City of East Bethel
Planning Commission Agenda

7:00 PM
October 23, 2012

	Item	
7:00 PM	**1.0**	**Call to Order**
7:02 PM	**2.0**	**Adopt Agenda**
7:04 PM	**3.0**	**Approve September 25, 2012 Planning Commission Meeting Minutes**
7:06 PM	**4.0**	**Finishing Touch Landscaping Fence Requirements**
8:00 PM	**5.0**	**Discussion: Comprehensive Plan Review-Business Overlay District**
8:15 PM	**6.0**	**Ethics Policy**
8:30 PM	**7.0**	**Vision and Community Values**
8:45 PM	**8.0**	**City Council Report**
9:00 PM	**9.0**	**Adjourn**

City of East Bethel
Planning Commission
Agenda Information

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Date:
October 23, 2012

* *

Agenda Item Number:
4.0

* *

Agenda Item:
Fencing Requirements for Finishing Touch Landscaping

* *

Requested Action:
Discussion Item

* *

Background Information:
Finishing Touch is in the process of completing their landscaping for their business at 23488 Ulysses St. NE. As part of their landscaping plan, they are required to install a fence at the rear of their property as a screen for their storage area. City Code states this type of fence must be of wood, brick or masonry construction.

David Shern of Finishing Touch Landscape will present an alternate materials request to the Commission. This presentation will be to determine if there is any indication that the Commission would be inclined to recommend a variance in this situation.

Mr. Shern's property, 23488 Ulysses Street, abuts a residential neighborhood on the west zoned R-1 and light industrial uses on the north and south side of the property. Mr. Shern desires to substitute chain link fence with screening slats in lieu of code requirements.

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Attachments

1. City Code, Screening Regulations
2. Finishing Touch Landscape Plan and Site Location
3. Variance procedure and application

Fiscal Impact:

* *

Recommendation(s):
Discussion item

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

SECTION 23. - SCREENING REGULATIONS

1. - General standards.
2. - Screening of mechanical equipment.
3. - Screening of trash containers.
4. - [Buffer yards.]

1. - General standards.

A. Screening shall be installed so as to provide a visual barrier. Any such barrier shall reduce visibility in a manner that restricts vision of the object being screened.

B. Any business, industrial, non-residential uses, and residential dwellings other than detached single-family adjacent to any residential district shall provide screening along the boundary of residential property.

C. Screening shall consist of a compact evergreen or deciduous hedge and overstory and understory trees of sufficient width and density, or an earth berm of sufficient height to provide effective screening throughout the year. Overstory and understory trees are defined in Section 27. Landscaping Regulations.

D. A required screening fence shall be constructed of masonry, brick, or wood. Such fence shall provide a solid screening effect and not exceed eight feet in height or be less than six feet in height.

E. Earth berms shall not have a slope of more than four feet horizontal to one foot vertical or be located within any street right-of-way or within eight feet of the traveled portion of any street or highway.

F. No screening or buffering shall be located on any public rights-of-way or within eight feet of the traveled portion of any street or highway.

G. Loading docks shall be screened from all lot lines and public roads.

H. All storage of material and equipment related to, located on, and used by any business, light industrial, or other non-residential use shall be stored inside a building. Exterior storage in business districts that is allowed by other provisions of this ordinance shall be screened from public rights-of-way and adjacent properties.

2. - Screening of mechanical equipment.

A. All mechanical equipment, such as air conditioning units, erected on the roof of any structure or on the ground, shall be screened so as not to be visible from public rights-of-way and adjacent properties.

B. The screening shall be constructed with materials that are architecturally compatible with the building.

3. - Screening of trash containers.

Attachment #1

A. Trash and recycling storage facilities which would be visible from public rights-of-way or adjoining property, except those located in parks, shall be screened by an enclosure of masonry or brick construction. Screening gates shall be of solid material such as wood; chain link fencing is not acceptable.

B. Screening enclosure gates may not be required if the resulting open side of the enclosure does not face an existing or future right-of-way.

4. - [Buffer yards.]

Buffer yards for business, light industrial, and non-residential uses in residential districts, and residential dwellings other than detached single-family shall meet the following requirements:

A. Where a buffer yard is required for property which abuts residentially zoned property, there shall be within the required setback a landscaped area at least 20 feet in width which shall extend along and be adjacent to the entire length of all common property lines shared with residentially zoned property.

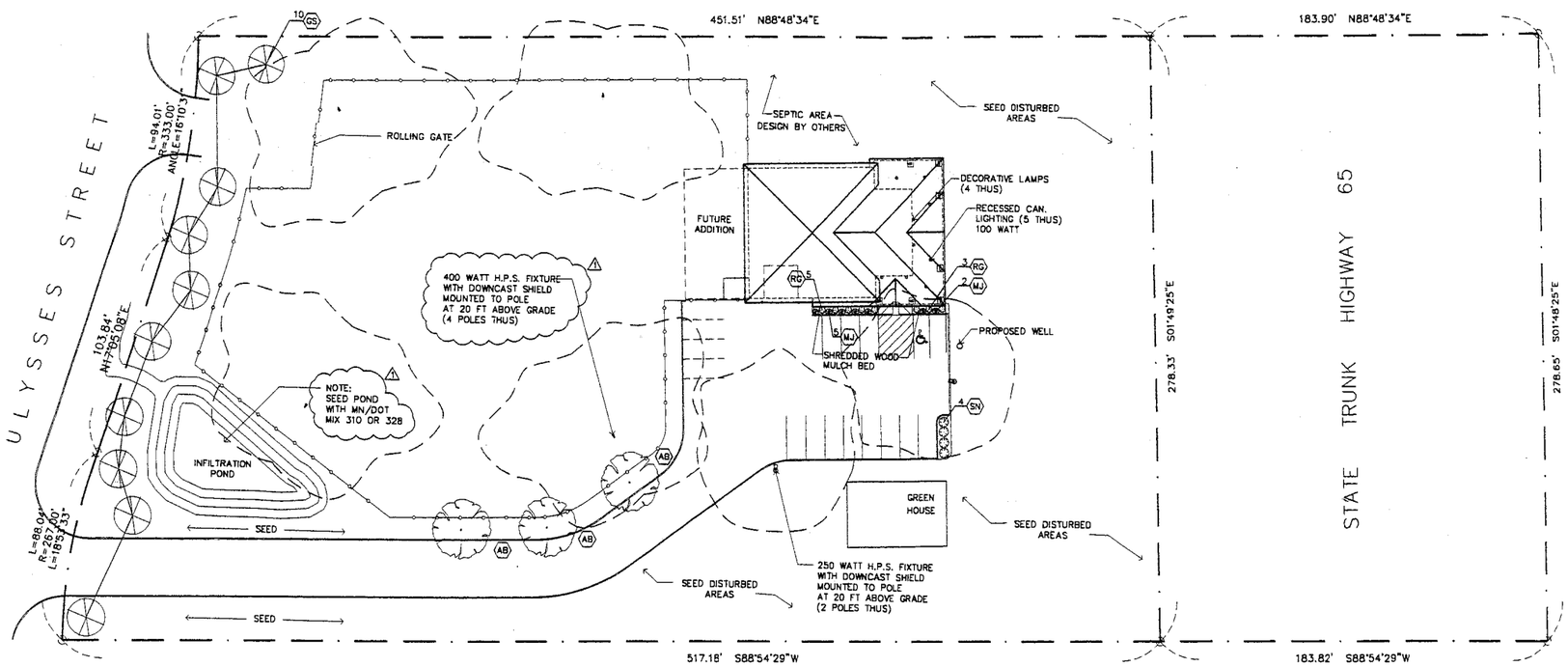
B. The landscaped area shall contain a double row of evergreen shrubs which, when planted, shall be a minimum of four feet in height with the capability to grow to a minimum height of six feet.

C. The rows of such shrubs shall be planted in such a manner that a distance of five feet exists between the centerline of each row and that, when viewed perpendicular to the rows, one would observe a shrub planted every 2½ feet on center.

D. This buffer area shall contain a fence, which fence shall be located entirely on the non -residential lot.

E. Berms may be constructed the entire length of the buffer yard and shall be continuous or provide the illusion of continuity when viewed from the side and perpendicular to the berm. Earth berms shall not exceed a slope of 4:1.

F. Some uses may not be required to provide A—E above at the discretion of city council.



1 / L1 LANDSCAPE & LIGHTING PLAN
SCALE: 1" = 30'-0"

NORTH

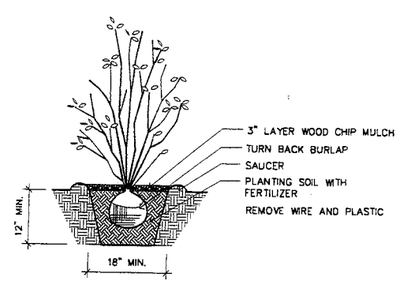
PLANTING SCHEDULE						
QTY.	KEY	COMMON NAME	BOTANICAL NAME	SIZE	MTHD	REMARKS
3	AB	AUTUMN BLAZE MAPLE	ACER X FREEMANII 'JEFFERSRED'	2.5"	BB	
7	MJ	MINT JULEP	JULEP CHINENSIS 'MONLEP'	#5	CONT.	
8	RG	ROSY GLOW JAPANESE BARBERRY	BERBERIS THUNBERGII 'ROSY GLOW'	#5	CONT.	
4	SN	SPIREA 'SNOWMOUND'	SPIREA NIPPIONICA 'SNOWMOUND'	#5	CONT.	
10	GS	GREEN SPRUCE	PICEA PUNGENS	6'	BB	

LANDSCAPE CALCULATION:
5,698 L.F./2000 = 3 TREES
3 TREES PROVIDED
5,698 L.F./300 = 19 SHRUBS
19 SHRUBS PROVIDED

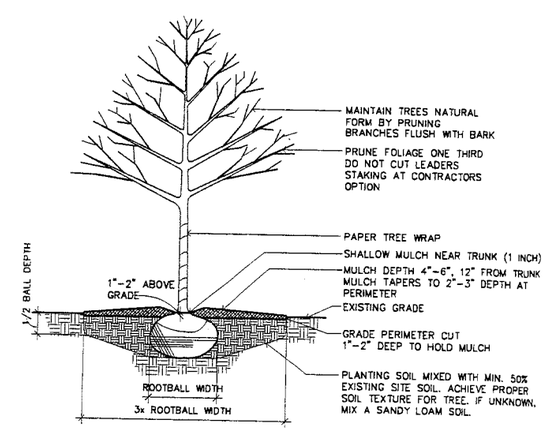
LANDSCAPE NOTES:
1. SEED ALL DISTURBED AREAS.
2. PROVIDE ROCK OR WOOD CHIPS IN ALL SHRUB PLANTING AREAS.

LIGHTING PLAN NOTES:

1. LIGHTING SHOWN FOR SCHEMATIC PURPOSES ONLY. LIGHTING IS DESIGN-BUILD BY ELECTRICAL CONTRACTOR. VERIFY SIZE, STYLE, QUANTITY, AND LOCATION W/ OWNER AND CONTRACTOR. PROVIDE LIGHTING PHOTOMETRICS IF NECESSARY AT CITY'S REQUEST.
2. ALL LIGHTING IS TO BE SHIELDED/DIRECTED AWAY FROM ADJACENT PROPERTIES AND STREET RIGHT OF WAYS.
3. PROVIDE SECURITY LIGHTING AT ALL MAN DOORS.



2 / L1 SHRUB PLANTING DETAIL
NOT TO SCALE



3 / L1 TREE PLANTING DETAIL
NOT TO SCALE

Filename: Finishing Touch\FinishingTouch-L1.dwg

CLASSIC
CONCRETE & MASONRY WORK - RESIDENTIAL & COMMERCIAL
18542 ULYSSES ST. NW
EAST BETHEL, MN 55011
PHONE: (763) 434-8870
FAX: (763) 434-7120

FINISHING TOUCH
East Bethel, Minnesota

Drawn By: TKN
Checked By: LL/JRB
Revisions

03.31.10	CITY SUBMITTAL
04.12.10	REVISED CITY SUBMIT
06.03.10	ISSUED
07.19.10	CITY REVISION 1

LANDSCAPE & LIGHTING PLAN & DETAILS

Sheet Number

L1

Project No. 100316-2

Attachment #2

Aerial Photo: Flown Spring 2011

Aerial Photo: Flown Spring 2011

Prepared by Anoka County GIS Department

City of East Bethel

LAND USE APPLICATION

OFFICE USE ONLY
Date Rec'd _____
By _____
Fee $_____

Check appropriate box: ☐ VARIANCE ☐ CUP ☐ IUP ☐ FINAL PLAT

☐ BUSINESS CONCEPT PLAN ☐ PRELIMINARY PLAN ☐ SITE PLAN REVIEW ☐ OTHER _____

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.

Application is hereby made for _____ (provide narrative below describing proposed use).

_____

_____

LOCATION: PID _____ **Legal: Lot** _____ **Block** _____ **Subdivision** _____

PROPERTY ADDRESS: _____ **PRESENT ZONING:** _____

PROPERTY OWNER

CONTACT NAME _____ PHONE _____

ADDRESS _____ FAX _____

CITY/STATE/ZIP _____ E-MAIL _____

APPLICANT

CONTACT NAME _____ PHONE _____

ADDRESS _____ FAX _____

CITY/STATE/ZIP _____ E-MAIL _____

I fully understand that I must meet with City Staff to review all submission requirements and conditions prior to official submission, and that all of the required information must be submitted at least thirty (30) days prior to the Planning/Zoning Commission and City Council scheduled meeting dates to ensure review by City Staff.

_____ _____ _____

Property Owner's Signature Printed Name Date

OFFICE USE ONLY – DO NOT COMPLETE

	Received	Approved/Denied	Notes
Community Dvlp.	_____	_____	
Planning Commission	_____	_____	
City Council	_____	_____	
_____ 60 Day		_____ 120 Day	

Attachment #3

VARIANCE PROCESS & CHECKLIST

CONTACT INFORMATION

Stephanie Hanson, City Planner
Tel (763) 367-7840 Fax (763) 434-9578
stephanie.hanson@ci.east-bethel.mn.us

Joan Steffen-Baker, Admin Support II
Tel (763) 367-7840 Fax (763) 434-9578
joan.steffen-baker@ci.east-bethel.mn.us

Application Fee: $300* Escrow: $500* Filing Fee: $55*
Applicant is responsible for accrued consulting fees from the City Engineer, City Attorney, etc.
*Fee is subject to change per Resolution.

The application for a **VARIANCE** is processed in three separate review steps:

1) CITY STAFF
   (Applicant is required to meet with City Staff **prior** to submittal of the application.)
2) PLANNING COMMISSION
   (Public hearing and recommendation to the City Council)
3) CITY COUNCIL
   (No public hearing required)

The following information is required to be submitted in support of the variance thirty (30) days prior to the scheduled Planning Commission meeting date.

- ☐ Completed application and fee/escrow
- ☐ **Legal description** of property (located on deed)
- ☐ Evidence of ownership or an interest in the property
- ☐ Certification of Taxes Paid. Prior to approving an application, the Applicant shall provide certification to the City that there are no delinquent property taxes, special assessments, interest, or City utility fees due upon the parcel of land to which the variance relates.
- ☐ Letter explaining reasons why a variance is needed and what the hardship is to justify the variance. Also explain in the letter what the existing use of the property is and if there is a proposed change in use.

- ☐ Certificate of Survey, to scale, showing applicable existing and proposed conditions including property lines and dimensions, building location and setbacks, dimensions of building, curb cuts, driveways, access roads, parking, off-street loading areas, septic system, and well; locations of neighboring septic systems and wells. If the proposed variance is located in the Shore land Overlay District, it is required to have the impervious area (hard surface) calculated and shown on the survey. This includes hard surface patios, driveways, houses, garages, etc. Properties in the Shore land Overlay District are required to have an impervious surface of no more than 25 percent **(3 copies – 11 x 17 – see handout on Survey/Site Plan for survey requirements)**.

- ☐ Certificate of Survey identifying Grading and Drainage Plan – 11 x 17 – to scale **(existing and proposed 2-foot contours, see survey handout)**

- ☐ Proposed architectural elevations and floor plans of the addition or structure

- ☐ On variances requesting second (2nd) story additions, proof of structural integrity of lower level and footings by a licensed engineer shall be provided.

- ☐ Wetland delineation report and soil conditions report if deemed necessary by City Staff

- ☐ Any other information City Staff may request

CONTACT LISTS FOR REVIEW OF YOUR VARIANCE

If the box is **checked,** you must provide a letter of approval, copy of minutes, or other documentation as it relates to your variance to the City of East Bethel Planning/Building Department as part of your application for submittal.

- ☐ Anoka Conservation District
  Attn: Dennis Rodacker
  1318 McKay Dr. NE, Suite 300
  Ham Lake, MN 55304
  Phone: 763-434-2030 dennis.rodacker@anokaswcd.org

- ☐ Anoka County, Highway Department
  Attn: Jane Rose, Traffic Engineering Manager
  1440 Bunker Lake Blvd., Andover, MN 55304-4005
  Tel (763) 862-4231 jane.rose@co.anoka.mn.us

- ☐ Mark Vierling, City Attorney
  1809 Northwestern Ave. S.
  Stillwater, MN 55082
  Tel (651) 967-7344 MVierling@eckberglammers.com

- ☐ Hakanson Anderson Association
  Attn: Craig Jochum – City Engineer
  3601 Thurston Ave., Anoka, MN 55303
  Tel (763) 427-5860 craigj@hakanson-anderson.com

- ❑ MN Department of Natural Resources
  Attn: Julie Ekman, Area Hydrologist
  1200 Warner Road, St. Paul, MN 55106-6796
  Tel (651) 772-7923 julie.ekman@dnr.state.mn.us

- ❑ MN Department of Natural Resources
  1200 Warner Road, St. Paul, MN 55106-6796
  Tel (651) 772-7570

- ❑ MN Department of Transportation-Metro Division, Waters Edge
  Attn: Development Review Coordinator
  1500 West County Road B-2, Roseville, MN 55113-3174
  Tel (651) 582-1000 www.dot.state.mn.us

- ❑ U.S. Army Corps of Engineers
  Attn: Tim Fell
  190 Fifth St. East, Suite 401, St. Paul, MN 55101-1638
  Tel (651) 290-5360 Timothy.J.Fell@mvp02.usace.army.mil

- ❑ Watershed Management Organization - Sunrise
  Attn: Marie Holm, Chair
  22530 Sunrise Road NE, Stacy, MN 55079
  Tel (651) 462-2394 marie@starksfam.org

- ❑ Watershed Management Organization - Upper Rum River
  Attn: Randy Bettinger, Chair
  City of Oak Grove
  19900 Nightingale St. NW, Cedar, MN 55011
  Tel (763) 753-4962 randy.bettinger@co.anoka.mn.us

SUBMITTED SUBSEQUENT TO CITY COUNCIL APPROVAL

Variance Agreement for signature and recording if variance is approved by the City Council

ADDITIONAL NOTES

- The City Council meets on the first (1st) and third (3rd) Wednesday of the month.
- The Planning Commission meets on the fourth (4th) Tuesday of the month.
- Make sure you give yourself enough time to receive approvals from all reviewing agencies.

City of East Bethel
Planning Commission
Agenda Information

* *

Date:
October 23, 2012

* *

Agenda Item Number:
5.0

* *

Agenda Item:
Comprehensive Plan Review

* *

Requested Action:
Review the Highway 65 Business Overlay District Requirements and Zoning

* *

Background Information:
In 2007 the City adopted a Comprehensive Plan to address the land use and growth strategies that confronted the City at that time. In the last six years there have been changes in the economic conditions which affect growth and the need for a more flexible policy on the progression of growth in the Hwy. 65 Corridor.

More specifically, it will be beneficial to examine the Business Overlay District that was created and imposed as an additional layer of land use control over the 221st Avenue/Hwy. 65 intersection. This area was recognized as a redevelopment area and one with significant development potential. The intent of the zoning and Business Overlay District was to add flexibility for large scale development (20 acres +) and to prevent this intersection and its surrounding parcels from becoming a re-use area.

In the application of the Business Overlay District regulations and land use plans for the 221st Ave. Intersection Area, there may be issues with the following:

1.) Size of acreage eligible for consideration of a development plan;
2.) Sewer requirements for B-2 and B-3 and the Light Industrial zoning districts;
3.) Inclusion of properties that are undevelopable within the Business Overlay District;
4.) Exclusion of properties that are outside but contiguous to the Business Overlay District that would appear to be beneficial to the development of the District as a whole; and
5.) An evaluation of the zoning that is currently in place for the District.

As prescribed in the Ordinance, any development plan in this District must be a minimum of 20 acres. Within the existing boundaries of the District there are 26 parcels; however, there are only 8 that exceed 20 acres. With the intent of the ordinance to limit projects within the District to 20 acres or greater, this may create a condition that precludes some use of the 18 parcels that do not meet this size requirement. The Planning Commission may wish to consider a clarification of the definition of project size and/or the inclusion of an exemption that would allow certain development on parcels that would not meet the current size requirements.

While the Overlay District will not immediately be served by a standard gravity sewer system, sewer service in the form of a force main will bisect the District and be available under certain circumstances. The conditions of availability will depend upon the size of a development and the ability of the developer to finance a pump station which could service the District. The Planning Commission should consider redefining the minimum lot sizes specified in the zoning ordinance for B-2, B-3, and Light Industrial classification as they relate to the availability of utility service. The current standard for each classification is a 10 acre minimum without water and sewer service. There will be some form of sewer service, even though potentially limited in availability, in the District. Clarification of the requirement should be addressed to minimize confusion with the interpretation of the standard and as evaluation of the requirement is recommended to insure that it is consistent with goals and intent of the Ordinance.

There is one property within the Overlay District that should be removed. This property is located at 1007 221st Ave. and is zoned light industrial. The parcel is 38 acres in size but contains 33 acres of wetlands. The remaining 5 acres are split into 3 areas that are non-contiguous. This property adds no value to the District and is essentially undevelopable in terms of most commercial or light industrial use.

There are a minimum of 7 parcels, totaling approximately 200 acres, that could be added to the District. These parcels are indicated on the Attachment #2 Map. The addition of these parcels would allow for the natural progression of growth and remove potential issues of differing zoning classifications for larger scale developments.

The overall zoning of the Overlay District should be examined. The provision of limited utility services, the signalization of Hwy. 65 and 221st Avenue, and the scheduled and proposed service roads in this area create the need for a re-evaluation of the existing zoning that is currently in place. These pieces of infrastructure open additional opportunities for more higher-use types of land uses within the District.

* *

Fiscal Impact:
To be determined

* *

Attachments

1. Current Overlay District with Zoning and Wetlands designation
2. Proposed Expanded Overlay District
3. Base Map
4. Overlay District Ordinance

Recommendation(s):
Discussion of the recommendations as noted above.
* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

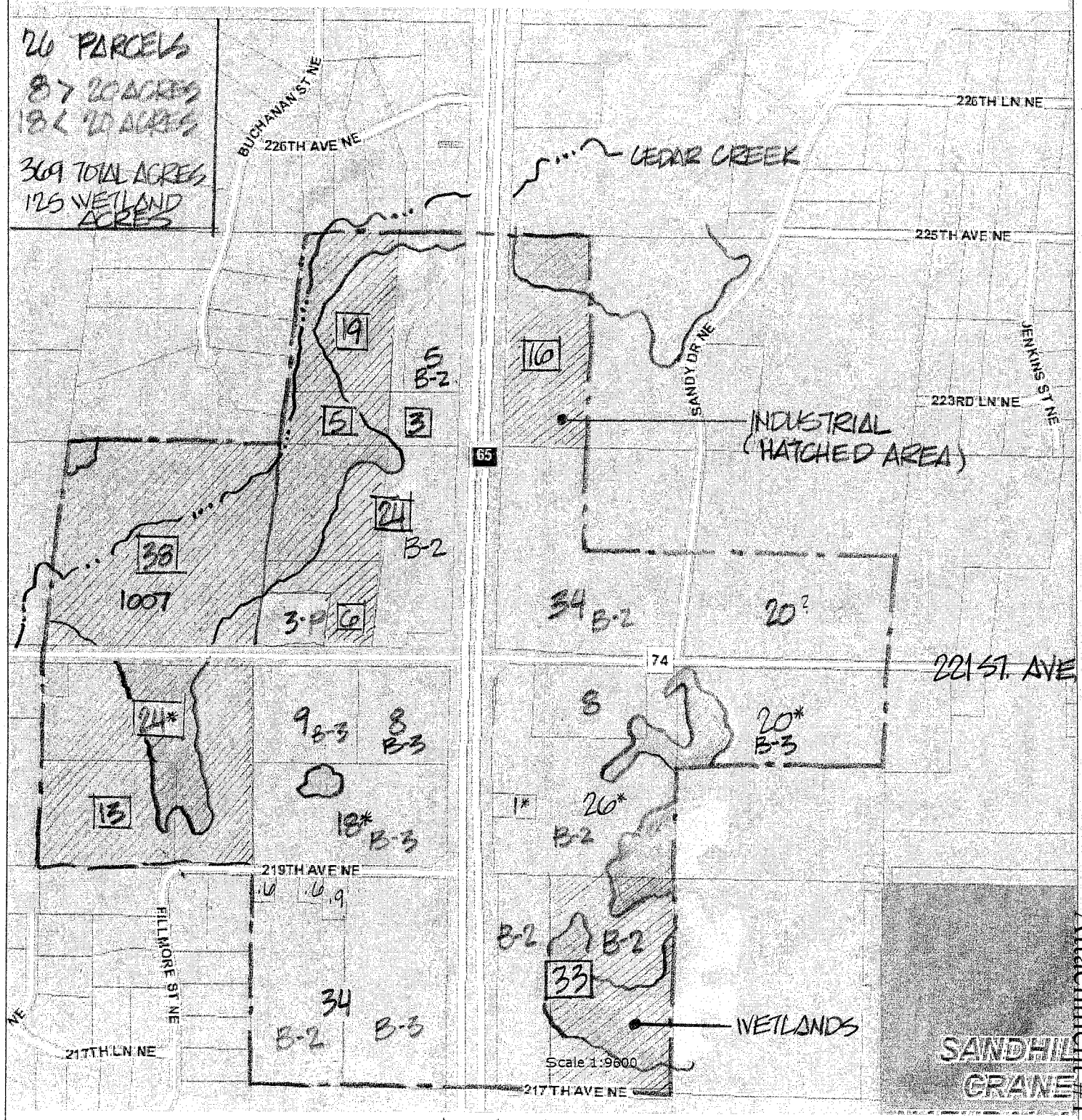
No Action Required:_____

BUSINESS OVERLAY DISTRICT (B.O.D.)

ANOKA COUNTY

26 PARCELS
8 > 20 ACRES
18 < 20 ACRES

369 TOTAL ACRES
125 WETLAND ACRES



LEGEND

TRACT ACREAGES - 34

ZONING DESIGNATION - B-3

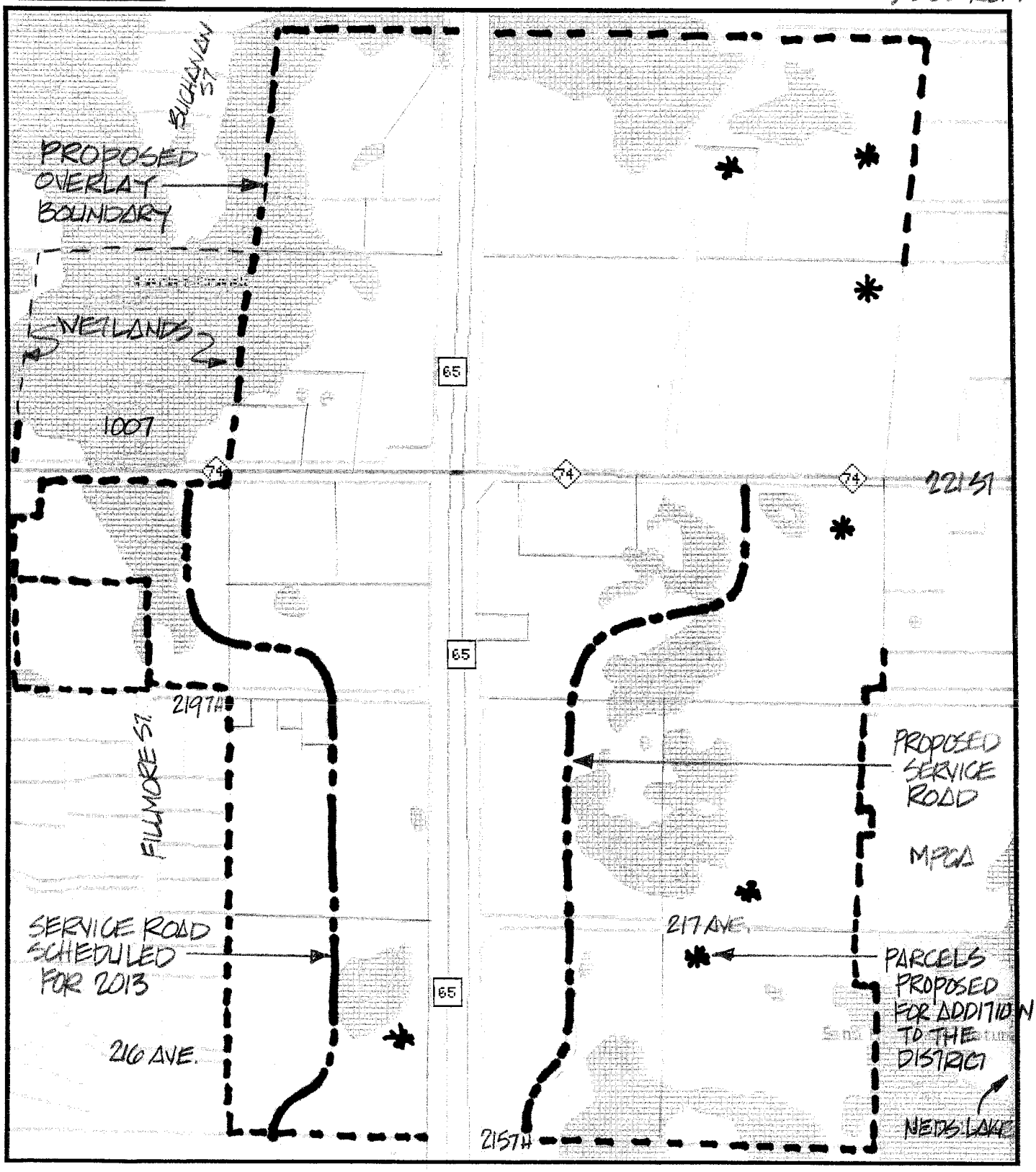
B.O.D.

Aerial Photo: Flown Spring 2011

Prepared by Anoka County GIS Department

Attachment #1

Map - 221 ST. AVE. INTERSECTION AREA, 500 ACRES



Attachment #2

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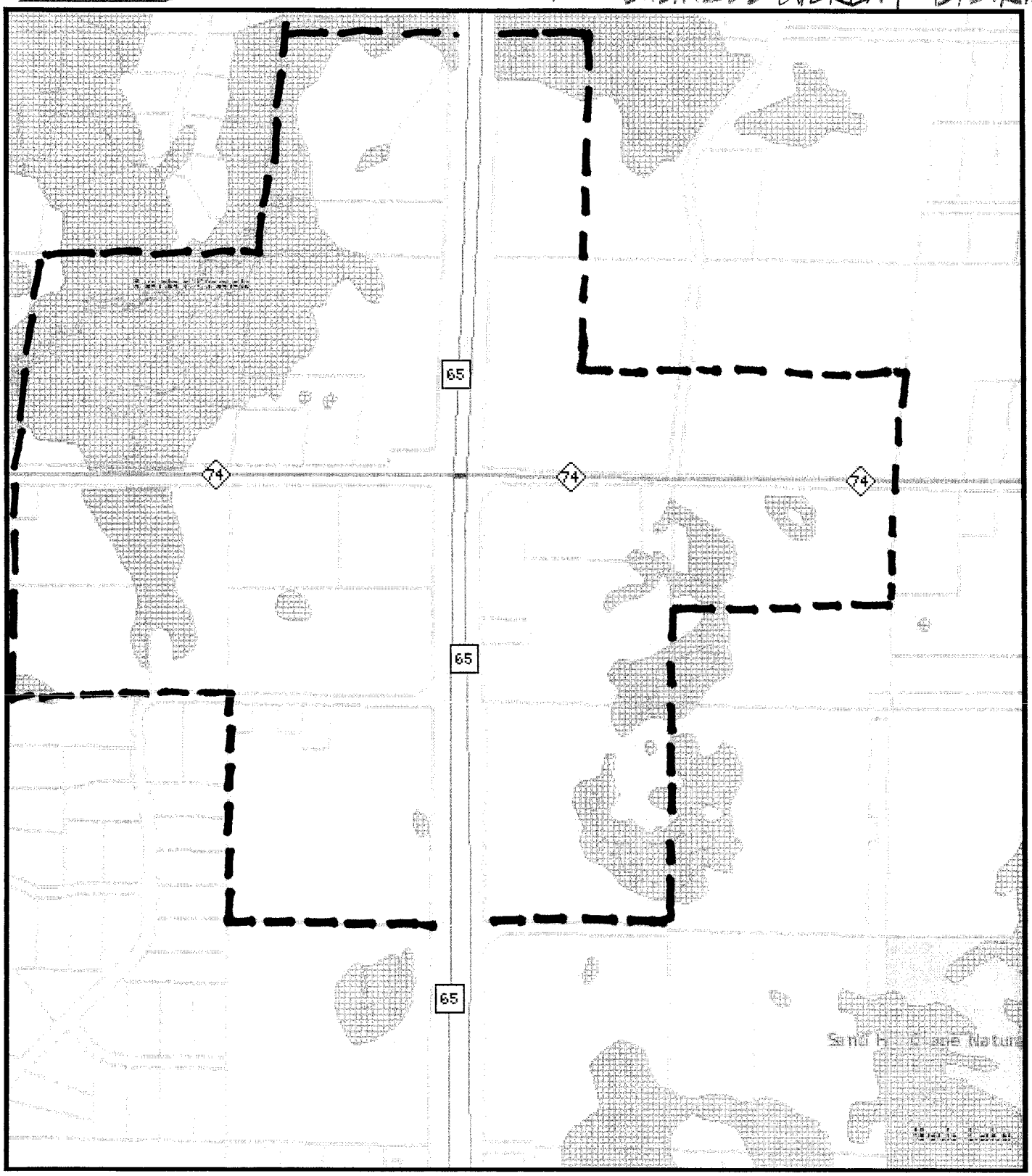
Printed 10/16/2012

Map - BASE MAP - BUSINESS OVERLAY DISTRICT



Attachment #3

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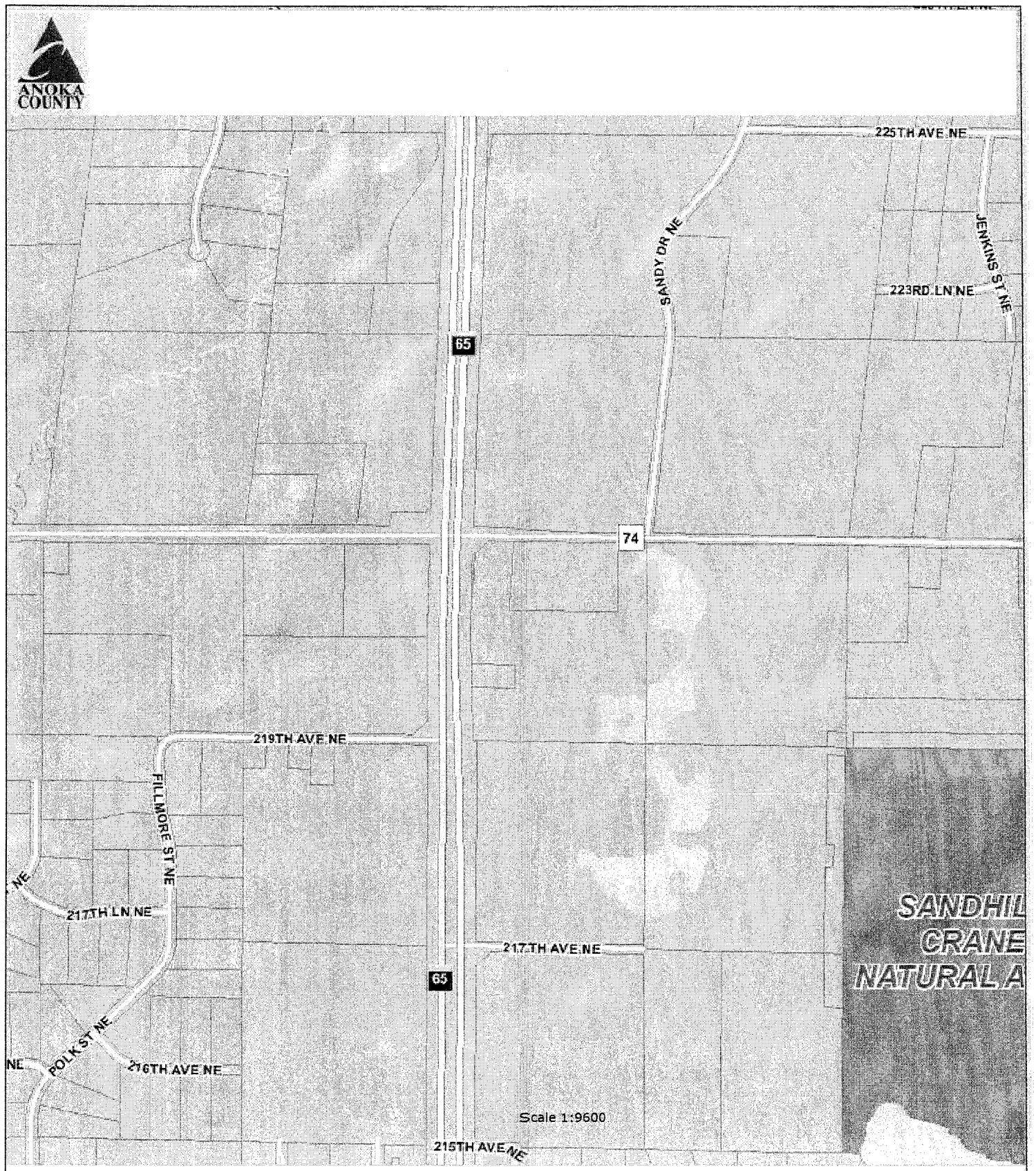
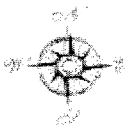


Aerial Photo: Flown Spring 2011



SECTION 55. - PLANNED BUSINESS OVERLAY DISTRICT (PBD)

1. - Purpose.
2. - Definitions.
3. - Development procedure.
4. - Conditional uses.

1. - Purpose.

The purpose of this overlay district is to establish standards for exterior architecture, design, landscaping, and signage of buildings that contribute to a community image of quality, visual aesthetics, permanence, and stability which are in the best interest of the citizens of the city.

It is the intent of the PBD to accomplish the following:

A. To promote a planned environment for integrated residential, industrial, office, and commercial which features design continuity;
B. To encourage orderly development of property;
C. To encourage patterns of development in harmony with the objectives of the city's comprehensive plan;
D. To encourage more attractive and enduring commercial and industrial districts; and
E. To provide a uniform set of standards to be applied equally to all owners and developers in this district.

2. - Definitions.

In this district, the following definitions shall apply:

A. *Master development plan.* A concept plan of an area adopted by the city council which includes single and/or multiple ownerships of parcel(s) that relate through common objectives and design elements.

The master development plan shall not create a contract or be considered as absolutely binding upon the city or adjacent land owners as to future development of adjacent land (unless so specified in a separate development contract), but shall be used as a guide to landowners, developer(s), and the city.

C. [B.] *Project development package.* An application and information needed to initiate the review process of specific site(s) with the master development plan area.

3. - Development procedure.

Prior to any development of lands within the PBD, the applicant(s) shall receive approval by the city council of a master development plan encompassing at a minimum of 20 acres. The master

Attachment #4

development plan shall be kept on file for reference and implementation by the community development department. Such a plan shall consist of maps and descriptive statements of objectives and shall contain the following components: land use, circulation, subdivision design, services and facilities, and construction order. Amendments to the master development plan can be proposed and implemented upon city council approval.

A. *Master development plan.*

Within this district a landowner or developer, with written consent of a landowner or the city, may initiate consideration of a master development plan.

Prior to proceeding with any specific development proposal(s) within a PBD district, a proposed master development plan and all subsequent amendments must be reviewed and recommended to the planning commission by the zoning administrator. It shall then be reviewed at a public hearing by the planning commission and approved by the city council who shall have sole authority to determine appropriateness of land uses and adequacy of addressing traffic and environmental issues.

Based on the information contained in the master development plan and prior to approval, the city council must make the following findings:

1) That the proposed master development plan is consistent with the comprehensive plan, and can be coordinated with existing and planned development of the surrounding areas.
2) That the proposed or existing internal and adjacent streets are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby.
3) That the proposed master development plan adequately addresses identified environmental concerns and that the proposed storm drainage plan is adequate and does not impact adjacent areas.

B. *Master development plan application.* The master development plan application shall include scaled maps and drawings and descriptive statements containing the following information:

1) A land use component shall set forth the description, location, and acreage of land devoted to each land use activity.
2) A circulation component shall set forth the general location of proposed internal and external street networks.
3) A subdivision design component shall set forth the proposed layout of all lots and related land uses, streets, and topography.
4) A services and facilities component shall set forth the general location and size of any and all existing and proposed city systems for sanitary sewer, water, storm drainage, utilities, right-of-ways, and any other public and private easements.
5) A phasing component shall set forth the proposed chronological schedule of construction for all private development and public improvements.
6) The environmental component shall consist of biological survey maps from the State of Minnesota depicting soils, water table, flood plain, vegetative, and wetland conditions, and a site plan showing the connectivity of city parks and trails system in relation to the City of East Bethel parks, trails, and open space

comprehensive plan. Corps of Engineers permits for wetland fill shall accompany the map(s), so as to ascertain where and how development will be allowed on a specific site.

7) A design continuity component shall describe, by drawings and text, a theme to be established by using consistent design elements including, but not limited to, landscaping, signage, lighting, and architectural compatibility.

C. *Project development package.*

A landowner within the zoning district, or developer with written consent of a landowner, may initiate consideration of a project development package. A project development package and all subsequent amendments shall be reviewed and recommended to the planning commission and city council by the zoning administrator prior to the issuance of any building permit(s).

A project development package shall incorporate the following:

1) A site plan review application containing all information as required in Section 04. Applications and Procedures.
2) A subdivision application meeting the requirements as stated in the East Bethel subdivision regulations.
3) All required local, state, and federal agency permits, specific design plans, and environmental mitigation measures shall be clearly shown on maps and/or descriptive statements.

4. - Conditional uses.

A. Electric power and communications transmission lines.

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

City of East Bethel
Planning Commission
Agenda Information

* *

Date:
October 23, 2012

* *

Agenda Item Number:
6.0

* *

Agenda Item:
Ethics Policy

* *

Requested Action:
Consider the Development of an Ethics Policy for the City of East Bethel

* *

Background Information:
"Doing the right thing" isn't always easy, whether you're an elected city official, an appointed member of a city advisory committee, or a paid member of the city staff. Newly elected officials may be surprised to find that issues that seemed straightforward during their campaign are suddenly more complicated now that they are in office. Appointed commissioners may struggle to balance their own opinions with the policy preferences of the elected officials who appointed them. And staff can sometimes get caught between upholding professional norms of integrity while trying to respond to the desires of the community and elected officials. For these and other reasons the City of East Bethel should consider the adoption of an Ethics Policy as a conduct guide for our officials and employees.

A Model Statement of Values developed by the League of Minnesota Cities (see attachment) is an aspirational document, intended to provide a framework for ethical decision-making. The values it promotes can only be self-enforced, primarily by providing an ethical anchor, raising the quality of discussion and expectation among city officials and in the community, and by appealing to the conscience of the individual. It would be difficult and likely counterproductive to suggest that such values could be subject to formal review or enforcement action.
Cities may choose to use the Model Statement of Values in a variety of ways, including:

- Simply provide a copy to all elected officials, advisory commission members, and even city staff members for their reference.
- Use it as the basis for a local workshop or just a discussion to encourage more city and community dialogue about what ethics means in your city.
- Consider formally adopting it as a statement of the way in which city officials and the community would like to see public business conducted.

The League of Minnesota Cities' Template Code of Conduct is a law-based document, incorporating very specific standards of behavior that are already written into state statute or that have been handed down by court rulings. The Code of Conduct also offers legal methods for dealing with infractions. By adopting this code at the municipal level, a city council can take self-initiated action to see that these standards are upheld in the community, rather than having to wait on civil litigation initiated by citizens or criminal prosecution by the county attorney.

The Template Code of Conduct should be considered for formal adoption as a city ordinance. The template can locally codify existing and relatively well articulated standards of conduct already required by state law, so enforcement through quasi-judicial review is feasible. When adopting the code, cities need to consider to whom the code applies. Cities also need to formulate a hearing procedure.

This document has been carefully reviewed by LMC legal counsel, and it is recommended that any modifications be considered only after careful review by the city attorney. Cities that choose not to formally adopt the template may still find the document to be a useful and concise reference piece for individual city officials.

Also attached for your review is an Ethics Policy for the City of Lino Lakes. This policy seems to be a model that we may wish to consider as we move forward in this process.

* * * *

Model Statement of Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of _____ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the City's government. All (*select:* elected and appointed officials, City employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the City's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

The Values

As a Representative of the City of _____,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am _____.

Value examples/expressions

1. **I serve the public interest. In practice this value means that:**
   a. I provide courteous, equitable, and prompt service to everyone.
   b. I am attuned to, and care about, the needs and issues of citizens, public officials, and city workers.
   c. I am interested, engaged, and responsive in my interactions with constituents.
   d. I recognize and support the public's right to know the public's business.

2. **I fulfill the duties and responsibilities of holding public office. In practice this value means that:**
   a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.
   b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
   c. I uphold the Constitution of the United States and the Constitution of the State of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.

Attachment #1

d. I comply with both the letter and the spirit of the laws and policies affecting operations of the City.
e. I recognize my obligation to implement the adopted goals and objectives of the City in good faith, regardless of my personal views.
f. I conduct myself in both my official and personal actions in a manner that is above reproach.
g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
i. I am independent, impartial, and fair in my judgment and actions.

3. **I am ethical. In practice this value means that:**
   a. I am trustworthy, acting with the utmost integrity and moral courage.
   b. I am truthful, do what I say I will do, and am reliable.
   c. I am accountable for my actions and behavior and accept responsibility for my decisions.
   d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
   e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
   f. I oppose all forms of harassment and unlawful discrimination.
   g. I extend equal opportunities and due process to all parties in matters under consideration.
   h. I show respect for confidences and confidential information.
   i. I avoid giving the appearance of impropriety and of using my position for personal gain.

4. **I am professional. In practice this value means that:**
   a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
   b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
   c. I keep my professional knowledge and skills current and growing.
   d. I am respectful of all city staff, officials, volunteers, and others who participate in the City's government.

5. **I am fiscally responsible. In practice this value means that:**
   a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the City, especially its financial stability.
   b. I demonstrate concern for the proper use of City assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
   c. I make decisions that seek to preserve the financial capacity of the City to provide programs and services for City residents.
   d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.

e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
f. I report any misuse of public funds of which I am aware.

6. **I am conscientious. In practice this value means that:**
   a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short and long term goals.
   b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.
   c. I am respectful of established City processes and guidelines.
   d. I prioritize my duties so that the work of the City may move forward.
   e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.

7. **I communicative effectively. In practice this value means that:**
   a. I convey the City's care for and commitment to its citizens.
   b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialog.
   c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately which adds value to conversations.
   d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
   e. I follow up on inquiries in a timely manner.
   f. I encourage and facilitate citizen involvement in policy decision-making.
   g. I am respectful in disagreements and contribute constructively to discussions on the issue.

8. **I am collaborative. In practice this value means that:**
   a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
   b. I share information with others in a timely manner so that, together, we can make informed decisions.
   c. I work towards consensus building and gain value from diverse opinions.
   d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.

9. **I am forward thinking. In practice this value means that:**
   a. I promote intelligent, proactive, and thoughtful innovation in order to advance the City's policy agenda and provide City services while considering the broader regional, state-wide, national, and international implications of the City's decisions and issues.
   b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
   c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
   d. I consider the potential long-term consequences and implications of my actions and inactions.

Template Code of Conduct

___.01. Purpose.

The city council of the City of _____determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of _____, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the city council hopes to promote the faith and confidence of the citizens of _____in their government and to encourage its citizens to serve on its council and commissions.

___.02. Standards of Conduct.

Subd. 1. No member of the city council or a city board or commission may knowingly:

a. Violate the open meeting law.
b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
c. Use the person's public position to secure special privileges or exemptions for the person or for others.
d. Use the person's public position to solicit personal gifts or favors.
e. Use the person's public position for personal gain.
f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the city council.
h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the city council has authorized the disclosure.
i. Represent private interests before the city council or any city committee, board, commission or agency. ***(optional)***

Subd. 2. Except as prohibited by the provisions of Minn. Stat Sec. 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the city council under the circumstances described under Minn. Stat. Sec. 471.88, if proper statutory procedures are followed.

Attachment #2

___.03. Complaint, Hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section ___.02. The complaint must contain supporting facts for the allegation. The city council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the city council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally-recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The city council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the city council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Lino Lakes City Council
CODE OF CONDUCT

Purpose

To establish a code of conduct and associated remedies that council members agree to abide by in carrying out their duties as elected officials. This code of conduct does not supersede any existing or future statutory or constitutional rights, but simply outlines appropriate council expectations, behavior and interactions with each other, city staff, citizens and all other groups encountered as a result of city business, so as to efficiently and effectively develop and carry out the mission, vision, goals and established policies of the city.

Roles/Responsibilities

Meetings – By Charter, the mayor presides over meetings of the city council. Speakers, including council members, do not speak until recognized by the mayor.

Act in the Public Interest – Recognizing that service to our citizens must be our primary concern, council members shall work for the common good of the people of Lino Lakes and not for any private or personal interest. Council members will treat all persons, claims and transactions in a fair and equitable manner.

Preparation – Council members are expected to be prepared for city council meetings and work sessions.

Agenda Preparation – The city administrator directs preparation of draft meeting agendas. The final agenda is determined by the city council prior to the meeting. At the council meeting, agenda items may be added or deleted by council members per procedures established in the city code.

Conduct of Members

Staff Direction – The mayor and city council members direct city staff, contract employees and consultants only through the city administrator, as determined by majority vote. At work sessions, the mayor will state the concerns of the council or specific directions provided by the council to the staff. The city administrator will request further clarification if he feels it is required so that there is a clear understanding of what the council's expectations are in terms of the actions to be taken by staff.

Respect for Staff Time – If a council member is utilizing an inordinate amount of staff time, the city administrator is required to bring this to the attention of the city council for resolution.

Interactions – Council members shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of other members of the city council, boards, commissions, committees, staff or the public.

Respect for Process – Council member duties shall be performed in accordance with the processes and rules of order established by the city council.

Attachment #3

Use of Public Resources – Public resources not available to the general public (e.g., city staff time, equipment, supplies or facilities) shall not be used by council members for private, personal or political purposes.

Advocacy – To the best of their ability, council members shall speak with one voice in representing the official policies and positions of the city council. When presenting their personal opinions or positions, members shall explicitly state that they do not represent the council or the city.

Improper Influence – Council members shall refrain from using their position to improperly influence the deliberations or decisions of city staff, boards, commission or committees.

Positive Work Environment – Council members shall support a positive, efficient and effective environment for residents, businesses and city employees.

Steward of City Funds – When the end of a council member's service on the city council has been determined by means of not seeking re-election, resignation, or the results of an election, that council member shall not subject the city to unnecessary travel and/or tuition costs.

Communication

Sharing of Information – It is the responsibility of council members to publicly share information with all other council members that they have received from sources outside of the public decision-making process, which pertains to a topic under consideration. Whenever possible, new information or data obtained by council members, pertinent to a topic being discussed, will be distributed through the city administrator to the city council members. Upon reviewing the "new information" the council may adopt a motion to postpone further consideration of the information until all members have had time to review and interpret this new information.

Focused Discussions – Council members shall work to keep discussions and debates focused on the item under discussion without introducing extraneous or irrelevant information.

Request for Information- All council members shall receive the same information at the same time when deemed ready for distribution by staff. If an elected official requests information in advance of others on the city council, the matter shall be resolved by a majority of the city council.

Coordination with City Staff – City staff should be involved when council members meet with officials from other agencies and jurisdictions to ensure proper staff support as needed and to keep staff appropriately informed.

Citizen Questions – Elected officials should refer questions and concerns from citizens to the city administrator or appropriate department director. City staff should report back to the city council on the resolution of the referral.

Confidential Information – Council members shall respect and preserve the confidentiality of non-public, protected non-public, private, and confidential information provided to them concerning matters of the city. They shall neither disclose confidential information without

proper legal authorization nor use such information to advance their personal, financial or private interests.

Notice of Attendance – If any council member has knowledge or reason to believe that there will be a large or emotional attendance at an upcoming council meeting or work session, they have an obligation to inform the city administrator as soon as they become aware of the potential situation.

Implementation

Orientation – This Code of Conduct shall be included in the regular orientations for new city council members. Following each election, the new council shall, by resolution of its elected members, adopt a city council code of conduct.

Compliance and Enforcement – Council members themselves have the primary responsibility to assure that the code of conduct is understood and followed and that the public can continue to have full confidence in the integrity of the Lino Lakes city government.

Remedies

It is the responsibility of the city council to police its members. When inappropriate behaviors are observed, any member of the council can intervene. If inappropriate behavior is observed, the city council will discuss the behavior at a council work session. By direction of the council, it will be determined whether:

a. A letter is sent to the offending council member stating that they have been found operating outside the established code of conduct, requesting them to correct the behavior identified as inappropriate; or
b. The council member is formally sanctioned by resolution at a council meeting.

Resolution 06-58 adopting this Code of Conduct was adopted by the Lino Lakes City Council on April 10, 2006.

_____

John Bergeson, Mayor

City of East Bethel
Planning Commission
Agenda Information

* *

Date:
October 23, 2012

* *

Agenda Item Number:
7.0

* *

Agenda Item:
Vision and Community Values

* *

Requested Action:
Discussion Item

* *

Background Information:
The Planning Commission has had discussions of the "Vision of the City". An important component to add to this discussion is "Community Values". Community Values can cover a number of issues but for this meeting, staff is requesting Planning Commission to consider this item in relation to what the City supports in terms of programs external to normal City responsibilities. For example, the City provides funding for the Alexandria House, a program to assist battered women. What other programs or functions does the City support or would consider for support, and what guidelines or policies need to be developed to assist us in making these choices.

Recommendations along this line would assist City Council in deciding which programs are our "Community Values" and determine if they can be supported by City funds or other forms of assistance.

* *

Fiscal Impact:
To be determined

* *

Recommendation(s):
Discussion item

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____