I don't know but there's a lot of people that sure don't like the smell and I can understand that.

Ms. Bonin stated the real question is about where the traffic is going to be. Is it going to be on 237<sup>th</sup>? All those trucks? Mr. Holmes stated sure. Ms. Winter answered yes. Chair Plaisance stated out to 65. Ms. Bonin asked will anybody want to use that convenience store area with all that traffic?

Chair Plaisance stated if you want to make a comment, you will have to come forward and speak your name and your address. Mr. Cornicelli asked have we done public comment?

Troy Strecker, 23673 Baltimore Street, stated right across the street from Coopers, behind the church there. And, you're right. With all the semis, it's already a dangerous intersection. I leave there every morning. I come in at 5 o'clock in the evening on the way back. And, I don't know how many times, going east or west, I've almost gotten rear ended either coming in or out of that gas station and the liquor store itself. If those semis are coming out of there and they're parked there, it's only going to add to the problem of them, with people waiting to turn. And, with the sunlight, it's already a bad area.

Mr. Strecker stated I do agree with you. I don't necessarily believe that the smell is only from the mulching process. If you stack 500,000 pounds of wet wood, dirt, all that kind of stuff, that creates a smell. And, as anybody lives in that area knows, there's a wind tunnel that comes right across Highway 65 and all the way through there. In my own personal opinion, living there for 15 years now, that wind is going to come right across there and it's going to blow all that smell into all of our residential areas and our neighborhoods.

Mr. Strecker stated my wife does daycare right across the street from there and I am a little concerned with the fact that she's with the kids outside most of the days during the summer.

Chair Plaisance stated I hate to interrupt you at this point, but the point is that this is really not a public hearing to hear everyone's statement. You made a comment, which is why I kind of wanted you to come up and state your name. There is going to be a meeting, when is that, tomorrow Colleen? Ms. Winter stated tomorrow night, correct. Chair Plaisance stated with City Council, has a Special Meeting so, if you have some concerns, I would recommend coming to that meeting instead. This meeting is basically to have us discuss the difficulties going on here.

Mr. Strecker stated well, that's kind of part of the problem. I know most of the people here with me didn't know anything about this meeting and didn't know what this was about. So, that's why we came tonight, thinking this was that forum. So, I apologize. Chair Plaisance stated no, that's okay. I just wanted to clarify what this meeting is about and if you all came here tonight expecting to speak on this, I do apologize. But, this is not the open forum public meeting.

Ms. Winter stated the meeting is at 6 o'clock tomorrow, just to clarify that. Again, what we stated is this is a permitted use in that district. So when you

have a permitted use, something that's a permitted use in a Zoning District. You're not required to go through a public hearing if they are not going to be further subdividing the property, asking for a Conditional Use Permit, or asking for a Zoning Amendment. But they do have to go through what's called a Comprehensive Site Plan Process. That's what I had outlined before. Chair Plaisance stated thank you.

Ms. Bonin asked what time is the meeting tomorrow night? Ms. Winter answered 6 p.m. Ms. Bonin stated 6 o'clock. I guess even though that's what the meeting is for, my personal opinion is with this many people here, I would like to hear some of their comments. Ms. Winter stated it's up to you Mr. Chair.

Chair Plaisance stated at this point, Colleen, since this is not a public forum, I'm going to put it to a vote to the Members to ask if they are willing to hear the comments tonight. So, I'd like to hear a vote. **Do we open this up for comments from our residents? All those in favor say aye.**

Mr. Terry asked can I ask a question before we do that? What are we being asked to do at the conclusion of reviewing this? Ms. Winter stated you are being asked to forward a recommendation to the City Council as to what items still need to be addressed as part of the Site Plan process. Mr. Terry stated okay, that will weigh in my decision then.

Ms. Allenspach stated the Council should be taking the public comment. Chair Plaisance stated correct. So, is there any more discussion before we take a vote?

Mr. Terry stated yes. The public will make comments tomorrow if they can attend. Is that what you're talking about when they will make comments? Or, is there another opportunity besides that? Chair Plaisance stated I believe that tomorrow is the night that they would be able to make comments.

Mr. Terry asked could we canvass the audience as to how many would be able to attend that? Because, that could be a factor as well. Chair Plaisance stated I'd think that's redundant as to whether or not we want to listen to their comments tonight. Mr. Terry stated right, but if they were not informed and they're just finding out about this tonight, this might be their only opportunity to comment. Or, it might not if they can. Chair Plaisance stated that's true. Then you would be voting as that is your interest according to what we are doing tonight. Mr. Terry stated right, that's why I wanted, although you don't have to, but that's why I thought if we knew. Chair Plaisance stated I think we should be making a decision as to whether or not we are going to allow comments from our residents. Mr. Terry stated okay.

Chair Plaisance asked any other discussion? **All those in favor say aye: Ms. Bonin and Mr. Terry.** Chair Plaisance stated **all those opposed nay: Chair Plaisance.** Mr. Cornicelli stated I could go either way. Chair Plaisance stated that's the definitive yes. Ms. Winter asked how many yeses? Chair Plaisance stated I heard two yeses from Lorraine and from Glenn. I heard a definite maybe from Lou. I said no. I did not hear from the other members. Ms.

Allenspach. I stated yes. Mr. Holmes stated I said yes, you probably didn't hear it. Chair Plaisance stated no, I did not hear you. So we have four yeses, one abstain, one nay.

Mr. Cornicelli stated one not sure. I guess my, 'I'm not sure' is what, I appreciate folks being here and I've been on that side too, commenting on issues. Is there something to be served by them spending time providing public comment to us when we're not acting on that public comment? We're just really supposed to look at this from the first perspective of the Planning Commission. So, you know, I don't know if there's a benefit. I don't want people to think it's a waste of time to come to a meeting, because it's not. But is there a benefit to taking public comment at this time because this isn't, we're not ruling on anything? We're just kind of giving our initial thoughts. Chair Plaisance stated that's true. Mr. Cornicelli stated and I suspect there's going to be ample opportunity for formal public comment both to the City Council and also the Commission if it gets that far. Right?

Ms. Bonin stated I just think if people came expecting to have a chance to say something, even if we limit the length of time that we'll take comments, I think we should take at least a few comments.

Chair Plaisance stated as to the vote, we have decided to take comments from the residents tonight. So if you wish to make a comment, you certainly may. You can come up to the podium. Please speak your name and your address and state your concerns.

Andrew Mycka, 23554 Goodhue Street NE, stated I think a lot of the problem is we just have questions. We feel like we're in the dark on this. This just kind of got thrown on us. We didn't know that this was going there. All of a sudden, we just found out about this. And it was like, I live directly south. I own a whole large section of the watershed that is directly south of this. We don't know what the chemicals are. I have children. You know, we have concerns. There's a reason we came up here and I appreciate you letting us speak. You know, like, thank you. But, we have a lot of questions. So, if you could just let us ask a few questions that would be fantastic. Because, I know there's a handful of people here that really have a little bit to ask. That's all I've got to say. Thank you.

Dennis Anlauf, 590 Alaska Loop, Cambridge, Minnesota, stated I'm one of the owners of Mille Lacs Oil Company and we have the convenience store and the liquor store next door. The only comment I have is if you guys approve this, just require them to buy their fuel at our store. That's all I ask. I know how it works when there's property with certain zonings and if they meet the requirements, it's difficult for neighbors, including business neighbors, to get their opinions to sway. But, as far as we're concerned, I see both sides, the neighbors and I see the business next to us. We always hoped that whatever came next door would help to support our business and I think there's certainly a possibility of that by those guys being there. But, I also know that all these neighbors probably are customers of ours. So, I see their opinions too. So I am

	<p>basically staying out of it. Thank you. Chair Plaisance stated thank you. Anyone else?</p> <p>Dave Landes, 1747 237<sup>th</sup> Avenue NE, stated my wife Sherry is here. We are, if you move your slide a little bit, I'll show you how close we are to it. Ms. Winter stated you are right here. Mr. Landes stated we are directly adjacent to the east of this proposal. So, we're about as close as you can get to being affected by it. I'll keep it brief because apparently, there's going to be adequate time and I'm hoping. I'm not really clear though on how much time residents are going to have in this process. I feel a little evasiveness about it. When I hear there's no public opinion necessary to make the decision, that's frightening frankly. But, hopefully you can be clear on how much time the public will have to air their opinions on this.</p> <p>Mr. Landes stated one of the things that I would think you would want to, concerned with, if this type of a facility goes in, to me it's not only the death knell to the neighborhood for our property values and desirability to be in this area, but it even sets a tone for the kind of business that would want to be adjacent to this property. If you focus it on where they are now, on the type of appearance and all the other things that are easily seen, it's quite apparent that, and safe to say that, no one would choose to be near that. Even with a business, a normal business that would probably not be alarmed at is not going to choose to go next to that. So you are talking about setting the tone for what comes to East Bethel.</p> <p>Mr. Landes stated Mr. Davis, last night, said these folks had been turned down by a number of other communities. Davis stated that's not correct. Mr. Landes stated that's what you said last night. Davis stated no I did not. I said that they had been rumored to have been turned down. Mr. Landes stated you didn't call it a rumor last night, respectfully sir. Davis stated no and you can check the record.</p> <p>Mr. Landes stated you said that you assume it was because of zoning issues. You assumed. Out of a number of communities, is it to be assumed that it was only because of zoning? I'll put my money on it that it was something more than zoning. I'll tell you that. But, anyway, I'm just commenting. So you can take that for what it's worth.</p> <p>Mr. Landes stated so what my point is, is that is this what East Bethel wants for the type of appearance and the type of businesses that we want? You're setting a, something in motion that is bigger than just this, I feel. So, can you tell the folks how much time or what are venues available for comment in this process? Not just tonight but going forward?</p> <p>Chair Plaisance stated well we opened it up tonight for your comments and then tomorrow night there is a City Council Special Meeting for this where you can come in, I believe, where they can make comments and concerns. Mr. Landes asked that's what it's meant for? Chair Plaisance answered yes. And, I think it still has some more processes even before that. Or, is that it? Ms. Winter stated</p>
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the Roads Commission has had an opportunity to look at this. The Economic Development Authority did look at this last night. The Planning Commission, it's before you this evening. It will go to the City Council at a Work Meeting tomorrow night. After that, then they're going through the formal Site Plan Review process. So, we don't have that full application yet. But, normally what would happen then, is it would come back before the Planning Commission at their Regular Meeting in March, which I believe is the 22<sup>nd</sup>. Again, it's a Site Plan Review. If you choose to take comments at that time, you could. But, again, it's not a public hearing. Chair Plaisance stated that is not a public hearing. Ms. Winter stated no.

Ms. Allenspach asked will there be public hearings down the road? Ms. Winter answered no. As I stated before, this is Light Industrial so from a zoning perspective, it is a permitted use in the district that it's zoned in. So, when you have a permitted use in a district it does not require a public hearing process. But, it does require a very comprehensive Site Plan Review. Ms. Allenspach stated I just wanted to make sure that everybody understood that whole process. Thank you.

Mr. Landes asked can I just address everyone? I think from what we're hearing, people better be concerned about where their opinions are going to be in this process. It sounds like this could be the type of thing that the City could take their will and not really obligated to take into the resident's wishes very seriously. So, that's all I have to say. Chair Plaisance stated thank you.

Rita Biljan, 23600 Goodhue Street NE, stated across the street from all this. So, the Site Plan Review, like the few questions that they had, is like, the pollution control and the swamp, and all that kind of stuff. That's when you guys will find out what they're actually saying they are going to put in there. Right? Right now, you only have this preliminary plan. Ms. Winter stated preliminary start of the discussion, right.

Ms. Biljan so you're not like just taking whatever. Once you hear what, how much water they're going to use, how much, how noisy it will be, how dirty it will be, all of that kind of stuff, then you'll discuss that among yourselves and decide if that's a beneficial thing for our East Bethel or not. Right? I mean that's kind of how the Site Plan thing is supposed to work? Just because it's zoned for that doesn't mean they have to accept that going in there.

Chair Plaisance stated if they are within the boundaries of the ordinances, there really isn't much we can do from our standpoint. We are here to interpret those ordinances. So, again, if they are in non-compliant with any of those ordinances, or with the Watershed, that might be a concern. But, if they are not, then there really isn't much, I don't think, that we can do from this Commission.

Ms. Biljan stated okay, so it really doesn't matter what anybody, because that property is zoned what it is and if they meet all of those, then it goes in because nobody can stop it is what you're saying.

	<p>Mr. Terry stated that's not exactly accurate. Ms. Allenspach stated we have limited ability to control what goes on if they meet all the qualifications. Mr. Terry stated if there's a safety hazard, a public safety hazard or some issue like that, regardless of whether it's a permitted use, I don't know why any reasonable person would accept it. So, they have to demonstrate that it wouldn't be, which is what we'll be finding out at the Site meeting. Ms. Biljan stated it's a Site Plan thing, okay. Ms. Winter stated correct.</p> <p>Ms. Biljan stated so then come back and find out more. So, even tomorrow night, if we came back for the City Council meeting, or whatever, we could say, 'Yeah, we don't like the sound of that.' But, that would just be our voicing our opinions and life would go on from there. Until you guys actually get that Site Plan and you understand what actually is involved, and if there's anything that's really bad, then you would say, 'no.' But if there's not, then there's not too much that can be done about it.</p> <p>Mr. Terry stated for one thing, we're an advisory board to the Council. So, Council is where your comments are, have the most weight, it seems in this particular process. And, if they don't hear what your concerns are, that might not be a factor. But if they do hear your concerns, then it gives them additional consideration. Ms. Biljan stated right. Okay, all right, thanks. Chair Plaisance stated thank you.</p> <p>Kathryn Morris Echols, 23615 Goodhue Street NE, stated right across from the proposed location. I have several points to mention today but I will be addressing a few more tomorrow when I'm more prepared. But, a few of my points of contention at this point is that we already have one of these companies in the area, already in the City, with numerous complaints as this gentleman said. You know, what purpose is this new location or new company coming to East Bethel serving? Or, what are they providing to East Bethel that other companies and other family businesses wouldn't be able to provide?</p> <p>Ms. Morris Echols stated as the gentleman in the back of the room also mentioned, that sets the tone for what we are accepting into East Bethel and I know that a lot of our people that are here would like to see restaurants or family businesses coming into the neighborhood. It is a neighborhood. It is not an industrial area. I really, I'm concerned about watershed, chemicals leaching off.</p> <p>Ms. Morris Echols stated my last point is that we talked about 30,000 to 40,000 gallons at the smaller locations and East Bethel, or Rogers and Elk River. When they combine these operations in East Bethel, how many more gallons would they be using here? And then I just also want to make sure that we heed that this would be three times as large, probably, as those Elk River and Rogers areas. So it's going to be three times as noisy, three times as much traffic, three times as much water. And then my largest concern is the environmental impact, you know, when it comes to water and such. So, thank you. Chair Plaisance stated thank you.</p> <p>Glen Thies, 2124 233<sup>rd</sup> Avenue NE, stated my wife Elaine and I have lived there</p>
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since 1979. In 2004, there was a development put in. It was the Heckenlaible development. But, there's 45 homes there. I guess one of my concerns is drawing down 5.5 million gallons water would be pretty hard on that water table. We've seen it degraded since the addition, the Heckenlaible Addition, came in. There's a lot more iron in the water. I guess that's it. Who has, who will say whether 5.5 million gallons of water can be pulled out of the earth lately? Anybody?

Mr. Cornicelli stated and to clarify, that's just my quick math. 30,000 gallons times 31 times 6. I don't know if it's actually 5.5 million. Mr. Thies stated okay, close. But I mean, who can make a study and say that it's okay? I mean, I've seen a degradation for sure and when you start pulling out that amount of water, ah, it certainly won't be better water. That's my question.

Mr. Cornicelli asked so that would not be City water or sewer then? Ms. Winter indicated no. Mr. Thies stated maybe they should be. Maybe they should have City sewer also. There's one right, one mile north, over in the trailer park on the other side of the road, 65. Thanks. Chair Plaisance stated thank you.

Mr. Landes stated one more point to bring up. Last night, Mr. Davis mentioned the hours of operation. Could you tell the folks that please? Ms. Winter stated they would be running two different shifts. For their CST Distribution, it would be a 7 a.m. to 3:30 p.m. And then their second shift would be 4 p.m. to 2:30 a.m. The office hours are 8 to 5 for their CST Transportation. The office hours are 7 a.m. to 4 p.m. And the driver mechanic and warehouse hours, some drivers would start leaving as early as 4:30 a.m. depending on delivery and as late as 8 a.m. They come back anywhere between 2 to 9 p.m.

Mr. Landes asked can you restate that last (*inaudible, off mic*). Ms. Winter stated for the CST Transportation? The Drivers? *Mr. Landes off mic comment inaudible.* Ms. Winter stated drivers start leaving as early as 4:30 a.m. depending on delivery times and as late as 8 a.m. They would come back anywhere between 2 to 9 p.m.

Mr. Terry stated it's 4:30 to 2:30 a.m. Ms. Winter stated yes, correct. Mr. Landes stated make no mistake, this isn't an industrial area. This is a residential area. 2:30 a.m. is industrial activity. Keep that in mind. Ms. Winter stated that's all contained within interior. Ms. Bonin stated no it isn't because they've got to go on the street.

Mike Biljan, 23600 Goodhue Street NE, stated I'd like to know what happens to the 30,000 gallons of water daily. Where does it go when they're done with it? And, I just don't understand where they're going to dump that or put that back in the ground. Is that going to seep into our water? I mean, where does it go? Nobody's stated that yet. Chair Plaisance stated thank you.

Matt Echols, 23615 Goodhue Street NE, stated they talk about screening along there. But, it also talks about stockpiles, 30,000 yards, two of them. How tall is that? I'm pretty sure 30,000 yards is going to be a lot taller than the trees or the

berm that they're planning on building. About the water issue too, doesn't East Bethel have water up to 237<sup>th</sup>? Or no? Is it farther down? Does anybody know? I mean, can they tie onto the City water instead of pulling out of the wells? Ms. Winter stated it's too far away at this time. Echols stated okay, because that would be a good thing for East Bethel to be selling their water, I guess. Truck traffic is an issue too and I guess those are my two points.

Chair Plaisance stated thank you. Would anyone else like to speak on this issue? Very well, I will close the comment section.

City Administrator Jack Davis stated Randy, if I could add one more thing. Everybody that's here, there are three City Council persons in the audience tonight but I would encourage you to come back to the meeting tomorrow night when all five City Councilmembers will be present to voice your concerns. Everybody wants to hear these issues. Everything you've mentioned tonight are things we discussed last night. We're looking for those answers also. So, please come to the meeting tomorrow night and you'll be given every opportunity to speak on what your thoughts and concerns are on this matter and we'll have some representatives from the company there too so we can get some of the answers that we don't have. The others will have to come as part of this whole Site Plan Review process. Thank you. Chair Plaisance stated thanks Jack. Further discussion?

Mr. Holmes stated I'd just like to say that I appreciate the comments. I've always wanted people in East Bethel to give comments no matter what, whether it was open meeting or not. But our duty right now, I believe, as a preliminary type item is to allow them to see if it's going to work. And, we'd have to have pretty good reason for it not to work to turn them down, I think, because it is zoned properly. If it wasn't zoned properly, then that's a totally different story. And, I'm sure there's going to be, I can just see a lot of problems with it. But until they know. I mean we don't even have our answers ourselves yet. So until we know what the problems are with this location, I don't see any way we could turn it down.

Mr. Holmes stated as far as the traffic goes, if this doesn't go in there and say a shopping center goes in there, there's going to be just as much traffic. Ms. Allenspach stated or worse. Mr. Holmes stated so it's really a non-issue if you ask me. Ms. Bonin stated right but that would be car traffic. Mr. Holmes stated yeah, it would be different traffic but you'd probably have a lot more cars than 29 semis. So, that's just a comment. Not saying I'd prefer to have it there but just something that I think 'legally' we have to do, I would say.

Mr. Cornicelli stated but also there's a list of stuff. We can advance it or state concerns. I mean, I can tick down a list that I had or we can, however you want to do it.

Mr. Terry stated regarding the zoning, we sometimes have looked at changing zoning to accommodate something. I don't know that we've ever looked at changing zoning to not accommodate something. But maybe it's not so smart to

have the zoning we have if something with that kind of impact is right up against a residential area. I mean, it's against the highway, which is fine. But I could see, although I'm still really concerned about the groundwater issue and noise and smell, but if it were not, if there was a buffer between it and a residential zone, I'd have less concerns than when it's right up against one and a church, for that matter.

Ms. Bonin stated I would say if it were up by Cemstone rather than down at this end of that big property, that would be a whole different story as far as I am concerned. Ms. Winter stated that property wasn't for sale. Ms. Bonin stated no that's, I understand that.

Mr. Terry stated this is also not too far from a very tremendous resource of the Cedar Creek Ecosystem Science Reserve. A very sensitive natural area that has been undisturbed, for the most part, from human activity. So that particularly, in regard to impact on the water, is a concern that I have.

Chair Plaisance asked Lou, did you want to address your comments? Mr. Cornicelli stated no I just said the tick list that I had is certainly water use, you know, seasonal quantity? What type of dyes are they using? Where is the wastewater going? I know there's retention ponds planned but what's the, what's settling in those ponds? We don't even know what kind of dyes these are. Certainly, the road access, whether it's a Wal-Mart or this, you can't put two semis making a left turn right at Cooper's Corner. So there's road issues. What's the runoff, the base runoff's going to be? What's the permitting for that much water? What's the noise? And, like Glenn said, get the, I get our constraints if it's legally zoned right now. There's only so much you can say. But, I think there's a tick list of things that would need to be addressed. Principally water. I'm not a hydrologist and there's all sorts of permitting for that but it's something that's a pretty significant amount of water.

Mr. Holmes stated well if it's allowed, I think unless we have something that's absolutely against it, I think we've got to allow the preliminary synopsis of the problem and then when it comes back, we can do whatever we want. Mr. Cornicelli stated I agree. Yeah, I think we would all agree with that. Mr. Holmes stated I think we owe it to those people also. I mean, they want to build here and obviously, we're looking for companies here to build in East Bethel. Now when we find out what the problems are, that there's, it causes too much damage, obviously we're not going to vote for it, I wouldn't think. So, until we find that out, because we really have no idea what it is right now. Mr. Cornicelli stated right. Ms. Allenspach stated a lot of unknowns right now.

Mr. Terry asked on the second shift, do you know if that's a noise generating activity, they do at that time? Ms. Winter answered I don't. Mr. Terry stated because that would be impossible nearly to tolerate living next to somebody that's making loud noises up to 2:30 in the morning. Ms. Winter stated I know that in our existing Classic Commercial Park Aggressive Hydraulics does run two separate shifts inside their buildings. They're not right next to residential but they're pretty close to some residential. I have never gotten any complaints

	<p>about that. Mr. Holmes stated but that’s in, inside facility, right? Ms. Winter stated correct. Mr. Terry stated they’re doing their dyeing outside.</p> <p>Ms. Allenspach stated it would also be inside, correct? Didn’t you say their second shift would also be inside? Aren’t they the dyeing and bagging people? Ms. Winter stated I guess I’m not sure. Ms. Allenspach stated but still a concern. Mr. Cornicelli stated add it to the list. Ms. Allenspach stated it’s quite the list. City Council has their work cut out for them.</p> <p>Chair Plaisance asked any more comments or concerns?</p> <p>An unidentified gentleman in the audience asked can I make one more comment? Chair Plaisance stated I’m sorry but we’ve closed the public comment section. The unidentified gentleman stated I’m concerned about the noise thing. Ms. Allenspach stated yes so are we.</p> <p>Chair Plaisance stated it’s noted. We are trying to address all these issues and I am sorry, but we do have to have some kind of a decorum in order to move the meeting along. Again, if you have some more comments, please come tomorrow night and come to the meeting then. So, thank you.</p> <p>Chair Plaisance stated I will close this particular CST Distribution Concept Plan, 5.0 discussion and move on to 6.0.</p>
<p>6. Home Occupation Review</p>	<p>Background Information: Home Occupations continue to be an enforcement problem for the City. Currently we have six complaints about home occupations. Those complaints range from operating without a permit, to exceeding total number of vehicles, junk and debris. Automobile repair seems to be the biggest problem, and our Home occupation ordinance does not do a good job of addressing this issue.</p> <p>Staff is requesting that the Planning Commission consider the following:</p> <ul style="list-style-type: none"> <li>• It is not uncommon for metro area cities to list occupations such as body shops, landscaping businesses, and motor vehicle repairs or sales as prohibited home occupations.</li> <li>• Many cities do not allow any person, other than the property owner, whom must reside on the premise, to be engaged in the home occupation.</li> <li>• In East Bethel, uses such as motor vehicle repair are allowed in the Highway Business District and Light Industrial district. A question to consider, should the city allow uses permitted in the B3 and I1 districts as home occupations?</li> <li>• Because the existing ordinance does not specifically prohibit motor vehicle repairs or small engine repairs these businesses could be considered home occupations if they meet all of the other requirements of the ordinance.</li> </ul> <p>This topic has been brought before the Planning Commission as a discussion item at past meetings. The Planning Commission discussed this back in 2011 and those minutes are attached for your review and again in 2014 there was a lengthy discussion and public hearing regarding this issue. At that time, the Planning Commission recommended only one minor change to the ordinance</p>

and that was approved by the City Council. Since that time the City has implemented a new code compliance system that allows us to better track complaints and we are working on making sure that all issued IUP's are in compliance. Automobile and small engine repair continue to still be an issue for the City and staff does not feel that these businesses should be allowed as permitted Home occupations.

The City currently has six active complaints. Complaints usually come from neighbors regarding the number of vehicles on site. When individuals are asked about the vehicles on site, they usually say they are fixing relatives' vehicles. By disallowing these types of businesses, those individuals claiming to be fixing relatives' vehicles will need to meet City requirements, i.e. five vehicle maximum all being licensed. It will also help the City to combat junk vehicles on properties. The same thing pertains to small engine. Trash heaps in front of and behind houses are covered under the junk vehicle and debris ordinance. Chair Plaisance is concerned that a blanket statement that prohibits working on cars or small engine will affect those individuals that truly are working on their own car or small engine.

Mr. Holmes' biggest problem, which may be due to shortage of staff, is that nothing seems to get done about his complaints and that the complaints get ignored. He believes the City has an ordinance for no reason. He has asked why staff isn't sent out to tell the people what is wrong and what needs to be changed and has been told people are being sent out there. To him the ordinance is non-useful. He has talked with people at the City and was told that someone has to say something about the violation before the City can do something about it. Mr. Holmes believes any city official should be able to stop and tell someone that they are not in compliance with an ordinance. Obviously, the City Inspector has to be driving by these homes; it wouldn't take much time to drop off a sheet listing the violation and a deadline for adherence to the ordinance. Another commissioner stated that by handing out a violation it now becomes an enforcement issue.

Ms. Winter interjected that the City has implemented a new code compliance system which has been very useful. Many more issues are being addressed in a much timelier way. A first letter, then if need be a second letter is sent. If the violation is still not resolved, it gets turned over to the City attorney or a fine is incurred, pending on the violation. However, fining someone doesn't always stop the violation. 98% of the time a clean-up is done after receipt of a second notice. There are frequent violators that continue to be a problem. To Mr. Holmes' point, Ms. Winter does believe the Building Inspector and Building Official do a good job when they are out. Their primary roles are Building Inspector and Building Official and those duties, not necessarily dealing with code-compliance. If they see a blatant violation, they will say something. Most violations against code are complaint driven due to the large geographical area of East Bethel. And, no, there isn't an employee to just deal with code complaints. Non-compliant septic systems makes up a big amount of code violations. However, with the sale of homes and other things that are done, there have been a lot of code compliances made. Again, Ms. Winter believes

	<p>this is due to the new system in place.</p> <p>Mr. Balfany agreed that enforcement is key and that understaffing is an underlying issue. Mr. Balfany does not agree that complaints are not being addressed.</p> <p>Mr. Cornicelli agrees that the Commission does have to address what is allowed in regard to home businesses fixing cars and having hazardous waste permits. Unless the City is going to address the big issue of hazardous waste, such businesses shouldn't be allowed. Based on the packet information, it appears most cities don't allow it. <b>Consensus of the Commission was to have City staff bring back revised Zoning Code language for review.</b> Mr. Balfany wants to be careful of blanket statements and wants to use correct verbiage.</p>
<p>7. Lowest Floor Elevation review</p>	<p>This is an informational item.</p> <p>Background Information: The City of East Bethel has had numerous discussions regarding this topic before and the request has been made to bring it back to the Planning Commission to consider changing the ordinance.</p> <p>Current City ordinance in the Shoreland Management Areas: New Construction and additions need to be located three feet above: Whichever is greater of the regulatory floodplain, highest known water level (mottled soils), or ordinary high water level.</p> <p>These same rules are applied city wide per engineering standards.</p> <p>Currently the Shoreland Management ordinance, Floodplain ordinance, Subdivision Ordinance and engineering manual all deal with lowest floor elevation differently. In order to be consistent and adopt the same standards, proposed changes to the minimum lowest floor elevation will be presented at the next Planning Commission meeting and will include better definitions, exceptions and decreased standards for existing structures.</p> <p>Changing the lowest floor elevation provides an opportunity for home additions, accessory buildings, etc. to be built without having to follow a very stringent standard when it comes to mottled soils. There is argument with new home construction that 3' above mottle soil is excessive. Thus, City staff has asked the Commission to review this and consider 2' above. In most cases, rural residential new construction has already been engineered and are exempt, so if there is an existing sub-division that has been approved, those lowest floor elevations are determined as part of engineering requirements for that sub-division.</p> <p>Mr. Holmes asked if this involves any floodplain items. Ms. Winter said it does where there are floodplains. City staff received a number of phone calls when the new floodplain maps were adopted, it changed many homes from</p>

	<p>being out of a floodplain to being in a floodplain. The problem is in most cases those base flood elevations haven't been determined. Fortunately, in the areas where there are engineered sub-divisions, floor elevation information can be given; this process is time consuming for City staff.</p> <p>East Bethel's current lowest floor elevation is above 3' and the City would like it changed to 2'.</p> <p>Mr. Holmes noted that an engineer usually determines the correct level. He doesn't want to see the costs for this passed on to residents, nor to the City. Soil borings are required when building new home, so that cost is paid by the developer. It's those soil borings that determine the elevation and where the house could be built. Ms. Winter suggested City staff do more research on this item and bring back language to the next meeting. Changing the level from 3' to 2' will help with the elevation for a house, but not if the water level rises and floods can the homeowner then come back to the City because it changed the water level to 2'? Ms. Winter stated that is why the current language states "Whichever is greater of the regulatory floodplain, highest known water level (mottled soils), or ordinary high water level." Mr. Holmes wondered if changing it by 1' will affect much. Is it worth changing?</p> <p>Chair Plaisance referred to the packet information for on lowest floor elevations for surrounding cities. Most are 3', with the exception of Oak Grove, which is 1'. Andover has 3' above the seasonal high water mark or 2' above the designated 100 year flood elevation, whichever is larger. Is East Bethel thinking to have a flat out 2' or a graduated difference depending upon the 100 year floodplain or whatever may be the case? Ms. Winter said you would still need to know the base flood elevation. She again requested to bring this item back to the Commission after talking with the City engineer. Chair Plaisance requested information on how many residents could be affected by making this change. Mr. Holmes noted that East Bethel probably has more groundwater than any of the surrounding cities, with the exception of St. Francis, so that too will need to be taken into consideration.</p>
<p>8. City Council Report</p>	<p>Mr. Harrington, City Council liaison reported:</p> <ul style="list-style-type: none"> <li>-Council approved the variance setback for 19308 East Front Blvd. by Coon Lake.</li> <li>-Council approved EDA request to participate in the 2016 MnCAR Expo (Minnesota Commercial Association of Realtors).</li> <li>-Town Hall meeting is scheduled for April 19. Agenda items will most likely include CST, and Superstreet.</li> <li>-Council is in closed session for negotiation of a new public works contract.</li> <li>-Recycling day is April 23 from 8-noon at the ice arena.</li> <li>-Pet clinic is April 2 from 9-noon at the ice arena.</li> </ul>
<p>9. Other Business</p>	<p>None</p>

10. Adjourn	<b>Mr. Balfany moved and Mr. Cornicelli seconded to adjourn at 8:11 pm. Motion carried.</b>
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Respectfully submitted,

Gail Gessner, Recording Secretary  
Submitted 3/25/16