

EAST BETHEL CITY COUNCIL MEETING

May 1, 2013

The East Bethel City Council met on May 1, 2013 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Ron Koller Richard Lawrence
 Heidi Moegerle Tom Ronning

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney

Call to Order **The May 1, 2013 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the May 1, 2013 City Council Agenda. DeRoche seconded, all in favor, motion carries.**

Presentation – Davis explained at Sandhill Crane Natural Area (SCNA), the Minnesota Department of
Sandhill Crane Natural Resources (DNR) Forestry Division presented a management plan for the State Trust
Natural Area Land located within the SCNA. The management plan included clearcutting the native oak
Forestry stands located on three separate parcels and allowing natural oak regeneration supplemented
Management with pine plantings.
Plan

“As a collaborator on the Master Plan for the SCNA and signer for the Memorandum of Understanding along with the Minnesota DNR, the City of East Bethel feels that the DNR Forestry Division’s management plan is not in line with the 2030 vision for the SCNA as a ‘remote area, relatively undisturbed by human activities’. The quality and abundance of native plant communities located within the natural area and their proximity to the expanding metropolitan area provides a unique situation that should be considered before proceeding with the proposed management plan. Clearcutting the northwest parcel will be particularly detrimental to the adjacent housing developments located along the western border and those visitors who use the area as a way to enjoy a natural forest environment.

An additional meeting was proposed for the Integrated Management Committee (IMC) to discuss the detailed Forestry Management Plan but scheduling conflicts prevented the group from meeting at a date prior to our Council meeting of May 1, 2013. Since this is a facility that is located in the City, and City owned property within the SCNA would be affected by potential logging access activities, it was decided that matter should be presented for Council and citizen for comment and input prior to the auction of the timber on the State Trust Lands.

At this time I would like to present Mr. Bob Quade with the DNR who will present the management plan for the area.”

Bob Quade, “I am a forester with the DNR, and I have been with the DNR for 33 years. I am the state land forester for the Cambridge area, which takes care of this part of the state. I am glad everyone made it here tonight; I want everyone to hear as much of this as they can. And, I welcome your thoughts. A little history, this is School Trust Land. It was given to the state when it was formed. It was given sections 36 and 16 throughout the state and the goal was to use that money to support the schools. These are trust lands, not DNR lands. The DNR manages these for the school trust.”

“They have given us as a fiduciary responsibility to maximize the long term economic return off these lands. The management plan we have set out there is good forest civil culture management in my opinion. (Quade showed pictures of the areas that he was talking about.) Currently what is out there is a mature oak forest, with a few scattered white oaks amongst it. And, in the understory is maple. Maple is a shade tolerant species; it grows up under less shade tolerant species. (He showed another map of the land he was talking about.) The plan is to harvest regenerate this. There are significant oak wilt pockets in here. (He showed areas that have died due to oak wilt and some rare features such as eagles’ nests.) Oak wilt works like a slow moving fire. It starts somewhere and it slowly moves out 30-40 feet in a year. This was the original oak wilt pocket and this is the expansion of the oak wilt pocket.

“The ideal plan that is the most fiduciary would be to totally clearcut it and regenerate the pine. We are not proposing that. There are options for the trust, other means for the trust to mitigate those maximum fiduciary contributions and we are pursuing some of those. He showed where they would clearcut, leaving the north part uncut because there are still some decisions to be made about the ownership on that. Someone has gone in and under planted white pine, balsam and spruce in another area that he showed and that is ideal as far as they are concerned for the long range plan. Once that oak is cut, that will release those conifers that have been planted and they will be part of the next stand. What we want in the next stand is a mix of oak, pine, and forest. There is not only oak wilt, there is gypsy moth and pure oak forests are a concern to us. There is a piece of pine here that comes from bootleg SNA which is about 4-6 miles east of this site here. These soils can grow beautiful white pine out there and that would be our goal.”

“I know if you look at the plan they talked about putting out a fire out there. Keeping out the pine and the conifer. Trying to regenerate that way. We are not as confident that is able to put that kind of fire on this ground to be able to regenerate in this area. We don’t think that can happen and we believe that is contrary to the use of the obligation of the trust. The fiduciary obligation to burn that timber. Now there might be opportunities to compensate the trust that can be worked on. But right now we don’t feel that consistent with the trusts fiduciary obligation.”

“Access issues? Access is a concern. These are on roads that the timber has to be moved off some way. It has an out lot off it from the water infiltration basin. The best option to get to it would probably be through the shooting range, and we have an appointment to talk to them to see what options we might have there. We have not totally pursued the access in to there. He showed some areas that will not be cut now, but he explained that those trees will go down from a wind event or something. They are diseased. Our plans are to take them down and use the wood before that happens. He showed regeneration pictures. Quade showed an area that they cut 15 years ago. These forests are fire dependent resource, generated about 90 years ago. The Sandhill Crane is using open land. It will look different. If you want to see what this place is going towards, take a walk east towards the water infiltration area. If you do nothing out there, this is in a populated area that would take intense fire, or often fire that most prescribed burners would be hesitant to light. What you have out there now is oak and then maple, which is shade tolerant, is waiting for the oak to fall apart. And they will take over that stand. That is not a problem if you don’t mind maple. The best way if you want oak out there is to get sunlight on those stumps. Cut those and let the light in and the more oak you will have out there in the future. As Silver Culture Forestry land, this is the best plan. Another thing that is contrary to fiduciary contribution if reserving white oak out there. There is not many, but out here it runs about 30 cords to the acre. That piece by the water

infiltration basin runs about 19 cords per acre. We have lost about 11 cords to the acre on that site already. We have only lost 10-15% on the other lands. But, those pockets are continuing to grow and we will continue to lose that out there. The healthiest stand is the diverse stand. As things change with climate you want a diverse stand that can take over when something else gets taken out of play. We are seeing oak wilt; we saw it in Dutch elm disease, you do not want monocultures out there. You want a diverse stand of both age and species. Right now we have an over mature forest across most of the Anoka sand plain. The only 40 year old oak you are going to have 40 years from now is something you cut this year. If I drove all the way from Zimmerman to here to Cambridge, it is all mature oak. As far as wildlife, generally species like regenerating forest. All things are good for some species at the expense of others. If you want deer and things that browse, you are looking at regenerating forest for those kinds of things. It will be at the determinate of other species.”

Jeff Perry, Planning and Resources Manager for the Anoka County Parks and Recreation Department, “I want to acknowledge a couple other county officials in the audience this evening. John VonDelinde is the Anoka County Director of the Parks and Recreation Department. John has been the director since 1994 and heavily involved in the Sandhill Crane Natural Area Project over the past 19 years. Anoka County Commissioner Julie Braastad, thank you for coming commissioner and she represents East Bethel. I have been an active and privileged member to serve on the Interagency Committee for the Sandhill Crane Natural Area as well as the Citizens Advisory Committee for the Sandhill Crane Natural Area for the past 16 years. I can provide you with some background on how this came to fruition. In 1993 the former East Bethel Mayor was on a duck hunting trip with the former Commissioner of the DNR. They identified a small parcel on the southwest side of Deer Lake in which the DNR currently held ownership to and the City had expressed interest in picking up the parcel for preservation and a possible interpretive center. In 1994 the City ended up acquiring that property and an Interagency Management Committee was formed with technical DNR staff, City staff and County staff to take a closer look at all of the publicly owned land in the Sandhill Crane (which is now the Sandhill Crane Natural Area).”

“In 1995 and 1996 a Citizens Advisory Committee was formed and the initial Management Plan was completed. The initial Management Plan was completed with input from the City of East Bethel, Anoka County Officials, as well as the DNR. From 1997 to 2001 the MPCA was added to the management committee, they own the landfill. And, a Memorandum of Understanding was developed between the four agencies in 1999 and that guides the future management of the Sandhill Crane Natural Area. And lastly, a very comprehensive Master Plan was created that took a comprehensive look at all of the land resources, the wetlands, the wildlife, the whole ecology of the area. Some of the things over the past 15-20 years that have been implemented are a boundary sign and survey program, the entire boundary has been surveyed and signed, there has been numerous plant and animal surveys, invasive species control work. Anoka Conservation District did a program in 2006 and removed acres and acres of Buckthorn that was invading the understory. Conservation easements have been negotiated, local residents, Mr. Al Bonde and his mother negotiated with the state some conservation easements, they gave up rights to their property so it could be protected in perpetuity. There have been some off-highway enforcement issues that have been dealt with and some native prairie restorations that have occurred on County property as well as the pollution control agency former landfill cap as well.”

“The significance of the Sandhill Crane Natural Area, it is four agency partnerships, the City, two agencies within the State and the County government have worked together with Citizen Advisory Committee to come up with a very solid conservation plan for the area. Citizen

input, a ton of meetings with City Officials, County Officials, State Officials, residents in the area, open houses right here in the City Hall. We got all of that input and put it together in a Comprehensive Plan. There is not a plan like this across the state or even in the nation. This plan received two national awards. The first was from the National Recreational Park Association in 2000 in Chicago, Illinois. In 2002 in New Orleans the National Association of Counties issued an award to the Sandhill Natural Area as well. As a collaborative group, we are very proud of those awards. This ties into other significant resources in your City: the University of Minnesota Ecological Science Reserve to the north, Cedar Creek corridor to the west and on down to the Rum River which ties into the Mississippi River.”

“From an ecological standpoint, this colored map indicates Minnesota County Biological Survey Quality Plant Communities. The color you see on this map indicates that it met certain criteria to become a high quality native plant community. There are two different types of oak forest on the property that are of very high quality and there are also eight different wetland plant communities that are considered to be very unique and rare in the metropolitan area and the region. Some of the unique features are a wet meadow wetland community that ties into some upland oak forest, with a diverse understory. There is more to the forest than trees. There is a Blandings Turtle record, first record and the stately Sandhill Crane. In terms of ownership, the northwest corner is 60 acre landfill owned by the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources Trust owns approximately 150 acres, Anoka County owns approximately 300 acres and the City of East Bethel owns approximately sixty acres.”

“In 2010 an aerial photo was taken. The Sandhill Natural Area is approximately 570 acres, 200 acres is actually forest land, and we did some GIS figures and of those 200 acres, 10% has experienced some oak mortality. Could be oak wilt, insects or drought stress. Outside of the forest land, there is about 60 acres of native prairie grassland. The PCA recently agreed to restore the landfill with native grass prairie which was excellent to provide that tall grass component on the upland area. And, Anoka County is also in the process in the north end of Deer Lake of restoring approximately 30 acres of native tall grass.”

“From the perspective of the collaborative group, this forest management recommendation seems to be on a very fast track. I don’t think it has taken into account the negative impacts on the residents, the outdoor recreation users, the hunters, the hikers. The native plant and animal communities very, very critical. We have done a very good job in indentifying that these plant communities are unique, important, and special, and we want to sustain them for the future. Overall, the area is very biologically diverse. There are very few cities in the metropolitan area that can claim this level of diversity. In fact, I can’t name one that has more diversity. Secondly, clearcutting forest communities, on an adjacent Minnesota surveyed quality habitat, it just wasn’t intended as part of the vision as part of the plan. And, again that plan was created by the residents of the City of East Bethel with other government officials. And, the clearcut plan is not consistent with the Memorandum of Understanding that was signed by the four agencies. In fact we took an excerpt out that addressed trust property specifically in the MOU and I will read it to you: “The DNR finds that the present income potential of the state property within the SCNA is minimum and that therefore it is reasonable at the present time to continue to manage the state property as contemplated in the plan and this revised MOU.” Ronning, “Did you say what the date was on that last quote?” Perry, “1999. That is when the MOU was adopted.” DeRoche, “Was there ever an ecological impact statement done before people decided to go in there and clearcut?” Quade, “No.” DeRoche, “Is it not required?” Quade, “No.”

Chris Lord, District Manager from Anoka County Conservation District, "I have been there for 21 years. I have been involved in a lot of forestry resource projects such as the oak wilt treatment project on this site, oak restoration and others. I learned of this just a few days ago to my shock. To me the notion that somehow the timber might be sold in a matter of weeks and yet at the same time being told, 'We are looking into alternatives.' Once it is sold, it is sold. I would like to see if nothing else, things slowed down a bit. I have handouts. Jeff did a great presentation. Legislative mandate, I respect what the DNR is charged with doing. What does that mean for a forest? Maximizing profit? We are assuming a timber harvest. I don't know if it doesn't mean leasing out hunting rights, selling a conservation easement, or what other options would actually maximize the financial revenue that is generated from this property. First thing I question is have those been looked at. Is this the best option, because once you strip the land of the trees no one is going to be too interested in purchasing a conservation easement or swapping it for other lands within that statute as well."

"Oak wilt is established and will destroy the forest anyway. If you can look at a 90 year old tree that is 135 feet tall and consider it to be nothing more than a stalk of corn in a field that needs to be harvested before it tips over than that makes sense. To me it doesn't because I don't see this as just a crop. We get a lot more out of these woodlands than just a crop. But the notion is that oak wilt will decimate it. The oak wilt in that southwest corner, I was out there ten years ago and it was there then. It has now expanded to a total of five acres. So in the last ten years it has gone from two acres to five acres. I don't know how long it will take for oak wilt to decimate this property, but I think we have decades to worry about that argument. Furthermore, the County has a vibratory plow, so we could contain the oak wilt if that is a high priority."

"The other thing, is looking at the aerials we are pointing out maples coming up as opportunist species wherever and oak happened to die. They are also around a bunch of wetlands. Maples are wet species; oaks are dry species; so I don't know that I would interpret every maple as an opportunist. On the east portion of this property in fact, all those maples that were pointed out are around wet depressions. So, I don't even know that there is oak wilt over there. It is so isolated from the actual oak wilt infestations that it is completely protected from them. Also, oak wilt is natural; it has always been in Minnesota. It is a slow progressing thing. The reason it is a problem for us is when it is in developments where we go in the wrong time of year and accelerate it. That is where we see oak wilt as a huge issue nowadays. In a natural setting like this, I don't know why we are so afraid of it. Let it do its thing; let it cause some of these openings to occur. We have dry Zimmerman sands; our maple trees do not out-compete oak trees in dry sand. When we sell trees every year, thousands of trees are sold throughout our district and we tell people plant the right tree in the right place and it will out-compete with anything else. People want to buy the red maples and they want to buy the cottonwoods and they want to plant it in the dry sands. I tell them to plant an oak next to that and come back in five years and we will see which one outgrew which. Because the oak is well adapted to those sites. I don't think maple is going to take over this dry soil. I think we will have oak regeneration."

"The income that these trees make? Only \$20,000 to \$40,000? That is how much we will get today for the timber and when I amortize that over 40 years I think I could personally come up with \$1,500 a year to buy the timber rights and just say, 'Back away.' So, I think there could be very viable alternatives to this if we could slow the process down a bit. It sounds like the DNR is open to those and to something being put on the table because they do have a fiduciary responsibility to the trust. I also wonder who the trust is. Can we talk to the trust? Because a year ago the trust said, 'DNR you are not doing a good enough job, you are not

brining in enough money.’ So now they are doing their job and trying to bring in money. I would like to talk to the trust and find out if they know what this land is about. If they are applying pressure to the DNR to clearcut this land and sell timber, maybe we need to have an audience with them. Maybe we need to show them the value of this property. Get their chairperson out on this property.”

“There is about 100 acres of good healthy oak forest within the areas identified and I know there is a question about who owns what and who has a right to harvest it. According to my calculations, there are less than eight acres of oak wilt. The Minnesota Environmental Rights Act states that if there are alternatives that will have less environmental impact, they must be pursued. There are state laws that are in conflict with one another, this is one that Minnesota Advocacy Groups and others utilize to insure that we are being good stewards of our natural resources. The trust language says one thing, this statute says another. This statute also says in economic consideration alone can’t trump everything. Well, the trust language actually says, ‘Yes, if environmental and recreational needs are contrary to the fiduciary responsibilities go with the money.’ So to be fair to Mr. Quade, his charge is very different than ours, and he is doing his job here for the trust. And that is why I think maybe we need an audience with the trust.”

“I wonder about archeological and historic resources. The property to the east of Deer Lake there is an identified archeological site. I don’t know that this has ever been surveyed. If a developer came in here to develop these lands, he would have to do an archeological survey. If this was being done on frozen ground, maybe they could say they were not going to impact it. But, they are talking about summer harvest because they get better prices. Given it is on the shores of Deer Lake I would be surprised if we didn’t find artifacts.”

“Critical habitat; I think Jeff covered that very well. Bald Eagles nests are within the 300-660 foot zone of impact. The nesting, breeding and fledging period for Bald Eagles goes from December through August. If we avoid activity during those months, it gets us down to September, October and November. Eagles have been known to nest there, don’t know if they currently are. The statute even says if they are likely to come back and try to nest again, don’t do it because you will scare them away.”

“The investment that all these entities have made, I will mention one more. The Gombold land purchase on the south side of Deer Lake, there has been a big effort for this whole area to codify it into one management unit. And someone sweeping in and undermining that, without regard of the sentiment of all these people that have spent so much time, effort and money and staff resources is a little disheartening.”

“Invasive species establishment, I read there isn’t any buckthorn out there. If there isn’t any out there it is because we spent a lot of time treating buckthorn out there. If you look at the map in there, all those little green dots were buckthorn. We GPS’d the area and got every single one of them. We treated them. There is still a seed source out there. If you open it up out there, it will come right back. I got to the most remote part of this property and it looked like a farmer planted them. There were nice rows and flush with berries. There is a buckthorn concern. Are we going to spend \$60,000 fighting buckthorn in order to reap less than \$60,000 today? That is bad government. Oak wilt, this is poor project timing. What if they start an infestation? This is an area that he has allowed us to access the buckthorn and he was another good partner as a resident, so I am thinking about them as well.”

“Public water wetlands, the wetlands surrounding this property are under DNR jurisdiction.

To put in access roads I am assuming the City would say, 'No, we don't want you driving across our property.' And that Beaverbrook Gun Club might say, 'No, we don't want you coming across our property.' So, the only way they are going to access it is to go across the DNR wetlands. To impact those wetlands, they are protected wetlands. If you can't do it in the winter, because of the eagles, then you are building roads. Building big access roads. Now I don't know what forester is going to build a big access road for \$20,000 to \$40,000 in timber. I think it wipes out all of their profits and then some. I don't know if these details have been dealt with. If I was bidding on the timber rights and then found out I had to put in a big access road? I think this should be written out on any Requests for Proposals (RFP), so that anyone bidding that timber knows what they are getting into. And knowing what the real value is minus those expenses, gives a better handle on what we would have to generate from other resources to compete with that bid. Because I think almost everyone in this room would prefer to see an alternative to the clearcutting of this forest. Also, what are the impacts on the City ordinances, floodplain ordinances, and residential streets with those many trucks hauling? MPDES permits, any project that disturbs over an acre of soil is subject to this permitting from the MPCA. Erosion control, sediment control, plans, all of this costs money. Someone has to pay to have this developed, then implemented and then enforced. I dove into the MPDES permit and it would be disturbed soil. I don't know if you can harvest timber off of 100 acres without disturbing an acre of land in non-frozen soils."

"Wood products management, transport utilization of certain species, any trees with oak wilt if they can still be a problem has to be managed in a certain way. We had to have a special permit to transport the buckthorn. If I were bidding on this project, I would want to know that upfront. All these add costs and reduce value of the timber."

"Actions I came up with were ensuring the bid process includes all of these issues so they know exactly what they are dealing with. So they can do their due diligence and ask all these questions and find out which ones diminish the value of the timber for them and increase their expenses. Also, I would be happy to see a legislative cure. I think in the Metro this application of the trust lands doesn't make as much sense. The uniqueness of its ecological integrity in the metropolitan area, all of these factors speak to that maybe this old law needs a little bit of fixing. We have people in the Metro area right now that would be happy to fix it. We have our legislators here right now and it looks like we have their support. Also Minnesota Statute says the Commissioner of Natural Resources shall exchange permanent school fund land located in the school park or state recreation areas, scientific natural areas, managed by the Commissioners' old growth stands for other lands. So they are supposed to swap it if you manage it in a certain way. Well, I don't know if ours qualifies for any of this, but from what I have heard, I don't know why you would ever manage anything for old growth. We always want to be cutting things down before they become old growth. I thought maybe old growth had a value. And I would hope that why would a 120 oak stand be bad. Let's pursue designation as a scientific area, pursue alternative funding that provides comparable revenue to the School Trust Fund while preserving the ecosystem. And if we can come up with one, they must do it. There are other laws that say they must do it. If you can find one that is \$1 more they must do it. In the 1938 photos I looked at, it was fully forested, so I don't know I think these stands are older, possibly. I don't know if they do core sampling. I don't know where they get their numbers from. Notion that because it is mature oak we need to clearcut it, we don't need a 40 year old stand 40 years from now. But, they are managing a crop. I think there are ways to work with this. I am more than happy trying to work my tail off trying to accomplish this, if we can slow the process down."

Davis, "I would like to recognize two other people. They are our co-partners and co-owners.

Hannah Texler, DNR and Joe Julick, MPCA.”

Mayor Lawrence, “At this time we would like to recognize Michelle Benson, State Senator, thank you for coming tonight. And, Tom Hackbarth, State Representative, thank you for coming tonight. We are now going to open it up for comments from the residents.”

Jerry Patrin, “I am an adjoining landowner, but I currently live at 15101 Riverside Avenue North, Marine on St. Croix. If I go back to when I first came out here, about 1950, there was a lot of scrub oak about 15 feet high. There were cattle grazing in the property, we had to open and close the gates. My father purchased the property; we had 56 acres for hunting and then purchased another 80 acres. I have been hunting here since the 1950s. We have 14 people that hunt with us. Half of those are family members. We use the property for about two months out of the year, the rest of the time it sits. About two years ago I got a call from Anoka County and I gave them permission to access the property to clean out the buckthorn. I currently am in a three year war to clear out buckthorn on my property in Marine on St. Croix. It is quite invasive; it gets so thick the deer can't even go through it. I also own property in Pine County with a friend. We had select cutting done there twice. It can be done and not devastate the forest. In Burnett County there was a blow down and the cutters took everything, our select cutting has been helpful to the property. We have been planting trees for 15 years. It can be done much cleaner. I am concerned as a neighbor. The property we own is on the west and north shore of Deer Lake and it spreads over to Ned Lake and most is oak. The maples aren't waiting for the oaks to die. There are a lot of oaks dying; they are for the most part dead trees. There was an eagle's nest over there. If this gets cut, I as an adjoining property owner, wonder what happens. There has been a couple times that the City of East Bethel, and the County even earlier, were trying to take the property through condemnation. Or public land. That makes it much more probable that someone is going to come along and try to take it. We don't plan on developing it. I heard about this a day ago, so I am not too prepared. I agree with Chris; this needs to be slowed down a bit.

Vicky Nass of 23340 Isetta Street, “I brought this book with me ‘Endangered Species’, I only highlighted the ones that are known to be endangered, or threatened, or of special concern in Anoka County because of the work in Cedar Creek. These are the species that would be interfered with if you clearcut it. That is horrible, I have children and grandchildren that I want to see that in their lifetime. I am not a biologist. I am a forester. I don't have the education and can't speak as eloquently. All of my facts and figures come out of the information from the DNR. Nongame wildlife talks about the importance of snags. It shouldn't be cut up and hauled away. Most of my public heroes from Anoka County are in this room. Quote from Aldo Leopold, ‘Examine each question in terms of what is ethically and aesthetically right, as well as what is economically expedient. A thing is right when it tends to preserve the integrity, stability, and beauty of the biotic community. It is wrong when it tends otherwise.’”

Hannah Texler, “I work for the Department of Natural Resources. I have been there for about 27 years and I am with the Department of Ecological and Water Resources. It might not be any surprise to you that there is diversity within the DNR. We have been in consultation with Bob and his supervisors for more than a year about his stands and the Sandhill Crane area because we have a great deal of concern about it. I have been involved in the interagency collaboration for about 20 years now, so I feel a great deal of attachment to it. I know it pretty well. Our division recognizes that we do have that obligation to the School Trust. We have inventoried the trust land to look what the fiduciary return on will be on these lands. We have been investigating a number of things. We are looking at ways to get that money in the trust.

One of the things we have been looking at is our partners at the Pollution Control Agency, they manage a fund called the Natural Resource Damage Fund, it is very possible that we could get dollars from that fund to actually pay for the value of the timber, so the timber would not have to be cut and the School Trust would be compensated. That may take a little while though.”

“Another possibility is our wildlife division is interested in establishing a Wildlife Management Area in this area. We are talking to property owners and if there is interest they might be interested in managing it. We have asked the DNR to delay the selling to timber so we can investigate these options. All the members of collaborative would like this delayed. We feel we might have not given this the attention it needed. We should have paid it a little closer attention, so we would like to spend the summer and see what invasive species is out there, take a closer look at the oak woodlands and come up with some alternatives and a management plan we are all happy with. There are different ways to manage forests. You can do selective patch cuts. There is oak regeneration out there. Those are reasons we would like to back off, take our time and slow down. Our history of collaboration is very unique. I have been doing this a long time with the DNR and this is one of by far, the most successful. There have been many victories and conservation accomplishments here. There has been a tremendous investment of staff time and resources of managing this land. People have talked about rare species here and one that hasn't been mentioned is the red-shouldered hawk. That is a bird that does require very large areas of mature forest canopy. You would not see them if you did a lot of clearcutting. If you cut the forest there will be wildlife, but different wildlife. Sandhill cranes are found on open wetlands, it is not 'no wildlife,' just different wildlife. One of the unique qualities here is the mix of wetlands and largely undeveloped lakes and forests. Having those three things together is what makes the habitats we have together here.”

Lorraine Bonin of 1915 215th Avenue NE, “We have lived here a long time. We walk this every day. We have some dead trees down there. One I look at every time I go by, something is gnawing at it; animals want those things. My main concern is the area they are talking about doing something with later on. They need to clean it up. When I was young I used to walk around the lake. That area up there, there are basically four loops, 209th Lane, you can go to the south lane and it has gotten blocked off with fallen trees. And if you are going to manage something, maintain what is there, get rid of the junk that is there. Clean it up and make it attractive so people can enjoy it when they go in there.”

Frank Howell, “What you see is no cars, no planes, no trains, no buses. There are eagles; it is a very nice area. And, I think we should leave it that way.”

Dick Bartz, “My wife and I have been residents since 1993. We live off of 209th, when they say 'clearcut' I am finding out that means everything, they are going to ruin the maples and such. Several years ago when they put the Sandhill Crane Area in, we were at a lot of meetings. And we were told we could still use it for snowmobiles but they were going to prohibit the traffic of motorcycles and four wheelers. Since they have done that, they have increased the traffic of motorcycles, four wheelers and mud trucks. And eliminated the entire snowmobiling around there. When I contacted my local DNR agent, I was told the government screwed you again and I was told I could move. If you clearcut that it will turn into a racetrack. I called law enforcement and they can't do anything about it. The City put chains up, but they just go around it. When we first moved there it was gorgeous. If we clear it, it starts it into a better racetrack. I am applauding the people here that are trying to slow this down. I have had several Blanding's turtles in my yard. Maybe we could manage it and

pick up the dead fall. Let's start managing it properly."

Mark Bouljon, "I live at Tri Oak Circle on Coon Lake which is some ways away from the affected area. We came out here because you could see the world as it was. Let's slow this down; if we are going to raise \$20,000 or whatever so we can put it in the School fund, how do we justify this to our mothers and kids and others? How does the clearcut benefit anyone but the logger? I can't understand how any responsible forest manager can recommend this as a way of raising money. Then the talk of oak wilt in the back, have to do this because this percentage of oak wilt and trees are dying. I have concerns about oak wilt; my property has it and the trees are dying. Why the sudden interest in rushing to clearcut, and siting oak wilt, and rushing to clearcut? Wasn't the oak wilt there 10 years ago? What were we thinking about then? To sum it up, we are looking at trying to raise some money with a short term view, and trying not to spend money with a short term view. And it is about the money? I am not going to live long enough to see a reforested area amount to all of that. That is the nature of life. We have a resource in place. Some should be cut down. Some of the oak wilt should maybe be cut down. Some of the older trees should be cut down, but there is no value in clearcutting so someday we can have some more trees to clearcut. So let's stop and see what we are doing. Let's see if there is a way to do this and manage it with preservation as a goal. While the law requires us to manage the forest, does it require us to manage it in the short-term? If we have oak wilt problems and need to cut it, let's selectively cut and sell the timber. But for \$20,000 or \$60,000. You can't clearcut without taking out a whole lot of populations out that you don't understand. All I can hope is the Council will listen to the presentations that were made ahead of me; find the people from the School Trust and other parties that are involved in this and see if there isn't some way to get back to living within the compacts that are in place. If they need \$60,000 let's do something to raise that. But let's not monkey around with something of the importance of this for this amount of money."

Gregory Russell, "I live in Willmar, Minnesota and I am the Regional Forest Manager for this part of the state for the DNR. The DNR does not own this land. The land was given to the state by the trust for generation of income for the schools. Long-term revenue generation. We have foregone income off of this land by letting these oak wilt pockets get started and progress to a point where we feel now we have to clearcut. We have agreed with and are part of the MOU. But, the MOU clearly states that they realize the fiduciary duty that the state has to the trust and that the land administrator (the DNR) has final say on management. The example that was pointed out about Pine County was accurate. Pine County did not have oak wilt. We want to stop this; we want to have a forest in the future so that everyone's kids and grandkids can see what we are seeing now. We want to be able to regenerate revenue off this land in the future as well, it is long term. We can forgo maximizing income right now, as long as we are maximizing long term income."

"Our forest health expert that did his Ph.D. on oak wilt has recommended that clearcutting out here is the best way to treat these stands. Allow them to sprout, kill the sprouts and allow us to plant. There may be some natural seeding; as soon as they root graph with that natural system, they will become infected and die. The maple that is pointed up, that is waiting. They wait underneath in the shade for sunlight and then they take off. This is not something new; I have been discussing this with Hannah for a long time. With the legislative mandate last year that reaffirmed the constitution, the longer we wait, the more costly it will be to fix this problem and get it back to the oak forest we want. We all agree we want to see an oak forest. Bob is proposing we mix in some white pine to the stand; that doesn't have to happen, but it will make it more a vigorous stand. We have a statewide guideline which is 80 year rotations. This will be beyond that. It is time; we have delayed and we are now suffering the

consequence. To say all we are doing is generating \$60,000 to \$70,000 to the trust is very shortsighted. We want to regenerate the stand, bring it back in to production again for the next rotation so we can go in periodically and do our duty to the trust. We don't want to interfere with the eagles' nest; we work with Fish and Wildlife Service. We follow their regulations. We can get a permit to harvest in the winter. Bob has proposed a summer harvest, which is an option to get more revenue to the trust. We will work with the City to get into either of these stands. So that we are not doing damage to the roads. Winter time may be the preferred time. We don't have to put in an expensive logging road in the winter. We can mitigate with Fish and Wildlife for a permit."

"A lot of things that have been said, partial truths on what our intent is. The maple will start to grow in the shade, the oak will start to grow but will not make it. If you are seeing regenerating oak in the areas that have oak wilt in them, they will not make it unless we open the canopy. If we do selective harvest, it will cause damage to the existing trees. What we are trying to do is sound forest management here. The comment that 'No self respecting forest manager would ever think of clearcutting' is false. Our intent is to work with folks and this is not a fast track. We have been discussing this internally in our department for years. Our stands come up for review periodically. We have to sell this at public auction, it is a mandate. It may not sell, but we have to make that effort to give our best effort to the public trust. It will change the landscape, but if we start leaving a lot of trees out there, we might do more harm."

Lawrence, "I have seen clearcutting and I am not happy with it. You might as well put a big plow down and leave the brush. It is ugly, for a long time. After five years still nothing has happened, nothing has changed." Russell, "They were scrub trees when they came to this area. We have to look beyond our personal needs, to the future."

Roger Virta of 18921 University Avenue NE, "I am a concerned resident. This property is a genuine treasure. Something we need to do the best we can to protect. I think in terms of regeneration, think of buckthorn; if you want it to spread, clearcut. I think that is a piece that hasn't been thought through. Second point is selective harvesting possibly causing further spread of oak wilt. I think that could be mitigated if you selective cut in the winter. Seems there is a clear consensus of the people I have heard that you shouldn't be doing this."

Mayor Lawrence closed the public hearing portion of the meeting.

DeRoche, "I am not for it. I teach for the DNR, and one of the things we push is preservation and conservation. One of the things we teach in the firearms safety class is you protect the habitat, especially so that the animals have their natural progression. Is there an ecological statement done? I took classes and that was part of it. Our white pines on Coon Lake Beach are 140-160 years old. If I cut one down, I will never see it. If we cut down these oaks, they are not going to come back in my time or my daughter's time, and hopefully we still have something left by the time the next round comes up. This whole area, East Bethel is really unique, we have Allison Savannah, we have Cedar Creek, the Crane district; why can't people take it for what it is? Why can't people enjoy it for what it is? I have heard if you cut the oak wilt at the wrong time you can spread it. Is the DNR going to manage this and make sure whatever comes up is supposed to come up? I really have issues with it. I think the DNR is going to do what they want to do."

Koller, "I have property up north and there has been clearcutting. There are some areas that have been clearcut that I still can't walk through. This is a very select little area. This is not

worth much to anyone but us. They talk about oak wilt and that is just part of nature. If you clearcut everything will be all the same age. I personally would like it not to be logged.”

Moegerle, “I recently completed my certification as a master naturalist. I have worked on the Sandhill Crane Natural Area Group. My thought is we have had DNR management of this property for years. And it wasn’t until the Governor said School Trust monies have to be recouped from these areas that this drastic management approach was suggested. And maybe it is that this has just now come to the top of the list. But, it certainly seems suspect to me that this was not the management technique that was in process for the previous five years; why is this suddenly the process now? It doesn’t seem like a lot of money to be gained from this, seems like there are alternatives, I am opposed to it, and it doesn’t seem justified.

Ronning, “The DNR website says it is best to take trees prior to April 1st to prevent oak wilt problem to avoid spreading oak wilt. Another site says oak trees live 300+ years. I would like someone to comment, where, when, and how the funds would be distributed. What school district it would go to? White pine is threatened by blister rust. No tree is protected. That is part of how earth works. I really can’t see killing off this stuff. It would be interesting to see how much money is anticipated, and how much is for us. Where and when.”

Lawrence, “I have seen clearcutting, it is a cheap way to take lumber and leave a mess behind. They leave brush piles everywhere. We have sensitive nature areas here; we have the turtles for one. Can’t run the tractor over turtles. This is one big flattened mess is all it will be. We have other wildlife that would be impacted. Other artifacts that would be affected. There is no report on what you are going to do and how you are going to do it. That concerns me. I have seen the DNR work and how you do it, one of my favorite hunting grounds there is going to be 100’s of acres of wildlife gone. When you clearcut the deer will be gone. The habitat reasons alone should be enough to warrant how you are going to handle this. This is truly a blindside on your part to us.”

Ronning, “If this is auction off, will there be oversight of the activity?”

Quade, “When we are harvesting we will have permits in place. The products that come off are a variety of products. You have a business in your community that sells these products. This is product for industries and things. I understand the emotion about this site. We aren’t looking at the emotion. We are looking at the science. We would supervise. We do have a plan to reforest. I want to address the timeframe. This went on our website over a year ago. In August I started requesting meetings for the agencies to get together. In December I started asking for the citizen agencies to get together. I have been interacting with the agency groups. I was not aware that I had to come to this group. There has been no intent to blindside you. This has been in the process for quite some time.” DeRoche, “I am quite surprised that someone didn’t approach the municipality and say, ‘This is going to go on in your City. We don’t know if the other groups have told you this, but this is what our intentions are. Would you be interested in sitting in the meetings?’ Because when things come up spur of the moment, I act on the information I have. How many other state trust lands are in sensitive areas?” Quade, “We are talking about 47 acres of harvest on a 500 acre parcel; ten percent. This is small potatoes in the grand scheme of the state. You talk about the Environmental Impact Statement; that is a legal process. We never do that on a timber sale.” DeRoche, “We are up here; we represent the people in the City. This is going to impact the residents in the City.” Bob, “I empathize with you. That is why we have pared this down to a small part of the original plan. We took the two areas that have the least impact. We took the worst of the worst to do. We did try to mitigate some of the impact to your citizens. I am willing to stay

and answer questions.”

Ronning, “The one question that will affect everyone here is, ‘Where will the money go?’”
Quade, “It goes in the School Fund, and the interest goes to the schools in the state. It is like an endowment.”

Moegerle made a motion to take a five minute recess. DeRoche, seconded; all in favor, motion carries.

Public Forum Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the Public Forum was closed.

Moegerle made a motion to move items 7.0 B ahead of the consent agenda. Lawrence seconded, all in favor, motion carries.

IUP/Home
Business-912
207th Ave. NE
– Cathryn
Erickson

Winter explained that the applicant, Cathryn Erickson, is requesting an IUP to operate a home-based business named ‘Creative Threads.’ The business does contract embroidery on hat and garments, and also does fabric cutting for embroidery companies.

Business is conducted primarily by email and UPS so parking needs generated from the home occupation are small and shall be provided on-site, in the designated driveway.

The Planning Commission at their regularly scheduled meeting on Monday, April 22, 2013 recommended approval of Ms. Erickson’s Interim Use Permit to operate a Home occupation in the R-1, Single Family Residential District, located at 912 207th Street NE, Hidden Haven Country Club Estates, Lot 3 Blk 5, PIN 34-33-23-32-0015, subject to the following conditions:

1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.
 - i. The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total principal structure space.

- j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
 - l. Violation of conditions and City Codes shall result in the revocation of the IUP.
2. *Additional Conditions:*
- Erickson's shall work with the City's Building Department to come up with a solution to the noise coming from the roof vent that results from the venting of their equipment.*
3. All conditions must be met no later than May 31, 2013. An IUP Agreement shall be signed and executed no later than May 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

DeRoche motion to approve the request of Cathryn. Erickson for an Interim Use Permit to operate a Home occupation in the R-1, Single Family Residential District, located at 912 207th Street NE, Hidden Haven Country Club Estates, Lot 3 Blk 5, PIN 34-33-23-32-0015, subject to the following conditions: 1) Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:a) a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.; b) No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence; c) Any sign associated with the home occupation shall be in compliance with the East Bethel City Code, Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3); d)The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved; e) A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved; f) The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance; g) There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation; h) Parking needs generated by the home occupation shall be provided on-site; i) The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total principal structure space; j) No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation; k) There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation; l) Violation of conditions and City Codes shall result in the revocation of the IUP; 2) Erickson's shall work with the City's Building Department to come up with a solution to the noise coming from the roof vent that results from the venting of their equipment; 3) All conditions must be met no later than May 31, 2013. An IUP Agreement shall be signed and executed no later than May 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP. Koller seconded.

DeRoche, “The sound, noise, how often does that go on?” Ronning, “I also went out there. If you sat in a restaurant, it is ten times louder. If you sat in the laundry room doing laundry, it is comparable. A baby cries louder than this. It is something to consider.” DeRoche, “I am looking at it from a neighbor’s standpoint. I didn’t see hours of operation in here. If the neighbors have a complaint, they will come back here.” Winter, “There should be hours of operation in here, it should be amended to include that.” Mr. Erickson, “We are trying to work with the neighbor and get it down which I believe we can do with the new filter we are going to be installing. The Planning Commission said they would limit our hours of operation to 6:00 am to 6:00 p.m. We don’t start that early ever. That machine does not operate 100% of the time while we operate. We hope to mitigate that problem completely with the plans of what we are installing.” DeRoche, “I don’t think it is that loud, but you would be surprised about what people complain about.”

Bob Banks of 903 207th Avenue NE, “I am not going deaf by the decibel level. But, this not a Mary Kay business. This is an R-1 residential area and I am sitting on my deck listening to this. Maybe the Erickson’s are unfortunate that I live by them. I appreciate the Planning Commission limiting the hours. I can still hear it when I am sitting on my deck. I don’t want to sit on my deck and hear it. Sometimes they were going to 1:00 a.m. I like to sleep with my windows open. I am hoping the scrubber will help. I am willing to work with them.” Moegerle, “Even if the sound is muffled, you are still going to have the drip, drip, drip.” Banks, “I understand that and I think the hours will work out.” Moegerle, “It sounds like everyone is working together.” Winter, “We will make sure the hours are included as part of the IUP. **All in favor, motion carries.**”

CUP for Truck
and Trailer
Parking/
Storing of Parts
Indoors – 1542
221st Ave. NE
– Paul Partyka

Winter explained that at the regularly held Planning Commission meeting on September 25, 2012, Paul Partyka, owner of PVS Auto LLC and Harlan Meyer of Bentley Realty appeared before the Planning Commission to discuss their interest in purchasing the former Lampert Lumber site. At that time they were interested in purchasing the property for speculative purposes but wanted to be able to use the existing buildings for interior storage for new and used auto parts. **A copy of a letter dated September 12, 2012 is included in your packet describing their intended use.** The Planning Commission discussed their proposal and forwarded a recommendation on to City Council. On December 5, 2012, the following motion was made and approved by the City Council:

Voss made a motion that based on the use that has been presented by PVS Auto, the City Council recognizes it is consistent with the B-2 zoning, understanding that the primary use is office use with storage within the buildings at 1542 221st Avenue NE. Anything else will have to come back to Council for review, Moegerle seconded. DeRoche, “I will not approve any outside storage.” All in favor, motion carries.

Since that time their Business Plan has changed and based on discussions with City Staff it was determined that they would need to go through the process of obtaining a Conditional Use Permit. Their intent is to have an office there daily and sell new and used auto parts. All auto parts would be stored in existing buildings and would not be stored outside. This by itself is fine and a legal permitted use in the B-2 (Central Business) District as determined by Planning Commission and City Council action noted above. However in addition to having the auto parts business, PVS Auto LLC also owns a transportation company (VIP Transfer) and that business has grown substantially to where they now have a need to park their empty trucks and trailers overnight. They currently do not have any room at their facility in Blaine, MN. They have a fleet of 9 trucks and that would be the maximum trucks parked at 1542 221st Ave. NE. Please find attached a survey, along with a map that shows the location of the

truck and semi-trailer parking. The site is currently zoned B-2, Central Business District and the following are permitted Conditional Uses in the District:

SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

1. Purpose. The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

4. Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.
- H. Hotel/motel.
- I. Funeral home.
- J. Crematorium.
- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.

The Conditional Use Permit is for the storage of operational trucks and semi-trailers that are used for VIP Transfer, a part of PVS Auto LLC.

Recommend approval of the Conditional Use Permit for PVS Auto LLC/Paul Partyka to park operational trucks and semi-trailers at 1542 221st Ave. NE, PID No. 08-33-23-12-0005. Subject to the following conditions:

1. Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer - PVS Auto, LLC
2. All parking/exterior storage shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
3. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five (5) feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations].

4. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

Moegerle made a motion to approve the request of Paul Partyka/PVS Auto LLC for a Conditional Use Permit to park operational trucks and semi-trailers at 1542 221st Ave. NE, PID No. 08-33-23-12-0005. Subject to the following conditions: 1) Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer - PVS Auto, LLC; 2) All parking/exterior storage shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area; 3) Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five (5) feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in Section 23. Screening Requirements [Regulations]; 4) All equipment and materials within the storage area shall be arranged in a neat and orderly manner. Ronning seconded.

Moegerle, "It is clear that this is parking. Why are we talking exterior storage when this is parking?" Winter, "It is exterior storage for vehicles that are at a different site. It is an accessory for that business, their overflow." Moegerle, "It is still parking. Do these trucks have signage on the side?" Lawrence, "Are you putting screening up?" Partyka, "Yes they do. There is screening already on the site. We can put additional screening on it if needed." DeRoche, "The concern I have is the same concern I had back then. It was a zoning interpretation at the time, it was clear cut in the ordinance that it could go on there. My concern was that there would be trucks coming somewhere down the road. If I recall at the meeting it was discussed, part of the reason for allowing it was it was going to be a storefront business. And now we have gone from storing auto parts inside to storing our trucks outside. What are the plans for that corner? Thought we were looking to do some long term development? Guess it is whatever is in the long term plans of the City." Lawrence, "Are you going to sell auto parts out of this location?" Partyka, "If we need to, we can open an office there, but we have another building in Blaine that is our main office. This office will be open, because some will come get parts out of here."

Ronning, "Amount of flexibility; how often will you anticipate (thought you said you have business in 48 states)?" Paul, "I have one truck in Blaine right now. Probably on Saturday and Sunday have nine trucks that are going to be there. During the week, probably 50/50. Fifty-three footers, full semis. Dry van, all covered." DeRoche, "This is a Conditional Use Permit, once this is issued, that permit stays with that property. If there are any thoughts to put in a storefront, they have to relinquish that CUP. Unless that business leaves, it stays with this property." Ronning, "That is an interesting point, I didn't know that." Winter, "But it has to be strictly as it reads, parking for nine trucks." Ronning, "What does it take to amend something like that, amend the zoning?" Vierling, "No, once it is in place even if you amend your zoning it would be there as a pre-existing non-conforming use and would be allowed, grandfathered in." Moegerle, "I still have a question why this isn't Section 22, parking off street vehicles." Winter, "Parking goes with what the business is. Parking is designed for who is working there, what the business is. That is why I thought we should go through the Conditional Use Permit. It is true the Conditional Use Permit stays with the land, but if it is not in operation for a certain period of time, then it does go away, does it not?" Vierling, "Yes it does. Abandoned for a period of time of one year."

Moegerle, "What does off street parking mean? I am looking at this and it says you can't have parking of tractor trailer on the street." DeRoche, "I think it is setting precedence. And

we have an issue on the south side that we can't deal with. Why can't we do a time limit on this Conditional Use Permit? We have been talking about running a forcemain to Castle Towers and getting businesses. Now we are piece-mealing a Conditional Use Permit?" Vierling, "You can time limit an IUP, but not a CUP." Davis, "If a CUP is granted and they sell to another developer, that doesn't mean just because there is a CUP it will be exercised if it is developed for another purpose." DeRoche, "I thought we were looking at rezoning this corner. I am looking for down the road." Davis, "Even if you grant a CUP, it won't affect or interfere with our future development plans." Lawrence, "The land to the west of this, is it developable?" Davis, "It is such a narrow strip of land, it wouldn't even be used for a service road." Moegerle, "This is the property that you purchased as a speculative venture to sell out when it develops? What kind of time frame are you looking at being located at this site? Are there any other creative options for this site?"

Winter, "Conditional Use Permits are allowed. They are going to have a retail business down the road. They are going to make those buildings viable again. They have agreed to clean up this property. When we are talking about exterior storage you are not going to see those semis from the road. The maximum would be nine and we are saying where they need to go. It is very specific to where they would go and how many can be parked there." Moegerle, "And say the CUP is violated?" Winter, "Then like any other, we would have to deal with it." Moegerle, "We have two new Council members, let's explain it to them." Vierling, "The document would have to be fairly specific to what the compliance requirements were on this site. If there is a claim that retail sales are being made on the site, the permit would have to spell out what is being done on the site. If the parking and storage is being leveraged against the retail, then they need to open a retail store so that they are in compliance." Moegerle, "Do we have time to come up with some language so they are in compliance? That might make some of us feel more comfortable." Winter, "What kind of language are you looking for? Because we have specified the maximum number, the location where they can go, we had them give a certificate of survey." Ronning, "I don't recall, was it part of the application, there was one building that was speculative?" Winter, "That was the discussion last year. There is one building they will be taking down." Vierling, "I am looking at the application. Point of clarification, it says received April 8th. There is a deadline of May 3, so you would have to June 6th to have a final decision." Winter, "Part is we are trying to help them because they are in the process of trying to buy this property." Moegerle, "With regard to purchase of this property, what kind of timeline are you looking at?" Harlan, "The seller has been after me for weeks." Lawrence, "Compliance seems to be in order." Koller, "Think those buildings have been empty long enough." **DeRoche, nay; Koller, Lawrence, Moegerle, and Ronning, aye; motion carries.**

Schedule Work Meeting – MIDS Update

Winter explained that over the past three months, the Planning Commission has met with John Bilotta (U of MN Extension) and Jay Michels (Emmons and Oliver Resources) to discuss Best Management Practices related to erosion control and storm water management. At this time the Planning Commission and Consultants are requesting a Work Meeting to provide City Council members an update to revise and adopt new ordinances for erosion control and storm water management. We now need to discuss next steps. We will review the recommended model ordinances being discussed, benefits, drivers, and decisions you and the planning commission will soon need to make.

Goals: To have the City of East Bethel consider and adopt new ordinances for erosion control and storm water management in 2013. The result will be consistent ordinances that will allow us to better address environmental concerns, and work with developers and individuals.

Please find attached the Community Assistance Package that the Planning Commission has been working from with the Consultants.

The date that works for them is June 10th, that is a Monday night at 6:00 p.m. The other communities are hearing this on Saturday morning.

Moegerle made a motion to set a work meeting for MIDS information on June 10th at 6:30 p.m. Lawrence seconded. Ronning, "If there is some way they can bring values as far as cost? That would make a big difference." Winter, "One of the things they had talked about is they have a calculator they can use. I think we do need to have that. Some communities have adopted some of the minimum impact design standards and they have looked at the costs of that." **All in favor, motion carries.**

Consent
Agenda

Moegerle made a motion to approve the consent agenda pulling Item B and C, but I would like to address C first, because it impacts B. Then of course I want to pull H also. Ronning I also want to pull C. A) Approve Bills; ~~B) March 20, 2013 City Council Work Meeting Minutes;~~ C) ~~April 3, 2013 City Council Regular Meeting Minutes;~~ D) April 3, 2013, City Council Work Meeting Minutes; E) April 16, 2013 Town Hall Meeting Minutes; F) Res. 2013-18 Designating Ice Arena Floor Scrubber Surplus Property; G) Pay Estimate #21, S.R. Weidema, Phase 1, Project 1, Utility Project; ~~H) Accept Resignation of Fiscal and Support Services Director and Authorize Staff to Advertise Position;~~ I) Purchase Floor Scrubber for Ice Arena Lawrence seconded; all in favor, motion carries.

Moegerle, "I pulled C) April 3, 2013 City Council Regular Meeting Minutes primarily because looking at page 3 the discussion was, 'DeRoche made a motion to approve Meeting Minutes March 20, 2013. Koller seconded. Moegerle, aye; DeRoche, Koller, Lawrence and Ronning, nay; motion carries.' That is not right. Four people said no and the motion carried. I don't think we approved them and we have them again here. I think we need to straighten out if we approved these minutes and I don't think we can approve the April 3, 2013 minutes until we know if they were approved." DeRoche, "I don't think you said you were going to approve the one set because they were verbatim instead of summary. And we voted to approve them anyway." Moegerle, "This says four people voted against them and they are approved. But the only way we are going to know is if we go back and correct them."

Moegerle made a motion to table the March 20, 2013 City Council Work Meeting Minutes. Ronning seconded; all in favor, motion carries.

Moegerle made a motion to table the April 3, 2013 City Council Meeting Minutes. Ronning seconded; all in favor, motion carries.

Moegerle," Item H, the resignation of Rita Pierce, she has gotten us through all this financial stuff and provided us with financial any way we wanted it. I hate to see us lose another department head. I know it is probably impolite to vote no on a resignation, but I wanted to say 'I hate to see her go.'" DeRoche, "To add to that, if we are going to advertise, we need to have someone come in and spend at least a month with Rita. They are going to have good experience in government finance." Davis, "The timeline of a month cannot be met. What we hope to do is possibly have someone on board by the middle of June. Rita has agreed to stay on a little past the 1st of July to help them. When Rita came on there was no one to show her the ropes. If we hire the right person and she shows them the basics, if they can't do it, we

have hired the wrong person. Her intentions are to retire the 1st of July. Your recommendations are taken to the point.” Ronning, “You are going to need some time to find out if they fit. What if they don’t?” Moegerle, “That is why you have the 6 months.” Ronning, “I am one of the two newer guys and Rita seems like one of the people that everyone relies on.” Moegerle, “That is why we have the ‘Wendy and Jack stay forever motions’ after this.” Davis, “Rita has been extremely helpful to me and she will be missed. But, I hope she enjoys her retirement.”

Lawrence made a motion to H) Accept Resignation of Fiscal and Support Services Director and Authorize Staff to Advertise Position. Koller seconded; all in favor, motion carries.

Amend EDA
By-laws

Winter explained that at the regular Council meeting on March 6, 2013 a discussion took place regarding the EDA by-laws and changes including the change in meeting date and deletion of Sections 3.5 Adoption of Resolutions; 4.2 Treasurer’s Bond; 4.3 Checks; 4.7 Employees; 4.8 Services; 4.9 Supplies, Purchasing, Facilities, and Services; and 4.10 Execution of Contracts. These relate to the authority to write checks, issue contracts, etc., when the Council has never given authority to the Authority those powers. This would eliminate the powers of the EDA and place the control solely with City Council which it does now, but it would eliminate any confusion by deleting these from the by-laws. This was sent to the City Attorney’s office and reviewed and they said it was consistent.

Those changes have been incorporated and are included in the Final Version of the EDA By-laws attached.

DeRoche, “There were three concerns I had brought up and nothing has changed. I would go to table these and find out why they weren’t changed. The EDA giving an annual report, versus monthly. President being able to call a meeting or vice-president. When it takes two for Council and the third thing being the compensation, where the Council liaison is not being compensated.” Moegerle, “All of the EDA Commissioners are being paid.” DeRoche, “That is the caveat here. The only stipulation I would put here is if they are not Council members then they get paid. But all Council members that are on a omission are doing voluntarily. It doesn’t fit with me unless we are going to pay all the liaisons.” Moegerle, “How much of this is required by state statute?” Vierling, “The changes you are proposing are compliant with statute.” Moegerle, “With regard to monthly report versus annual?” Vierling, “You can move it to a monthly report if you want to.” DeRoche, “The rest of the commissions do this. We don’t even get EDA minutes. They aren’t even on the website.” Moegerle, “We had a website committee meeting to address that very issue. Setting discussion of the priorities.” DeRoche, “Seeing how the EDA is handling the money. Delegating it out.” Lawrence, “Council has the final say on the money. Just like the other commissions.”

DeRoche, “I come up with these because of things that have gone on in the past. The Council needs to know before it is on the agenda, what is going on in the EDA.” Winter, “Are you asking for a report from staff?” DeRoche, “The EDA stuff comes up when it is a resolution before us that we need to make a decision on.” Moegerle, “I thought we were getting the minutes with the packet.” Winter, “Certainly the EDA minutes if I have them, you get them in the packet.” Ronning, “How much do the minutes rely on the website?” Davis, “We just haven’t had adequate staff to get those out.” DeRoche, “That isn’t even what the discussion was on the by-laws.” Moegerle, “Have we addressed your issues on the reports?” DeRoche, “Sure if we get the minutes.” Ronning, “Have you seen the EDA minutes?” Moegerle, “With

our packet.” Winter, “We can make those changes and bring it back.” Moegerle, “I think the compensation is in there because of state statute.” Vierling, “In terms of who can call a meeting and how, I have looked in state statutes and I am not finding a statutory mandate on how that can get done. If you want it to be comparable to Council, you can do President and two members.” DeRoche, “Prior to us the EDA did absolutely nothing.” Moegerle, “This says the EDA has to have a seal.” Davis, “That is statute, but we don’t have anything we seal. We can come up with one.” Moegerle, “Commissioners shall be paid in an amount to be determined by City Council. That is the state statute.” Vierling, “I have other Councils where they sit as EDA and they don’t pay themselves.” Moegerle, “What does the statute say for the HRA?” DeRoche, “We don’t get paid.”

DeRoche made a motion to table the changes to the EDA By-Laws and reviewing terms of the state statute. Koller seconded; all in favor, motion carries.

Res. 2013-19 Authorizing EDA to Extend Loans to Qualifying Businesses and Property Owners Pursuant to the Utility Infrastructure Loan Fund Program

Winter explained that at the regular Council meeting on April 17, 2013 the City Council approved a Utility Infrastructure Loan program.

This resolution gives the EDA the authority to operate the Utility Infrastructure Loan Program under the approval of City Council. The Resolution was drafted by the City Attorney and the City Attorney has also reviewed all of the Loan policies and documentation.

Staff recommends Council approve Resolution 2013-19. Ronning, “Who drafted this?” Vierling, “We did.”

Moegerle made a motion to adopt Res. 2013-19 Authorizing EDA to Extend Loans to Qualifying Businesses and Property Owners Pursuant to the Utility Infrastructure Loan Fund Program. Lawrence seconded; all in favor, motion carries.

Planning Meeting Minutes

Davis explained that the Planning Commission meeting minutes from March 26, 2013 are included for your information and review.

Park Minutes

Davis explained that the Park Commission Meeting Minutes from April 10, 2013 are included for your information and review.

Road Minutes

Davis explained that the Road Commission Meeting Minutes from April 9, 2013 are included for your information and review.

Res. 2013-20 Amending Fee Schedule

Davis explained that when the 2013 fee schedule was adopted by City Council on February 6, 2013, it did not include charges for water meters or loan application fees.

Current City Ordinance requires customers to pay for their water meters. Staff is proposing that a fee of \$10 would be added to the cost of a typical residential meter (5/8” x 3/4”) and a \$25 fee for larger meters. The proposed fees are intended to cover the cost of ordering and stocking the meters.

At the April 17, 2013 City Council meeting the Economic Development Fund Loan Program was approved. A part of the loan program was to pay an application fee of \$200.00 and an escrow fee of \$300.00. The application fee would cover the cost of staff time for processing the loan and discourage those that did not have a legitimate interest in the program.

Staff requests approval of Resolution 2013-20 Amending the 2013 Fee Schedule and will be effective immediately.

Moegerle made a motion to adopt Resolution 2013-20 Amending the 2013 Fee Schedule. Lawrence seconded. DeRoche, "I am kind of wondering why this wasn't brought up back then. I thought the fees were too high back then and I think our fees are too high now." Davis, "Which ones, Bob?" DeRoche, "I think all the fees are \$3.00 a gallon. Heidi corrected that to \$3.00 per 1,000 but the paper put that as \$3.00 per gallon. Personally, I understand the thing has to be paid for, but if we are anything like the legislature, it is not going down." Davis, "We lowered the fees for cigarette license. We are not trying to collect this to pay the \$35,000,000. These are fees that are paid by the users. We want to have an application fee so that it is a legitimate application. We don't want people applying for the heck of it." **DeRoche, nay; Koller, Lawrence, Moegerle and Ronning, aye; motion carries.**

Recycle
Saturday Drop-
off Pickup

Davis explained that in addition to the City's basic recycling activities funded by the County, the City of East Bethel received an additional grant from the Anoka County SCORE Program in the amount of \$10,000 to operate a monthly drop off service for tires, batteries, electronics and appliances at the City Recycle Center. This is a service that is offered on the last Saturday of every month from 9:00 AM to Noon. Funding for this activity has increased our recycling presence and service over and above our traditional Spring and Fall Recycling Day events.

The operation of this extra service has been temporarily conducted by members of the Lions Club under the existing agreement with the City to run the Recycle Center. This arrangement is not part of the agreement with the Lions Club to operate the weekly activities of the Recycling Center. This is an added duty that was intended to be funded by the additional 2013 funding of \$10,000.

Operation of this program could be served by extension of the current agreement with the Lions Club or other civic or community organization with further compensation to cover their extra involvement or by using City personnel. Staff will be meeting with the Lions Club on May 8, 2013 to ascertain their interest in continuing the operation of the drop-off program. If the Lions are not interested in continuing their temporary operation of this activity, our next option would be to determine if there is another civic club or local organization that would be interested in operating the program or if utilization of City Staff would be a better choice.

Staff will provide alternatives for the operation of the program at the May 15, 2013 City Council meeting. Any provider of this service would have to meet the City's insurance requirements.

The funds for this program have been approved and a contract has been executed with Anoka County for this service. This is a grant and the City will be reimbursed based on the actual funds expended for this component of the program. It is estimated that the cost for the drop-off service will be \$6,000 for the remainder of this year. This cost would include mailing advertisements and compensation to the organization or City for the operation of the service. This program will not involve the expenditure of any City levied funds. Only grant funds dedicated for this purpose would be used for the drop-off program. If City Staff were utilized overtime wages would be paid to those personnel working the program.

Staff recommends that the Saturday Recycle Drop-Off Program be operated by a civic or community organization or City Staff, that these interested entities be identified and presented for selection to Council by May 15, 2013 and that they be compensated for their time as a grant eligible cost.

- Staff Report Davis, "Recycle day was held last Saturday, it was a slower day. Attribute that to it was the first good weather day. The reader board is up and installed. Connexus is going to make final connections tomorrow. Our electrician will follow suit. Dascom will come here and get us trained early next week. We received 91 applications for the Maintenance Technician Position. We will conduct interviews next week and have a recommendation by to Council by May 15th." Moegerle, "We were given two hours of testimony today on the Sandhill Crane Management Plan, can you get something to us what the next step is for us as Council members on getting something to change. Davis, "I will talk to Anoka County staff tomorrow. I think we will want to partner with them. Senator Benson did express interest in helping us."
- Council Member Report - DeRoche DeRoche, "It has been a long night, but fun. I thought Public Works did a bang up job with the last storm. They were pretty busy, Coon Lake Beach was like a war zone and there are still a few properties looking a little rough. The lake is open. I drove down through the sewer and water district; there sure isn't much down there. The sign looks good. Are they going to put fill in around the rock?" Davis, "We will do that." DeRoche, "No fatalities on 22, that is good. It is busy at the fire station. My friend's house burned down. It was a faulty battery for an RC car."
- Council Reports – Koller Koller, "Like Bob said the Fire Department was busy. Friday they assisted Oak Grove in a grass fire. And Saturday there was a car crash. They were doing all the hose testing and got involved in a medical, then there was another car crash, then they had to assist Andover with a grass fire. Then the house fire and then they had a grass fire because someone was illegally burning. There is a statewide burning ban on now." DeRoche, "Except for recreational fires."
- Council Reports- Moegerle Moegerle, "Tomorrow is the first meeting of the Chamber of Commerce at Joey Erickson's office at 7:30 a.m. Yesterday we had a website meeting. That is a great group. We don't always agree, but we get a lot of work done. I am sure we will get some things from staff on this. We talked briefly about getting a high school employee or someone like that to help us. It is exciting to know the reader board is about to go up. And, most important, May 9th over in Shoreview the Met Council is having their Thrive 2040 Plan. They are going to talk about the money they take from everyone. We are ignored except when they saddle us with burdens. I hope to see some of you there. I am very excited at least two others are going to LMC meeting."
- Council Reports – Ronning Ronning, "The Planning Commission met a week ago Monday and they have been reviewing MIDS for a few months. They have put a lot of time into it. They had the CUP that came up tonight. They asked a lot of the same questions that Council did. Since January it has been my intention and I have expressed interest for the last number of years and I am going to volunteer to put criteria together of the sewer and water project; a chronology." Davis, "I have a basic outline of that done."
- Council Reports – Lawrence Lawrence, "It has been a long exciting meeting about the planned clearcutting that is not a good idea and I had a lot of phone calls about it. I think we are moving forward to get the sewer project on the way."
- Adjourn **Moegerle made a motion to adjourn at 11:14 PM. Lawrence seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk