

EAST BETHEL CITY COUNCIL MEETING

JUNE 1, 2016

The East Bethel City Council met on June 1, 2016, at 7:00 p.m. for the regular City Council meeting at City Hall.

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

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

1.0 The June 1, 2016, City Council meeting was called to order by Mayor Voss at 7:00 p.m.

Call to Order

2.0 The Pledge of Allegiance was recited.

Pledge of Allegiance

3.0 **Harrington stated I'll make a motion to adopt tonight's agenda including Consent Agenda Item I. Supplemental Payment Summary. Koller stated I'll second. Voss asked any discussion? All in favor? All in favor. Voss asked opposed? Hearing none, that motion passes. Motion passes unanimously.**

4.0A Davis presented the staff report and explained this is an Administrative Hearing for staff's denial of a building permit request. He presented the request of Ryan Brozek who applied for a building permit to construct a 2,400 square foot detached accessory structure on his 3.5-acre lot, zoned Rural Residential, located at 19820 Naples Street NE. It was noted that City Code, Appendix A, Zoning, Section 14, allows these type of structures up 2,400 square feet on this size parcel. The Code also provides these structures must be of similar design and finished with building materials similar to the principal structure and shall not be used as a residentially occupied space, independent residence or dwelling unit, either temporarily or permanently.

Admin. Hearing

4.0A.1
Ryan Brozek
Detached
Access.
Structure

Davis explained Mr. Brozek submitted plans for the proposed detached accessory structure that featured floor trusses designed for a second story and included full length dormers on both sides of the structure. This design provides a potential habitable space and is in conflict with City Code, Appendix A, Zoning, Section 14-2, General Regulations J, H and K. He noted that Section J specifically states the structure must not be designed or used for human habitation and must not contain sewage treatment facilities. Section K states no cellar, garage, tent, or accessory building shall be at any time used as a residentially occupied space independent residence or dwelling unit either temporarily or permanently. Davis indicated Mr. Brozek's request for a building permit was denied for the following reasons:

- The design exceeds the square footage allowed for accessory structures when the full second floor area is added to the area of the first floor footprint of the structure, Section 14-4.
- The wall height of the structure is limited to 14 feet and this design features a wall height that is 22 feet and 4 9/16th inches.
- Mr. Brozek is seeking a permit to construct a detached accessory structure that features a

4.0A.1

full second story, complete with floors that meet live and dead loads for habitable use with a minimum wall height of 6 feet 6 3/4 inches and dormers that run the length of the proposed structure with the exception of 3 feet on either side of the building. This design provides the opportunity to utilize this space for uses other than storage and is in conflict with the Code Sections cited above, Section 14-2.

Davis indicated that detached accessory structures have been approved with storage areas that are part of a roof truss system designed for this purpose, which is shown in Attachment 3 of the packet. These designs do not allow the potential for any use other than storage. Mr. Brozek is proposing to build an accessory building with a second floor. It is evident by the design that this space could potentially be used for or converted to a bonus room, apartment, or other habitable use at some point in time or by a future owner and is not a storage area incorporated in a roof truss system.

Davis indicated staff recommends that the City Council conduct an Administrative Hearing for Mr. Ryan Brozek and upon conclusion of the Hearing provide direction to Staff relating to the administrative decision to deny this building permit.

Jeff Brozek, Ryan Brozek's father, stated after their first meeting with Nick, he knew this would not be an easy process and since Ryan works 50 hours a work, he told Ryan he would talk to the Council. Jeff Brozek offered to provide information to the Council that included pictures of the residence and existing structures in East Bethel with second stories. Voss advised that information is not relevant to the application and staff's denial. He asked Mr. Brozek to focus on staff's areas of concern.

Jeff Brozek referenced the staff report and indicated the dormers are not actually full length as they step in on both ends. He stated staff found that the design exceeds the square footage allowed for accessory structures when the second floor area is added; however, it was his impression that on any building, the square footage was the ground footprint. He stated if considering other accessory structures with second floors, that square footage was not factored into the size of the building. Thus, he feels their building is being singled out. Voss stated on the issue of other structures, you need to keep in mind that ordinances change over time and those may have been allowed at the time they were constructed.

Jeff Brozek referenced the location of several structures that he believed were not over three years old yet had second floors, higher square footages, and permitted by Code. He again opined that their proposed structure was being singled out. Davis stated the Building Official has indicated the allowable square footage is open to interpretation and while in some cases only the first floor is considered, in other cases it includes all floors. He noted if the building was listed for sale, the square footage of all floors would be reflected. In this matter, staff interprets that the second floor is part of the square footage calculation.

Voss asked if the ordinance specifically indicates the total square footage or the size of the building. Davis advised the wording indicates the size of the building cannot exceed 2,400 square feet. Voss stated for the most part, when thinking about accessory buildings (pole buildings), two story structures are not thought about. Davis stated if talking about a second floor storage space, it's incorporated within the roof truss system and does not allow potential for human habitation or such use at any point.

expansion trusses with future expansion in mind. He reviewed the dead load and live load rating on the truss, thinking it is the same rating used on the individual floor trusses used in the building. He described the building design and constructed methods, noting it is a 40-foot building. They plan to sheath the deck, construct a 6.5-foot wall, and use 180-pound trusses. To construct otherwise would be far more expensive and complicated. He pointed an expansion/storage truss has a lot of wasted space, probably 40-50% of the area being built. Rather, they have designed a building to utilize close to 100% of the space and he believed it conformed to the Code. Mr. Brozek stated the biggest issue he has with this denial relates wording such as: 'provides the potential,' 'could possibly be,' 'provides the opportunity to utilize,' 'could potentially be converted to a bonus room at some point in time or by a future owner.' He stated his opinion that everything used to deny this permit is speculation and not factual relating to a Code violation. Mr. Brozek believed the Code allows any approved method to build including use of floor trusses. He stated the second floor is no more habitable than any space on the first floor or any space in any other building anywhere. He asked whether park benches and the underside of bridges, where people sleep, would be considered habitable.

Davis clarified that the recommendation of denial is based on two factual statements:

1. The square footage of the structure exceeds what's limited in the Zoning Code.
2. The wall height of the structure exceeds the wall height permitted in the Zoning Code. The Zoning Code restricts wall height to 14 feet and the plan proposes a total wall height of 22 feet 4 9/16ths inches.

Jeff Brozek maintained that wall height is measured from the floor to the ceiling. Ronning clarified that with accessory structures, wall height is measured from the ground to the top. Voss felt a pole building could not be constructed with a 6/12 pitch that will be less than 14 feet. He stated 14 feet is the sidewalls, not the total building height. Mundle stated the Planning Commission did discuss the definition of the wall height of this exact situation.

The Council discussed construction methods and interpretation of wall height and storage space.

Jeff Brozek referenced language in the State Building Code and East Bethel Code relating to what is considered habitable spaces and accessory structures. He maintained that two-story buildings are clearly allowed by the Code. Davis noted the City can be more restrictive than the State definition. Jeff Brozek agreed that is the case but it must be written in the Code and applied equally across-the-board.

Jeff Brozek stated he thinks the Council can decide this tonight and offered to meet with staff along with a Councilmember. He stated the Council could also not make a decision tonight and refer the application to a State Board of Appeal for consideration by people who deal with these issues all the time and understand the Code and intent of the Code and not allow the Code to be manipulated.

Voss stated tonight is an Appeal Hearing. Jeff Brozek stated it is an Administrative Hearing, not a Board of Appeal Hearing. Voss explained this is the process to go through to appeal an administrative decision on a Zoning Code issue. Jeff Brozek continued to maintain staff is misinterpreting the City and State Building Code.

Ryan Brozek
Detached
Access.
Structure

accessory ordinance or how it is applied, which directly affects this application. He questioned whether the 14-foot sidewall height is being correctly interpreted. Voss stated the report mentions the second floor not being habitable space but yet says the square footage includes both floors, noting it cannot be both ways. He stated residential structures have second floors that are habitable but just because they're habitable does not mean they are lived in if they do not have bathrooms or kitchen facilities. Voss suggested either saying there can be no second floor because the City does not want habitable space or determine how to add square footage. He believed the intent with square footage was never to include a second floor.

Ronning concurred. Davis stated that is correct for a detached accessory structure. Ronning stated the center space is not habitable but it is floor space. Voss felt it was no smaller than a bedroom.

Jeff Brozek asked if the height of the second floor is a concern. He stated their plan was drawn with a CAD program with a scissor truss to align the rooflines but they could redesign and collar-tie the top trusses at any height to reduce the height of the ceiling. Mr. Brozek stated they want to build the platform structure, floors, walls, and put the trusses on top without increasing the cost to hire a crew or crane. He stated they have put a lot of time into these plans and want a design that is easy for them to construct. Mr. Brozek stated there would be an opening in the floor trusses to provide space for a future stairway or lift to move something from the lower level to the upper level and provide access. But, there is also room to construct a future stairway. He described the difficulty in constructing when using expansion trusses. Mr. Brozek thanked the Council for their consideration.

Mundle agreed there are some ambiguities and suggested the Council first address the sidewall height issue to alleviate the second story questions. Davis stated the Code contains a table section to address sidewall height and it says a maximum of 14 feet for detached accessory structures. Mundle asked if sidewall height is measured from lowest floor to height of the eave. Davis stated if it were not for the bump out of the dormers, it would be an easy question to answer. But because of the bump out of the dormers, the question is where do you stop the measurement.

The Council discussed methods to measure sidewall height and building height, depending on the type of roof and whether they contained dormers. Davis agreed the key is to define sidewall height as it is not defined in the ordinance and only indicates it is a maximum of 14 feet. Jeff Brozek stated they believed sidewall was defined as measured on the exterior from the grade to the bottom of the soffit but believed it is measured instead from the floor to the ceiling. Because of that, they adjusted their building height down. Davis stated the question is which soffit level is measured to, at the end of the building, or the dormer. Discussion continued on the interpretation of the Code.

Voss stated it comes down to whether the City's Code allows a second floor in an accessory building, whether storage or not. Davis advised it is not stated in the Code but is not prohibited. Voss stated then a two-story structure could be built if it met the allowable dimensions. The issue is the trusses and whether the second story is counted within the 2,400 square feet. The Council agreed that is not clear in the Code.

Voss stated his opinion that square footage of accessory structures has always been about the impact of the footprint. Mundle noted the Code states, 'maximum square footage' so if you add up the square footage, he would ask what is the maximum. If a footprint of 2,400

square feet plus an upstairs with allowable square footage, he would ask if it exceeds the maximum. Ronning asked if a home is not completely finished, how is the square footage measured. Mundle stated there are two different ways to measure it, described as finished square feet and total square feet. Voss noted that all buildings had storage within the truss spaces. Mundle indicated the Building Code states, as far as basements, the ceiling height can change the use of the room. If below a certain height limit, it is no longer considered finished square footage.

Ronning stated the height of walls is the biggest deprivation and if the truss went down to the top plate, there wouldn't be a complaint. Davis agreed and stated a lot is open to interpretation as the Code is not written to cover every situation. The request of staff is for Council to give direction on this permit that was initially denied on issues somewhat speculative and based on potential but upon further examination, comes to the question of the square footage and wall height.

Voss stated if the second floor wall height was dropped to an elevation of six foot six inches, it would not be deemed habitable/occupied space under the Building Code. He asked if that would avoid the issue. Davis indicated that eliminates the conflicts with Sections J and K. He asked how to address the issue of calculating square footage and wall height.

Ronning asked about the intent for ceiling height. Jeff Brozek stated they want 14 feet downstairs because they want a 12-foot door and ability to put in a hoist. The upstairs was intended strictly for storage and if second story ceiling height is a critical issue, it is easy to change. Jeff Brozek stated if the Council indicates 7.5 feet is a reasonable height, they will collar tie it at that height.

The Council discussed measurement of the sidewall and an example drawing that had a 6.5 feet in the upper floor as measured from the bottom of the truss to the bottom of the tie across. Voss stated then a 14-foot sidewall measurement would not include the upper floor. Davis explained that is because there is no bump out with a dormer. He reviewed the dimensions of the proposed building with dormers, noting the consideration is the Zoning Code, not the Building Code. Davis cautioned that this consideration will establish a precedence and one issue in the City is that residents rent out their garages yet they do not meet Fire Codes, Plumbing Codes, and/or Electrical Codes.

Koller felt the sidewall height goes to the ceiling and the upper level is just dormers and should not count in the sidewall height. Davis stated he does not disagree and the only difference is that this dormer is essentially the full length of the building on both sides, which increases usable space. Koller stated the Ordinance does not prohibit that.

Vierling advised the Council needs to look at the intent of the Ordinance, which has not been considered in tonight's discussion. He stated obviously there was an intent for the 14-foot wall height restriction instead of allowing taller wall heights. Vierling stated he understands the economics of construction and maximizing costs and the issue of existing structures but one issue the Council needs to consider is the intent of the maximum 14-foot wall height restriction. Ronning stated he and Koller are the only two on the Council that were part of that discussion. Davis stated it was added two to three years ago. Before that, the maximum was 12 feet. He explained it was increased to 14-feet to accommodate a bigger door height for a recreational vehicle.

4.0A.1

Ryan Brozek

Detached

Access.

Structure

Voss stated the other issue is how to calculate square footage and his concern is setting a precedence and ambiguity over intent. Vierling stated with regard to intent, you can draw a reasonable intention from what you read. For example, when you have the ordinance talking about maximum allowable square footage, there is the issue of whether it means simply the footprint or the footage on multiple floors. When you look at the ordinance that specifically allows multiple accessory dwellings on properties of acreage, he thinks there is reasonable intent drawn that the drafter of the ordinance at that time was considering simply beyond a footprint when looking at possible multiple accessory buildings as you could easily quadruple or double that 2,400 square feet if there are second floors. Ronning stated for discussion sake, with the example given, that second floor is square feet. He asked with the storage truss, does it count as square feet.

Voss stated with square footage, he takes the opposing view, noting we have a graduated set of allowable square footage based on acreage that is footprint to footprint. The smaller the lot, the smaller the building you can have and the larger the lot, the larger the building you can have. He stated it seems to him it is not elevation, it is tied to square footage, which is practical as it is tied to issues of wells and septic and setbacks. Voss stated he cannot think of more than a couple cases in the past where a second floor was discussed for an accessory building.

Mundle referred to parcel size and maximum square feet, noting it does not say maximum square feet per floor. Voss stated that is tied to the size of the lot. Mundle stated but with the size of a structure or detached structure, a maximum is a maximum and it does not define per floor. Voss recalled that for homes, the ordinance used to have a minimum footprint of 900 square feet. Davis stated it is now 1,000 square feet. Voss stated it does not say that is the minimum size of the house, but it is the minimum footprint and is tied to lot size and making sure the house is practical. Davis stated in that case, it does include all floors. Mundle explained how it also changes per house style.

Ronning asked the second floor doesn't count as square feet. Davis explained the interpretation used is that it would be very difficult to make it a habitable space but the Code does not specify how to calculate it. Ronning stated there is an extra cost to create that second story so his question is the intent of the use. Jeff Brozek stated it is an extra cost but the primary cost of the structure is the first level and the second story cost is cheap space so it is added when the building is constructed, not after it is constructed.

Vierling advised the Council has the opportunity to remand the issue back to the Building Department to answer these questions. Voss stated he is not comfortable making decisions on what the intention is without a full process. He noted if a decision is made contrary to staff's recommendation, it sets precedence so he would rather uphold or suspend the hearing until the process can go through, which will include Planning. Mundle stated he would also like to see some concrete definitions on some of the questions raised. He asked whether the Council was under a time constraint. Vierling advised the Council has conducted the initial hearing and can remand the matter to staff to answer questions, keeping the hearing open and bringing it back before them at the next meeting. Voss stated his support to remand the issue to staff and continue the hearing for two weeks.

Davis asked whether the Council wanted this item to go to the Planning Commission for recommendation. Voss asked staff to research past meeting minutes related to setting the wall height measurement so that in two weeks, the Council may be able to define these things. Davis offered to meet with Mr. Brozek to review Building Code language that may

4.0A.1

Ryan Brozek
Detached
Access.
Structure

shed some light on this and give clarification to some of the Councils questions. In addition, staff will conduct other research in the hope that this item can be resolved at the next meeting.

Voss stated for all the two-story buildings he has seen, they are not pole buildings so people put more work into them, which brings the issue back to square footage. He stated the Council may have to define square footage. Davis concurred.

Ronning asked whether tonight's discussion reveals the Council's intentions. Davis stated it does and it will be beneficial to meet and further discuss this item, to provide more information, and get some clarification so a decision can be made.

Ronning moved to remand the issue back to the Building Department for clarification on the issues the Council has indicated such as the computation of square footage, whether or not they are using a footprint or multiple floors, how the 14-foot sidewall is measured, and any other commentary they want to supply in terms of how they proceeded for the Council's consideration in two weeks. Koller stated I'll second. Voss asked any other discussion? All in favor say aye? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

4.0B
Presentation
4.0B.1
Auto Manual
Aid Fire
Department

Davis presented the report and staff's recommendation to approve the Automatic Mutual Aid Plan for the City of East Bethel, City of Bethel, and Linwood Township. He explained that Mutual Aid is a process whereby one jurisdiction supports another when requested. Automatic Aid, or Auto Aid, is a process whereby one jurisdiction supports another automatically when an incident occurs. The Anoka County Fire Departments have supported each other for years through a Mutual Aid and Auto Aid plans. Our Auto Aid plans are limited to a specific time of day and days of weeks; 5 a.m. to 5 p.m., Monday through Friday.

Davis described the discussion over the past six months of the Fire Chiefs of East Bethel, Bethel, and Linwood about expanding the scope of Auto Aid to 24 hours a day, seven days a week and conclusion it would be beneficial to all parties. Davis indicated that the Insurance Services Office (ISO), which rates fire departments, will not recognize Auto Aid plans unless they are 24/7. The new Auto Aid plan may give the East Bethel Fire Department additional points towards a lower rating on the next assessment. All other Mutual Aid and Auto Aid agreements will remain in effect. In the future, it is possible that other neighboring cities may request to enter into similar 24/7 Auto Aid agreements with East Bethel. Davis stated staff recommends approval of the Automatic Aid plan with Bethel and Linwood fire departments.

Fire Chief DuCharme stated why this proposal for a formal agreement is important for East Bethel, Linwood, and Bethel, noting auto accidents would be limited to daytime but reported structure fire would be 24/7. He stated he does not think this agreement will increase any number of calls or create a fiscal impact related to payroll. DuCharme described the procedure for call out with this program and indicated it will be tracked for ISO consideration.

Koller moved to approve Resolution 2016-23, approving the Automatic Aid plan with the City Bethel and Linwood Township fire departments. Mundle stated I'll second. Voss asked any discussion?

4.0B.1
Auto Manual
Aid Fire
Department

Ronning asked whether the protocols will become uniform. DuCharme stated they will not because communities have different values. As an example, in East Bethel the value is to run all medicals but in Ham Lake they only run certain medicals. DuCharme answered questions of the Council relating to when and how Auto Aid calls will be answered. Voss asked any other discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**5.0
Public
Forum**

No one signed to speak at the Public Forum.

**6.0
Consent
Agenda**

Item A Approve Bills

Item B May 18, 2016 Town Hall Meeting Minutes

Item C Resolution 2016-24, Accepting Donation from Chops, Inc.

Item D Acknowledgement of Receipt of Certificate of Appreciation from Heading Home Anoka

Item E Approve Application to Conduct Excluded Bingo for East Bethel Seniors – Booster Day, July 16, 2016

Item F Res. 2016-25 Designating 2003 Ford F-550 Light Duty Truck Surplus Property

~~Item G Approve Purchase of Light Duty Truck with Dump Box and Snowplow~~ This item was removed from the Consent Agenda.

Item H Approve Application to Conduct a Raffle for Hope Chest for Breast Cancer on August 27, 2016

Item I Supplemental Payment Summary

Harrington stated I'll make a motion to adopt tonight's Consent Agenda. Mundle stated I'd like to pull item G. **Ronning stated second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Hearing none, that motion passes. **Motion passes unanimously.**

6.0G
Approve
Purchase of
Light Duty
Truck with
Dump Box and
Snowplow

Mundle requested a correction in the second to the last paragraph to indicate Ford F550 rather than Ford F450. Davis clarified that the truck to be purchased is a 2017 Ford F450 and he will assure the correction is addressed. **Mundle stated with that correction he'll make a motion to approve the purchase of light duty truck with dump box and snowplow. Harrington stated I'll second.** Voss asked any discussion?

Ronning stated for general information, this is an excellent price. Davis stated this purchase is through a State contract bid and explained that process satisfies the City's procurement requirements. Voss asked any other discussion? All in favor? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

**7.0
New Business**

Commission, Association and Task Force Reports

7.0A
 Planning
 Commission
 7.0A.1
 IUP Farm
 Animals
 20856 Kissel
 Street NE

Davis presented the staff report and request of Sara Stream, 20856 Kissel Street, for an IUP for the keeping of six chickens on her 1.99-acre lot. This property is zoned Rural Residential and the request complies with City Code, Chapter 10, Article V, Farm Animals. There was no one that spoke in opposition to the request for an IUP for the keeping of chickens at the public hearing. Davis presented the recommendation of the Planning Commission, by unanimous vote at their May 24, 2016 meeting, to approve an IUP for the keeping up to six chickens for Ms. Sara Stream, 20856 Kissel Street NE, East Bethel, MN 55011, PIN 13-33-23-31-0007, subject to the seven conditions as detailed in the staff report.

Ronning stated move to adopt the recommendation by the Planning Commission regarding chickens at PIN 13-33-23-31-0007, subject to the seven conditions as detailed in the staff report. Koller stated I'll second. Voss asked any discussion? All in favor? All in favor. Voss asked any opposed? That motion passes. Motion passes unanimously.

7.0A.2
 IUP Farm
 Animals
 2630 196th
 Avenue NE

Davis presented the staff report and request of Stacey Persons, 2630 196th Avenue, for an IUP for the keeping of five chickens on her 6.44-acre lot. This property is zoned Rural Residential and the request complies with City Code, Chapter 10, Article V, Farm Animals. There was no one that spoke in opposition to the request for an IUP for the keeping of chickens at the public hearing. Davis presented the recommendation of the Planning Commission to approve an IUP for keeping of up to five chickens for Stacey Persons, 2630 196th Ave NE, East Bethel, MN 55011, PIN 27-33-23-22-0004, subject to the seven conditions as detailed in the staff report.

Ronning stated move to adopt the recommendation by the Planning Commission for an IUP for the keeping of chickens at PIN 27-33-23-22-0004, subject to the seven conditions as detailed in the staff report. Harrington stated I'll second. Voss asked any discussion? All in favor? All in favor. Voss asked opposed? Hearing none, that motion passes. Motion passes unanimously.

7.0A.3
 IUP Private
 Kennel
 2630 196th
 Avenue NE

Davis presented the staff report and request of Stacey Persons, 2630 196th Ave., for an IUP for a private kennel license for the keeping of six dogs on her 6.44-acre lot. This property is zoned Rural Residential and Ms. Persons currently has two dogs, a Great Dane and a Golden Retriever. There are no enclosures for the dogs but the applicant has stated they plan to install a fenced area to contain the animals. The dogs have proof of rabies vaccination and are currently licensed with the City.

Davis presented the requirements contained in East Bethel City Code Chapter 10, Article II. Dogs. He stated four residents, whose locations are listed on Attachment 1 in the packet, expressed concerns regarding the application for the IUP. Their issues were barking dogs and the potential for dogs running loose. As questioned by the Planning Commission, the applicant provided additional information regarding enclosures, hours the dogs would be contained inside the home, and intent for eventually having additional dogs. The applicant has indicated that she may breed dogs in the future. An IUP for a home occupation would be required for this activity if sale of puppies is contemplated. Davis stated the minutes of the May 24, 2016, Planning Commission Meeting were forwarded to City Council and include the discussions that occurred at that meeting. The minutes are also available to view on the City's website.

Davis presented the recommendation of the Planning Commission at their May 24, 2016, meeting, and by unanimous vote, to approve an IUP for a Private Kennel License for no more than six dogs for Ms. Persons, located at 2630 196th Avenue NE, East Bethel, MN

June 1, 2016
7.0A.3
IUP Private
Kennel
2630 196th
Avenue NE

5501, PIN: 27-33-23-22-0004, subject to the seven conditions as detailed in the staff report.

Mundle stated I'll make a motion to approve the IUP for Private Kennel License for no more than six dogs for Ms. Persons, located at 2630 196th Avenue NE, East Bethel, MN 5501, PIN: 27-33-23-22-0004, subject to the seven conditions as detailed in the staff report. Harrington stated I'll second. Voss asked any discussion? All in favor? All in favor. Voss asked opposed? Hearing none, that motion passes. Motion passes unanimously.

7.0A.4
Admin. Subd.
Ord. Amend.

Davis presented the staff report and consideration of the Planning Commission on May 24, 2016, when it held a public hearing to discuss potential changes to Chapter 66, Article V, Administrative Subdivisions. The proposed changes include amendments to allow a simple lot split for divisions of property that create no more than two lots, one of which must have an existing home, meet the underlying zoning requirements, and require no new public roads. Currently, a lot split can only occur under the provisions of the City Zoning Ordinance, Section 12 for a metes and bounds property and only if that property creates five acre or greater lot sizes and each lot has 300 feet of road frontage.

Davis explained the City received more requests for this type of lot split but most applicants cannot meet the metes and bounds requirement of 300 feet of frontage or may want to only sell the house and retain not less than 2.5 acres of property. The only option available to a property owner that desires to complete a simple lot split as described above is to go through the full subdivision process. For a simple lot split that can meet the requirements of the underlying zoning district, the subdivision process may not be necessary and is excessively expensive for the property owner. This process also requires a Developers Agreement between the City and the applicant.

Davis noted existing City fees to complete the simple lot split would result in the homeowner being charged \$1,450 for the concept, preliminary, and final plat, \$6,500 in escrow fees and park dedication fees based on the value of the property. The escrow fees, if not required for legal or engineering review, are returned to the applicant after the project is complete.

Davis stated the simple lot split modification, as proposed in Attachment 2, seems to be a more practical, cost effective means to deal with these types of land division. The cost to the applicant under this proposal would be a \$300 application fee, a \$1,000 escrow, and park dedication fees based on the value of the property. The City Attorney has reviewed the proposed changes to the Administrative subdivision ordinance and his comments are reflected in Attachment 2.

Davis indicated the Planning Commission recommends changes to the Administrative Subdivision Ordinance, Chapter 66, Article V as presented in Attachment 2 to the City Council.

Ronning stated move to adopt the recommended changes to the Administrative Subdivision Ordinance, Chapter 66, Article V as presented in Attachment 2 to the City Council. Harrington stated I'll second. Voss asked discussion?

Mundle stated he has a question on Section 66-134, Qualifications, C5, noting it states a simple lot split can only be done once and a future lot split requires meeting all

7.0A.4 requirements of Chapter 66. He asked how that will be tracked. Vierling advised that as a matter of course for any lot split, the City has to sign and provide to the County an authorization allowing the split and recording so there would be a record at the County that the City did consent at that time. It would be reflected on the original lot and the newly created lot. Voss stated this will be a nice change and make the process less cumbersome. Voss asked any other discussion? All in favor? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

7.0B None.

Economic
Development
Authority

7.0C None.

Park
Commission

7.0D None.

Road
Commission

8.0 None.

**Department
Reports**

8.0A
Community
Development

8.0B None.

Engineer

8.0C None.

City Attorney

8.0D Davis presented the staff report and City's policy for staff to submit the proposed City budget for the coming year to Council during the month of July to initiate Council's review, direction and eventual approval of the 2017 Budget. Staff is proposing that the 2017 Draft Budget be presented to Council at a Work Meeting prior to the regularly scheduled Council meeting on July 6th, at a Work Meeting on July 13th, or other time as desired by Council. At this meeting, the City Administrator, Finance Director and the Department Heads will present their proposed budgets and answer questions from the Council regarding the requests. It was noted the Council is required to submit an approved preliminary budget in September and approved final budget in December to the County for the 2017. Davis presented staff's request that Council to set a date for the 2017 Draft Budget presentation and provide direction as to any changes in the format of the discussion.

8.0D.1
2017 Budget
Meeting

The Council discussed availability. **Harrington stated motion to schedule a Work Meeting on July 6th at 5:30 p.m. to discuss the 2017 Preliminary Budget. Koller stated I'll second.** Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

8.0E None.

Public Works

8.0F Fire Department	None.
8.0G City Administrator	None.
9.0 Other 9.0A Staff Reports	Davis reported the Council Chamber audio visual project will start on Monday and be completed by the June 15 th Council meeting.
AV Project	Davis requested authorization to schedule a joint Council/Planning Commission Work Meeting on June 8 th starting at 6 p.m. to discuss the proposed zoning changes to the Light Industrial Zone, City Code Appendix A. Mundle stated make a motion to schedule a Work Meeting with the Planning Commission for June 8th. Harrington stated I'll second. Voss stated he will not know whether he can attend this meeting for several days. Voss asked any discussion? All in favor? All in favor. Voss asked opposed? Hearing none, that motion passes. Motion passes unanimously. Note: At the end of this meeting, motion was made, seconded, and passed to change the start time from 6 p.m. to 6:30 p.m.
June 8 Work Meeting	
Road Project Update	Davis stated the wear course on Lincoln and Longfellow began today so that project will finally be completed.
9.0B Council Report – Member Mundle	Mundle stated he had no meetings to attend so has nothing to report on meetings. He announced Booster Day is looking for vendors and asked if the City is still looking for seasonal maintenance workers. Davis stated one position remains open but an applicant was interviewed yesterday who may be interested.
Council Member Koller	None.
Council Member Ronning	None.
Council Member Harrington	Harrington announced there are openings for the July 15 th Chamber of Commerce Golf Tournament.
Mayor Voss Waterball Tourney	Voss asked whether the Council is interested in making a Booster Day challenge to the Ham Lake Council for a waterball tournament. The Council indicated in the affirmative and asked staff to extend the invitation if acceptable with the Fire Department.
Movie in the Park	Davis stated to encourage attendance at the July 15 th Booster Day Movie in the Park event, they will be showing the new Star Wars movie and there will be costumed actors. It will be held at Booster West. He encouraged all to attend this Friday night event and added the St. Francis Youth Hockey Association will have the concession stand open.
9.0C Other	None.
9.0D Closed	Vierling stated thank you Mr. Mayor. For the members of the public and for the benefit of the record, we'd note the Council is about to go into Closed Session authorized under

Session Minnesota Statute 13D to review two matters. The first is relative to Union Negotiations authorized under Minnesota Statute 13D.03. The second is with regard to potential real estate acquisitions authorized under Minnesota Statute 13D.05, affecting parcels #29-33-23-34-0001 and #29-33-23-33-0002.

Union Negotiations PINs #29-33-23-34-0001 and #29-33-23-33-0002

The Council will maintain a tape recorded or digitally recorded device on the course of the Closed Session that will be maintained for a period of two years as required by law. He recommended a motion be made to go into Closed Session for the purposes indicated. It was noted that the Council will be coming back into Open Session after that Closed Session is concluded to announce any actions that were taken during the course of the Closed Session.

Move to Closed Session

Mundle stated make a motion to go into Closed Session at 8:38 p.m. for the purposes that City Attorney's indicated. Harrington stated I'll second. Voss asked any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

Reconvene Open Session

Vierling stated thank you Mr. Mayor. For the benefit of the public and again for the minutes, we'd note that the Council's back into Open Session after having concluded a Closed Session. Closed Session was attended by all members of the Council including City Staff Administrator Mr. Jack Davis and myself, Mark Vierling, as City Attorney. The Council reviewed matters relative to Union Negotiations as a status report and took no action. The Council also received reports from the City Administrator and the City Attorney with regard to real estate acquisition issues affecting two properties as noted previously. Again, the Council took no action on either in specific but gave staff some direction relative to strategy and process. That concludes the summary report of the Closed Session.

Closed Session Summary Report

Change Start Time of June 8, 2016, Work Meeting

Mundle stated we need to amend a motion for that meeting. **Mundle stated I'll make a motion to amend the motion for the June 8th Work Meeting with P&Z to change the time from 6 p.m. to 6:30 p.m. Ronning stated second.** Voss asked any discussion? All in favor say aye? **All in favor.** Voss asked any opposed? That motion passes. **Motion passes unanimously.**

10.0 Adjourn

Harrington stated I'll make a motion to adjourn. Mundle stated I'll second. Voss asked any discussion? All in favor? **All in favor.** Voss asked any opposed? Hearing none, meeting adjourned. **Motion passes unanimously.**

Meeting adjourned at 8:56 p.m.

Submitted by:

Carla Wirth

TimeSaver Off Site Secretarial, Inc.