City of East Bethel
City Council Agenda

Regular Council Meeting – 7:30 p.m.
Date: June 19, 2013

	Item		
7:30 PM	**1.0**	**Call to Order**	
7:31 PM	**2.0**	**Pledge of Allegiance**	
7:32 PM	**3.0**	**Adopt Agenda**	
7:33 PM	**4.0**	**Report/Presentations**	
Page 3-30	A.	Resolution 2013-33 Authorizing the Issuance and Awarding the Sale of G.O. Refunding Bonds, Series 2013A	
Page 31-32	B.	Resolution 2013-34, Resolution Acknowledging Rita Pierce's Service to the City	
Page 33	C.	Sheriff's Report	
Page 34	D.	2014-2015 Anoka County Sheriff's Contract	
8:03 PM	**5.0**	**Public Forum**	
8:15 PM	**6.0**	**Consent Agenda**	
	Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration		
Page 37-41	A.	Approve Bills	
Page 42-59	B.	June 5, 2013 City Council Regular Meeting Minutes	
Page 60	C.	Liquor License Renewals	
Page 61	D.	Res. 2013-35 Acknowledging Donation from CLIMB, Theatre	
Page 62	E.	Res. 2013-36 Resolution Transferring Funds from EDA	
	New Business		
	7.0	Commission, Association and Task Force Reports	
	A.	Economic Development Authority	
8:20 PM	B.	Planning Commission	
Page 63-69	1.	IUP/Home Occupation – Thomas Van Elsberg – 4991 201st Avenue NE	
Page 70-90	2.	IUP/Home Occupation – Heather Hime – 4349 Viking Blvd. NE	
Page 91-104	3.	Setback Variance – Matthew Saarloos – 18429 Lakeview Point Drive NE	
	C.	Park Commission	
	D.	Road Commission	
	8.0	**Department Reports**	
	A.	Community Development	
8:45 PM	B.	Engineer	
Page 105-108	1.	Castle Towers/Whispering Aspen Forcemain Project Update and Assessment Determination	
	C.	Attorney	
	D.	Finance	
	E.	Public Works	
8:55 PM	F.	Fire Department	

	Page 109-112	1.	Fire Department Report
9:00 PM	G.	City Administrator	
	Page 113-116	1.	Lakeview Point Drive Easement Vacation

	9.0	**Other**
9:10 PM	A.	Staff Reports
9:15 PM	B.	Council Reports
9:20PM	C.	Other

9:25 PM	**10.0**	**Adjourn**

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 4.0 A

* *

Agenda Item:
Resolution 2013-33 2013 G.O. Refunding Bonds Series A

* *

Requested Action:
Consider adopting Resolution 2013-33 authorizing and directing the sale of 2013, Series A, G.O. Refunding Bonds

* *

Background Information:
At the May 15, 2013 City Council meeting, Council directed that several actions be taken to secure bids for the sale of G.O. Refunding Bonds.

The bid was advertised on June 6, 2013. The bid closing date is June 19, 2013. Ms. Stacie Kvilvang from Ehlers, Inc. will compile the bid results for this bond issue and provide the tabulations on the evening of June 19, 2013.

We have provided the Resolution, less the award information, for your review. Ms. Stacie Kvilvang will provide updated information.

Attachment(s):

1. Resolution 2013-33 Authorizing and Directing the Sale of G.O. Refunding Bonds, 2013, Series A

* *

Fiscal Impact:
Ms. Kvilvang will provide additional information regarding the interest and debt service schedules on June 19, 2013

* *

Recommendation(s):
Staff is seeking direction from City Council regarding adoption of Resolution 2013-33, A Resolution Authorizing and Directing the Sale and Issuance of G.O. Refunding Bonds 2013, Series A.

* *

City Council Action

Motion by:_____ Second by:_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CERTIFICATION OF MINUTES RELATING TO
$18,275,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

Issuer: City of East Bethel, Minnesota

Governing Body: City Council

Kind, date, time and place of meeting: A special meeting held June 19, 2013, at 7:30 p.m., at the City offices in East Bethel, Minnesota.

Members present:

Members absent:

Documents Attached:

Minutes of said meeting (including):

RESOLUTION NO. 2013-33

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF $18,275,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

I, the undersigned, being the duly qualified and acting recording officer of the public corporation issuing the bonds referred to in the title of this certificate, certify that the documents attached hereto, as described above, have been carefully compared with the original records of said corporation in my legal custody, from which they have been transcribed; that said documents are a correct and complete transcript of the minutes of a meeting of the governing body of said corporation, and correct and complete copies of all resolutions and other actions taken and of all documents approved by the governing body at said meeting, so far as they relate to said bonds; and that said meeting was duly held by the governing body at the time and place and was attended throughout by the members indicated above, pursuant to call and notice of such meeting given as required by law.

WITNESS my hand officially as such recording officer on _____, 2013.

_____
City Administrator

It was reported that _____ proposals for the purchase of $18,275,000 General Obligation Refunding Bonds, Series 2013A were received prior to 11:00 a.m., Central time, pursuant to the Preliminary Official Statement distributed to potential purchasers of the Bonds by Ehlers & Associates, Inc., financial consultants to the City. The proposals have been publicly opened, read and tabulated and were found to be as follows:

See Attached

Councilmember _____ introduced the following resolution and moved its adoption, which motion was seconded by Councilmember _____:

RESOLUTION AUTHORIZING ISSUANCE, AWARDING SALE, PRESCRIBING THE FORM AND DETAILS AND PROVIDING FOR THE PAYMENT OF $18,275,000 GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A

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

SECTION 1. AUTHORIZATION AND SALE.

1.01. Authorization. This Council hereby determines that it is in the best interests of the City to issue its General Obligation Refunding Bonds, Series 2013A (the "Bonds") in the principal amount of $18,275,000, pursuant to Minnesota Statutes, Sections 444.075 and 115.46 and Chapter 475. The proceeds of the Bonds will be used, together with funds on hand as may be required, to refund in a current refunding the City's (a) $11,465,000 Taxable General Obligation Water Utility Revenue Bonds, Series 2010A (Recovery Zone Economic Development Bonds), dated as originally issued, as of December 15, 2010, maturing in the years 2020 through 2040 and outstanding in the principal amount of $11,465,000 (the "Series 2010A Refunded Bonds") and (b) $6,100,000 Taxable General Obligation Utility Revenue Bonds, Series 2010B (Build America Bonds - Direct Pay), dated as originally issued, as of December 15, 2010, maturing in the years 2016 through 2040 and outstanding in the principal amount of $6,335,000 (the "Series 2010B Refunded Bonds," and together with the Series 2010A Refunded Bonds, the "Refunded Bonds"). Maturity schedules for the portion of the Bonds being issued to refund the Series 2010A Refunded Bonds (the Series 2010A Refunding Portion) and the portion of the Bonds being issued to refund the Series 2010B Refunded Bonds (the Series 2010B Refunding Portion) are attached hereto as Exhibit A. The Refunded Bonds shall be called for redemption and prepayment on August 1, 2013 (the "Redemption Date"). The refunding of the Refunded Bonds is being carried out for the purpose described in Minnesota Statutes, Section 475.67, subdivision 3, section (b)(2)(i) and in compliance with Minnesota Statutes, Chapter 475.

1.02. Sale. Pursuant to the Terms of Proposal and the Preliminary Official Statement prepared on behalf of the City by Ehlers & Associates, Inc., financial consultants to the City, sealed or electronic proposals for the purchase of the Bonds were received at or before the time specified for receipt of proposals. The proposals have been opened and publicly read and considered and the purchase price, interest rates and net interest cost under the terms of each proposal have been determined. The most favorable proposal received is that of _____, in _____, _____ (the "Purchaser"), to purchase the Bonds at a price of $_____ plus accrued interest on all Bonds to the day of delivery and payment, on the further terms and conditions hereinafter set forth.

1.03. Award. The sale of the Bonds is hereby awarded to the Purchaser, and the Mayor and City Administrator are hereby authorized and directed to execute a contract on the part of the City with the Purchaser for the sale of the Bonds in accordance with the Terms of Proposal. The good faith deposit of the Purchaser shall be retained and deposited by the City

until the Bonds have been delivered and shall be deducted from the purchase price paid at settlement.

SECTION 2. BOND TERMS; REGISTRATION; EXECUTION AND DELIVERY.

2.01. Issuance of Bonds. All acts, conditions and things which are required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed precedent to and in the valid issuance of the Bonds having been done, now existing, having happened and having been performed, it is now necessary for the Council to establish the form and terms of the Bonds, to provide security therefor and to issue the Bonds forthwith.

2.02. Maturities; Interest Rates; Denominations and Payment. The Bonds shall be originally dated as of July 16, 2013, shall be in the denomination of $5,000 each, or any integral multiple thereof, of single maturities, shall mature on February 1 in the years and amounts stated below, and shall bear interest from date of original issue until paid or duly called for redemption at the annual rates set forth opposite such years and amounts, as follows:

Year	Amount	Rate	Year	Amount	Rate
2019	$290,000	%	2030	$950,000	%
2020	500,000		2031	1,055,000	
2021	450,000		2032	1,145,000	
2022	505,000		2033	1,145,000	
2023	485,000		2034	1,155,000	
2024	540,000		2035	1,155,000	
2025	575,000		2036	1,075,000	
2026	640,000		2037	1,075,000	
2027	705,000		2038	1,065,000	
2028	780,000		2039	1,070,000	
2029	855,000		2040	1,060,000	

[REVISE MATURITY SCHEDULE FOR ANY TERM BONDS]

The Bonds shall be issuable only in fully registered form. The interest thereon and, upon surrender of each Bond at the principal office of the Registrar described herein, the principal amount thereof, shall be payable by check or draft issued by the Registrar described herein; provided that, so long as the Bonds are registered in the name of a securities depository, or a nominee thereof, in accordance with Section 2.08 hereof, principal and interest shall be payable in accordance with the operational arrangements of the securities depository.

2.03. Dates and Interest Payment Dates. Upon initial delivery of the Bonds pursuant to Section 2.07 and upon any subsequent transfer or exchange pursuant to Section 2.06, the date of authentication shall be noted on each Bond so delivered, exchanged or transferred. Interest on the Bonds shall be payable on February 1 and August 1, commencing February 1, 2014, each such date being referred to herein as an Interest Payment Date, to the person in whose name the Bonds are registered on the Bond Register, as hereinafter defined, at the Registrar's

close of business on the fifteenth day of the calendar month next preceding such Interest Payment Date, whether or not such day is a business day. Interest shall be computed on the basis of a 360-day year composed of twelve 30-day months.

2.04. Redemption. Bonds maturing in 2022 and later years shall be subject to redemption and prepayment at the option of the City, in whole or in part, in such order of maturity dates as the City may select and, within a maturity, by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of $5,000, on February 1, 2021, and on any date thereafter, at a price equal to the principal amount thereof and accrued interest to the date of redemption. The City Administrator shall cause notice of the call for redemption thereof to be published if and as required by law and, at least thirty days prior to the designated redemption date, shall cause notice of call for redemption to be mailed, by first class mail, to the registered holders of any Bond to be redeemed at their addresses as they appear on the bond register described in Section 2.06 hereof, provided that notice shall be given to any securities depository in accordance with its operational arrangements. No defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS - ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing on February 1, 20__ and 20__ (the "Term Bonds") shall be subject to mandatory redemption prior to maturity pursuant to the sinking fund requirements of this Section 2.04 at a redemption price equal to the stated principal amount thereof plus interest accrued thereon to the redemption date, without premium. The Registrar shall select for redemption, by lot or other manner deemed fair, on February 1 in each of the following years the following stated principal amounts of such Bonds:

Year	Principal Amount

The remaining $_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Year	Principal Amount

The remaining $_____ stated principal amount of such Bonds shall be paid at maturity on February 1, 20__.

Notice of redemption shall be given as provided in the preceding paragraph.]

2.05. Appointment of Initial Registrar. The City hereby appoints Bond Trust Services Corporation, in Roseville, Minnesota, as the initial bond registrar, transfer agent and paying agent (the "Registrar"). The Mayor and City Administrator are authorized to execute and deliver, on behalf of the City, a contract with the Registrar. Upon merger or consolidation of the Registrar with another corporation, if the resulting corporation is a bank or trust company authorized by law to conduct such business, such corporation shall be authorized to act as successor Registrar. The City agrees to pay the reasonable and customary charges of the Registrar for the services performed. The City reserves the right to remove the Registrar upon thirty days' notice and upon the appointment of a successor Registrar, in which event the predecessor Registrar shall deliver all cash and Bonds in its possession to the successor Registrar and shall deliver the bond register to the successor Registrar.

2.06. Registration. The effect of registration and the rights and duties of the City and the Registrar with respect thereto shall be as follows:

(a) Register. The Registrar shall keep at its principal corporate trust office a bond register in which the Registrar shall provide for the registration of ownership of Bonds and the registration of transfers and exchanges of Bonds entitled to be registered, transferred or exchanged.

(b) Transfer of Bonds. Upon surrender for transfer of any Bond duly endorsed by the registered owner thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the registered owner thereof or by an attorney duly authorized by the registered owner in writing, the Registrar shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Bonds of a like aggregate principal amount and maturity, as requested by the transferor. The Registrar may, however, close the books for registration of any transfer after the fifteenth day of the month preceding each interest payment date and until such interest payment date.

(c) Exchange of Bonds. Whenever any Bonds are surrendered by the registered owner for exchange the Registrar shall authenticate and deliver one or more new Bonds of a like aggregate principal amount and maturity, as requested by the registered owner or the owner's attorney in writing.

(d) Cancellation. All Bonds surrendered upon any transfer or exchange shall be promptly canceled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. When any Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the same until it is satisfied that the endorsement on such Bond or separate instrument of transfer is valid and genuine and

that the requested transfer is legally authorized. The Registrar shall incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name any Bond is at any time registered in the bond register as the absolute owner of the Bond, whether the Bond shall be overdue or not, for the purpose of receiving payment of or on account of, the principal of and interest on the Bond and for all other purposes; and all payments made to any registered owner or upon the owner's order shall be valid and effectual to satisfy and discharge the liability upon Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. For every transfer or exchange of Bonds (except for an exchange upon a partial redemption of a Bond), the Registrar may impose a charge upon the owner thereof sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to such transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Bonds. In case any Bond shall become mutilated or be destroyed, stolen or lost, the Registrar shall deliver a new Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of any such mutilated Bond or in lieu of and in substitution for any Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it, in which both the City and the Registrar shall be named as obligees. All Bonds so surrendered to the Registrar shall be canceled by it and evidence of such cancellation shall be given to the City. If the mutilated, destroyed, stolen or lost Bond has already matured or been called for redemption in accordance with its terms it shall not be necessary to issue a new Bond prior to payment.

(i) Authenticating Agent. The Registrar is hereby designated authenticating agent for the Bonds, within the meaning of Minnesota Statutes, Section 475.55, Subdivision 1, as amended.

(j) Valid Obligations. All Bonds issued upon any transfer or exchange of Bonds shall be the valid obligations of the City, evidencing the same debt, and entitled to the same benefits under this Resolution as the Bonds surrendered upon such transfer or exchange.

2.07. Execution, Authentication and Delivery. The Bonds shall be prepared under the direction of the City Administrator and shall be executed on behalf of the City by the signatures of the Mayor and City Administrator, provided that the signatures may be printed, engraved or lithographed facsimiles of the originals. In case any officer whose signature or a facsimile of whose signature shall appear on the Bonds shall cease to be such officer before the delivery of any Bond, such signature or facsimile shall nevertheless be valid and sufficient for all

purposes, the same as if such officer had remained in office until delivery. Notwithstanding such execution, no Bond shall be valid or obligatory for any purpose or entitled to any security or benefit under this Resolution unless and until a certificate of authentication on the Bond has been duly executed by the manual signature of an authorized representative of the Registrar. Certificates of authentication on different Bonds need not be signed by the same representative. The executed certificate of authentication on each Bond shall be conclusive evidence that it has been authenticated and delivered under this Resolution. When the Bonds have been prepared, executed and authenticated, the City Administrator shall deliver them to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore executed, and the Purchaser shall not be obligated to see to the application of the purchase price.

2.08. Securities Depository. (a) For purposes of this section the following terms shall have the following meanings:

"Beneficial Owner" shall mean, whenever used with respect to a Bond, the person in whose name such Bond is recorded as the beneficial owner of such Bond by a Participant on the records of such Participant, or such person's subrogee.

"Cede & Co." shall mean Cede & Co., the nominee of DTC, and any successor nominee of DTC with respect to the Bonds.

"DTC" shall mean The Depository Trust Company of New York, New York.

"Participant" shall mean any broker-dealer, bank or other financial institution for which DTC holds Bonds as securities depository.

"Representation Letter" shall mean the Representation Letter pursuant to which the sender agrees to comply with DTC's Operational Arrangements.

(b) The Bonds shall be initially issued as separately authenticated fully registered bonds, and one Bond shall be issued in the principal amount of each stated maturity of the Bonds. Upon initial issuance, the ownership of such Bonds shall be registered in the bond register in the name of Cede & Co., as nominee of DTC. The Registrar and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of or interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, if any, giving any notice permitted or required to be given to registered owners of Bonds under this resolution, registering the transfer of Bonds, and for all other purposes whatsoever, and neither the Registrar nor the City shall be affected by any notice to the contrary. Neither the Registrar nor the City shall have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Bonds under or through DTC or any Participant, or any other person which is not shown on the bond register as being a registered owner of any Bonds, with respect to the accuracy of any records maintained by DTC or any Participant, with respect to the payment by DTC or any Participant of any amount with respect to the principal of or interest on the Bonds, with respect to any notice which is permitted or required to be given to owners of Bonds under this resolution, with respect to the selection by DTC or any Participant of any person to receive payment in the event of a partial redemption of the Bonds, or with respect to any consent given or other action taken by DTC as registered owner

of the Bonds. So long as any Bond is registered in the name of Cede & Co., as nominee of DTC, the Registrar shall pay all principal of and interest on such Bond, and shall give all notices with respect to such Bond, only to Cede & Co. in accordance with DTC's Operational Arrangements, and all such payments shall be valid and effective to fully satisfy and discharge the City's obligations with respect to the principal of and interest on the Bonds to the extent of the sum or sums so paid. No person other than DTC shall receive an authenticated Bond for each separate stated maturity evidencing the obligation of the City to make payments of principal and interest. Upon delivery by DTC to the Registrar of written notice to the effect that DTC has determined to substitute a new nominee in place of Cede & Co., the Bonds will be transferable to such new nominee in accordance with paragraph (e) hereof.

(c) In the event the City determines that it is in the best interest of the Beneficial Owners that they be able to obtain Bonds in the form of bond certificates, the City may notify DTC and the Registrar, whereupon DTC shall notify the Participants of the availability through DTC of Bonds in the form of certificates. In such event, the Bonds will be transferable in accordance with paragraph (e) hereof. DTC may determine to discontinue providing its services with respect to the Bonds at any time by giving notice to the City and the Registrar and discharging its responsibilities with respect thereto under applicable law. In such event the Bonds will be transferable in accordance with paragraph (e) hereof.

(d) The execution and delivery of the Representation Letter to DTC by the Mayor or City Administrator, if not previously filed, is hereby authorized and directed.

(e) In the event that any transfer or exchange of Bonds is permitted under paragraph (b) or (c) hereof, such transfer or exchange shall be accomplished upon receipt by the Registrar of the Bonds to be transferred or exchanged and appropriate instruments of transfer to the permitted transferee in accordance with the provisions of this resolution. In the event Bonds in the form of certificates are issued to owners other than Cede & Co., its successor as nominee for DTC as owner of all the Bonds, or another securities depository as owner of all the Bonds, the provisions of this resolution shall also apply to all matters relating thereto, including, without limitation, the printing of such Bonds in the form of bond certificates and the method of payment of principal of and interest on such Bonds in the form of bond certificates.

2.09. Form of Bonds. The Bonds shall be prepared in substantially the following form:

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UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF ANOKA

CITY OF EAST BETHEL

GENERAL OBLIGATION REFUNDING BOND,
SERIES 2013A

No. R-___ $_____

Rate	Maturity Date	Date of Original Issue	CUSIP No.
	February 1, 20__	July 16, 2013	

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: THOUSAND DOLLARS

CITY OF EAST BETHEL, MINNESOTA (the "City"), acknowledges itself to be indebted and hereby promises to pay to the registered owner named above, or registered assigns, the principal amount specified above on the maturity date specified above and promises to pay interest thereon from the date of original issue specified above or from the most recent Interest Payment Date (as hereinafter defined) to which interest has been paid or duly provided for, at the annual rate specified above, payable on February 1 and August 1 of each year, commencing February 1, 2014 (each such date, an "Interest Payment Date"). The interest so payable on any Interest Payment Date shall be paid to the person in whose name this Bond is registered at the close of business on the fifteenth day (whether or not a business day) of the immediately preceding month. Interest hereon shall be computed on the basis of a 360-day year composed of twelve 30-day months. The interest hereon and, upon presentation and surrender hereof at the principal office of the Registrar described below, the principal hereof are payable in lawful money of the United States of America drawn on Bond Trust Services Corporation, in Roseville, Minnesota, as bond registrar, transfer agent and paying agent (the "Registrar"), or its successor designated under the Resolution described herein.

This Bond is one of an issue in the aggregate principal amount of $18,275,000 issued pursuant to a resolution adopted by the City Council on June 19, 2013 (the "Resolution"), to refinance improvements to the City's sanitary sewer and water system (the "System"), and is issued by authority of and in strict accordance with the provisions of the Constitution and laws of the State of Minnesota thereunto enabling, including Minnesota Statutes, Section 444.075 and Chapter 475. For the full and prompt payment of the principal of and interest on the Bonds as the same become due, the full faith, credit and taxing power of the City have been and are hereby irrevocably pledged. The Bonds are issuable only in fully registered form, in denominations of $5,000 or any multiple thereof, of single maturities.

Bonds maturing in 2022 and later years are each subject to redemption and prepayment at the option of the City, in whole or in part, and if in part in such order of maturity dates as the

City may select and by lot as selected by the Registrar (or, if applicable, by the bond depository in accordance with its customary procedures) in multiples of $5,000 as to Bonds maturing on the same date, on February 1, 2021, and on any date thereafter, at a price equal to the principal amount thereof plus accrued interest to the date of redemption. Prior to the date specified for the redemption of any Bond prior to its stated maturity date, the City will cause notice of the call for redemption to be published if and as required by law, and, at least thirty days prior to the designated redemption date, will cause notice of the call to be mailed by first class mail (or, if applicable, provided in accordance with the operational arrangements of the bond depository), to the registered owner of any Bond to be redeemed at the owner's address as it appears on the bond register maintained by the Registrar, but no defect in or failure to give such mailed notice of redemption shall affect the validity of proceedings for the redemption of any Bond not affected by such defect or failure. Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of such Bonds shall cease to bear interest. Upon partial redemption of any Bond, a new Bond or Bonds will be delivered to the registered owner without charge, representing the remaining principal amount outstanding.

[COMPLETE THE FOLLOWING PROVISIONS IF THERE ARE TERM BONDS - ADD ADDITIONAL PROVISIONS IF THERE ARE MORE THAN TWO TERM BONDS]

[Bonds maturing in the years 20__ and 20__ shall be subject to mandatory redemption, at a redemption price equal to their principal amount plus interest accrued thereon to the redemption date, without premium, on February 1 in each of the years shown below, in an amount equal to the following principal amounts:

Term Bonds Maturing in 20--		Term Bonds Maturing in 20--	
Sinking Fund Payment Date	Aggregate Principal Amount	Sinking Fund Payment Date	Aggregate Principal Amount
	$		$

Notice of redemption shall be given as provided in the preceding paragraph.]

As provided in the Resolution and subject to certain limitations set forth therein, this Bond is transferable upon the books of the City at the principal office of the Registrar, by the registered owner hereof in person or by the owner's attorney duly authorized in writing upon surrender hereof together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or the owner's attorney; and may also be surrendered in exchange for Bonds of other authorized denominations. Upon such transfer or exchange the City will cause a new Bond or Bonds to be issued in the name of the transferee or registered owner, of the same aggregate principal amount, bearing interest at the same rate and maturing on the same date, subject to reimbursement for any tax, fee or governmental charge required to be paid with respect to such transfer or exchange.

The City and the Registrar may deem and treat the person in whose name this Bond is registered as the absolute owner hereof, whether this Bond is overdue or not, for the purpose of receiving payment and for all other purposes, and neither the City nor the Registrar shall be affected by any notice to the contrary.

Notwithstanding any other provisions of this Bond, so long as this Bond is registered in the name of Cede & Co., as nominee of The Depository Trust Company, or in the name of any other nominee of The Depository Trust Company or other securities depository, the Registrar shall pay all principal of and interest on this Bond, and shall give all notices with respect to this Bond, only to Cede & Co. or other nominee in accordance with the operational arrangements of The Depository Trust Company or other securities depository as agreed to by the City.

IT IS HEREBY CERTIFIED, RECITED, COVENANTED AND AGREED that all acts, conditions and things required by the Constitution and laws of the State of Minnesota to be done, to exist, to happen and to be performed preliminary to and in the issuance of this Bond in order to make it a valid and binding general obligation of the City in accordance with its terms, have been done, do exist, have happened and have been performed as so required; that, prior to the issuance hereof, the City Council has by the Resolution covenanted and agreed to collect and apply to payment of the Bonds certain net revenues of the System and ad valorem taxes levied on all taxable property in the City, which revenues and taxes are estimated to be collectible in years and amounts sufficient to produce sums not less than 5% in excess of the principal of and interest on the Bonds when due, and has appropriated such revenues and taxes to its General Obligation Refunding Bonds, Series 2013A Bond Fund for the payment of such principal and interest; that if necessary for the payment of such principal and interest, additional ad valorem taxes are required to be levied upon all taxable property in the City, without limitation as to rate or amount; that all proceedings relative to the improvements financed by this Bond have been or will be taken according to law and that the issuance of this Bond, together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery, does not cause the indebtedness of the City to exceed any constitutional or statutory limitation of indebtedness.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Resolution until the Certificate of Authentication hereon shall have been executed by the Registrar by manual signature of one of its authorized representatives.

IN WITNESS WHEREOF, the City of East Bethel, Minnesota, by its City Council, has caused this Bond to be executed on its behalf by the facsimile signatures of the Mayor and City Administrator.

CITY OF EAST BETHEL, MINNESOTA

(Facsimile Signature City Administrator) (Facsimile Signature Mayor)

CERTIFICATE OF AUTHENTICATION

This is one of the Bonds delivered pursuant to the Resolution mentioned within.

Dated _____

BOND TRUST SERVICES CORPORATION,
as Registrar

By _____
Authorized Representative

_____

The following abbreviations, when used in the inscription on the face of this Bond, shall be construed as though they were written out in full according to the applicable laws or regulations:

TEN COM — as tenants in common

UTMA ..... as Custodian for .....
(Cust) (Minor)

TEN ENT — as tenants by the entireties

under Uniform Transfers to Minors Act .....
(State)

JT TEN — as joint tenants with right of survivorship and not as tenants in common

Additional abbreviations may also be used.

_____

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

_____

NOTICE: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

_____

Signature(s) must be guaranteed by an "eligible guarantor institution" meeting the requirements of the Registrar, which requirements include membership or participation in STAMP or such other "signature guaranty program" as may be determined by the Registrar in addition to or in substitution for STAMP, all in accordance with the Securities Exchange Act of 1934, as amended.

PLEASE INSERT SOCIAL SECURITY OR OTHER IDENTIFYING NUMBER OF ASSIGNEE:

_____

[end of form of bond]

SECTION 3. USE OF PROCEEDS. Upon payment for the Bonds by the Purchaser, the City Administrator shall deposit and apply proceeds of the Bonds in the amount of $_____ to the sinking funds established for the Refunded Bonds to be applied to their redemption and prepayment on the Redemption Date in accordance with the provisions of the resolution authorizing their issuance, $_____ to costs of issuance of the Bonds as provided in Section 9.04 hereof and $_____ to the Bond Fund described in Section 4 hereof.

SECTION 4. GENERAL OBLIGATION REFUNDING BONDS, SERIES 2013A BOND FUND. The Bonds shall be payable from a separate General Obligation Refunding Bonds, Series 2013A Bond Fund (the "Bond Fund") of the City, which shall be created and maintained on the books of the City as a separate debt redemption fund until the Bonds, and all interest thereon, are fully paid. Into the Bond Fund shall be paid (a) the amounts specified in Section 3 above, (b) all amounts on deposit in the bond funds maintained for the payment of the Refunded Bonds upon the retirement of the Refunded Bonds, (c) System net revenues pledged pursuant to Section 6 hereof, (d) any taxes collected pursuant to Section 5 hereof, and (e) any other funds appropriated by the City Council for the payment of the Bonds. The principal of and interest on the Bonds shall be payable from the Bond Fund, and the money on hand in the Bond Fund from time to time shall be used only to pay the principal of and interest on the Bonds. If the balance in the Bond Fund is at any time insufficient to pay all interest and principal then due on all Bonds payable therefrom, the payment shall be made from any fund of the City which is available for that purpose, subject to reimbursement from the Bond Fund when the balance therein is sufficient, and the City covenants and agrees that it will each year levy a sufficient amount of ad valorem taxes to take care of any accumulated or anticipated deficiency, which levy is not subject to any constitutional or statutory limitation. On or before each principal and interest payment date for the Bonds, the City Administrator is directed to

remit to the Registrar from funds on deposit in the Bond Fund the amount needed to pay principal and interest on the Bonds on the next succeeding principal and interest payment date.

There are hereby established two accounts in the Bond Fund, designated as the "Debt Service Account" and the "Surplus Account." There shall initially be deposited into the Debt Service Account upon the issuance of the Bonds the amount set forth in (a) above. Thereafter, during each Bond Year (i.e., each twelve month period commencing on February 2 and ending on the following February 1), as monies are received into the Bond Fund, the City Administrator shall first deposit such monies into the Debt Service Account until an amount has been appropriated thereto sufficient to pay all principal and interest due on the Bonds through the end of the Bond Year. All subsequent monies received in the Bond Fund during the Bond Year shall be appropriated to the Surplus Account. If at any time the amount on hand in the Debt Service Account is insufficient for the payment of principal and interest then due, the City Administrator shall transfer to the Debt Service Account amounts on hand in the Surplus Account to the extent necessary to cure such deficiency. Investment earnings (and losses) on amounts from time to time held in the Debt Service Account and Surplus Account shall be credited or charged to said accounts.

SECTION 5. PLEDGE OF TAXING POWERS. For the prompt and full payment of the principal of and interest on the Bonds as such payments respectively become due, the full faith, credit and unlimited taxing powers of the City shall be and are hereby irrevocably pledged. However, the City presently estimates that the net revenues of the System available to be appropriated to the Bond Fund, together with any other funds to be appropriated by the City to the Bond Fund, will be at least five percent in excess of the amounts needed to meet when due the principal and interest payments on the Bonds and therefore no ad valorem taxes are required to be levied at this time.

SECTION 6. PLEDGE OF NET REVENUES. It is hereby found, determined and declared that the City owns and operates the municipal sewer and water utility system (the "System") as a revenue-producing utility and convenience; and that the net operating revenues of the System, after deducting from the gross receipts derived from charges for the service, use and availability of the System the normal, current and reasonable expenses of operation and maintenance thereof, will be sufficient, together with any other pledged funds, for the payment when due of the principal of and interest on the Bonds herein authorized, and on any other bonds to which such revenues are pledged.

Pursuant to Minnesota Statutes, Section 444.075, the City hereby covenants and agrees with the registered owners from time to time of the Bonds, that until the Bonds and the interest thereon are discharged as provided in Section 7 or paid in full, the City will impose and collect reasonable charges in accordance with said Section 444.075 for the service, use and availability of the System according to schedules sufficient to produce net revenues sufficient, with other funds pledged to payment of the Bonds, to pay the Bonds and any other bonds to which said net revenues have been pledged; and the net revenues, to the extent necessary, are hereby irrevocably pledged and appropriated to the payment of the Bonds herein authorized and interest thereon when due. Nothing herein shall preclude the City from hereafter making further pledges and appropriations of the net revenues of the System for payment of additional obligations of the City hereafter authorized if the City Council determines before the

authorization of such additional obligations that the estimated net revenues of the System will be sufficient, together with any other sources pledged to the payment of the outstanding and additional obligations, for payment of the outstanding bonds and such additional obligations. Such further pledges and appropriations of net revenues may be made superior or subordinate to or on a parity with, the pledge and appropriation herein made.

SECTION 7. DEFEASANCE. When all of the Bonds have been discharged as provided in this section, all pledges, covenants and other rights granted by this Resolution to the registered owners of the Bonds shall cease. The City may discharge its obligations with respect to any Bonds which are due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full; or, if any Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued from the due date to the date of such deposit. The City may also discharge its obligations with respect to any prepayable Bonds called for redemption on any date when they are prepayable according to their terms by depositing with the Registrar on or before that date an amount equal to the principal, redemption premium, if any, and interest then due, provided that notice of such redemption has been duly given as provided herein. The City may also at any time discharge its obligations with respect to any Bonds, subject to the provisions of law now or hereafter authorizing and regulating such action, by depositing irrevocably in escrow, with a bank or trust company qualified by law as an escrow agent for this purpose, cash or securities which are authorized by law to be so deposited, bearing interest payable at such time and at such rates and maturing or callable at the holder's option on such dates as shall be required to pay all principal and interest to become due thereon to maturity or earlier designated redemption date, provided, however, that if such deposit is made more than ninety days before the maturity date of the Bonds to be discharged, the City shall have received a written opinion of Bond Counsel to the effect that such deposit does not adversely affect the exemption of interest on any Bonds from federal income taxation and a written report of an accountant or investment banking firm verifying that the deposit is sufficient to pay when due all of the principal and interest on the Bonds to be discharged on and before their maturity dates.

SECTION 8. TAX COVENANTS; ARBITRAGE MATTERS AND CONTINUING DISCLOSURE.

8.01. General Covenant. The City covenants and agrees with the owners from time to time of the Bonds, that it will not take, or permit to be taken by any of its officers, employees or agents, any action which would cause the interest on the Bonds to become includable in gross income of the recipient under the Code and applicable Regulations, and covenants to take any and all affirmative actions within its powers to ensure that the interest on the Bonds will not become includable in gross income of the recipient under the Code and applicable Regulations. The City represents and covenants that all improvements financed from the proceeds of the Bonds are and will be owned and operated by the City and available for use by members of the general public on a substantially equal basis. The City has not and will not enter into any lease, management contract, operating agreement, use agreement or other contract relating to the use, operation or maintenance of the City facilities financed by the Bonds which would cause the Bonds to be considered "private activity bonds" or "private loan bonds" pursuant to Section 141 of the Code.

8.02. Arbitrage Certification. The Mayor and City Administrator being the officers of the City charged with the responsibility for issuing the Bonds pursuant to this Resolution, are authorized and directed to execute and deliver to the Purchaser a certificate in accordance with the provisions of Section 148 of the Code and applicable Regulations, stating that on the basis of facts, estimates and circumstances in existence on the date of issue and delivery of the Bonds, it is reasonably expected that the proceeds of the Bonds will not be used in a manner that would cause the Bonds to be "arbitrage bonds" within the meaning of the Code and the applicable Regulations.

8.03. Arbitrage Rebate Exemption. The City acknowledges that the Bonds are subject to the rebate requirements of Section 148(f) of the Code. The City covenants and agrees to retain such records, make such determinations, file such reports and documents and pay such amounts at such times as are required under said Section 148(f) and applicable Regulations to preserve the exclusion of interest on the Bonds from gross income for federal income tax purposes, unless the Bonds qualify for an exception from the rebate requirement pursuant to one of the spending exceptions set forth in Section 1.148-7 of the Regulations and no "gross proceeds" of the Bonds (other than amounts constituting a "bona fide debt service fund") arise during or after the expenditure of the original proceeds thereof.

8.04. Not Qualified Tax-Exempt Obligations. The Bonds are not designated by the City as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code.

8.05. Continuing Disclosure. (a) Purpose and Beneficiaries. To provide for the public availability of certain information relating to the Bonds and the security therefor and to permit the Purchaser and other participating underwriters in the primary offering of the Bonds to comply with amendments to Rule 15c2-12 promulgated by the SEC under the Securities Exchange Act of 1934 (17 C.F.R. § 240.15c2-12), relating to continuing disclosure (as in effect and interpreted from time to time, the "Rule"), which will enhance the marketability of the Bonds, the City hereby makes the following covenants and agreements for the benefit of the Owners (as hereinafter defined) from time to time of the Outstanding Bonds. The City is the only obligated person in respect of the Bonds within the meaning of the Rule for purposes of identifying the entities in respect of which continuing disclosure must be made. If the City fails to comply with any provisions of this section, any person aggrieved thereby, including the Owners of any Outstanding Bonds, may take whatever action at law or in equity may appear necessary or appropriate to enforce performance and observance of any agreement or covenant contained in this section, including an action for a writ of mandamus or specific performance. Direct, indirect, consequential and punitive damages shall not be recoverable for any default hereunder to the extent permitted by law. Notwithstanding anything to the contrary contained herein, in no event shall a default under this section constitute a default under the Bonds or under any other provision of this resolution. As used in this section, Owner or Bondowner means, in respect of a Bond, the registered owner or owners thereof appearing in the bond register maintained by the Registrar or any Beneficial Owner (as hereinafter defined) thereof, if such Beneficial Owner provides to the Registrar evidence of such beneficial ownership in form and substance reasonably satisfactory to the Registrar. As used herein, Beneficial Owner means, in respect of a Bond, any person or entity which (i) has the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, such Bond (including persons or entities

holding Bonds through nominees, depositories or other intermediaries), or (ii) is treated as the owner of the Bond for federal income tax purposes.

(b) Information To Be Disclosed. The City will provide, in the manner set forth in subsection (c) hereof, either directly or indirectly through an agent designated by the City, the following information at the following times:

(1) on or before twelve (12) months after the end of each fiscal year of the City, commencing with the fiscal year ending December 31, 2012, the following financial information and operating data in respect of the City (the "Disclosure Information"):

(A) the audited financial statements of the City for such fiscal year, prepared in accordance with generally accepted accounting principles in accordance with the governmental accounting standards promulgated by the Governmental Accounting Standards Board or as otherwise provided under Minnesota law, as in effect from time to time, or, if and to the extent such financial statements have not been prepared in accordance with such generally accepted accounting principles for reasons beyond the reasonable control of the City, noting the discrepancies therefrom and the effect thereof, and certified as to accuracy and completeness in all material respects by the fiscal officer of the City; and

(B) to the extent not included in the financial statements referred to in paragraph (A) hereof, the information for such fiscal year or for the period most recently available of the type contained in the Official Statement under headings: Current Property Valuations, Direct Debt, Tax Levies and Collections, Population Trend and Employment/Unemployment.

Notwithstanding the foregoing paragraph, if the audited financial statements are not available by the date specified, the City shall provide on or before such date unaudited financial statements in the format required for the audited financial statements as part of the Disclosure Information and, within 10 days after the receipt thereof, the City shall provide the audited financial statements. Any or all of the Disclosure Information may be incorporated by reference, if it is updated as required hereby, from other documents, including official statements, which have been filed with the SEC or have been made available to the public on the Internet Web site of the Municipal Securities Rulemaking Board ("MSRB"). The City shall clearly identify in the Disclosure Information each document so incorporated by reference. If any part of the Disclosure Information can no longer be generated because the operations of the City have materially changed or been discontinued, such Disclosure Information need no longer be provided if the City includes in the Disclosure Information a statement to such effect; provided, however, if such operations have been replaced by other City operations in respect of which data is not included in the Disclosure Information and the City determines that certain specified data regarding such replacement operations would be a Material Fact (as defined in paragraph (2) hereof), then, from and after such determination, the Disclosure Information shall include such additional specified data regarding the replacement operations. If the Disclosure Information is changed or this section is amended as permitted by this paragraph (b)(1) or subsection (d), then the City shall

include in the next Disclosure Information to be delivered hereunder, to the extent necessary, an explanation of the reasons for the amendment and the effect of any change in the type of financial information or operating data provided.

(2) In a timely manner not in excess of ten business days after the occurrence of the event, notice of the occurrence of any of the following events (each a "Material Fact"):

(A) Principal and interest payment delinquencies;
(B) Non-payment related defaults, if material;
(C) Unscheduled draws on debt service reserves reflecting financial difficulties;
(D) Unscheduled draws on credit enhancements reflecting financial difficulties;
(E) Substitution of credit or liquidity providers, or their failure to perform;
(F) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
(G) Modifications to rights of security holders, if material;
(H) Bond calls (other than scheduled mandatory redemptions), if material, and tender offers;
(I) Defeasances;
(J) Release, substitution, or sale of property securing repayment of the securities, if material;
(K) Rating changes;
(L) Bankruptcy, insolvency, receivership or similar event of the obligated person;
(M) The consummation of a merger, consolidation, or acquisition involving an obligated person or the sale of all or substantially all of the assets of the obligated person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
(N) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

As used herein, for those events that must be reported if material, an event is "material" if it is an event as to which a substantial likelihood exists that a reasonably prudent investor would attach importance thereto in deciding to buy, hold or sell a Bond or, if not disclosed, would significantly alter the total information otherwise available to an investor from the Official Statement, information disclosed hereunder or information generally available to the public. Notwithstanding the foregoing sentence, an event is also "material" if it is an event that would be deemed material for purposes of the purchase, holding or sale of a Bond within the meaning of

applicable federal securities laws, as interpreted at the time of discovery of the occurrence of the event.

For the purposes of the event identified in (L) hereinabove, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an obligated person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the obligated person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the obligated person.

(3) In a timely manner, notice of the occurrence of any of the following events or conditions:

(A) the failure of the City to provide the Disclosure Information required under paragraph (b)(1) at the time specified thereunder;
(B) the amendment or supplementing of this section pursuant to subsection (d), together with a copy of such amendment or supplement and any explanation provided by the City under subsection (d)(2);
(C) the termination of the obligations of the City under this section pursuant to subsection (d);
(D) any change in the accounting principles pursuant to which the financial statements constituting a portion of the Disclosure Information are prepared; and
(E) any change in the fiscal year of the City.

(c) Manner of Disclosure.

(1) The City agrees to make available to the MSRB, in an electronic format as prescribed by the MSRB from time to time, the information described in subsection (b).

(2) All documents provided to the MSRB pursuant to this subsection (c) shall be accompanied by identifying information as prescribed by the MSRB from time to time.

(d) Term; Amendments; Interpretation.

(1) The covenants of the City in this section shall remain in effect so long as any Bonds are Outstanding. Notwithstanding the preceding sentence, however, the obligations of the City under this section shall terminate and be without further effect as of any date on which the City delivers to the Registrar an opinion of Bond Counsel to the effect that, because of legislative action or final judicial or administrative actions or proceedings, the failure of the City to comply with the

requirements of this section will not cause participating underwriters in the primary offering of the Bonds to be in violation of the Rule or other applicable requirements of the Securities Exchange Act of 1934, as amended, or any statutes or laws successory thereto or amendatory thereof.

(2) This section (and the form and requirements of the Disclosure Information) may be amended or supplemented by the City from time to time, without notice to (except as provided in paragraph (c)(3) hereof) or the consent of the Owners of any Bonds, by a resolution of this Council filed in the office of the recording officer of the City accompanied by an opinion of Bond Counsel, who may rely on certificates of the City and others and the opinion may be subject to customary qualifications, to the effect that: (i) such amendment or supplement (a) is made in connection with a change in circumstances that arises from a change in law or regulation or a change in the identity, nature or status of the City or the type of operations conducted by the City, or (b) is required by, or better complies with, the provisions of paragraph (b)(5) of the Rule; (ii) this section as so amended or supplemented would have complied with the requirements of paragraph (b)(5) of the Rule at the time of the primary offering of the Bonds, giving effect to any change in circumstances applicable under clause (i)(a) and assuming that the Rule as in effect and interpreted at the time of the amendment or supplement was in effect at the time of the primary offering; and (iii) such amendment or supplement does not materially impair the interests of the Bondowners under the Rule.

If the Disclosure Information is so amended, the City agrees to provide, contemporaneously with the effectiveness of such amendment, an explanation of the reasons for the amendment and the effect, if any, of the change in the type of financial information or operating data being provided hereunder.

(3) This section is entered into to comply with the continuing disclosure provisions of the Rule and should be construed so as to satisfy the requirements of paragraph (b)(5) of the Rule.

SECTION 9. CERTIFICATION OF PROCEEDINGS.

9.01. Registration and Levy of Taxes. The City Administrator is hereby authorized and directed to file a certified copy of this Resolution with the County Auditor of Anoka County, together with such other information as the County Auditor shall require, and to obtain a certificate that the Bonds have been entered on the County Auditor's bond register and the tax required by law has been levied.

9.02. Authentication of Transcript. The officers of the City are hereby authorized and directed to prepare and furnish to the Purchaser and to Dorsey & Whitney LLP, Bond Counsel, certified copies of all proceedings and records of the City relating to the Bonds and to the financial condition and affairs of the City, and such other affidavits, certificates and information as may be required to show the facts relating to the legality and marketability of the Bonds as the same appear from the books and records in their custody and control or as

otherwise known to them, and all such certified copies, certificates and affidavits, including any heretofore furnished, shall be deemed representations of the City as to the correctness of all statements contained therein.

9.03. Official Statement. The Preliminary Official Statement relating to the Bonds, dated as of June 6, 2013, prepared and distributed by Ehlers & Associates, Inc., is hereby approved. Ehlers & Associates, Inc., is hereby authorized on behalf of the City to prepare and distribute to the Purchaser within seven business days from the date hereof, a Final Official Statement listing the offering price, the interest rates, selling compensation, delivery date, the underwriters and such other information relating to the Bonds required to be included in the Official Statement by Rule l5c2-12 adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934. The officers of the City are hereby authorized and directed to execute such certificates as may be appropriate concerning the accuracy, completeness and sufficiency of the Official Statement.

9.04. Authorization of Payment of Certain Costs of Issuance of the Bonds. The City authorizes the Purchaser to forward the amount of Bond proceeds allocable to the payment of issuance expenses to Klein Bank on the closing date for further distribution as directed by the City's financial advisor, Ehlers & Associates, Inc.

9.05. Effective Date. This resolution shall be in full force and effect from and after its passage.

SECTION 10. REFUNDED BONDS CALL. The City Administrator is hereby directed to advise U.S. Bank National Association, in St. Paul, Minnesota, as paying agent for the Refunded Bonds, to call the Refunded Bonds for redemption and prepayment on the Redemption Date using the form attached hereto, in accordance with the provisions of the respective resolutions authorizing issuance of the Refunded Bonds.

Upon vote being taken thereon the following voted in favor thereof:

and the following voted against the same:

whereupon the resolution was declared duly passed and adopted.

EXHIBIT A

Maturity Schedule

Year	Series 2010A Refunding Portion	Series 2010B Refunding Portion
2019	$ 0	$ 290,000
2020	205,000	295,000
2021	210,000	240,000
2022	260,000	245,000
2023	230,000	255,000
2024	280,000	260,000
2025	310,000	265,000
2026	365,000	275,000
2027	425,000	280,000
2028	490,000	290,000
2029	555,000	300,000
2030	635,000	315,000
2031	740,000	315,000
2032	815,000	330,000
2033	815,000	330,000
2034	815,000	340,000
2035	810,000	345,000
2036	810,000	265,000
2037	805,000	270,000
2038	795,000	270,000
2039	790,000	280,000
2040	780,000	280,000
TOTAL	**$11,940,000**	**$6,335,000**

NOTICE OF REDEMPTION

$11,465,000 Taxable General Obligation Water Utility Revenue Bonds, Series 2010A
(Recovery Zone Economic Development Bonds)
Dated as of December 15, 2010
City of East Bethel, Minnesota

NOTICE IS HEREBY GIVEN THAT there have been called for redemption and prepayment on August 1, 2013, all outstanding Bonds of the above-referenced issue, dated, as originally issued, as of December 15, 2010, maturing February 1 in the following years and having the interest rates listed below:

Maturity	Amount	Rate	CUSIP No.	Maturity	Amount	Rate	CUSIP No.
2020*	$ 115,000	4.50%	271074 FU5	2030*	$2,035,000	6.50%	271074 GE0
2021*	120,000	4.70	271074 FV3	2035*	3,835,000	6.75	271074 GK6
2025*	720,000	5.60	271074 FZ4	2040*	4,640,000	7.00	271074 GQ3

*Indicates full call.

The Bonds will be redeemed at a price of 100% of their principal amount ($11,465,000) plus accrued interest to the date of redemption. Holders of the Bonds should present them for payment to U.S. Bank National Association, St. Paul, Minnesota, on or before said date, when they will cease to bear interest, in the following manner:

If by Mail:

U.S. Bank National Association
Corporate Trust Operations, 3rd Floor
P.O. Box 64111
St. Paul, MN 55164-0111

If by Hand or Overnight Mail:

U.S. Bank National Association
60 Livingston Avenue
EP-MN-WS3C
Bond Drop Window, 1st Floor
St. Paul, MN 55107

In compliance with the Interest and Dividend Compliance Act of 1983 and Broker Reporting Requirements, the redeeming institutions are required to withhold 31% of the principal amount of your holdings redeemed unless they are provided with your social security number or federal employer identification number, properly certified. This requirement is fulfilled by submitting a W-9 Form, which may be obtained at a bank or other financial institution.

Additional information may be obtained from the undersigned.

Dated: _____, 2013.

U.S. BANK NATIONAL ASSOCIATION

NOTICE OF REDEMPTION

$6,100,000 Taxable General Obligation Utility Revenue Bonds, Series 2010B
(Build America Bonds - Direct Pay)
Dated as of December 15, 2010
City of East Bethel, Minnesota

NOTICE IS HEREBY GIVEN THAT there have been called for redemption and prepayment on August 1, 2013, all outstanding Bonds of the above-referenced issue, dated, as originally issued, as of December 15, 2010, maturing February 1 in the following years and having the interest rates listed below:

Maturity	Amount	Rate	CUSIP No.	Maturity	Amount	Rate	CUSIP No.
2016	$ 90,000	3.10%	271074 GR1	2021	$ 170,000	4.70%	271074 GW0
2017	120,000	3.50	271074 GS9	2025	765,000	5.60	271074 HA7
2018	210,000	3.80	271074 GT7	2030	1,190,000	6.50	271074 HF6
2019	220,000	4.25	271074 GU4	2035	1,555,000	6.75	271074 HL3
2020	220,000	4.50	271074 GV2	2040	1,560,000	7.00	271074 HT6

*Indicates full call.

The Bonds will be redeemed at a price of 100% of their principal amount ($6,100,000) plus accrued interest to the date of redemption. Holders of the Bonds should present them for payment to U.S. Bank National Association, St. Paul, Minnesota, on or before said date, when they will cease to bear interest, in the following manner:

If by Mail:

U.S. Bank National Association
Corporate Trust Operations, 3rd Floor
P.O. Box 64111
St. Paul, MN 55164-0111

If by Hand or Overnight Mail:

U.S. Bank National Association
60 Livingston Avenue
EP-MN-WS3C
Bond Drop Window, 1st Floor
St. Paul, MN 55107

In compliance with the Interest and Dividend Compliance Act of 1983 and Broker Reporting Requirements, the redeeming institutions are required to withhold 31% of the principal amount of your holdings redeemed unless they are provided with your social security number or federal employer identification number, properly certified. This requirement is fulfilled by submitting a W-9 Form, which may be obtained at a bank or other financial institution.

Additional information may be obtained from the undersigned.

Dated: _____, 2013.

U.S. BANK NATIONAL ASSOCIATION

CERTIFICATE OF ANOKA COUNTY AUDITOR
AS TO REGISTRATION

The undersigned, being the duly qualified and acting County Auditor of Anoka County, Minnesota, hereby certifies that there has been filed in my office a certified copy of a resolution duly adopted on June 19, 2013, by the City Council of the City of East Bethel, Minnesota, setting forth the form and details of an issue of $18,275,000 General Obligation Refunding Bonds, Series 2013A, dated as of July 16, 2013.

I further certify that the issue has been entered on my bond register as required by Minnesota Statutes, Sections 475.62 and 475.63.

WITNESS my hand and official seal on _____, 2013.

_____
County Auditor

(SEAL)

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 4.0 B

* *

Agenda Item:
Resolution 2013-34 Resolution Acknowledging Rita Pierce's Service to the City of East Bethel

* *

Requested Action:
Approve Resolution 2013-34

* *

Background Information:

* *

Fiscal Impact:

* *

Recommendation(s):

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2013-34

ACKNOWLEDGEMENT OF APPRECIATION FOR SERVICE TO RITA PIERCE

WHEREAS, Rita Pierce began her employment with the City of East Bethel in September 2008 and is admired and respected by City Council, Staff and residents of the City as a result of her work ethic, integrity and regard for others **;**

WHEREAS, Rita Pierce has set a standard for excellence in the performance of her duties as Fiscal and Support Services Director**;**

WHEREAS, Rita Pierce has been a leader in guiding the City through the financial challenges of the Municipal Utilities Project;

WHEREAS, Rita Pierce has performed her responsibilities over and beyond the expectations of the position;

WHEREAS, Rita Pierce will retire from her position as Fiscal and Support Services Director on June 30, 2013;

NOW THEREFORE, BE IT RESOLVED, by the City Council of East Bethel, that Rita Pierce's contributions and accomplishments are, hereby, publicly acknowledged and recognized and City Council extends their sincere appreciation to Rita Pierce for her services to the City.

Adopted this 19th day of June 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Richard Lawrence, Mayor

ATTEST:

_____

Jack Davis, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda IBem Number:
Item 4.0 C

* *

Agenda Item:
Monthly Sheriff's Report

* *

Requested Action:
Information Only

* *

Background Information:
Lt. Orlando will review the monthly statistics and report on activities for the month of May, 2013.

* *

Fiscal Impact:
None

* *

Recommendation(s):
Information Only

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required: _X

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 4.0 D

* *

Agenda Item:
2014-2015 Anoka County Sheriff's Department Contract (ACSD)

* *

Requested Action:
The ACSD will present the proposed Law Enforcement/Police Services 2014-2015 Contract

* *

Background Information:
The City contracts with the ACSD for police services. The current 2 year contract with the City expires on December 31, 2013. The City currently contracts for 36 hour per day patrol service and 20 hours per week for a Community Service Officer (CSO). The cost for this service for 2013 is $961,144.

The City evaluated the feasibility of a City Police Department in 2008 and concluded that providing this service as an in-house City only function would not decrease costs or add value as compared to contracting the service with the ACSD.

* *

Fiscal Impact:
To be determined

* *

Recommendation(s):
None at this time

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 6.0 A-E

* *

Agenda Item:
Consent Agenda

* *

Requested Action:
Consider approving Consent Agenda as presented

* *

Background Information:
Item A
Bills/Claims

Item B
June 5, 2013 City Council Regular Meeting Minutes
Meeting minutes from the June 5, 2013 Regular City Council Meeting are attached for your review and approval.

Item C
Liquor License Renewals
All but one of City liquor licensees have submitted application forms for renewal. A few of the liquor licenses still have information to be submitted as is shown on the spreadsheet attached. An updated list will be provided at the City Council meeting.

Liquor licenses run for the period July 1, of each year through and including June 30 of the following year. License applications being considered are for the period July 1, 2013 through and including June 30, 2014. All approvals will be subject to all forms being received by the City, background checks being completed, the Sheriff's signature and approval from the Liquor Control Board at the State of Minnesota.

Item D
Resolution 2013-35 Acknowledging Donation from CLIMB, Theatre
The City of East Bethel has received a donation of $500 from CLIMB, Theatre to be used towards the Kiddie Parade scheduled for Saturday, July 20, 2013.

Staff is recommending adoption of Resolution 2013-35 Accepting Donation from CLIMB, Theatre.

Item E
Resolution 2013-36 Resolution Transferring Funds from EDA

The EDA budget for 2012 and 2013 included funding for the installation of a new city sign. The East Bethel Lions donation of $5,000 and the insurance reimbursement of $2,890 for damages to the old city sign were placed in the Equipment Replacement Fund along with expenses related to the new city sign in the amount of $89,429.99. Staff recommends approval of Resolution 2013-36 to transfer funds from EDA to Equipment Replacement for the net cost of the new city sign.
* *

Fiscal Impact:
As noted above.
* *

Recommendation(s):
Staff recommends approval of the Consent Agenda as presented.
* *

City Council Action

Motion by: ________________ Second by: ________________

____

____

____

Vote Yes: _____ Vote No: _____

No Action Required: _____

Payments for Council Approval June 19, 2013

Bills to be Approved for Payment	$454,121.20
Electronic Payments	$25,785.44
Payroll City Staff - June 6, 2013	$32,383.76
Payroll City Council - June 14, 2013	$2,145.69
Payroll Fire Dept - June 14, 2013	$7,611.76

Total to be Approved for Payment	$522,047.85

City of East Bethel
June 19, 2013
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
215-221st East 65 Service Rd	Architect/Engineering Fees	31538	Hakanson Anderson Assoc. Inc.	402	43125	12,512.54
Arena Operations	Bldgs/Facilities Repair/Maint	052913	Wright-Hennepin Coop Electric	615	49851	21.32
Arena Operations	Electric Utilities	052113	Connexus Energy	615	49851	842.97
Arena Operations	Professional Services Fees	58	Gibson's Management Company	615	49851	6,030.71
Arena Operations	Telephone	052813	CenturyLink	615	49851	113.25
Building Inspection	Electrical Inspections	060113	Brian Nelson Inspection Svcs	101		2,175.00
Building Inspection	Motor Fuels	2215251	Lubricant Technologies, Inc.	101	42410	297.69
Building Inspection	Motor Vehicles Parts	1539-221583	O'Reilly Auto Stores Inc.	101	42410	36.22
Building Inspection	Permit Fee Reimbursement	060413	Bassing Electric Inc.	101		50.00
Central Services/Supplies	Information Systems	217480	City of Roseville	101	48150	2,392.33
Central Services/Supplies	Information Systems	06 2013	Midcontinent Communications	101	48150	1,278.00
Central Services/Supplies	Office Equipment Rental	229275615	Loffler Companies, Inc.	101	48150	402.63
Central Services/Supplies	Office Supplies	657547644001	Office Depot	101	48150	79.29
Central Services/Supplies	Office Supplies	657552506001	Office Depot	101	48150	69.42
Central Services/Supplies	Office Supplies	659924151001	Office Depot	101	48150	77.21
Central Services/Supplies	Telephone	052813	CenturyLink	101	48150	239.57
Civic Events	Professional Services Fees	20120502.01	Mosquito Productions	227	45311	635.91
Civic Events	Professional Services Fees	RG 1100956	Swank Motion Pictures,Inc.	227	45311	370.64
Engineering	Architect/Engineering Fees	31541	Hakanson Anderson Assoc. Inc.	101	43110	1,873.21
Finance	Personnel Advertising	1009627110	Star Tribune	101	41520	1,484.00
Fire Department	Bldg/Facility Repair Supplies	161974	Northern Sanitary Supply Co	101	42210	35.65
Fire Department	Bldgs/Facilities Repair/Maint	052913	Wright-Hennepin Coop Electric	101	42210	5.32
Fire Department	Clothing & Personal Equipment	135366	Aspen Mills, Inc.	101	42210	62.90
Fire Department	Clothing & Personal Equipment	135646	Aspen Mills, Inc.	101	42210	96.41
Fire Department	Electric Utilities	052113	Connexus Energy	101	42210	628.83
Fire Department	Employer Paid Expenses	8734	F.I.R.E.	231	42210	5,000.00
Fire Department	Employer Paid Expenses	9114	F.I.R.E.	231	42210	4,750.00
Fire Department	Employer Paid Expenses	052413	Mark Duchene	231	42210	187.46
Fire Department	Motor Fuels	2215251	Lubricant Technologies, Inc.	101	42210	473.57
Fire Department	Motor Fuels	2215252	Lubricant Technologies, Inc.	101	42210	487.42
Fire Department	Motor Vehicle Services (Lic d)	17069820	W.S. Darley & Co.	101	42210	310.68
Fire Department	Repairs/Maint Machinery/Equip	3354	Kirvida Fire, Inc.	101	42210	347.28
Fire Department	Safety Supplies	149866	Clarey's Safety Equipment Inc.	101	42210	366.96
Fire Department	Small Tools and Minor Equip	17068126	W.S. Darley & Co.	101	42210	415.64
Fire Department	Telephone	052813	CenturyLink	101	42210	409.85
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14946	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-05-13	Premium Waters, Inc.	101	41940	49.62
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	122244	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Electric Utilities	052113	Connexus Energy	101	41940	879.48
Jackson MSA Street Project	Architect/Engineering Fees	31551	Hakanson Anderson Assoc. Inc.	402	40326	137.23
Legal	Legal Fees	05 2013	Eckberg, Lammers, Briggs,	101	41610	7,574.62
Legal	Legal Fees	128338	Eckberg, Lammers, Briggs,	101	41610	5,146.97
Mayor/City Council	Conferences/Meetings	053013	Anoka County	101	41110	8.00
Mayor/City Council	Professional Services Fees	230124	Municipal Code Corp.	101	41110	550.00
Park Capital Projects	Bldg/Facility Repair Supplies	428732-IN	Beacon Athletics	407	40700	2,648.00
Park Maintenance	Bldg/Facility Repair Supplies	64971346	John Deere Landscapes	101	43201	24.96
Park Maintenance	Chemicals and Chem Products	30031054	Federated Co-ops	101	43201	158.23

City of East Bethel
June 19, 2013
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Chemicals and Chem Products	64857761	John Deere Landscapes	101	43201	174.72
Park Maintenance	Cleaning Supplies	416933	Ham Lake Hardware	101	43201	16.43
Park Maintenance	Clothing & Personal Equipment	1182527794	G&K Services - St. Paul	101	43201	19.56
Park Maintenance	Clothing & Personal Equipment	1182539149	G&K Services - St. Paul	101	43201	21.66
Park Maintenance	Clothing & Personal Equipment	1182550420	G&K Services - St. Paul	101	43201	20.26
Park Maintenance	Electric Utilities	052113	Connexus Energy	101	43201	173.64
Park Maintenance	Equipment Parts	F-231570010	Allstate Peterbilt North	101	43201	34.41
Park Maintenance	Equipment Parts	P08999	Isanti County Equipment	101	43201	88.70
Park Maintenance	Equipment Parts	P09146	Isanti County Equipment	101	43201	166.21
Park Maintenance	Equipment Parts	1539-220151	O'Reilly Auto Stores Inc.	101	43201	72.43
Park Maintenance	Equipment Parts	1539-220889	O'Reilly Auto Stores Inc.	101	43201	116.82
Park Maintenance	Equipment Parts	256085	S & S Industrial Supply	101	43201	29.31
Park Maintenance	Equipment Parts	JI75019	Turfwerks	101	43201	102.67
Park Maintenance	General Operating Supplies	415507	Ham Lake Hardware	101	43201	30.93
Park Maintenance	General Operating Supplies	1539-221902	O'Reilly Auto Stores Inc.	101	43201	21.10
Park Maintenance	Motor Fuels	2215251	Lubricant Technologies, Inc.	101	43201	405.92
Park Maintenance	Motor Fuels	2215252	Lubricant Technologies, Inc.	101	43201	937.35
Park Maintenance	Park/Landscaping Materials	16062	Bjorklund Companies, LLC	101	43201	46.49
Park Maintenance	Park/Landscaping Materials	16065	Bjorklund Companies, LLC	101	43201	1,703.48
Park Maintenance	Park/Landscaping Materials	30031662	Federated Co-ops	101	43201	106.86
Park Maintenance	Personnel Advertising	IQ 01814684	ECM Publishers, Inc.	101	43201	105.00
Park Maintenance	Repairs/Maint Machinery/Equip	67168	Gerdin Auto Service Inc	101	43201	137.87
Park Maintenance	Repairs/Maint Machinery/Equip	I01604	Isanti County Equipment	101	43201	276.32
Payroll	Insurance Premiums	06 2013	Dearborn National Life Ins Co.	101		1,169.83
Planning and Zoning	Architect/Engineering Fees	31536	Hakanson Anderson Assoc. Inc.	943		54.24
Planning and Zoning	Legal Notices	IQ 01814552	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Legal Notices	IQ 01814553	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Legal Notices	IQ 01814554	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Legal Notices	IQ 01814893	ECM Publishers, Inc.	101	41910	30.75
Planning and Zoning	Professional Services Fees	679	Flat Rock Geographics, LLC	101	41910	334.13
Police	Professional Services Fees	227177	Anoka County Treasury Dept	101	42110	249,496.00
Police	Professional Services Fees	73006	Gopher State One-Call	101	42110	36.25
Police	Professional Services Fees	05 2013	Gratitude Farms	101	42110	437.03
Recycling Operations	Electric Utilities	052113	Connexus Energy	226	43235	125.99
Recycling Operations	Refuse Removal	053113	Freimuth Enterprises LLC	226	43235	103.00
Recycling Operations	Refuse Removal	052313	SRC, Inc.	226	43235	602.36
Sewer Operations	Bldgs/Facilities Repair/Maint	052913	Wright-Hennepin Coop Electric	602	49451	24.53
Sewer Operations	Electric Utilities	052113	Connexus Energy	602	49451	1,026.28
Sewer Operations	Professional Services Fees	83624	Utility Consultants, Inc.	602	49451	550.62
Sewer Utility Capital Projects	Architect/Engineering Fees	31539	Hakanson Anderson Assoc. Inc.	434	49455	257.79
Sewer Utility Capital Projects	Architect/Engineering Fees	31540	Hakanson Anderson Assoc. Inc.	434	49455	10,890.28
Sewer Utility Capital Projects	Land	128338	Eckberg, Lammers, Briggs,	434	49455	898.50
Street Maintenance	Auto/Misc Licensing Fees/Taxes	061113	Rita J. Pierce	101	43220	11.00
Street Maintenance	Bldg/Facility Repair Supplies	25422	Menards Cambridge	101	43220	198.78
Street Maintenance	Bldg/Facility Repair Supplies	25423	Menards Cambridge	101	43220	(21.35)
Street Maintenance	Bldg/Facility Repair Supplies	25694	Menards Cambridge	101	43220	56.00
Street Maintenance	Bldg/Facility Repair Supplies	25696	Menards Cambridge	101	43220	273.89

City of East Bethel
June 19, 2013
Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Street Maintenance	Bldg/Facility Repair Supplies	1539-220374	O'Reilly Auto Stores Inc.	101	43220	74.80
Street Maintenance	Bldg/Facility Repair Supplies	1539-221251	O'Reilly Auto Stores Inc.	101	43220	50.66
Street Maintenance	Bldgs/Facilities Repair/Maint	1182527794	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	1182539149	G&K Services - St. Paul	101	43220	9.80
Street Maintenance	Bldgs/Facilities Repair/Maint	1182550420	G&K Services - St. Paul	101	43220	5.70
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-05-13	Premium Waters, Inc.	101	43220	49.62
Street Maintenance	Bldgs/Facilities Repair/Maint	052913	Wright-Hennepin Coop Electric	101	43220	21.29
Street Maintenance	Clothing & Personal Equipment	1182527794	G&K Services - St. Paul	101	43220	56.44
Street Maintenance	Clothing & Personal Equipment	1182539149	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Clothing & Personal Equipment	1182550420	G&K Services - St. Paul	101	43220	14.47
Street Maintenance	Electric Utilities	052113	Connexus Energy	101	43220	1,635.91
Street Maintenance	Equipment Parts	1927420203	Rigid Hitch Inc.	101	43220	20.14
Street Maintenance	General Operating Supplies	1539-221903	O'Reilly Auto Stores Inc.	101	43220	7.03
Street Maintenance	Heavy Machinery	3030	Superior Automotive	701	43220	12,200.00
Street Maintenance	Heavy Machinery	K4769101	Ziegler Inc.	701	43220	73,800.39
Street Maintenance	Lubricants and Additives	1539-220889	O'Reilly Auto Stores Inc.	101	43220	95.94
Street Maintenance	Motor Fuels	2215251	Lubricant Technologies, Inc.	101	43220	175.90
Street Maintenance	Motor Fuels	2215252	Lubricant Technologies, Inc.	101	43220	2,324.64
Street Maintenance	Motor Vehicles Parts	20883	Hayford Ford	101	43220	174.21
Street Maintenance	Safety Supplies	25694	Menards Cambridge	101	43220	39.78
Street Maintenance	Small Tools and Minor Equip	255664	S & S Industrial Supply	101	43220	45.83
Street Maintenance	Street Maint Materials	16159	Bjorklund Companies, LLC	101	43220	626.11
Street Maintenance	Street Maint Materials	127580	City of St. Paul	101	43220	949.14
Street Maintenance	Telephone	052813	CenturyLink	101	43220	68.56
Street Maintenance	Tires	150015712	Pomp's Tire Service, Inc.	101	43220	285.65
Water Utility Capital Projects	Architect/Engineering Fees	31539	Hakanson Anderson Assoc. Inc.	433	49405	257.79
Water Utility Operations	Bldg/Facility Repair Supplies	23830	Ferguson Waterworks #2516	651	49401	716.86
Water Utility Operations	Bldgs/Facilities Repair/Maint	052913	Wright-Hennepin Coop Electric	601	49401	26.67
Water Utility Operations	Chemicals and Chem Products	3470640 RI	Hawkins, Inc	601	49401	85.00
Water Utility Operations	Conferences/Meetings	060313	MN Rural Water Assoc	601	49401	150.00
Water Utility Operations	Electric Utilities	052113	Connexus Energy	601	49401	1,180.86
Water Utility Operations	Telephone	052813	CenturyLink	651	49401	123.34
Water Utility Operations	Telephone	052813	CenturyLink	651	49401	65.00
Water Utility Operations	Telephone	052813	CenturyLink	601	49401	110.74
Water Utility Operations	Utility Maint Supplies	CM002015	Ferguson Waterworks #2516	651	49401	(90.12)
	Workers Comp Premiums	25270	League of MN Cities Ins Trust	101		25,115.50
						$454,121.20

City of East Bethel

June 19, 2013

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Electronic Payments						
Payroll	PERA					$5,704.46
Payroll	Federal Withholding					$5,516.91
Payroll	Medicare Withholding					$1,702.00
Payroll	FICA Tax Withholding					$7,278.36
Payroll	State Withholding					$2,205.89
Payroll	MSRS					$3,377.82
						$25,785.44

EAST BETHEL CITY COUNCIL MEETING

June 5, 2013

The East Bethel City Council met on June 5, 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
Craig Jochum, City Engineer

Call to Order

The June 5, 2013 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.

Adopt Agenda

Moegerle made a motion to adopt the June 5, 2013 City Council agenda. Lawrence seconded, all in favor; motion carries.

Storm Water Pollution Prevention Program Public Hearing

Davis explained that the City of East Bethel has developed a Storm Water Pollution Prevention Program as required by the National Pollutant Discharge Elimination Program, which authorizes City's to discharge storm water to the public water system. The goal of the Storm Water Pollution Prevention Program is to reduce the discharge of pollutants into receiving waters to the Maximum Extent Practicable. The Minnesota Pollution Control Agency issued coverage to the City of East Bethel on January 9, 2008.

One of the requirements of the Program includes that the City must hold an annual meeting before June 30th of each year. At the annual meeting the City will consider public input, both oral and written, regarding the adequacy of the Program. Based on the public input, the City can modify the Program as the City determines to be appropriate. As required, the meeting notice was advertised in the Anoka Union. Copies of the City's SWPPP are available for public review at City Hall and on the City website.

Staff recommends that the City Council conducts the annual meeting to consider public input on the City's Storm Water Pollution Prevention Program. At this time we will open the public hearing and annual meeting for public comment.

Moegerle, 'This past week with all the storms the water that has been running off of Forest Road in front of my house has been tremendous. It runs off of the Coon Lake Beach Community Center parking lot and overflows the small curbing area at the boat launch area. This water is unfiltered and I think it is starting to erode that area. I think it is a becoming a bad area of infiltration of oil products that are not being filtered properly so I do think that when that gets attention it will be well overdue. Is there a plan for that?" Davis, "There have been discussions about that. I think the DNR has been looking into that area. Especially, that area is on the corner of Lakeshore and Forest Road and I think they will be looking into doing something with it." DeRoche, "Maybe they out to look into closing it off. Put a barrier up down there. The water has been doing that there for years."

Moegerle, 'Well, the curbing is not sufficient to block it and then we need a rain garden or something." Davis, "The area you are discussing would need curbing of the whole street. A long range solution would be to close it off and put a vegetative strip in there to deal with the

DRAFT

saturation and limit the access at that point." Moegerle, "It has eroded significantly in the past 10 days." DeRoche, "Have you had any talks with Kathy Paavola? She was at the Road Commission meeting last time and said that they were going to quit using that and go down to Dogwood and put in a cement drive pad." Davis, 'That is what I heard was discussed. I haven't seen any final plans on that yet. That is an issue, the center claims they own that lakefront edge, so if they do that would be their issue. We probably wouldn't have any objections if they did close that off. We do some maintenance on it occasionally when we get complaints because it has a tendency to wash the edge of the road away. So, it would be welcome to do anything to improve that situation." DeRoche, "And, like you said, if that is their property, where do we stop working on other people's property." Moegerle, "But, we have the curbing issue too."

Moegerle made a motion to close the public hearing for the Storm Water Pollution Prevention Program. (SWPPP). Lawrence seconded; all in favor, motion carries.

2012 Annual Financial Report

Davis explained that Mr. Brad Falteysek, representing the City's audit firm of Abdo, Eick & Meyers, LLP, will review the 2012 Annual Financial Report with City Council and be available for questions.

Falteysek "Should have financial statements, along with our management letter. I will primarily go through the management letter. First page our responsibility and our opinion of the City's financial statements. We are issuing an unqualified opinion on your financial statements this year, which is a clean opinion. How we arrive at that is we look at different controls within the city. If there are transactions that are being handled from one person from end to end we will concentrate on those, if we see any. If we see any issues with those, we would present those in the management letter as a finding. We are not presenting any internal control findings on your processes this year. We believe there is a good deal of oversight with the transactions and how they flow through the system."

"Compliance issues we check. The Office of the State Auditor puts out a checklist and there are seven different checklists we have to go through, seven different topics they require us to test as part of our financial statement audit. Testing different statutes and whether you are compliant with them and we didn't have any findings on those. So, clean opinion on compliance part of the audit as well."

"Next we start getting into the financial results of the general fund. Here we are looking at your financial balance at year end compared to the following year's budget. The recommendation has been around 35-50% in reserves, on hand. That 35-50% is arrived at because you receive most of your revenue from tax settlement in June and Government Aid in July. You are at 55%, so you are above that range. You have a healthy fund balance. We do recommend that you co compare to other cities of your size. We gather information from the State Auditor on other cities of your size. Your peer group the balances there were 54 and 76%. Those peer group numbers are somewhat high. You are in a good range for your fund balance." Moegerle, 'Do you recommend we have more than that?" Falteysek, "No, that average is pretty high. If you can sustain that around 50% that is a really good number." DeRoche, "That also doesn't take into account the personnel changes. Some of our expenditures weren't as high because of the personnel changes, Jack and I discussed this." Davis, "Yes, but I think we can maintain this even with lessor reductions in the budget than we experienced this last year."

Falteysek, "The next page we look at your total revenues and compared to your expenditures

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budgeted. Your revenues came in about $100,000 over what you budgeted and your expenditures were just under $200,000 less than what you budgeted. So yes, that goes to the some of the personnel changes during the year causing some of the under budgeting in your expenditures. Your revenue was under budgeted due to many things, licenses, permits, fees for services and others. Page 6 lists your general fund revenue and points out more details. I want to point out here that in 2012 86% of your general fund revenue came from taxes. In 2010 it was 89%. So, it went from almost $4.6 million to almost $4.2 million in that time frame. Overall revenues went from $5.1 million to about $4.9 from 2010 to 2013. Expenditures 35% is Public Safety, 15% is Public Works. We also look at a per capita number. You were under for all these numbers but transfer out. But you are setting aside money for future projects."

"Special revenue funds, you have four of them. They are used to account for where there are revenue sources that have restricted purposes by an outside party. Recycling, grants and donations, EDA funds & HRA fund. Your HRA didn't have action this year. EDA received about $160,000 in taxes this year and they listed about $123,000 in expenses. So it brought that fund out of its deficit of negative $1,000 to about $23,000 in the positive. The other funds are sustaining themselves."

"Debt service funds. I always recommend you take a look and figure out where the revenue is going to be coming from for the life of the bond. I think everybody is well aware that the GO Revenue Bonds are going to be your issues going into the future. You definitely need to be talking about those and figuring out ways to take care of those if the connections aren't coming in the way you need them to. Just continue to talk to your financial advisor."

Capital project funds. These are where you are transferring those funds. Municipal State Aid Improvement Fund, Water Utility Fund and Sewer Utility Fund. You receive state aid for the Municipal State Aid Improvement Fund, so you brought that deficit balance up to $219,000. The Water and Sewer Utility that is spending down the bond proceeds. That is where you get those major decreases in those two funds. You are generating about $30,000 in revenue and have $50,000 in expenses. At the end of the year you always borrow to keep this from being a negative cash balance. You might want to look at the rates and figure out where they need to be to sustain this. The Sewer Utility Fund is pretty much breaking even." DeRoche, "Is that Castle Towers?" Davis, "Yes, that is correct." Falteysek, "I believe Castle Towers revenue was a 23% decrease, so that was the big change there."

"Ice Arena, here you have generating operating income in 2010 and 2011. In 2012 you had a loss. There was a change in depreciation of an asset, the useful life was scheduled to depreciate at a certain date and there wasn't enough depreciation taken out. So, to get the depreciation off the books, we had to record some additional depreciation this year. Depreciation is a non-cash activity. So, even though you had an operating loss this year, your cash balance did improve. Operating revenues did decrease by about $20,000."

"We compared your ratios compared to your peer groups. First is your debt to assets. You are at 42% where peer group is at 32%. Pretty comparable to your peer group, a little high, but nothing extraordinary. Per capita, you are lower than your peer group. You are at $1,900 per resident and they are at $2.200. Taxes per capita, you are again lower than your peer group. Current expenditures, your peer group is at $636 per resident and you are at $379. Positive numbers compared to your peer group. You also want to concentrate on the trend in your city too. The peer group numbers are there, and they are great to compare with other cities. But, how are your trends going, are they getting better. When looking at taxes

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per capita you are at $396 in 2010 and at $395 in 2012 now so pretty comparable. Expenditures were $387 in 2010 and $379 now, so they have improved. Your capital expenditures (this fluctuates from year-to-year) depending on the projects you are doing, over the three years you have averaged above what the peer group is doing in capital projects. Your General Government Assets are at 54%, Business Type is at 74% and your Government Assets are a little older than peer group and the Business Type are a little newer."

"The rest of the report just describes those ratios little further and new accounting standards that are going to be coming out. We will be working with staff to implement those. With these new standards we have had Councils adopt resolutions, these we won't need to do those. This will just change the presentations. Positive was the general fund. It is sitting in a good position."

Moegerle, 'Do you have any recommendations to us for some of the issues where we are not meeting our goals? For example the sewer and water up north, such as should we raise our rates or is that not a solution? In the purview of the Council do you have any recommendations of change for us?" Falteysek, "You definitely want to look at the rates. That is where the money comes from, from usage charges. So you definitely want to increase them sooner than later. As far as the bonds, I would recommend you work closely with your financial advisor and see when the opportunities are that you can refinance those and when it makes sense to do so."

Public Forum

Lawrence opened the Public Forum for any comments or concerns that were not listed on the agenda.

Mary Thorsten of 18325 Lakeview Point Drive NE, "There is a 20-foot strip of land that the city owns and I am interested in getting that vacated. I am here to ask if we can put that on the agenda." DeRoche, "Is that the property that borders the property of that the gentlemen wants to get a garage on?" Thorsten, "No." Moegerle, "How big of a parcel is it?" Thorsten, "We have 50 feet of lakeshore and then the property we are looking at is 20 feet of easement." Lawrence, "Is this the property that the city owns?" Thorsten, "It was way back in the railroad days and it was used for the fire engines to have access to have access to the lake. There is a statute that supports the prohibition of motor vehicles unless it is to be used as such as the fire vehicles." Moegerle, "What is the purpose or the use of the easement? How do you plan on using that property?" Thorsten, "It is our only way up to the house for a driveway. Our garage sits by the road and the house is further up by the lake so it is the only way we have up to the driveway." Moegerle, "We did do that vacation before, but it was the only way the house was going to be habitable. Get the information to Jack and we can at least discuss this." Lawrence, "Yes. I am not sure that we can do anything for you, but we can look at this if you get all your information to Jack."

DeRoche, "The license on Sylvan was for the sewer." Davis, "As per statute and I think we discussed if there were a vacation, it would go to both property owners." Thorsten, "I would like to have access to all 20 feet because it would be our driveway then. If this stays open, I am worried there will be too many snowmobilers and others going through it. Ham Lake at least posts a sign that they aren't allowed. There are these people all of a sudden using this access and I have children and grandchildren and if they get hurt that would just leave the city open for liability. So, if we purchase the whole entire easement, it would get the city off the hook."

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DeRoche, "There are two issues; it has to be split evenly between two neighbors. And, last time we tried to do something like this, we had a lot of testimony on the license we did issue from Doug Tierney saying how these spots were set up for snowmobiles to come up and down off the lake rather than private property." Moegerle, "It looks like you already have an existing driveway?" Thorsten, "Way down by the street. It is a way short driveway." Moegerle, "And that is not a driveway between the street and the house?" Thorsten, "The driveway is the easement." Moegerle, "This does not show a driveway on the easement." Thorsten, "I can take some pictures and bring it in so you can get it in your mind. I don't think this was set up originally for snowmobilers, I think it was set up for fire engines. When I discussed this with one of the City Attorney's, I think it was Mark Vierling, I believe he said it was first come, first serve. So that would give me access to the 20 feet." Vierling, "Not on a vacation. I think you are confusing the possibility of a license, not a vacation. If the city vacates by operation of law it goes half/half, that is an absolute law. The other aspect you have with a vacation, especially with a property that borders the lake, the DNR gets to weigh in on whether or not they want access to that right. That is another issue that we have with these properties, the DNR generally has the philosophy that if it borders the water, they want them." Thorsten, "If they ever need it back we would relinquish it to them." Vierling, "It is not a question of their need; they come in and say they want to take it and in which case, nobody gets to use it for anything." Lawrence, "We will look into this." Thorsten, "Should I come back to the next meeting then?" Moegerle, "When it is on the agenda."

DeRoche, "Is that a sidewalk?" Moegerle, "She represented this as a driveway." Davis, 'I think her driveway accesses the street to the garage and what she depicted there is a walkway between the garage and the house."

There were no more comments so the Public Forum was closed.

Consent Agenda

Lawrence made a motion to approve the Consent Agenda. Ronning, "I would like to remove the following for discussion: Items A) Approve Bills, C) May 1, 2013 City Council Meeting Minutes, G) Approve Completion of Probation – Community Development Director, I) Personnel Policy Updates and J) Resolution 2013-29 Approving Compensation for Commission Members." Moegerle, "I would like to remove Item F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP for discussion." DeRoche, "I would like to remove Items G) Approve Completion of Probation – Community Development Director, I) Personnel Policy Updates and K) Cell Phone Stipend. **The Consent Agenda Includes: ~~A) Approve Bills~~; B) April 17, 2013 City Council Meeting Minutes; ~~C) May 1, 2013 City Council Meeting Minutes~~; D) May 15, 2013, City Council Meeting Minutes; E) Approve Application to Conduct Excluded Bingo for East Bethel Seniors – Booster Day, July 20, 2013; ~~F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP~~; ~~G) Approve Completion of Probation – Community Development Director~~; H) Approve Application and Permit for a 1 Day Temporary Consumption and Display Permit for Cedar East Bethel Lions – Booster Day, July 20, 2013; ~~I) Personnel Policy Updates~~; ~~J) Resolution 2013-29 Approving Compensation for Commission Members; K) Cell Phone Stipend~~; L) City Administrator Vacation Accumulation, Resolution 2013-30; M) Pay Estimate #4, Jackson Street; N) Pay Estimate #22, Phase I Project I Utilities Project; O) Final Payment Viking Boulevard Turn Lane Project; P) Appoint Insurance Agent Broker for Employee Benefits; Q) Approve the Hire of Fiscal Services Director; R) Pay Increase for the Public Works Maintenance Technician/Utilities Operator; S) Old Schoolhouse Demolition Bid. Ronning seconded; all in favor, motion carries.**

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A) Approve Bills

Ronning, "A) Approve Bills, page 128 under Park Capital Projects, buildings faculties, repairs, $13,900 for DNS Construction?" Davis, "That is for reroofing the Community Center/Water Treatment building at Whispering Aspen." Ronning, "The next page, almost half way down, Planning and Zoning, Escrow Reimbursement?" Davis, 'That is reimbursement for funds that people put up, one is for a driveway installation and the other is for the demotion of a building for Mr. Johnson. We refunded part of previously, he completed his work. The escrow is there to cover any expenses above and beyond what may be anticipated. He completed them satisfactorily."

Moegerle made a motion to approve Item A) Approve Bills as presented. DeRoche seconded; all in favor, motion carries.

C) May 1, 2013 City Council Meeting Minutes

Ronning, "May 1, 2013 City Council Minutes, on page 166 G and O were highlighted? Were they highlighted for any reason?" Davis, "There wasn't anything highlighted for any reason." Moegerle, "I noticed other things in highlight." Davis, "If there were highlights, they were probably done in the drop box section of it."

Moegerle made a motion to approve Item C) May 1, 2013 City Council Meeting Minutes. DeRoche seconded all in favor, motion carries.

F) Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP

Moegerle, "I pulled Item F. I called Jack about this, later we will talk about the personnel policy and standards. It needs to be clear that this generous donation is for the benefit of residents. And not for the benefit of Council, Commission or Booster Day Commission members. They should be going to the residents. I would add words to that effect to the resolution." Davis, "I think we can leave the resolution the same. But we will make sure the exclusions are made when the drawing is done."

Moegerle made a motion to adopt Resolution 2013-28 Accepting Donation from Eckberg, Lammers, Briggs, Wolff & Vierling, PLLP. DeRoche seconded; all in favor, motion carries.

G) Approve Completion of Probation – Community Development Director

Ronning, "I am not sure, is this an action item? There are not supporting documents or anything." Davis, "This is in the write-up for the consent agenda. The probationary period which is six months for every employee for Colleen Winter is up and we are asking that she be made a regular employee." Ronning, "You are kind of asking us to approve something that we don't know." Davis, "It is my recommendation that we approve her as a full-time employee. If there is anything you need to know, I will be glad to help you."

Moegerle made a motion to approve Item G) Approve Completion of Probation – Community Development Director Colleen Winter. Lawrence seconded. DeRoche, "I have no problem doing that. But, I would like to have a workshop or meeting, outlining what that position is supposed to do, the responsibilities. I just want to clarification on some stuff. Otherwise, it is just like anyone else coming in here, it is a tough job. **All in favor, motion carries.**

I) Personnel Policy Updates and

DeRoche, "If I am reading this right, is it to eliminate the Human Resources/Asst. City Administrator position?" Davis, "That position has already been eliminated. That is still mentioned in the policy and we just want to strike it from the personnel policy." DeRoche, "Is that to say that we have no plans of ever filling that position again?" Davis, "Not in the immediate future. That would be something for Council to decide at an appropriate time."

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Moegerle, "I am looking at 1.4 All employees (regular full and part-time), offices and positions in the municipal employ, now existing or hereafter created, will be subject to the provisions of these regulations except the following:
1. Elected officials (except as noted herein)
2. Members of boards and commissions (except as noted herein)
3. Volunteer members of the Fire Department (except as noted herein)
4. City Administrator (except as noted herein)
5. City Attorney
6. Persons engaged under contract to supply expert, professional, technical, or any other services
7. Other positions so designated by the City Council (except as noted herein)
So, what that means is some of those personnel policies apply to us even though we are not employees. So, I respectfully request that the City Council, all members of the boards, commissions, EDA, individuals appointed to the WMO's, Airport Board, that are appointed by the City of East Bethel to those commissions be provided a copy of the provisions of the policy that apply to them no later than July 1, 2013. And, that hereafter upon election or appointment each person receives a copy of those provisions. That is not a motion, it is a request. There are some ethics and some respectful workplace information that applies to each of us. And, that we cannot be harassing to residents or each other and I think that is an important reminder w should get annually.

Moegerle made a motion to approve Item I) Personnel Policy Updates. Lawrence seconded.

Ronning, "I have a question on page 9.4 Health Care Savings Plan. Assumingly everyone accrues vacation and sick leave, and that is the equivalent of compensation for work. It is more curiosity than anything. Is that treated as computed income?" Davis, "Correct. With the Health Savings Plan, this is the language taken from the state guidelines. Upon termination (we want to add **resignation, retirement or death** in there**)** all the accrued sick leave time that they are eligible to be paid for would be rolled over the Health Savings Plan and 50% of vacation time would be rolled over into this. That serves two functions. One it is tax exempt to the employee. Two, the city pays no social security taxes on that. The city owes the person that money when they leave, upon those conditions but the city is going to save the social security portion of it and the employee isn't going to pay any taxes on it." Ronning, "It is more of a lump sum than earnings." Davis, "That is correct, that lump sum would be rolled over into." Ronning, "That was my question about the computed income, are there tax liabilities." Davis, "No, there are not." Ronning, "What did you want to add?" Davis, "Upon termination, **resignation, retirement or death."**

Ronning made an amendment to the motion to add to the amended personnel policy the language, "Upon termination, *resignation, retirement or death.* Moegerle accepted the amendment. Lawrence, "The law puts us at 36 hours or over for full-time." Davis, "Full time is 40 hours. Anything between 20 and 40 hours for benefits is pro-rata. But, I don't think that has anything to do with this Health Savings Plan." Lawrence, "The other thing is there was a lot of discussion on drug testing. There is a lot of area where it is grey. It is a pretty loose policy. A lot of companies are a lot of stricter with this." Davis, "We wanted to add the definition on dilute specimen. Upon approval of the new Finance Director, we want to go back and look at the entire personnel policy package. That is a goal we will have completed by this time next year. It does follow a pattern of progressive discipline. There are some things in there that need to be redefined and clarified."

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Moegerle, 'On page 230 the term Human Resources Director was not deleted, think it needs to be changed to City Administrator." Davis, "We will do a final edit to make sure all of those are deleted." Moegerle, "I have a final concern; I greatly appreciate all the hours you have put in. And the reasoning behind why you have put those hours in. But, there is a real reason why we have vacation time, and I know that coming back from vacation can be worse than leaving and take away some of the value of being away. But, please take some of your time. Killing yourself for the city does us no good. So, I do want to be sure that it is made clear that we have vacation for a reasons and that all of the staff makes at least a token effort to get some of that time taken. Take some time off for yourself, you deserve it."

Ronning, "On the drug testing, I think it is accepted that the DOT accepts drug tests for someone that has commercial licenses. Is it part of the policy that non-DOT would be for cause?" Davis, "We follow those and anything we follow is in the personnel policy." Ronning, "Is it in the personnel policy that the guy that shovels the driveway is that for cause, or for any reason? As far as sending for a drug test?" Davis, "We have to have a reasonable cause." Vierling, "Statutorily it is provided as well." **All in favor, motion carries.**

J) Resolution 2013-29 Approving Compensation for Commission Members

Ronning, "Item J the compensation for commission members and which we discussed and I think everyone agrees. The question is, all citizen members of the Economic Development Authority and the Airport Commission, East Bethel members only, Parks, Planning and Roads, how broad is that? What all is included in that?" Davis, "That is for regularly scheduled monthly meetings only. Generally for Parks, Roads, EDA and Planning there is twelve a year. The Airport Commission meets quarterly. That allows us to budget for this. It was also it was brought to my attention that we have a citizen member on our WMOs and they also meet quarterly." Moegerle, "Should we also include any other appointed Council group? That way groups such as the website committee? The GRE committee was not compensated, and I would like to plan for the future." Davis, "It depends on what Council wants to do. My only problem with the task forces is you never know how many times they are going to meet. So it is hard to budget for that." Ronning, "I didn't know about the Airport." Davis, "We have a representative on the Anoka County Airport Commission. The representative will be here in July to give us a report." DeRoche, "I am not into making bigger government. Whatever happened to civic involvement?" Moegerle, 'It is the same folks time and time again. We are getting some log jams on people who are no, no, no, and yes, yes, yes and we are not getting conservations. And if that token amount gets people out to get involved as an inducement; It might break someone away from saying they were going to spend all their time with the girl scouts or boy scouts. I thought the Council compensation was set by ordinance so I was going to suggest that be set by ordinance also." Davis, "It is usually in the by-laws of each commission." Moegerle, "We do have it in ordinance for Council." DeRoche, "If someone wants to get involved in a task force, they should do it. If going to start paying people to be on commission, we are going to have to start checking all their qualifications."

Moegerle made a motion to adopt Resolution 2013-29 Approving Compensation for Commission Members adding the members of the WMOs. Ronning seconded; all in favor, motion carries.

K) Cell Phone Stipend"

DeRoche, "I asked to have this for discussion. This is going to open them up for data privacy." Vierling, "Potentially it does." Davis, "You are correct. They are well aware and one of them forwards his city phone to his personal phone now." DeRoche, "Then why do they have a phone to begin with?" Davis, "It is a city issued phone. Like the computers

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here now. In order to make them available by cell phone we need to provide them with one. It poses some problems, their personal and business lives cross. Under our policy now they have to take the bill now and remunerate the calls. It would eliminate that and will maybe save us money on our bill." DeRoche, "To me if they were issued a cit cell phone, which was so they can get city calls. Are they going to give out their personal cell phone number?" Davis, "Yes, they are going to give that out." Ronning, "You mentioned three employees, how do you determine the size? Once it is approved, what is the limit? If three are interested, will it go to all employees?" Davis, "The more it expands, the more we save." DeRoche, "Don't we have five free phones?" Davis, "They are not free; we get a rebate on them."DeRoche, "What do we do if we can't get in touch with an employee because of their phone?" Davis, "We currently have that now with me with my cell phone in my home. Something you have to deal with on an individual basis." "

DeRoche made a motion to approve Item K) Cell Phone Stipend. Lawrence seconded. DeRoche, nay; Koller, Lawrence, Moegerle and Ronning, aye; motion carries.

Amend EDA By-Laws

Davis explained that the EDA, at their May 20, 2013 meeting voted to recommend that City Council approve the following changes to the EDA By-laws so that they are consistent with other Boards and Commissions in the City of East Bethel.

Specifically the following sections have been eliminated – Sections 4.2, 4.3, 4.8, 4.9, 4.10 – all of which had to do with financial transactions. The EDA does not operate financially independent of the City Council and so these sections were eliminated.

Section 3.3 - Calling of Special meetings. The language was changed so that it was consistent with what the City Council requires to call a Special meeting.

Section 4.4 – Added language that states that the EDA will make monthly reports to the City Council.

Section 4.12 – Compensation was not changed as that is being addressed separately by the City Council.

Staff recommends approval of the revised EDA by-laws.

Moegerle motion to adopt with the amended EDA By-Laws with the following changes: with regard to section 4.0 miscellaneous those will be renumbered into numerical order. Lawrence seconded. DeRoche amended the motion have it put in writing that the reimbursement for the EDA members for Council Members is $0 and the rest of the members is $20. Moegerle, "We have already addressed that under the Consent Agenda, Item J." DeRoche, "Seeing how these are the written By-Laws, I think it should be put in there." Moegerle, "I think we already established compensation in Item J." DeRoche, "We didn't go over the EDA By-Laws." Moegerle, "But we have already established the compensation in Item J, we have already set that." DeRoche, "But when someone reads the EDA By-Laws, if they don't go back into these other things, then it is in there. I think it is crucial it is in here. It has been kind of a barking point for a couple months now." Moegerle, "Yea, well, who has been barking." DeRoche, "What was that about respect?" Moegerle, "Your words, not mine."

Davis, "I think that J only addresses the citizen members." Moegerle, "We are all citizens of the City of East Bethel." Koller, "I think it should be clarified in the EDA By-Laws."

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Ronning seconded the amendment.

Moegerle, "So then, if that becomes effective today, then retroactively the Council Members will get paid? Because they certainly haven't been." DeRoche, "No." Vierling, "No." Moegerle, "You can't make that retroactive." Vierling, "He is not." Moegerle, "But there was no difference between the EDA and the citizen members serving before." DeRoche, "There was no amount set." Moegerle, "Why is this such a problem for you? Do you want to get paid for the HRA?" DeRoche, "Absolutely not. Being on the Council, we knew coming in that there would be liaison meetings and there would be other stuff coming in and there wasn't any question about it. I am not in this to make money. And, I pay the same amount for my gas. As long as I am here, it is my choice to be or not to be on the commission."

Moegerle, "And you know what? There is a lot more work associated with being on the EDA. Richard goes to a lot of things and I go to a lot of things. Not because I sit up here, but because I am on the EDA and I wear two hats. And that makes a difference. Am I going to go to MSP 2040 is all about? Or do I just sit on my hands and wait for Ed Reynosa to come up here and tell us? The question is, do you want your EDA going out and bringing back information that brings in information to the city to make it stronger, better and more efficient? Or do you want them to sit on their hands like a commission member and do nothing? And I think that there is a certain amount of incentive that comes with that. There is a reason that state statute was put out for this and I will abide by the state statute. I am sorry that is not something you appreciate." DeRoche, "For the record, I don't think any of our commission members sit on their hands and do nothing. I think that is a slap in the face. That is the statement you just made. And if you think that $20 they make, I think they are worth a lot more. But, you know what? We are in a situation here where we have to watch what we spend." Moegerle, "$500 a year makes or breaks this city?" DeRoche, "Well, we were talking about saving $149 a year so yes, $500 makes a difference. I call the question."

Moegerle, nay; DeRoche, Koller, Lawrence and Ronning, aye; the amendment carries. Moegerle, "What did the EDA say about this or are they at the whim of the Council?" Davis, "They are on this I think because it says the rate will be determined by City Council." Ronning, "This particular thing addressed monthly meetings anyhow." **Moegerle, nay; DeRoche, Koller, Lawrence, Ronning, aye; motion as amended carries.**

Road Minutes

Davis explained that the meeting minutes from the May 14, 2013 Road Commission meeting are included for your review. As I proposed in an update to you last Friday, I think it would be wise to send meeting minutes to you as they are done. If you wish to bring something up as an agenda item on the minutes, you can amend the agenda. Or contact me and I will add it to the agenda.

Fence at Water Treatment Plant

Davis explained that as directed at the April 17, 2013 City Council meeting staff has obtained quotes for a perimeter fence around the Water Treatment Plant and the Water Tower. The perimeter fence layout is shown on Attachment 1. A total of three quotes were requested. A total of two quotes were received. Quotes were received on a total of 4 alternatives. The alternatives considered in the quotes are summarized below:

Alternative 1 – 6 foot chain link fence and three strands of barb wire on top. The main gate would not have a power operator.

Alternative 2 – 6 foot chain link fence and three strands of barb wire on top. The main gate would have a power operator.

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Alternative 3 – 8 foot chain link fence without barb wire on top. The main gate would not have a power operator.

Alternative 4 – 8 foot chain link fence without barb wire on top. The main gate would have a power operator.

The total bids for the 4 alternatives are summarized below:

Alternate	Century Fence Company	Town & Country Fence
1	$26,227.50	$27,978.25
2	$37,624.50	$40,778.25
3	$30,413.91	$34,167.00
4	$41,808.91	$44,967.00

The recommended staff alternative for this project would be Alternate 3 at $30,413.91. Bond proceeds from the municipal utilities project are available and appropriate for this project.

Staff is requesting approval to award the contract for this project to Century Fence Company in the amount of $30,413.91.

Lawrence made a motion to approve Century Fence Company Alternative 3 in the amount of $30,413.91. Ronning seconded. Moegerle, "Why is the recommendation without barb wire?" Davis, 'The eight foot fence we think would be appropraite without the barb wire. We could add it." Moegerle, "Is it a liability issue? Or an effectiveness issue?" Vierling, "Probably more of an effectiveness issue. Three strands of barb wire isn't going to stop anyone." DeRoche, "If they want to get in there that bad." **All in favor, motion carries.**

Johnson Street Service Road Project ROW

Davis explained that City staff has prepared the required easement deeds for the Johnson Street and Trunk Highway 65 Improvement Project. The project will include constructing Johnson Street from 215th Avenue to 221st Avenue and eliminating the access and median crossing at 219th Avenue and Trunk Highway 65. The easement deeds are included as Attachments 1 – 3.

As previously discussed with council offers have been made to the individual property owners for the purchase of the easements. Attachment 4 summarizes the offers to each property owner. The total easement cost based on the current proposed offers is $183,589.16.

The total estimated project cost for the Johnson Street construction project and the Trunk Highway 65 Improvements is $1,500,000. This project will be financed with Cooperative Agreement Grant Funds and State Aid Construction Funds. Funds are available and appropriate for this project.

Staff recommends that Council approve the easement deeds for this project and authorize staff to execute the documents with the appropriate land owners.

Lawrence made a motion to approve staff to move forward with the easement deeds and authorize execution of the documents with the appropriate land owners. Koller seconded. DeRoche, "Other than the fact that I have not agreed with spending the money up

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there all along, I cannot support this." Ronning, "How solid are these, do you have contingencies with the property owners that these are final numbers?" Jochum, "We have made these tentative offers to them and they have accepted them. Of course if they don't agree to them then it would have to come back to Council. These are the offers to them; it would have to come back to Council if they changed."

Ronning, "Some of the costs, 1.5 million. Do we have some documents we could look at? Like what are the increments of the aggregate?" Jochum, "A more detailed estimate?" Ronning, "No just like $185,000 is being spent on the properties and whereas the other $1,317,000." Jochum, "I believe $1,200,000 is construction and the remaining is engineering, overhead, some attorney fees, testing materials," Moegerle, "You already presented this to us in May, didn't you?" Jochum, "We won't award the project until the deeds are signed. So if someone changes their mind, and wants double, that might kill the project." Ronning, "That is a couple rolls of the dice. It would be responsible to know better what we are doing." Jochum, 'We have those numbers and I can get those to Jack to get to you." Lawrence, "This is formatting up to the bids." Jochum, "This has not been bid out yet. We have done an estimate on it." Davis, "We approved these numbers one or two meetings ago. I will forward those numbers to you." Moegerle, 'This is huge for opening this up for development. Whether business or residential, this is huge for the Roads. One of the best things they have done." DeRoche, "The Roads Commission kicked it back."
Ronning and DeRoche, nay, Koller, Lawrence and Moegerle, aye; motion caries.

Resolution 2013-32 Accepting and Adopting the 2012 City of East Bethel Annual Financial Report (AFR)

Davis explained that the 2012 Annual Financial Report (AFR) has been prepared, audited and is presented for your review and approval.

Resolution 2013-32 formally accepts and adopts the 2012 Annual Financial Report and directs the submission of the Annual Financial Report to the State Auditor.

Staff recommends adoption of Resolution 2013-32 Accepting the 2012 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2012 and direction to submit the report to the state Auditor.

DeRoche made a motion to adopt Resolution 2013-32 Accepting and Adopting the 2012 City of East Bethel Annual Financial Report (AFR). Lawrence seconded; all in favor, motion carries.

Approval of 2013 MNPEA Contract

Davis explained that The Minnesota Public Employees Association local union group has accepted the City offer as directed by Council on February 6, 2013. We have received confirmation from the Minnesota Public Employees Association that this agreement is acceptable and has been ratified.

This agreement is for year 2013 only. The delays in the approval of this agreement were due to a change in representation for the unit from the Teamsters to the Minnesota Public Employees Association. Negotiations will begin on a proposed three year agreement upon approval of this contract.

The following are the items of amendment to the current 2010-2012 labor agreement:

<u>Wages and Salaries</u>
A 1.5% wage increase will be in effect for 2013 as approved and budgeted by City Council.

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Cafeteria Contributions

The City and employees share in the cost of increases and decreases for insurance benefits that affect the amount contributed to the cafeteria plan. For 2012, the amount paid by the City towards the plan was $919.33 per month. For 2013 only, the City proposed and the Union accepted a cafeteria contribution of $902.11 that represents a decrease of $17.22 per month per employee from the 2012 contribution.

Compensatory Time

Compensatory time was increased from 40 hours to 50 hours. This offering is revenue neutral for those employees that do not take comp time or accrue the maximum comp hours. For those that take the comp time, the City actually saves the dollar amount for the overtime differential.

Boot Allowance

The safety boot allowance would be increased to $150.00 annually. Any unused portion can be accumulated and carried over into the next year but the accumulated balance must be used in a two year period. The City would record and maintain a record of the balances available to the employee. This allowance can only be used for safety boot purchases and any balances in an employee's account at the time of his/her departure from City employment regardless of the reason would revert back to the City.

On Call

The on-call employee will receive an additional hour per day, Monday thru Friday for the week the employee is on-call. Saturday and Sunday on-call compensation will remain the same, one hour straight time and one hour at time and half with any time over two hours being compensated at the time and half rate. As a condition to this proposal, on-call employees will be required to respond to any call initiated by the City during the on-call period within 15 minutes of a placed call by the Public Works Manager or the City Administrator. Should the employee fail to respond to the call, he/she would be subject to a progressive disciplinary action as described in the current labor agreement, Article XII Discipline. Should the employee fail to respond within the specified time, the City would call the next senior member on the on-call list. In the event of an emergency, the Public Works Manager or the City Administrator would be exempt from adherence to waiting for the 15 minute response time and immediately call the next employee in order of seniority should the on-call employee be unavailable to answer the call;

Approval of the one year contract will allow the following:

- Provide the City and the Union ample time to bargain and negotiate a longer term labor agreement to commence in 2014; and
- Address on-call issues that have required attention since 2009.

Staff is recommending adoption of the above amendment to the existing Labor Agreement of 2010-2012 as a one year agreement for the year 2013.

DeRoche made a motion to approve the one year agreement with MNPEA for the year 2013 amending the 2010-2012 existing Teamsters agreement. Lawrence seconded.
DeRoche, "I assume this is in the budget?" Davis, 'That is correct, this is in the budget." DeRoche, "We are going to have to have at least one if not two meetings regarding the budget with the new gentleman in there so he gets a handle of what is going on." Davis, "The new hire will have at least a week for work with Rita. I think a week is adequate based on his experience and he will familiarize himself on where things are. He will have an

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opportunity to work with Rita for a week before her official retirement." Ronning, "The term of the agreement, there is one line that says 2010 to 2012? And another line says 2013." Davis, "We are recommending this as an amendment to the contract we had with the Teamsters." Ronning, "It is an extension of that?" Davis, "Correct." **All in favor, motion carries.**

Joint Powers Agreement - Anoka County Highway Dept. for Paving of Turn Lane

Davis explained that City Council approved a contract with East Bethel Properties, LLC (EBP,LLC) in the amount of $54,050.00 for the widening a section of CR 22 for the purpose of constructing a future turn lane on February 20, 2013. This work was completed and EBP, LLC reimbursed the City on April 18, 2013 for 95% of the contract, or $51,347.50, as per the contract agreement. The balance, $2,702.50 was approved as Item O on tonight's Consent Agenda. EBP, LLC is current on their obligations as specified in the contract that was approved on February 20, 2013.

EBP, LLC is now requesting that the section of CR 22 widened for the turn lane be included in the ACHD's paving contract for the CR 22 Reconstruction Project. The ACHD will not contract with third parties for these services but will allow the City to participate in additions to the work, just as we did with the widening project for the turn lane.

Attached is the proposed JPA for inclusion of the paving of the turn lane as an addition to the County project. As in the previous project, the City would pay the ACHD for the work and EBP, LLC would reimburse the City share of the costs for the amounts billed by the ACHD. There would be no costs to the city and per the contract agreement, should EBP, LLC default, the City's expenses would be assessed to EBP, LLC's property taxes.

City participation and partnership in this request will accomplish the following;

- Continue the City's commitment to enhance economic development and work with developers to support and advance viable projects;
- Provide the means to complete the turn lane project in the least disruptive and most cost effective manner; and
- Expedite the development of property in the Municipal Utilities Service Area.

Staff recommends the JPA and contract be approved.

DeRoche made a motion to approve the Joint Powers Agreement for the turn lane and Contract 2 with East Bethel Properties, LLC as presented. Koller seconded. Lawrence, "For clarification, East Bethel Properties, LLC is not the City of East Bethel, it is a private entity working within the City of East Bethel." **All in favor, motion carries.**

City Hall Improvement Project

Davis explained that the common areas of City Hall, Council Chambers, hallways, foyer, lobby and conference rooms were painted in 2007. These are high use and traffic zones and are in need of drywall repair and repainting. In addition, there is a blackboard in the Booster West Conference that is outdated, is difficult to clean and is recommended to be replaced by a white board.

It is also proposed that a new service counter and a sliding window be installed in the wall on and adjacent to rear door to the City Hall offices. This would provide an improved and controlled entrance for those persons who are seeking building permits or doing business with the Building Department. Our current access to the Building Department is the door to the rear of City Hall offices and the window would eliminate the need for those seeking services to have to enter through the back of City Hall offices to find the appropriate person

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to address their needs.

The costs for these improvements including tax are $12,078.66 and would be funded from the Building Capital Improvement Fund. There are amounts in this fund to cover this activity.

This project would address the following issues:

- Improved customer service with immediate access to a Department Official who would be stationed on the office side of the window
- Improved security for City Hall offices and the Audio-Visual Room
- Common Areas of City Hall would be approved in appearance

Staff recommends Council consider the approval of the painting of the common areas of City Hall, replacement of the blackboard in the Booster West Conference Room and the installation of a new service counter and a sliding window to service the Building Department at a cost not to exceed $12,078.66.

DeRoche made a motion to approve the City Hall Improvement Project at a cost not to exceed $12,078.66. Ronning seconded. DeRoche, "This is going to improve security. How does a sliding window keep someone from coming in versus a wall?" Davis, "As it currently stands now if someone comes to get a building permit, they are directed from the front desk to the back door, to enter the building department. If no one is around they ring a bell and sometimes people wander around and if they have kids with them, sometimes the kids wander around and get in the Audio Visual room. It is a real inefficient way to address people who come to get permits or information from them. It will reduce the possibility of people coming in and no one being there and wondering all through City Hall." DeRoche, "I was thinking more about after hours." Davis, 'We have the alarm system and the motion detectors on that side of the building." **All in favor, motion carries.**

Staff Update

Davis, "Just a reminder on Monday at 6:30 p.m. we have the MIDS work meeting. If I could see if we are going to have a quorum. We will have several people from the Planning Commission and a consultant here." Ronning, "Yes, with a request. Leon Mager is very knowledgeable on this and it would be nice to extend an invitation to him." The other two were attending." Davis, "Bob has suggested a work meeting to discuss some missions and some strategic planning things and since we are considering refinancing the bonds for the sewer project, it may be time to sit down and discuss how we are going to pay for that. Hopefully some reduced bond payments will affect our strategies. If you have a time that you would like to have a work meeting let me know so we can get that scheduled as soon as possible."

DeRoche, "I am up for next Wednesday." Moegerle, "I am going to be out of state." Moegerle, "Can we do this before the next Council meeting? How long do you think this will take?" Davis, "I look at this as part of our budget meetings too. It will probably be a series of meetings as we address some other issues." Moegerle, "I think strategic planning is important enough that we should have all the commission there in attendance and make it a public meeting that is bigger than just sitting here with us. And have all the Commissions here. Strategic Planning is bigger than us. It is not redoing the Comprehensive Plan, but it is a lot of economic development, short term planning, financial planning. And I don't think it's something you do briefly. When I was at the Local Government Officials (LGO) meeting the City of Ramsey talked at length about their strategic planning and going from their downtown to a new city hall, new fire hall. They talked about strategic planning taking

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place over a period of time. It is not a simple ting that should be done in isolation. I am all for a Saturday."

DeRoche, "I think the Council should get on the same page themselves with staff and then approach the commissions." Moegerle, "I don't think that is possible." DeRoche, "Why is that?" Moegerle, "Because of what has happened the last six months." DeRoche, "Well maybe if people come into it with an open mind and not their own agendas, things could get done." Moegerle, "I think that is advice that all of us should take." DeRoche, "Well some of us have been trying. Because I think to do it with all the commissions when we are not sure where we are going, it is going to muddle things up. I think we need to figure out our own strategy. People voted us in to try to come up with some direction. And then we go and ask the commissions, "What do you think? Can we do this? How do we do it? They are advisory boards and not committed the same way we are." Moegerle, "I think we should encourage them to be engaged. There is so much more that the EDA could be doing." Lawrence, "I don't know when I can commit; a Saturday will not work for me. So we need to have Jack figure out a time that will work." DeRoche, "I would like to have at least Richard and I there. We are going to be holding finance committee meetings." Davis, 'We can have a finance committee anytime you like. Other things are all intertwined together. We have to decide the format you want to have this. Either a full commission thing like a retreat. Or get input from their monthly meetings." DeRoche, "I think approaching the commissions separately would be a better idea and at some point bring everybody together." Davis, "We are required to submit a preliminary budget to the Council by the first meeting in July. We will have to go over some things with the finance committee before we do that. We are very far on the way in the process of getting that into a document and hopefully within a week we will have something to be able to call the finance committee together with." DeRoche, "So all the departments have pretty much submitted their requests?" Davis, "Yes, and we are going through those now and trying to compile those into a preliminary budget document. Let me go back and propose some ways we can address this and propose some dates and we can see when we want to schedule these meetings."

Council Member Report – DeRoche

DeRoche, "I went to Local Government Officials (LGO) meeting in Ramsey last Wednesday. A couple senators, some representatives and some commissioners were there. Karen Skepper was there. I met a lot of Council Members and Mayors. Ramsey went through some growing pains. Last Saturday was the Coon Lake Beach Hillbilly Hoe Down. It was a good time, good music and excellent food. It is personally a unique situation when you get a community together to have a good time like that. That community whether it is a wedding, death, whatever, they get involved in it. And, I think that is a good thing."

Council Member Report – Koller

Koller, "I went to the Fire Department meeting on Monday and they went out and did training. They were in full gear climbing ladders. It looked tough to me."

Council Member Report – Moegerle

Moegerle, "I want to reemphasize strategic planning from the LGO meeting. The LGO meeting was last Wednesday and what you need to understand about the Local Government Officials meeting is that it is the officials from the county and all the cities are invited to share and discuss issues. The issue that was most important for you to know is the Governor has posted openings for Metropolitan Council. I was trying to find out who the possible applicants were and what ways we could support any particular applicants that do apply so that they might be more effective for us and get us more information, get us more of our tax dollars headed back to us instead of being focused downtown."

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"On Monday, there was a meeting with Jeff Corney from the Cedar Creek Ecosystem Science Reserve. They represent 10% of our entire land mass, that meeting included Jack, Colleen and Jeff and myself. It was a discussion about what their plans are for public involvement. And if there is an opportunity for joint development on strategic plans on helping them meet their goals. One of their discussions was that there is no housing for the scientists that may come from around the world to visit the site where cutting edge and world renowned ecoscience is being performed and created and the source of all of this research. So, it looks like there will be opportunities for further discussions. There was discussion of the Memorandum of Understanding and issues of horses."

"I will be unable to attend MIDS discussion on Monday. I think it is critically important that we deal with those issues and it is a good thing. The EDA had a discussion with regard to the survey that has been so controversial. The EDA did a survey that was published on the website and circulated on Booster Day. The discussion was there is valuable information that is to be gotten through an EDA Survey. We wanted to let you know in case there are certain questions you wanted to have on the EDA Survey when that is circulated. The discussion was that a survey be put together and put on the website first and then Booster Day as a wrap-up. Cedar Creek is also interested in doing a survey of the individuals, the scientists, the birders. That will also be a source of information for the EDA. I want to be clear, the commissions do a lot of work, but in regard to economic development, there is such a large amount of information, case studies, anecdotes, to be read and reviewed and be considered and weighed that it takes so much more time that was required for me to be an active participant on the Planning Commission. Being on the EDA is a greater time commitment."

"At the last Council Meeting there were certain allegations about the EDA doing this, that and the other. I asked to get a copy of those allegations that were date and time stamped. I was assured I would get those. I did not get those, so in my opinion that is a no go when there are no substantive allegations."

And finally, with regard to the Road Commission minutes, to say I am appalled by what I found there is an understatement. Last year I became aware that my neighbors were being targeted in a patrolling kind of way. I am trying to stay away from problems like fascists and communists. But in any case they were being targeted and identified about certain conduct which was not true and it was slanderous and I approached that individual and said this needs to come to a stop. I said patrolling is not the responsibility of a City Council person. And, I sincerely thought that had come to the end. However, in reading the roads minutes I find that my neighbors have been publicly slandered. I sadly had to make them aware that they had been slandered. When it comes to the conduct of City Council people, I am a big girl. You can slam me, slight me, it is water off a ducks back. But whenever a City Council Member attacks a commission member, an authority member, a staff member, a business owner and a resident, that has gone too far. And I am glad to say that I am going to be a witness in that slander case should that property owner choose to go forward. They have a hell of a case and it is a sad day for the City of East Bethel. Normally I like to be very optimistic and end on a light note, but not tonight."

Council Member Report – Ronning

Ronning, "Were those people aware of being slandered before you made them aware?" Moegerle, "Yes, I think they were. And, I think I have a duty to my residents of false allegations to make them aware. I think all of us have that duty." Ronning, "On any surveys that come out that we are getting peoples opinions, I think there needs to be a place to be

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opposed, don't count me in box. On the Planning Commission agenda, one was for a garage easement. I was out and took at look at the place. The garage easement, if I was him I would like to be able to do it. His neighbors are supportive of him. There was an IUP for a doggie daycare center. Sounded interesting. This lady is pretty active with several areas of pets, it sounds like it will be interesting if it works. The third one was internet sales of firearms from their home. Primarily internet sales, or gun show sales, there was nothing mentioned about security if someone should break in and steal something and nothing about fire protection. There was some discussion about quantity."

Mayor Report – Lawrence

Lawrence, "I had a few phone calls from residents. Hopefully we got the truckers under control and the resident go back to sleep.

Closed Meeting – Attorney/ Client – Anticipated Legal Action

Vierling, "For the benefit of the public pursuant to Minnesota Statute 13.D the City Council is going into a closed session at the recommendation of the city attorney and staff to review anticipated legal action to safeguard the City Fire Department Personnel. Because it is under Attorney Client it will not need to be, nor shall it be tape recorded. We will come back into open session to review any action taken in closed session."

DeRoche made a motion to adjourn to closed session to review anticipated legal action. Lawrence seconded; all in favor, motion carries.

Vierling, "For the benefit of the public and for the record, the Council concluded the closed session at 10:17 PM. Attending the closed session were Council Members DeRoche, Koller, Moegerle, Ronning, Mayor Lawrence, Chief Mark DuCharme and Deputy Chief Arden Anderson, City Administrator Jack Davis and myself. Council reviewed with the city staff their concerns and discussion was held. No particular actions, no motions or directives were issued by the Council at this time."

Adjourn

DeRoche made a motion to adjourn at 10:20 PM. Koller seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

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2013-2014 Liquor License Renewal List
Approval at June 19, 2013 City Council Meeting

NAME OF LICENSEE	ON-SALE	OFF-SALE	ON-SALE 3.2	OFF-SALE 3.2	SUNDAY SALES	WORKERS COMP	BACKGROUND FORMS RECEIVED	INSURANCE CERTIFICATE	ALL DONE	CHECK & APPS RECVD	City Code Requirements Met
COOPER'S CORNER	N/A	N/A	N/A	$150.00	N/A	Yes	Yes Total of four owners	No	No	5/24/2013	Yes
HUNTERS INN	$3500.00	380.00	N/A	N/A	200.00	Yes	Yes Total of Two owners	No	No	6/14/2013	Yes
VIKING MEADOWS	3500.00	N/A	N/A	N/A	200.OO	Yes	Not Yet	No	No	6/14/2013	Yes
E.J.'s BOTTLE SHOP	**3500.00**	**280.00**	**N/A**	**N/A**	**200.00**	**Yes**	**Yes Total of one owner**	**Yes**	**Yes**	**5/28/2013**	**Yes**
SMOKEY'S PUB & GRILL	3500.00	380.00	N/A	N/A	200.00	No	Not Complete	No	**No**	**6/14/13**	**Yes**
HIDDEN HAVEN COUNTRY CLUB	**3500.00**	**N/A**	**N/A**	**150.00**	**200.00**	**Yes**	**Yes Total of one owner**	**Yes**	**Yes**	**6/4/2013**	**Yes**
WAYNE'S LIQUOR	N/A	$380.00	N/A	N/A	N/A	Yes	Yes Total of one owner	No	No	6/11/13	**Yes**
COOPER'S CORNER LIQ STORE	N/A	$380.00	N/A	N/A	N/A	Yes	Yes Total of four owners	No	No	5/24/2013	**Yes**
BLUE RIBBON PINES	**N/A**	**N/A**	**250.00**	**N/A**	**200.00**	**Yes**	**Yes Total of five owners**	**Yes**	**Yes**	**6/11/2013**	**Yes**
ROUTE 65 PUB & GRUB	**3500.00**	**N/A**	**N/A**	**N/A**	**200.00**	**Yes**	**Yes Total of two owners**	**Yes**	**Yes**	**6/7/2013**	**Yes**
GO FOR IT	**N/A**	**380.00**	**N/A**	**N/A**	**N/A**	**No**	**Yes Total of one owner**	**Yes**	**Yes**	**5/17/2013**	**Yes**

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If in bold, then requirements have been met. If not in bold, we have not received information required.

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2013-35

RESOLUTION ACKNOWLEDGING THE DONATION FROM CLIMB, THEATRE

WHEREAS, the City of East Bethel has received a donation of $500 to be used towards the Kiddie Parade scheduled for Saturday, July 20, 2013.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council of the City of East Bethel acknowledges and accepts the donation of $500 from CLIMB, Theatre.

BE IT FURTHER RESOLVED THAT: the City Council of the City of East Bethel expresses its thanks and appreciation to CLIMB, Theatre for the donation of $500 to be used for the Kiddie Parade.

Adopted this 19th day of June, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____
Richard Lawrence, Mayor

ATTEST:

_____
Jack Davis, City Administrator

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2013-36

RESOLUTION AUTHORIZING THE TRANSFER OF ECONOMIC DEVELOPMENT AUTHORITY FUNDS TO THE EQUIPMENT REPLACEMENT FUND

WHEREAS, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

WHEREAS, the East Bethel Economic Development Authority 2012 and 2013 budgets have included funding for the installation of a new city sign to promote the City of East Bethel; and

WHEREAS, the East Bethel Lions has donated $5,000 and the City has received an insurance reimbursement of $2,890 toward the cost of the new city sign; and

WHEREAS, the cost of the city sign that has been temporary funded from the Equipment Replacement Fund is $89,429.99.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA that $81,539.99 be transferred to the Equipment Replacement Fund from the Economic Development Authority Fund.

Adopted this 19th day of June, 2013 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____
Richard Lawrence, Mayor

ATTEST:

_____
Jack Davis, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 7.0 B 1

* *

Agenda Item:
Interim Use Permit (IUP) for Home Occupation in the RR-Rural Residential District

* *

Sponsor:
Community Development Director

* *

Requested Action:
Consider Approval for an IUP for a Home Occupation for Sale and Trading of Firearms

* *

Background Information:
Property Owner/Applicant
Thomas VanElsberg
4991 201st Ave. NE
East Bethel, MN 55092
Dellwood Acres, Lot 6, Block 1
PIN 24-33-23-14-0008

The property owner/applicant is requesting an IUP for a home occupation that would allow the buying and trading of firearms. Obtaining a permit for a Home Occupation – IUP is a necessary step in order for Mr. VanElsberg to obtain a Federal Firearm License from the ATF. In Mr. VanElsberg's case, the home will be used as an office only and no retail sales of any firearms will take place on the premises. His business model is that he will buy, sell and trade firearms at trade shows and on the Internet. He will have a limited supply of firearms at his residence, but will utilize drop shipments from manufacturers and wholesalers directly to the buyers. Mr. VanElsberg will not have any employees, and no signage associated with the business will be displayed at the home.

Home occupations are a permitted use in the RR- Rural Residential District as long as the Applicant can meet the requirements of the City Code and can comply with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

1. Letter from Mr. VanElsberg explaining his business
2. Application
3. Site Map
4. Section 19 – Home Occupations

* *

Fiscal Impact:
Not Applicable

* *

Recommendations:
Staff requests approval from City Council for an IUP for a home occupation for the buying and trading of firearms, located at 4991 201st Ave. NE, Dellwood Acres, Lot 6, Block 1, PIN 24-33-23-14-0008 with 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. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.
   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.
2. Home will not be used as a point of retail on site sales.
3. No signs associated with the business will be displayed at or on the premises.
4. Must obtain all appropriate ATF permits and follow all ATF regulations related to firearms.
5. Violation of conditions and City Codes shall result in the revocation of the IUP.
6. All conditions must be met no later than June 31, 2013. An IUP Agreement shall be signed and executed no later than June 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

* *

City Council Action

Motion by: ______________________________ Second by: ______________________________

____

____

____

Vote Yes: _____ Vote No: _____

No Action Required: _____

Thomas A VanElsberg
4991 201st Ave NE
East Bethel, MN 55092
612-670-5271
tvanelsberg@live.com

City of East Bethel
2241 221st Ave NE
East Bethel, MN 55011

To whom it may concern:

This letter is a formal request for a Home Occupation Permit so that I may use my residence located at 4991 201st Ave NE East Bethel, MN 55092. Lot 6 Block 1 Dellwood Acres to start and operate a new business. The home would be used as an office only, with myself as the only employee and will easily conform to the requirements of Home Occupations listed in the City of East Bethel ordinances.

My business plan is to buy, sell and trade firearms and related items. I plan to do this mostly at trade shows and on the internet away from the home. I plan to have a limited inventory at home and will be utilizing drop shipments directly from manufactures and wholesalers to a location other than my residence. My home will not be used as a point of retail sales nor will any signage associated with the business be displayed at or on the premises.

Obtaining a permit for a Home Occupation is a necessary step in the process of starting my business. The federal government will require that I obtain a Federal Firearms License from the ATF. The ATF will require that the FFL business location complies with all local zoning requirements before issuing a license and this is why I need obtain a Permit to legally operate a business from my home prior to submitting my FFL application.

If further information is needed, please let me know.

Respectfully,

Tom VanElsberg

East City of Bethel

LAND USE APPLICATION

OFFICE USE ONLY
Date Rec'd 3/8/13
By GSB
Fee $ 150 app fee
300 escrow
✓ #492

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 Home Occupation permit (provide narrative below describing proposed use).

Application to operate a business from my Home that would fully comply with the requirements of Home Occupations for City of East Bethel.

LOCATION: PID 24 33 23 14 0008 **Legal: Lot** 6 **Block** 1 **Subdivision** Dellwood Acres

PROPERTY ADDRESS: 4991 201st Ave NE **PRESENT ZONING:** RR

PROPERTY OWNER

CONTACT NAME Tom VanElsberg PHONE 763-413-5143
ADDRESS 4991 201st Ave NE FAX Cell 612 670 5271
CITY/STATE/ZIP East Bethel Mn 55092 E-MAIL tvanelsberg@Live.com

APPLICANT

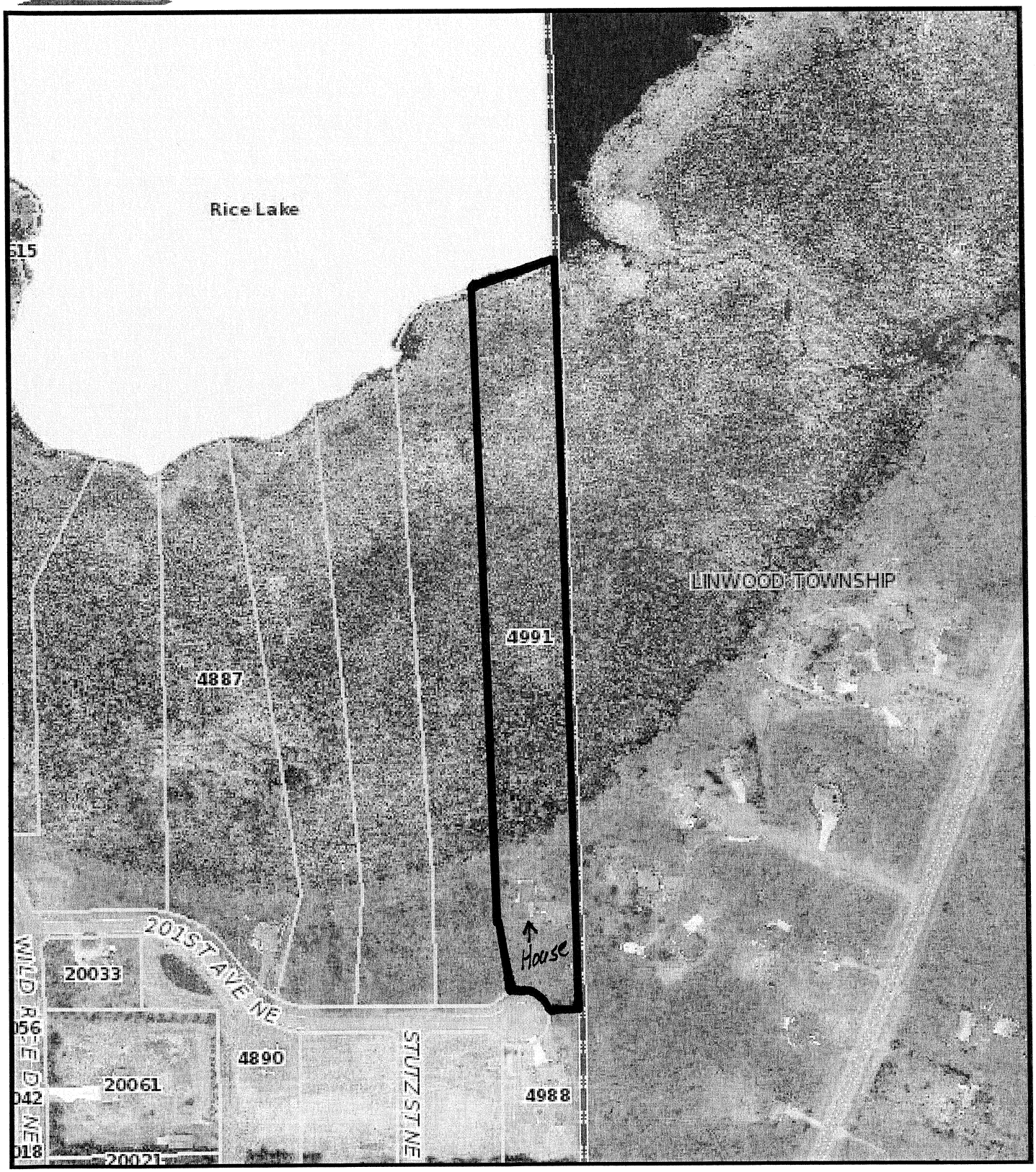
CONTACT NAME Tom VanElsberg PHONE 763-413-5143
ADDRESS 4991 201st Ave NE FAX
CITY/STATE/ZIP East Bethel MN 55092 E-MAIL tvanelsberg@Live.com

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.

Tom VanElsberg — Property Owner's Signature
Tom VanElsberg — Printed Name
Date

OFFICE USE ONLY – DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	3/8/13		
Planning Commission	4/23/13		
City Council	5/1/13		
5/6/13 60 Day		_____ 120 Day	

Map



Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.
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Printed 05/15/2013

19. Home occupations.

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.

2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.

3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.

4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

5. 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.

6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.

7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation. Parking needs generated by the home occupation shall be provided on-site.

8. 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.

9. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.

10. 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.

11. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 7.0 B 2

* *

Agenda Item:
Interim Use Permit for Lucky Paws, a Home-based Dog Training and Play Care Center

* *

Sponsor:
Community Development Director

* *

Requested Action:
Consider Granting an Interim Use Permit (IUP) for Heather Hime for a Home Occupation in the RR – Rural Residential District.

* *

Background Information:

Property Owner/Applicant:
Heather Hime
4349 Viking Blvd NE
East Bethel, MN 55092

Property Location:
4349 Viking Blvd. NE
PIN 25-33-23-32-0009

The applicant, Heather Hime, is requesting an IUP to operate a home-based business named "Lucky Paws." The business will provide dog training and a dog play care center. There are several types of programs offered through her business including playgroup services, daytime boot camp training services, and one-on-one training services. The hours of operation for those programs are Monday – Friday, 8 am – 4 pm.

In addition to the three programs offered above, there is also a boot camp program where dogs stay overnight in the residence at 4349 Viking Blvd NE and go home on weekends. The maximum number of dogs in this type of program is three (3). Programs offered include a 4-week program and a 2-week program.

Ms. Hime's business plan is attached and includes details outlining all of the programs that she offers as well as the facilities, fencing, flooring, cleaning, waste disposal, and other requirements. Her Business Plan is included as Attachment #1.

Attachments:
1. Business Plan
2. Land Use Application
3. Site Survey
4. Location Map

5. Section 19 – Home Occupation
6. Section 10-54 and 10-55 – Kennel License

* *

Fiscal Impact:
Not Applicable

* *

Recommendation(s):
Home occupations are a permitted use in the RR - Rural Residential District as long as Ms. Hime can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

* *

Fiscal Impact:
Not Applicable

* *

Recommendations:
Staff requests approval from City Council for an IUP for a home occupation known as Lucky Paws, located at 4349 Viking Blvd. NE, PIN 25 33 23 32 0009, with 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 accessory 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.

2. In addition, Ms. Hime shall be required to obtain a private kennel license and meet all of the requirements of Sections 10-54 and 10-55 as set forth:

Sec. 10-54. - Kennel license.

The maximum number of dogs allowed without a kennel license is two. The maximum number of dogs allowed with a private kennel license is to be determined by the number of acres:

a. Five acres or more but less than ten acres: six dogs.

b. No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

c. No person shall maintain a private or commercial kennel in the city without securing a license from the city council. The fee for the license shall be as established by resolution of the city council.

d. Prior to issuance of a private kennel license from the city council, a hearing before the planning and zoning commission must be held. Notice must be given to all affected property owners within one-quarter mile of the outside dimensions of the parcel where the kennel is contemplated. The planning and zoning commission will make a recommendation to the city council on the request.

e. Prior to issuance of a commercial kennel license from the city council, a hearing before the planning and zoning commission requesting an interim use permit must be held. Notice must be given to all affected property owners within 500 feet of the outside dimensions of the parcel where the kennel is contemplated, and published in the city's official newspaper at least ten days before the public hearing. The planning and zoning commission will make a recommendation to the city council on the request.

f. Private kennel licenses do not confer any property rights upon the licensee, and the issuance of said licenses does not assume that future licenses will be granted. Licensees will need to independently assess whether any improvements made in relation to city requirements will be amortized during the initial time period of the license. Licenses will be issued for a set number of dogs, which shall not be exceeded. Licensees who wish to add a dog need to reapply for a private kennel license. Licensees who relocate to another area of the city need to reapply for a private kennel license. Licenses are not assignable to other parties.

g. The initial term for a private kennel license shall be one year; subsequent licenses, if so granted, will be for a term of up to three years.

h. Licensees authorize city staff to perform periodic, random inspections of the kennel for the purpose of determining compliance with the conditions of their license.

i. No party, person, corporation, or other entity will be allowed more than one private kennel license.

j. Kennel licenses in effect on residential property at the time of adoption of the ordinance from which this article is derived that do not meet the requirements of this article are considered legal, nonconforming licenses and can continue to keep up to the number of dogs authorized by the kennel license at the time of adoption of the ordinance from which this article is derived. Adding more dogs to an existing license would require meeting the requirements of subsection (f) of this section.

Sec. 10-55. - Conditions for issuance of a private kennel license.

The following conditions are mandatory for the issuance of a private kennel license:

a) Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.

b) Dogs shall be confined to their own property by a provable means.

c) Housing and shelter must be provided which will keep animals comfortable and protected from the elements.

d) Accumulations of feces shall be located at least 200 feet from any well.

e) All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.

f) All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.

g) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.

h) Kennels shall be considered an accessory structure for setback purposes.

3. All conditions must be met no later than August 30, 2013. An IUP Agreement shall be signed and executed no later than August 30, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

* *

City Council Action

Motion by: ____________________________ Second by: ____________________________

____

____

____

Vote Yes: _____ Vote No: _____

No Action Required: _____

Lucky Paws LLC

4349 Viking Blvd NE
East Bethel, MN 55092
612-388-9656
www.LuckyPawsMN.com

Lucky Paws

Dog Training & Play Care Center

612-388-9656
heather@luckypawsmn.com
www.luckypawsmn.com

Table of Contents

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Business History & Owner Bio 5

Business Description & Description of Services 6

Organization, Management & Facility 6

Marketing and Sales Strategy 7

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Executive Summary

Lucky Paws will be offering a variety of dog services including socialization playgroups and different types of training.

Socialization Playgroups - Our playgroup is designed with the dogs physical and behavioral well being in mind. We provide the dogs with up to 4 hours of group play during which they will also participate in training activities and doggie games such as bacon bubble bonanza, ice cube craze, puzzle toy play and more. Playgroups will include a maximum of 15 dogs with constant supervision by Heather Hime or staff trained in animal behavior and body language.

Daytime Boot Camp Training Programs – These programs are similar to a board & train program you would send your dog away to, but you don't have to send them away. We come to the families homes and train their dogs both in their home and neighborhood as well as at our facility. These programs are designed for busy families that are in need of a dog with good manners but may not have the time or expertise to achieve that.

Boot Camp Programs – Similar to Daytime Boot Camp Training, except the dog stays Monday-Thursday in my home as a part of our family, returning home for the weekend and returning for training the following Monday for 2-4 weeks. The maximum amount of dogs in this program at any time is three or less.

Private Training – In-home or in facility one on one training for everything from basic obedience to complex behavioral issues on an as needed basis.

Business History & Owner Bio

Lucky Paws LLC has been in business since January 2011. It has been owner run, offering Daytime Boot Camp, Private Training, Group Classes and Off Leash Playgroups.

Prior to launching her business, owner, Heather Hime managed Pampered Pooch Playground, a dog daycare & boarding facility in St. Louis Park for two years that cared for 80+ dogs each day. She has offered group classes and private training for that facility since 2008 and still offers classes there today along with two other locations, Ruff Love Dogs in NE Minneapolis and Lake Harriet Vet in South Minneapolis.

Heather is a Certified Dog Trainer through Animal Behavior College, which is an internationally recognized school that is approved by the Bureau for Private Postsecondary and Vocational Education. She is also a Full Member of the Association of Pet Dog Trainers (APDT) and has taken the Dogtec Business Code of Ethics Pledge.

Heather continues her education through seminars, training groups, and reading every training book she can get her hands on. She is also active in agility, dock jumping and the sport of frisbee or "Disc" with her dog Ryder, a Miniature Australian Shepherd. Heather believes that positive reinforcement training methods are the best way to create a solid and trusting relationship with your dog, but also understands that dogs need rules and boundaries in order to be a balanced and happy companion.

Company Principals

It is very important to us that we provide a physically and behaviorally healthy play and training environment for our clients dogs. We strive for behavioral wellness both in our facility and in our clients homes. We use positive reinforcement training strategies to teach good behaviors and to manage behavior in a group play environment. We want all our clients to be living happily with their dogs, not just dealing with their dogs issues.

Business Description and Vision

The purpose of this business is to provide families with dogs great services for training and exercising their dogs.

Company Vision & Goals: This is a small business with intentions of staying small with great customer service being a priority.

We will begin running business as follows:

Socialization Playgroups – This is a group of up to 15 dogs that will be on premises Monday-Friday only between the hours of 8am-4pm. Lucky Paws will pick up dogs from their homes and bring them to our facility, eliminating traffic to our facility.

Boot Camp Programs – These dogs will be trained between the hours of 8am-4pm, Monday-Friday at our facility. Any dogs staying for our Boot Camp Program Monday-Thursday will be in our home as one of our dogs after business hours. We will have a maximum of three Boot Camp dogs staying at any time.

Description of Services

Socialization Playgroup Services - Our specialized program provides pick up and drop off for all dogs from their homes which eliminates traffic to our facility. Dogs receive up to 4 hours of group play at our facility. This provides owners with a well exercised dog, without having to do anything themselves. All dogs are taught basic commands and expected to behave politely at daycare including not jumping up, sitting when asked, coming when called, waiting at gates and doorways and more. This will transfer over to a more well behaved dog at home. We also offer special play activities such as bacon bubble bonanza, ice cube craze, puzzle toy play, and more.

Daytime Boot Camp Training Programs - This is similar to a board & train program, but you don't have to send your dog away. We pick up your dog and do training either in your home & neighborhood, or at our facility. We provide 4 week programs for basic training and socialization, 2 week accelerated training programs, as well as customized programs for continued training and behavioral issues.

Boot Camp Programs – Same as Daytime Boot Camp Training, but dogs stay overnight Monday-Thursday in our home as one of our own dogs & go home for weekends. We have a maximum of 3 dogs in this program at any time. We provide 4 week programs, 2 week accelerated programs, as well as customized programs for continued training and behavioral issues.

Private Training - One on one private lessons provided in client homes or at our facility. This type of training can be used for a more specific approach to basic obedience, or for solving more complicated training or behavioral issues.

Organization and Management

Lucky Paws is a Single Member Limited Liability Company owned solely by Heather Hime. She plans to run this business alone initially, with the potential of hiring one employee as the business takes off.

Facilities

Training and Playgroups will take place in the pole building on the property (photo attached) with an attached privacy fenced area.

Fencing : 6' privacy fencing with a runner along the top to keep any climbers in (photo attached). Any gates will have locks in place.

Flooring: Concrete Floors will either be sealed and painted or epoxy coated for maximum cleanliness.

Cleaning Procedures: Lucky Paws has done extensive research on cleaning products and have found that Wysiwash most suits our needs. This cleaning agent is safe for pets, septic, sewer, and even grass and plants with no rinsing necessary. It is a chlorine based cleaning product using hypochlorous acid to kill viruses, pathogens, bacteria and fungi. It is EPA registered and USDA approved.

Waste Disposal: All waste will be picked up and discarded immediately. Lucky Paws will follow any rules designated by the city, county or state for waste removal.

Health Requirements of Dogs in our care: All dogs in our care must be up to date on their Distemper/Parvo and Rabies vaccinations. They are also required to receive yearly fecal examinations and be in observably good health.

Temperament Testing: Lucky Paws requires that all dogs interested in attending our playgroups be social with other dogs and people, share toys, and go through a thorough temperament test and answer a behavioral questionnaire.

Insurance: Lucky Paws LLC is currently insured by Mourer-Foster, Inc and has already discussed what will needed to be added to the insurance policy to run the business. The pole building is currently insured under the home owners insurance policy through State Farm.

Definition of the Market

The Industry: The market for dog care has changed a lot in the last 10 years. Dogs are now members of the family and owners expect higher quality care and expect dogs to be more well behaved as our world becomes more dog friendly.

Target market: Middle to upper class individuals and families who are quite busy, and have disposable income & are looking for high quality care & training for their dogs.

Marketing and Sales Strategy

Market: Lucky Paws customers are Middle to Upper class people who see their dogs as part of the family. These people will likely have more money than they do time (except group class participants) and are looking for an easy way to turn their excitable puppy in to the perfect companion.

Marketing Strategies:

Veterinarians – Lucky Paws intends to create relationships with local vets that will be mutually beneficial. We have created behavioral wellness packets with branded handouts that offer useful information on a variety of dog related topics that vets can give to their clients when asked for behavioral advice or when someone comes in with a new dog or puppy. If needed I can also provide staff training on dog behavior and handling techniques to make their jobs easier. Give these vet offices my marketing materials including business cards, flyers and pamphlets.

Groomers – Create relationships with local groomers that will be mutually beneficial. I will send them my clients and in return they can send me dogs who need behavioral help to make their grooming appointments easier. Give groomers my marketing materials including business cards, flyers and pamphlets.

Dog Walkers & Pet Sitters – Create a mutually beneficial relationship with dog walkers and pet sitters in the area. Some clients may not be a good fit for our daycare environment or can't afford it, in which case a dog walker is the next best thing. Many clients will also want recommendations for boarding/pet sitting since this is a service we do not offer. Some of their clients may also be in need of some training to walk nicely on a leash or other behavioral issues that can make their job easier. Give these businesses my marketing materials including business cards, flyers and pamphlets.

Pet Stores – Send my clients to local pet stores for required training supplies and ask that they display my marketing materials. Ask if they have any coupons they would like me to offer my clients as well. I can also offer short clinics at the pet stores on dog training & behavior. If allowed, give these stores my marketing materials including business cards, flyers and pamphlets.

Press Release – Put out a press release when first opening and for any events we hold to notify the public.

Appendices

This section should include as attachments:

- Company brochure
- Photos of facilities/potential facilities
- IUP
- Land Use Application
- Land Survey
- Purchase Agreement
- Certificate of Taxes Paid
- Video of playgroup
- Reference Links

Example of Fencing

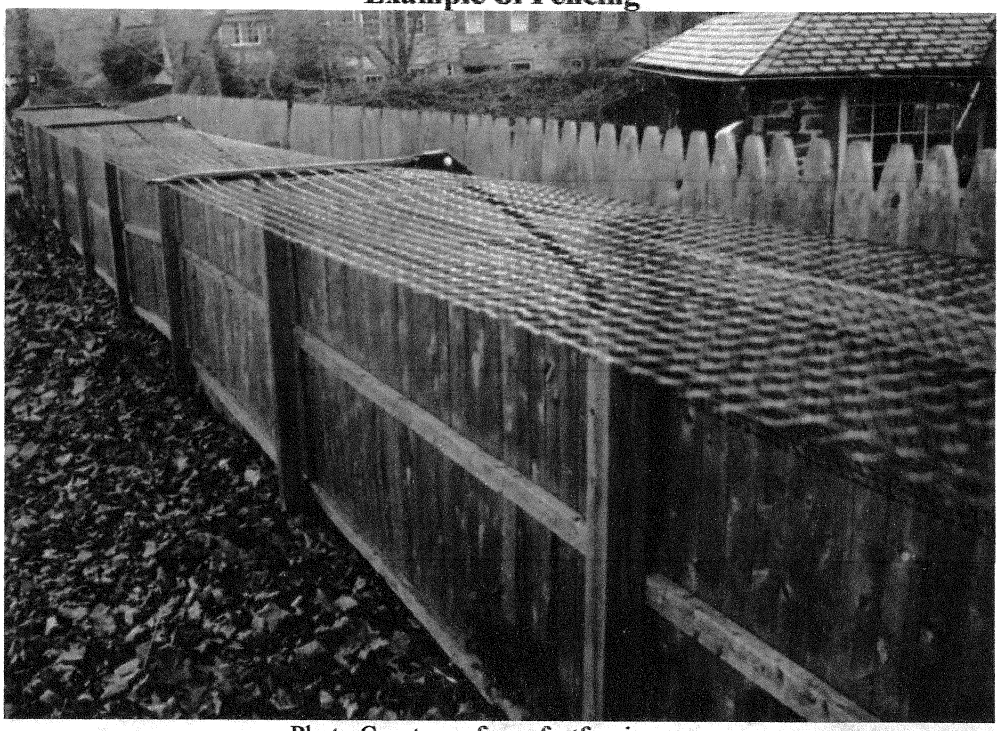
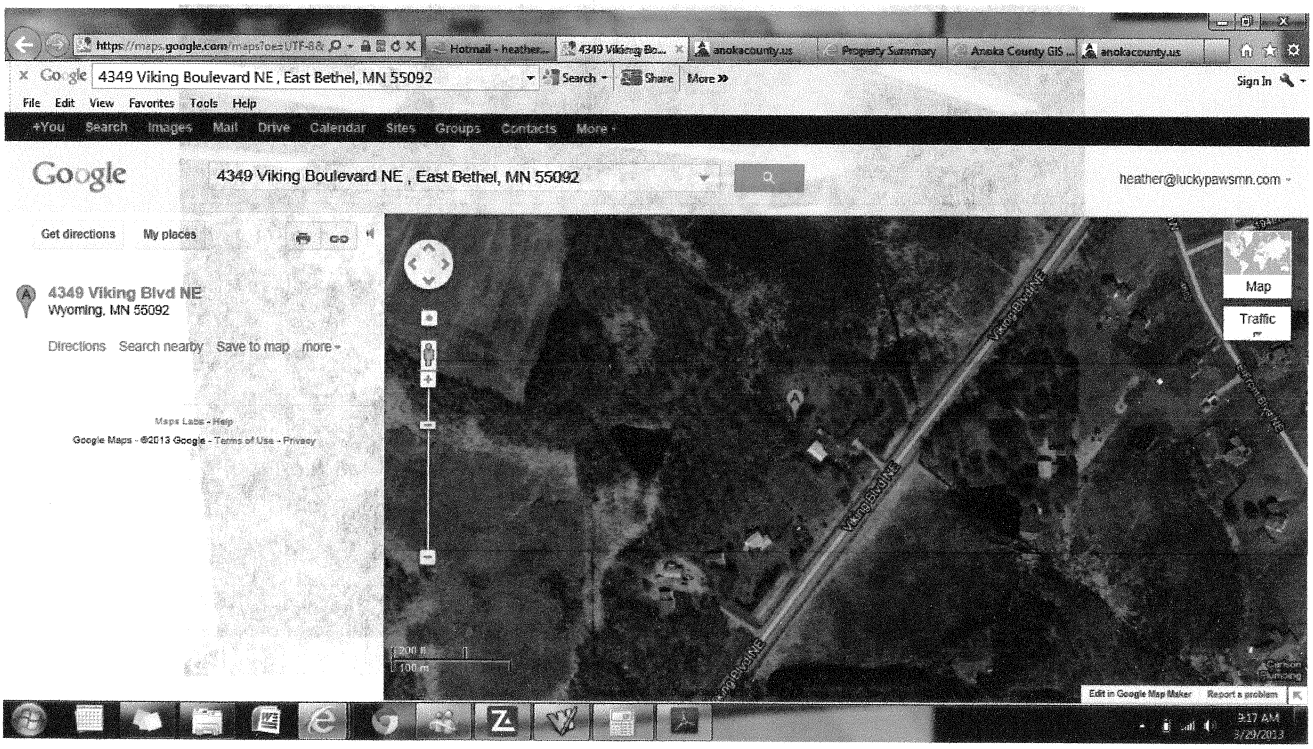


Photo Courtesy of purrfectfencing.com



Pole Building Exterior

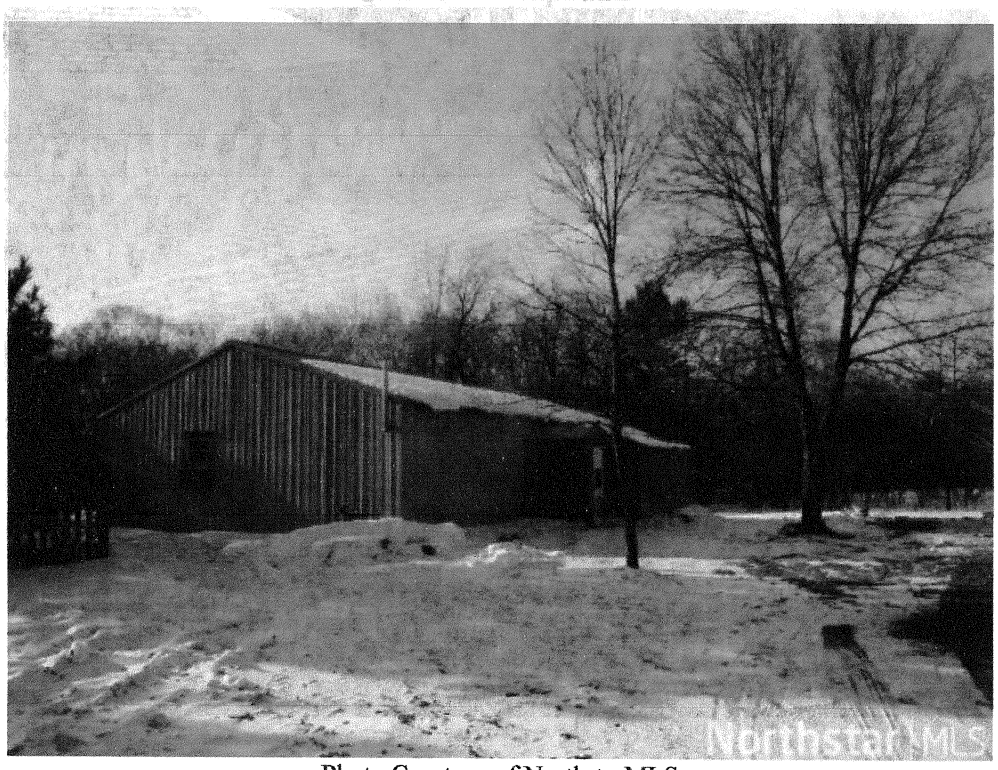


Photo Courtesy of NorthstarMLS

Pole Building Interior (remodel to come)

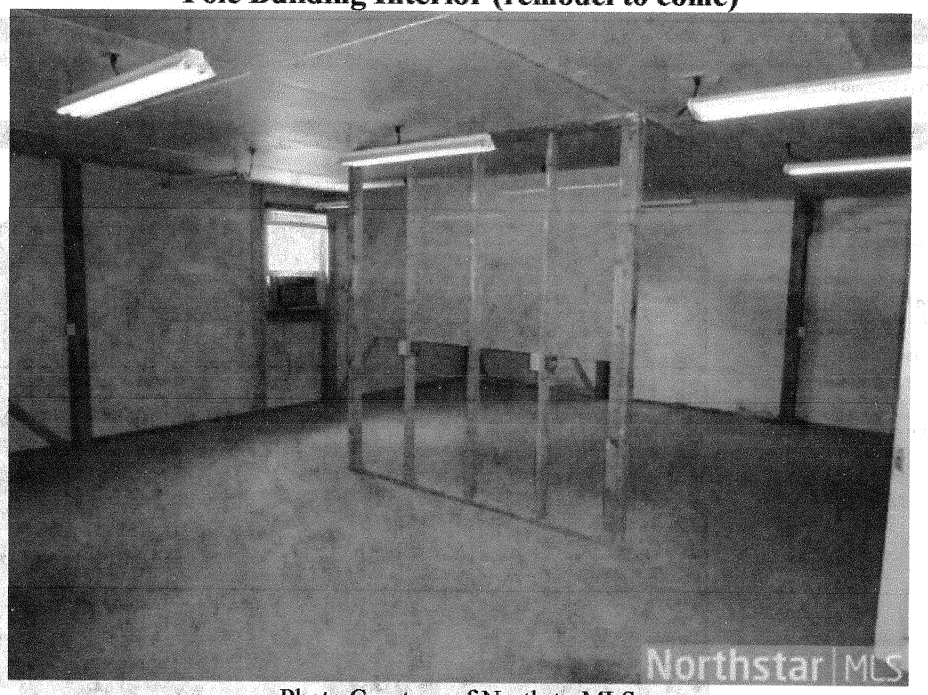


Photo Courtesy of NorthstarMLS

Links

www.luckypawsmn.com
www.pamperedpoochplayground.com
www.rufflovenortheast.com
www.lakeharrietvet.com
www.wysiwash.com
www.apdt.com
www.animalbehaviorcollege.com
www.dogtec.com
www.mourerfoster.com

City of East Bethel

LAND USE APPLICATION

OFFICE USE ONLY
Date Rec'd 5/1/13
By DSB
Fee $ 300 escrow
150 app fee
ck# 1018 and 1019

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 IUP (provide narrative below describing proposed use).

Home Ocupation

LOCATION: PID 253323320009 **Legal: Lot** _____ **Block** _____ **Subdivision** _____

PROPERTY ADDRESS: 4349 Viking Blvd NE **PRESENT ZONING:** Rural Residential

PROPERTY OWNER

CONTACT NAME Heather Hime PHONE 612-388-9656

ADDRESS 2710 Polk St. NE FAX _____

CITY/STATE/ZIP Minneapolis MN 55418 E-MAIL heatherhime@hotmail.com

APPLICANT

CONTACT NAME SAME 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.

Heather Hime — Property Owner's Signature

Heather Hime — Printed Name

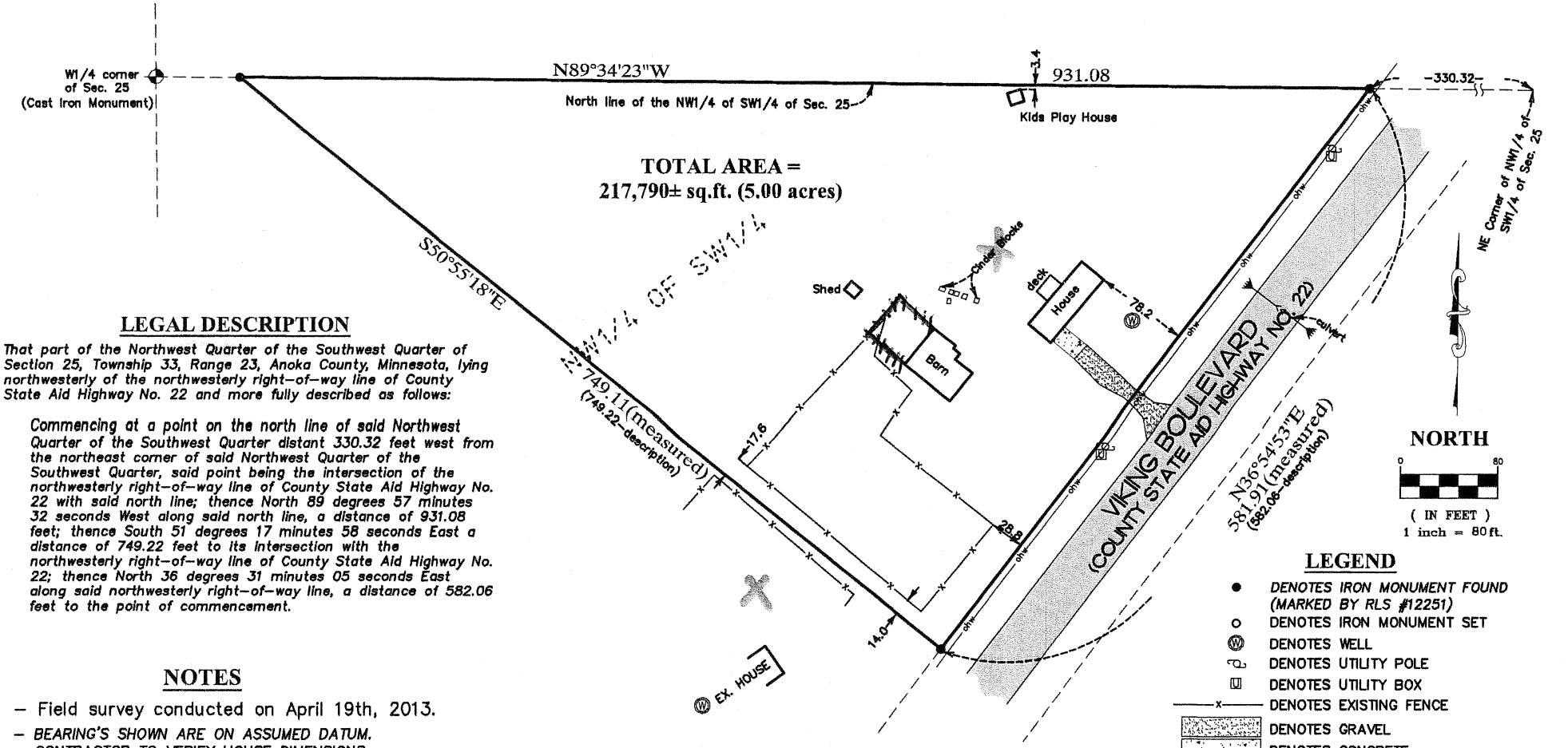
5-1-13 — Date

OFFICE USE ONLY – DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	5/1/13		
Planning Commission	5/28/13		
City Council			
_____ 60 Day	_____ 120 Day		

CERTIFICATE OF SURVEY

PROPERTY ADDRESS: 4349 Viking Blvd. NE, East Bethel, MN

~for~ Heather Hime



LEGAL DESCRIPTION

That part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 33, Range 23, Anoka County, Minnesota, lying northwesterly of the northwesterly right-of-way line of County State Aid Highway No. 22 and more fully described as follows:

Commencing at a point on the north line of said Northwest Quarter of the Southwest Quarter distant 330.32 feet west from the northeast corner of said Northwest Quarter of the Southwest Quarter, said point being the intersection of the northwesterly right-of-way line of County State Aid Highway No. 22 with said north line; thence North 89 degrees 57 minutes 32 seconds West along said north line, a distance of 931.08 feet; thence South 51 degrees 17 minutes 58 seconds East a distance of 749.22 feet to its intersection with the northwesterly right-of-way line of County State Aid Highway No. 22; thence North 36 degrees 31 minutes 05 seconds East along said northwesterly right-of-way line, a distance of 582.06 feet to the point of commencement.

NOTES

- Field survey conducted on April 19th, 2013.
- *BEARING'S SHOWN ARE ON ASSUMED DATUM.*
- CONTRACTOR TO VERIFY HOUSE DIMENSIONS, AND SEWER AND BASEMENT DEPTHS.

LEGEND

- ● *DENOTES IRON MONUMENT FOUND (MARKED BY RLS #12251)*
- ○ DENOTES IRON MONUMENT SET
- Ⓦ DENOTES WELL
- DENOTES UTILITY POLE
- DENOTES UTILITY BOX
- —x— DENOTES EXISTING FENCE
- DENOTES GRAVEL
- DENOTES CONCRETE
- DENOTES BITUMINOUS

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

ERIC R. VICKARYOUS Date: April 24th, 2013 Reg. No. 44125

ACRE LAND SURVEYING
Serving Twin Cities Metro area and beyond
763-458-2997 acrelandsurvey@gmail.com

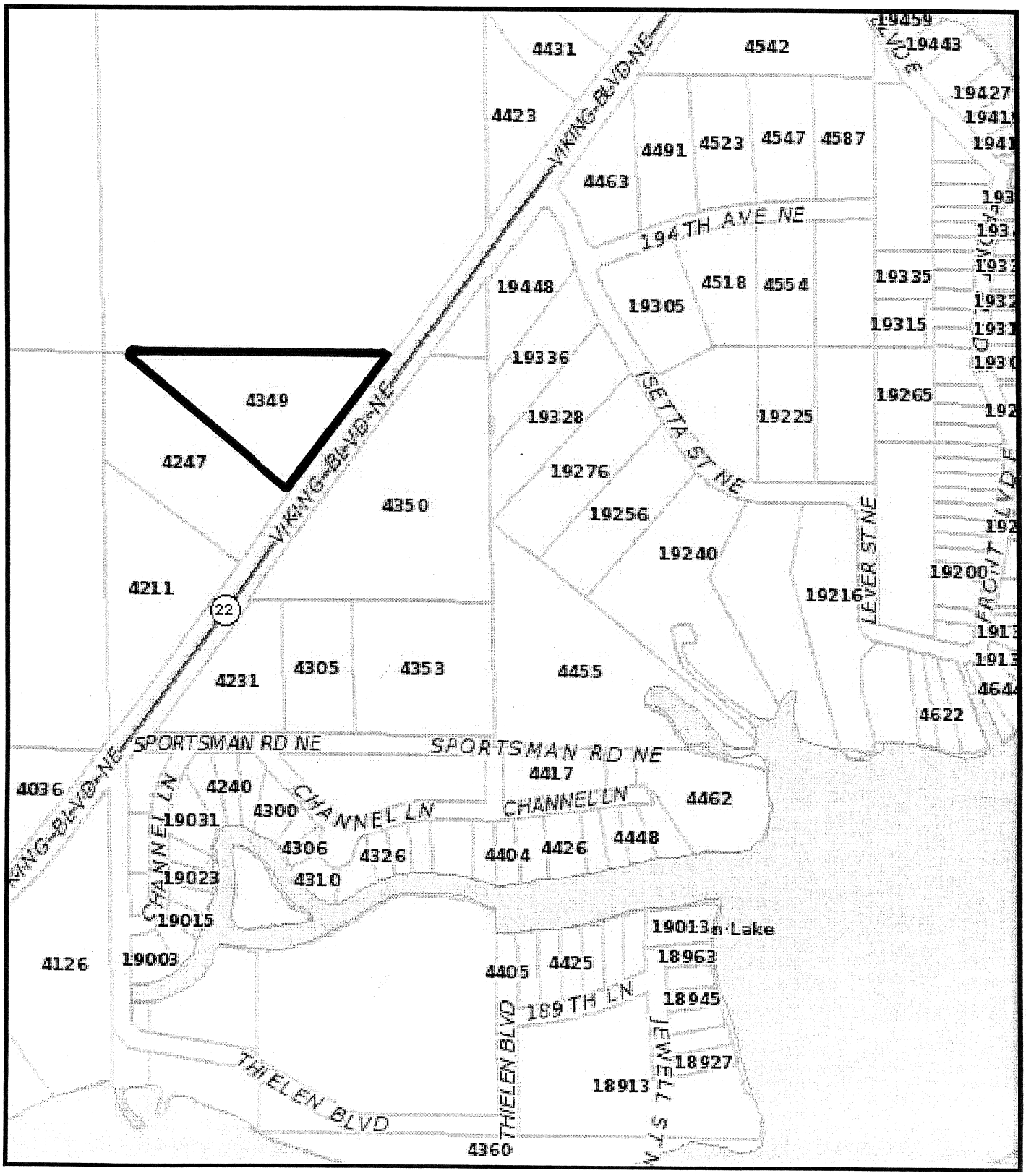
JOB #13169bs

C:\Land Projects 2008\13169cert-East Bethel\dwg\13169bs-east bethel.dwg 4/24/2013 7:46:44 AM CDT

X - Surveyor estimated location of Septic systems. No obvious mound.

- Planned location of fence for business.

Map



Disclaimer: Maps and documents made available to the public by the City of East Bethel are not legally recorded maps or surveys and are not intended to be used as such. The maps and documents are created as part of the Geographic Information System (GIS) that compiles records, information, and data from various city, county, state and federal resources.

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N W E S

Printed 05/15/2013

19. Home occupations.

1. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.

2. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.

3. Any sign associated with the home occupation shall be in compliance with the East Bethel Sign Ordinance.

4. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.

5. 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.

6. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.

7. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation. Parking needs generated by the home occupation shall be provided on-site.

8. 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.

9. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.

10. 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.

11. The area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

DIVISION 2. - KENNELS

Sec. 10-54. - Kennel license.

(a) The maximum number of dogs allowed without a kennel license is two. The maximum number of dogs allowed with a private kennel license is to be determined by the number of acres:

(1) Greater than 2.5 acres but less than three acres: three dogs.

(2) Three acres or more but less than five acres: four dogs.

(3) Five acres or more but less than ten acres: six dogs.

(4) Ten acres or more: maximum ten dogs.

(b) No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.

(c) No person shall maintain a private or commercial kennel in the city without securing a license therefor from the city council. The fee for the license shall be as established by resolution of the city council.

(d) Prior to issuance of a private kennel license from the city council, a hearing before the planning and zoning commission must be held. Notice must be given to all affected property owners within one-quarter mile of the outside dimensions of the parcel where the kennel is contemplated. The planning and zoning commission will make a recommendation to the city council on the request.

(e) Prior to issuance of a commercial kennel license from the city council, a hearing before the planning and zoning commission requesting an interim use permit must be held. Notice must be given to all affected property owners within 500 feet of the outside dimensions of the parcel where the kennel is contemplated, and published in the city's official newspaper at least ten days before the public hearing. The planning and zoning commission will make a recommendation to the city council on the request.

(f) Private kennel licenses do not confer any property rights upon the licensee, and the issuance of said licenses does not assume that future licenses will be granted. Licensees will need to independently assess whether any improvements made in relation to city requirements will be amortized during the initial time period of the license. Licenses will be issued for a set number of dogs, which shall not be exceeded. Licensees who wish to add a dog need to reapply for a private kennel license. Licensees who relocate to another area of the city need to reapply for a private kennel license. Licenses are not assignable to other parties.

(g) The initial term for a private kennel license shall be one year; subsequent licenses, if so granted, will be for a term of up to three years.

(h) Licensees authorize city staff to perform periodic, random inspections of the kennel for the purpose of determining compliance with the conditions of their license.

(i) No party, person, corporation, or other entity will be allowed more than one private kennel license.

(j) Kennel licenses in effect on residential property at the time of adoption of the ordinance from which this article is derived that do not meet the requirements of this article are considered legal, nonconforming licenses and can continue to keep up to the number of dogs authorized by the kennel

license at the time of adoption of the ordinance from which this article is derived. Adding more dogs to an existing license would require meeting the requirements of subsection (f) of this section.

(Ord. No. 101a, § 3, 3-6-2002; Ord. No. 101b, § 3, 3-6-2002; Ord. No. 201, § 3, 12-7-2005; Ord. No. 101D, § 3, 5-16-2007)

Sec. 10-55. - Conditions for issuance of a private kennel license.

The following conditions are mandatory for the issuance of a private kennel license:

(1) Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.

(2) Dogs shall be confined to their own property by a provable means.

(3) Housing and shelter must be provided which will keep animals comfortable and protected from the elements.

(4) Accumulations of feces shall be located at least 200 feet from any well.

(5) All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.

(6) All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.

(7) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.

(8) Kennels shall be considered an accessory structure for setback purposes.

(Ord. No. 101a, § 4, 3-6-2002; Ord. No. 101b, § 4, 3-6-2002; Ord. No. 101D, § 4, 5-16-2007)

Sec. 10-56. - Conditions for issuance of a commercial kennel license.

The following conditions are mandatory for the issuance of a commercial kennel license:

(1) Outdoor animal exercise shall be conducted within the confines of the property, and limited to leashed animals under the direct supervision of their owners or commercial kennel staff.

(2) Indoor housing facilities must be structurally sound with ample heat, light, soundproofing and ventilation. The applicant must submit a soundproofing inspection certifying that the structure will keep the sound of the dogs undetectable from a distance of ten feet.

(3) Dogs kept outside must have continual access so animals can get in and out of shelter and protect them from the elements.

(4) If dogs are confined by chains, such chains must be attached so as not to become entangled with chains of other dogs.

(5) Individual animal enclosures must be of a size to allow each dog to turn around fully, stand, sit and lie in a comfortable condition.

(6) The temperature of indoor housing facilities shall not be less than 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.

(7) Disposal facilities are provided to minimize virus infestation, odors and disease hazards.

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
7.0 B 3

* *

Agenda Item:
Variance Request to Allow a Minimal Setback from the front and side yard setback in order to build a garage and comply with setback from septic drainfield

* *

Sponsor:
Community Development Director

* *

Requested Action:
Consider Approval of a Variance to Allow Minimal Setback from the front and side yard setbacks.

* *

Background Information:

Property Owner/Applicant:
Matthew Saarloos
18429 Lakeview Point Dr. NE
East Bethel, MN 55092

Property Location:
18429 Lakeview Point Dr. NE
PIN 35-33-23-32-0022
Zoning: R-1 Single Family Residential

Mr. Saarloos is requesting a variance from both the front and side yard setbacks in order to build a 24’ x 28’ foot detached garage. Mr. Saarloos currently has an existing dilapidated structure that is unsafe; he will be demolishing that garage and putting a new garage in its place. The new garage will be on a floating slab. The proposed garage would be set back an additional 2 feet from the front yard setback and 5 feet from the side yard setback. The old garage was located 3 feet off of the front yard property line and 3 feet off of the side yard property line. So the proposed setbacks for the new garage are 5 feet from the front yard setback and 8 feet off of the side yard setback. Staff has worked with Mr. Saarloos and this is the only place that he can locate a garage on his property and have a driveway where he can pull into the garage. On the east side of his property there is a dedicated permanent easement for a road and he is not able to locate his garage on that side of the property and comply with the appropriate setbacks and still have room to put in the type of driveway that is necessary to turn in to his garage. His drainfield is located in the middle of his lot and staff felt that it was very important that he comply with the setback of 10 feet from the drainfield, he therefore has no choice as to where he can locate the new garage. As proposed, this is the best and only site.

It should be noted that many of the garages in this area sit close to the boulevard. **<u>Attached are pictures that show the location of Mr. Saarloos’ garage and several garages in the neighborhood.</u>**

The property is zoned Single Family residential and is in the Shoreland Overlay District; normal setbacks are:

Detached accessory structure		
(a)	Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street
(b)	Side street	25 feet and cannot be located between the principal structure and the street
(c)	Side yard	10 feet
(d)	Rear yard	10 feet

There are three variances that are required:

1. Front yard variance – Must meet required setback of principal structure – 25 ft. The variance request is for 20 feet.
2. Front yard setback of principal structure – Garage would be located between the principal structure and the street. This is somewhat debatable as you could make the determination that his front yard is the lake side.
3. Side yard variance – the variance request is for 2 feet.

Variance Findings of Fact:

1. The property owner proposes to construct a 24' x 28' detached garage which will replace an existing dilapidated structure.
2. The proposed location of the new garage is set back further from the front and side property lines than the existing structure.
3. The proposed location of the new garage will be in line and in some cases set back further than neighboring detached garages.
4. Due to the location of Mr. Saarloos drainfield and septic tank, the garage needs to be set back 10 feet from the drainfield.
5. Due to the setback requirement and the narrowness of Mr. Saarloos property, the proposed location of the new garage is the only place to locate a detached garage and have a driveway that provides an adequate turning radius to get into the garage.
6. The new garage will not alter the essential character of the neighborhood
7. The strict enforcement of the zoning ordinance would cause undue hardship because of circumstances unique to the individual property under consideration.

Attachments:

1. Pictures
2. Variance Application
3. Site Plan

3a . Certificate of Survey

4. Location Map
5. Appendix A, Zoning, Section 57.8.C

* *

Fiscal Impact:
None

* *

Staff Recommendations:

City Staff requests approval, based on the findings of fact, to City Council for the following variances:

1. Front yard variance – Must meet required setback of principal structure – 25 ft. The variance request is for 20 feet.
2. Front yard setback of principal structure – Garage would be located between the principal structure and the street.
3. Side yard variance – the variance request is for 2 feet.

* *

City Council Action

Motion by: ______________________________ Second by: ______________________________

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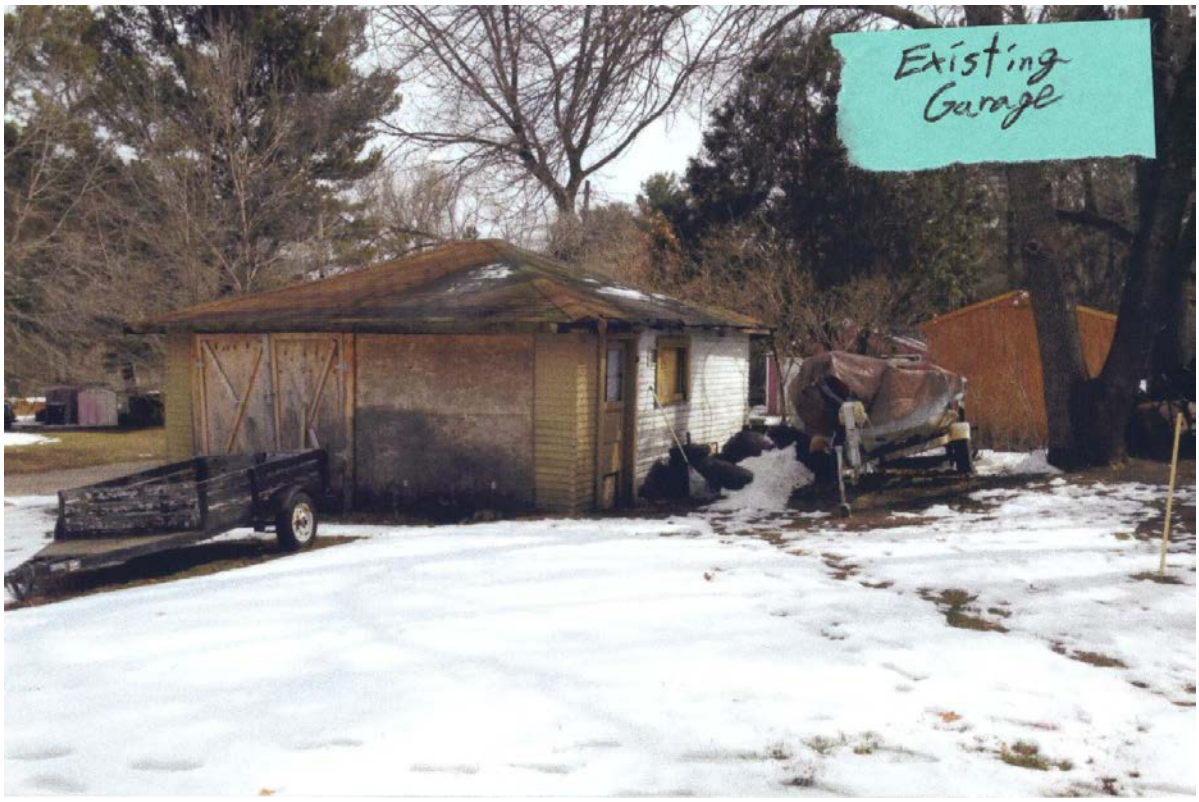
Vote Yes:_____ Vote No:_____

No Action Required:_____

Neighbors
Garage

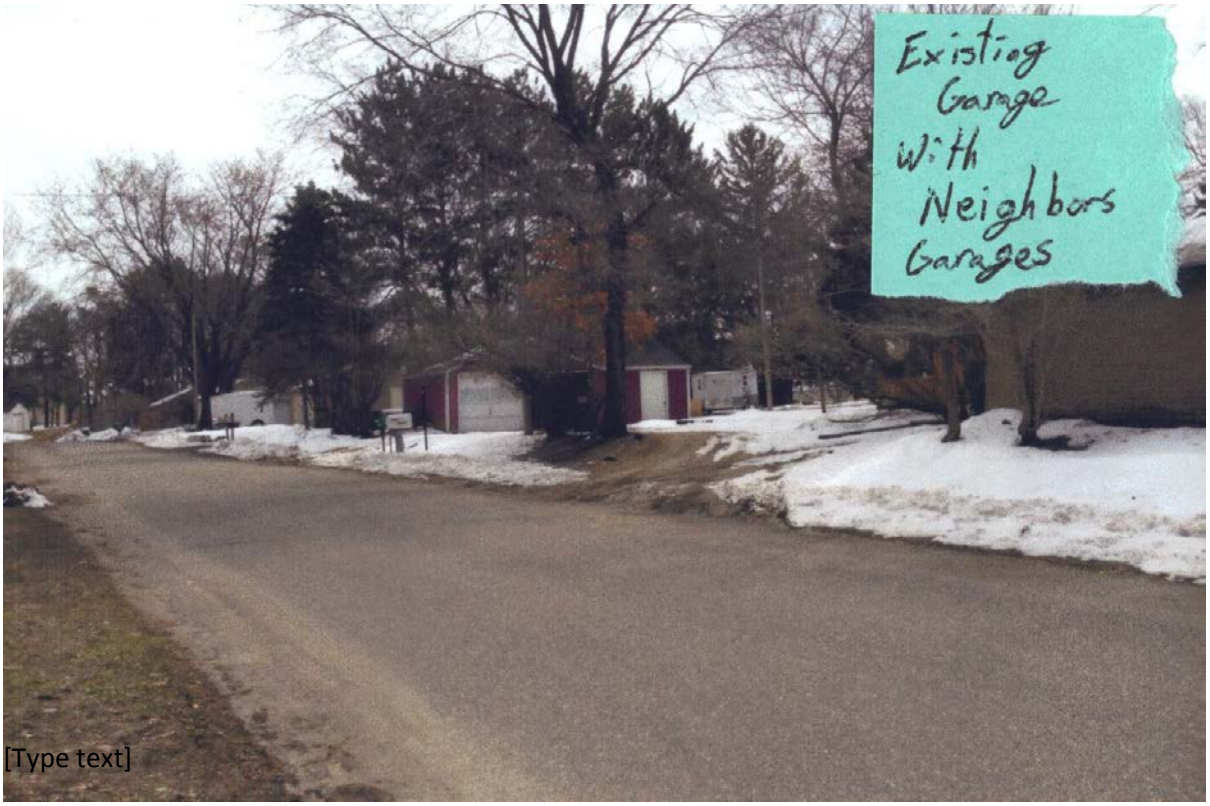
Neighbor's
Garage

Neighbors
Garage


Existing
Garage

Neighbor's
garage

Neighbor's
Garage


Existing
Garage
With
Neighbors
Garages

Deadlines - May 3 Rec'd materials
May 28 - P+Z
June 19 - City Council

East
City of Bethel

LAND USE APPLICATION

OFFICE USE ONLY
Date Rec'd 5/1/13
By DSB
Fee $ 300 app 500 escrow

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 Matt Saarloos (provide narrative below describing proposed use).

Due to the placement of the Drainage Field. I need a variance of 18' from the Boulevard, Based on a 24' garage.

LOCATION: PID 35-33-23-32-0022 **Legal: Lot** 1 **Block** 3 **Subdivision** Lake View Point

PROPERTY ADDRESS: 18429 Lakeview Point Dr. NE East Bethel **PRESENT ZONING:** R-1

PROPERTY OWNER

CONTACT NAME Matt Saarloos PHONE 612-232-9081
ADDRESS 18429 Lakeview Point Dr. NE FAX —
CITY/STATE/ZIP East Bethel MN 55092 E-MAIL ga.plus@hotmail.com

APPLICANT

CONTACT NAME Matt Saarloos PHONE 612-232-9081
ADDRESS 18429 Lakeview Point Dr. NE FAX —
CITY/STATE/ZIP East Bethel MN 55092 E-MAIL ga.plus@hotmail.com

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.

Matt Saarloos — Property Owner's Signature
Matt Saarloos — Printed Name
4/30/13 — Date

OFFICE USE ONLY – DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	5/3/13		
Planning Commission	5/28/13		
City Council	6/9/13		
_____ 60 Day		_____ 120 Day	

I, Matt Saarloos, am asking for a variance of 18' from the boulevard, based on a 24' garage. The reason I can't set the garage 30' from the boulevard is because the drain field is too close to the road. My lot is 50' by 300' and this is the only location that I am able to place it.

On the proposed plan the garage has a 3' set back from the drain field. I recently had Lashinski Septic Services come out and survey the septic and drain field. After talking with them they said the garage could be 1' from the field, but to be safe we should place it 3' away. Along with the application there is a letter from them stating this.

The existing garage is 4' from the boulevard and in line with the next five garages on my street. All are large garages right on the boulevard. Also the existing garage has a substantial lean and needs to be torn down. The garage is extremely ugly and that is how all of the neighbors see my yard. I want to fix this problem by building a new one, which will make for a more beautiful neighborhood.

I feel a garage is an important part of a Minnesotan home. Placing cars in a garage instead of on the lawn is an easy way to improve the appearance. I care about the appearance of my property and the city I live in.

Sincerely,
Matt Saarloos

Lashinski Services, Incorporated **M.P.C.A. Certificate # 65**

1326 161st Ave. Andover, MN 55304
Office: (763) 434-3915
Fax: (763) 434-7152

April 27, 2013

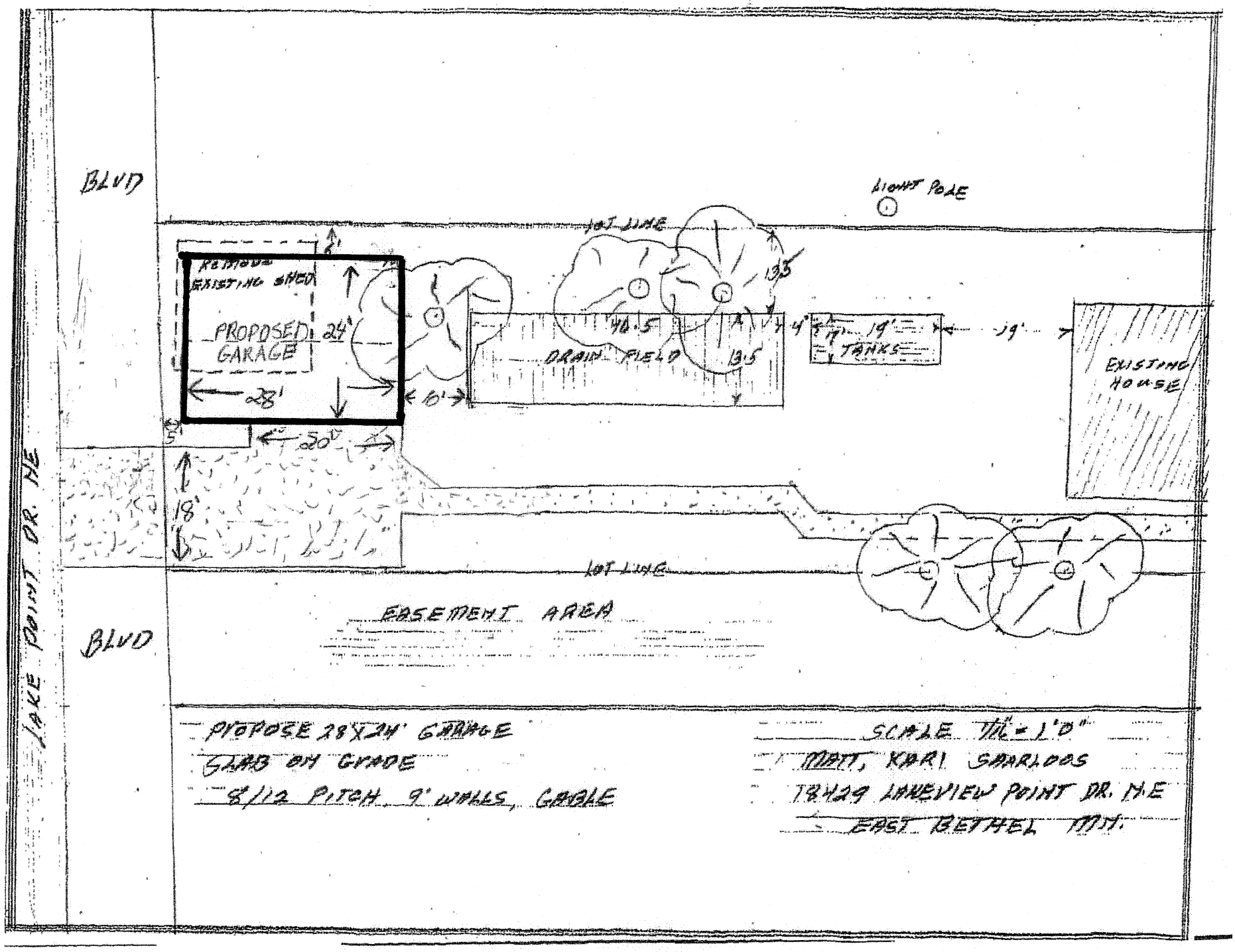
Matt Saarloos
18429 Lakeview Point Drive
East Bethel MN 55092
612-232-9081

Last week, I was at your property to look at and mark the location of you septic system in regards to the proposed construction of a detached garage. I would have no problem with the garage being installed up to three feet from the drainfield. Doing so would cause no problems with performance of the septic system or environmental/safety concerns.

If you have any questions, I can be reached at 612-919-3704.

Sincerely,

Ryan Lashinski



PROPOSE 28'X24' GARAGE
SLAB ON GRADE
8/12 PITCH 9' WALLS, GABLE

SCALE 1/16" = 1'0"
MATT, KARI SPARLOOS
18429 LAKEVIEW POINT DR. N.E
EAST BETHEL MN.

Controlled Access Lot Frontage Requirements

Ratio of Lake Size to Shore Length (acres/miles)	*Required Increase in Frontage (percent)*
Less than 100	25
100—200	20
201—300	15
301—400	10
Greater than 400	5

3) They shall be jointly owned by all purchasers of lots in the subdivision or by all purchasers of nonriparian lots in the subdivision who are provided riparian access rights on the access lot.

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

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

[1) *Reserved.*]

2) *Placement of structures on lots.* When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with an approved variance to conform to the adjoining setbacks

from the ordinary high water level provided the proposed building site is not located in a shore impact zone or in a bluff impact zone. Structures shall be located as follows.

a) Structure and on-site sewage system setbacks from ordinary high water level:

	Setbacks		
	Structures		
Classes of Public Waters	*Sewered*	*Unsewered*	*Sewage Treatment System*
Lakes			
Natural Environment	150 ft.	150 ft.	50 ft.
Recreational Dvlp	75 ft.	100 ft.	75 ft.
General Dvlp	50 ft.	75 ft.	50 ft.
Creeks and Streams	100 ft.	100 ft.	75 ft.

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

OHW 904.75

Setback from	*Setback*
Top of bluff	30 ft.
Unplatted cemetery	50 ft.
Right-of-way line of federal, state, or county highway	50 ft.
Right-of-way line of town road, public street, or other roads or streets not classified	25 ft.

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

3) *Design criteria for structures.*

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

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

b) *Accessory structures.* Each lot may have one accessory structure. Said structure shall meet the normal structure setback in item c) of this subpart and comply with the following provisions:

(1) The structure or facility must be treated or screened so as to be minimally visible from public waters and adjacent shorelands. Treatment techniques include, but are not limited to, use of vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions;

(2) The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities.

c) *Stairways, lifts, and landings.* Stairways and lifts shall be used for achieving access up and down bluffs and steep slopes to shore areas. Stairways and lifts shall meet the following design requirements:

(1) Stairways and lifts shall not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties and public recreational properties.

(2) Landings for stairways and lifts on residential lots shall not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties and public recreational properties.

(3) Canopies or roofs are not allowed on stairways, lifts, or landings.

(4) Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion by following the Minnesota Pollution Control Agency's (MPCA) best management practices.

(5) Stairways, lifts, and landings shall be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water, assuming summer leaf-on conditions whenever practical.

(6) Facilities such as ramps, lifts, or mobility paths for physically handicapped persons shall be allowed for achieving access to shore areas provided that the dimensional and performance standards of subitems 1 through 5 are complied with in addition to the requirements of Minnesota Regulations, chapter 1340.

(7) Significant historic sites. No structure shall be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository. Any alteration to or use of an historic site shall be subject to applicable historic preservation regulations.

(8) Steep slopes. The zoning administrator shall evaluate possible soil erosion impacts and development visibility from public waters before

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 8.0 B.1

* *

Agenda Item:
Castle Towers/Whispering Aspen Forcemain Project Update and Assessment Determination

* *

Requested Action:
Consideration of Assessment of Project to Existing Property Owners

* *

Background Information:
The City and the Metropolitan Council of Environmental Services (MCES) will consider approval of an agreement to construct a joint project from Viking Boulevard to 229th Avenue upon the submission of final bids for this work. The project consists of two pipes in a common trench. The City pipe will be used to convey sanitary sewer waste from the Castle Towers wastewater treatment plant to the MCES system at Viking Boulevard and the MCES pipe will convey treatment plant effluent to the two rapid infiltration basins. The forcemain that is required to complete the City connection from Klondike Drive to Sims Road and from 229th Avenue to Castle Towers will be constructed as a City only project. Attachment 1 shows the proposed pipe routes and the location of the rapid infiltration basins.

MCES bid this project on February 12, 2013. Four bids ranging from $8,423,076 to $9,454,255 were received. MCES concluded that the second bidder, S.M. Hentges and Sons, Inc., offered the lowest responsive bid of $8,588,125.92. The City's share of the construction was $1,606,128.31. Due to contract award issues the MCES has decided to rebid the project. The new bid date is June 20, 2013.

The City's forcemain project Base Bid consists of the construction of 6-inch, 8-inch and 10-inch forcemain and one lift station. Bids were opened on May 14, 2013. There were also 3 alternate bids received. The Alternate Bids were as follows:

Alternate Bid No. 1: Construct a gravity pipe between the existing lift station on Peirce Street to the new lift station. This alternate will allow the City to eliminate the current lift station on Peirce Street.

Alternate Bid No. 2: Replace the proposed 8 inch forcemain with 10 inch forcemain. This alternate will provide capacity of an additional 375 connections.

Alternate Bid No. 3: Replace the existing lift station that services the Castle Towers Mobile Home Park.

A summary of the Base Bid and Alternate Bids for the two lowest contractors' is as follows:

Contractor	Base Bid	Alternate No. 1	Alternate No. 2	Alternate No. 3	Total Bid
Latour Construction	$1,849,982.69	$182,379.00	$50,398.50	$338,404.29	$2,421,164.48
Minger Construction	$1,942,278.25	$110,030.25	$64,650.60	$271,327.20	$2,388,286.30

Assuming the previous Base Bid and all three Alternate Bids remain relatively unchanged, the total construction cost for this project would be $3,994,414.61. Adding costs for easements, overhead, and contingency the total estimated project cost is $4,600,000.

Staff has analyzed cash flow scenarios based on a project cost of $4,600,000. The analysis assumes capacity of the forcemain system ranging from 70 percent to 100 percent by the year 2042. The required initial City Sewer Access Charge (SAC) that would be required to cash flow this project and the MCES SAC is estimated as follows:

Percent of Capacity	Number of ERU's	MCES SAC	City SAC	Total SAC
70	916	$2,600	$3,350	$5,950
80	1042	$2,600	$2,675	$5,275
90	1168	$2,600	$2,175	$4,775
100	1294	$2,600	$1,800	$4,400

The cash flow analysis assumes that the existing property owners will not be assessed. Staff recommends that the existing property owners not be assessed for this project for the following reasons:

1. The primary reason for this project is to decommission the existing wastewater treatment plant that is at the end of its design life.

2. It may be difficult to prove benefit since municipal wastewater service already is provided to the benefitting properties.

3. Initial cash flow analysis provides reasonable City SAC charges without assessing the existing property owners.

If the City assesses a portion of this project to the existing property owners, an improvement hearing would need to be held prior to the project award. Based on the project contract documents this project must be awarded by July 12, 2013. The hearing would therefore, be proposed to be held on July 3, 2013. A workshop prior the July 3, 2013 meeting would be suggested to review assessment alternatives.

Attachment(s):
1. Project Layout
* *
Fiscal Impact:
As noted above.

* *

Recommendation(s):

Staff recommends that the existing property owners not be assessed for this project and is requesting direction regarding the question of assessment for the proposed Castle Towers/Whispering Aspen Forcemain Project.

* *

City Council Action

Motion by:________________ Second by:________________

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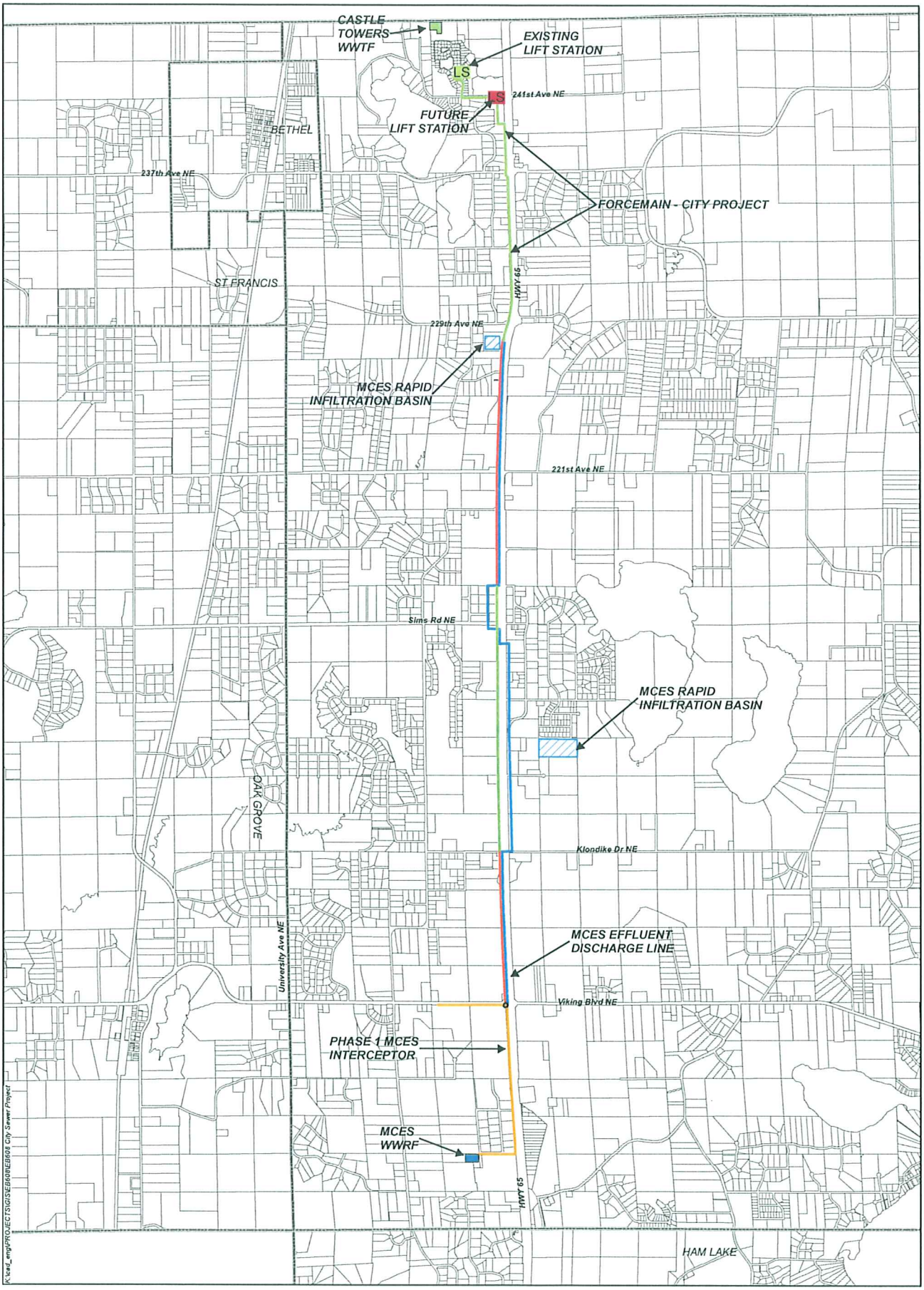
Vote Yes:_____ Vote No:_____

No Action Required:_____



East City of Bethel

N W E S

Hakanson Anderson

0 1,500 3,000 6,000 9,000 Feet

SOURCE: ANOKA COUNTY SURVEY DEPARTMENT, MCES, CITY OF EAST BETHEL & MNDNR

MCES/CITY FORCEMAIN PROJECT

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 8.0 F.1

* *

Agenda Item:
Fire Department Report

* *

Requested Action:
Informational only

* *

Background Information:
The Fire Chief has provided reports of Fire Department emergency calls, fire inspections, and emergency medical calls from the previous month.

* *

Fiscal Impact:
None

* *

Recommendation(s):
Informational only.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

East Bethel Fire Department
May 2013 Response Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
223	05/28/2013	15:10	18800 Ulysses ST NE	Dispatched and cancelled en route
222	05/25/2013	17:06	2760 219th AVE	Dispatched and cancelled en route
221	05/25/2013	05:47	4461 200 LN	Building fire
220	05/24/2013	18:50	23368 Gopher DR	Unauthorized burning
219	05/22/2013	11:56	23156 Taylor ST NE	EMS call
218	05/22/2013	10:55	20254 Jackson ST NE	EMS call
217	05/22/2013	06:42	19700 Hwy 65	EMS call
216	05/22/2013	01:24	19242 Jackson ST NE	EMS call
215	05/21/2013	08:14	23653 London CT	CO detector activation
214	05/20/2013	06:23	20563 East Bethel BLVD	EMS call
212	05/19/2013	12:27	19354 4 ST NE	Dispatched and cancelled en route
211	05/19/2013	01:02	19451 E Front Blvd	Dispatched and cancelled en route
209	05/18/2013	17:21	2641 225th LN NE	EMS call
208	05/17/2013	19:21	20061 Wild Rice DR NE	EMS call
207	05/17/2013	17:47	104 Collen ST NE	No incident found on arrival
205	05/16/2013	17:41	455 195 AVE NE	EMS call
204	05/16/2013	15:15	18164 65 HWY	EMS call
206	05/16/2013	08:40	20845 Eveleth	Unauthorized burning
199	05/15/2013	23:42	757 Lakeshore DR	EMS call
203	05/15/2013	17:12	19473 East Bethel Blvd	EMS call
202	05/15/2013	15:25	16228 Tulip ST NE	Building fire
201	05/15/2013	07:19	3841 Edmar LN NE	EMS call
200	05/15/2013	00:56	20381 East Bethel BLVD	EMS call
198	05/14/2013	20:34	1823 221st ST	Service Call, other
197	05/14/2013	16:12	20436 Austin ST NE	Brush or brush-and-grass mixture fire
196	05/13/2013	19:48	24355 Highway 65 NE	EMS call
195	05/12/2013	21:07	18164 HWY 65 NE	EMS call
194	05/11/2013	07:47	1046 181st Street ST NE	EMS call
193	05/10/2013	09:15	20745 NE Tyler STS NE	EMS call
192	05/07/2013	19:48	18164 65 HWY NE	EMS call
191	05/07/2013	15:51	19443 East Front Blvd	Unauthorized burning
190	05/07/2013	12:03	1253 237 AVE NE	EMS call
189	05/07/2013	10:30	18360 Leyte ST NE	EMS call
188	05/05/2013	14:58	2241 221st AVE NE	EMS call
187	05/05/2013	12:03	24011 Fillmore ST NE	EMS call
186	05/04/2013	11:48	24355 HWY 65	EMS call
185	05/04/2013	08:47	21315 Eveleth ST NE	EMS call
184	05/03/2013	13:34	182 Forest RD NE	False alarm
183	05/03/2013	09:47	21155 Hwy 65	Dispatched and cancelled en route
182	05/01/2013	18:01	2752 NE 225th LN NE	Unauthorized burning
181	05/01/2013	14:08	24425 Durant ST NE	EMS call
Total				**43**

City of East Bethel

Subject: Fire Inspector Report

May 1 – 31, 2013

City of East Bethel Fire Inspection List		
Name	**Address**	**Comments**
Aggressive Hydraulics	18800 Ulysses St	Flow tested sprinkler system and timed alarm to dispatch time.
Allstate	21471 Ulysses St	Fire Extinguisher Questions on Size
Teddy Bear Care	1438 215th Ave.	2nd Inspection: No Violations
RAK Const.	21435 Johnson St	2nd Inspection: No Violations
Classic Const.	18542 Ulysses St.	2nd Inspection: Emergency lights
R.L. Automotive Inc	1835 Viking Blvd	No Violations
Blue Sky Alpacas	21476 Johnson St	2nd Inspection: No Violations
5K Auto Sales	18355 Hwy 65	2nd Inspection: Fire extinguisher and emergency lights
Wholesale Marine	18801 Hwy 65	No Violations
Valders Vehicle	18805 Hwy 65	No Violations
Saarela Insurance	1535 Viking Blvd	Fire extinguishers
NOTE: First Inspections Unless Noted		

11 Businesses Inspected

Reported by: Mark Duchene
Fire Inspectors

East Bethel Fire Department
Type of Medical Calls

May, 2013

Number of Medical Calls 26

Type	Number	Transport by Ambulance
Medical Complications	6	6
Short of Breath	5	5
Cardiac	4	4
Bleeding	2	2
Illness	0	0
Trauma	2	2
Assist	0	0
Other	7	3
Cancelled Medical Call		
Totals	26	22

Notes:

1 patient refused to be transported
3 paitients were DOA

City of East Bethel
City Council
Agenda Information

* *

Date:
June 19, 2013

* *

Agenda Item Number:
Item 8.0 G.1

* *

Agenda Item:
Request for Vacation of a City Easement of Lakeview Point Drive

* *

Requested Action:
Consider a Proposal to Vacate a City Lane between 18325 and 18317 Lakeview Point Drive

* *

Background Information:
Mary Thorsten appeared before City Council on June 5, 2013 and requested Council consider a request to vacate the City owned Lane between 18325 and 18317 Lakeview Point Drive. Council requested staff to prepare the information required for a decision in this matter and present their findings to Council at the June 19, 2013 meeting. This right of way is identified as “Lane” on the City Plat Map is owned in fee title by the City.

As a matter of reference, Council considered the vacation of Sylvan Street on November 2, 2011 and declined the vacation request. An option of a license for use of a part of this platted but undeveloped street was offered and accepted as alternative solution to this request.

The City owned Lane that will be petitioned for vacation adjoins 18325 and 18317 Lakeview Point Drive and connects Lakeview Point Drive to Coon Lake. The Lane is 20’ in width and approximately 190’ in length, or 0.09 acres. The Lane is not physically marked or identified as an access to Coon Lake.

The two residents that adjoin this Lane, Gary and Mary Thorsten at 18325 Lakeview Point Drive and Allen Chapel at 18317 Lakeview Point Drive, are submitting a petition to have this street vacated. The petitioners for this street vacation have been advised that the City can not sell this property and the property would be transferred equally to the abutting property owners if a vacation were approved. Any City cost for the process of vacation of the Lane will be charged to petitioners should this request be approved by City Council.

Per MN State Statue 412.851, the City Council may by resolution vacate any street, alley, public grounds, public way, or any part thereof, on its own motion <u>or on petition of a majority of the owners of land abutting on the street, alley, public grounds, public way, or part thereof to be vacated.</u> When there has been no petition, the resolution may be adopted only by a vote of four-fifths of all members of the Council. No vacation shall be made unless it appears in the interest of the public to do so after a hearing preceded by two weeks' published and posted notice. The Council shall cause written notice of the hearing to be mailed to each property owner affected by the proposed vacation at least ten days before the hearing. The notice must contain, at minimum,

a copy of the petition or proposed resolution as well as the time, place, and date of the hearing. In addition, if the street, alley, public grounds, public way, or any part thereof terminates at, abuts upon, or is adjacent to any public water, written notice of the petition or proposed resolution must be served by certified mail upon the Commissioner of Natural Resources at least 60 days before the hearing on the matter. The notice to the Commissioner of Natural Resources does not create a right of intervention by the Commissioner. At least 15 days prior to convening the hearing required under this section, the council or its designee must consult with the commissioner of natural resources to review the proposed vacation. The Commissioner must evaluate:

(1) the proposed vacation and the public benefits to do so;

(2) the present and potential use of the land for access to public waters; and

(3) how the vacation would impact conservation of natural resources.

The Commissioner must advise the City Council or its designee accordingly upon the evaluation. If a resolution of vacation is adopted, the City Clerk shall prepare a notice of completion of the proceedings which shall contain the name of the city, an identification of the vacation, a statement of the time of completion thereof, and a description of the real estate and lands affected thereby. The notice shall be presented to the County Auditor who shall enter the same in the transfer records and note upon the instrument, over official signature, the words "entered in the transfer record." The notice shall then be recorded with the County Recorder. Any failure to file the notice shall not invalidate any vacation proceedings.

*** ***

Attachment:
Location Map

Fiscal Impact:
The costs involved in the process of a vacation of this Lane are not known at this time.

*** ***

Recommendation(s):
Unless there are compelling reasons to be offered by the petitioners, Staff does not recommend vacation of the Lane and is seeking direction from Council on this matter.

* *

City Council Action

Motion by:________________ Second by:________________

____

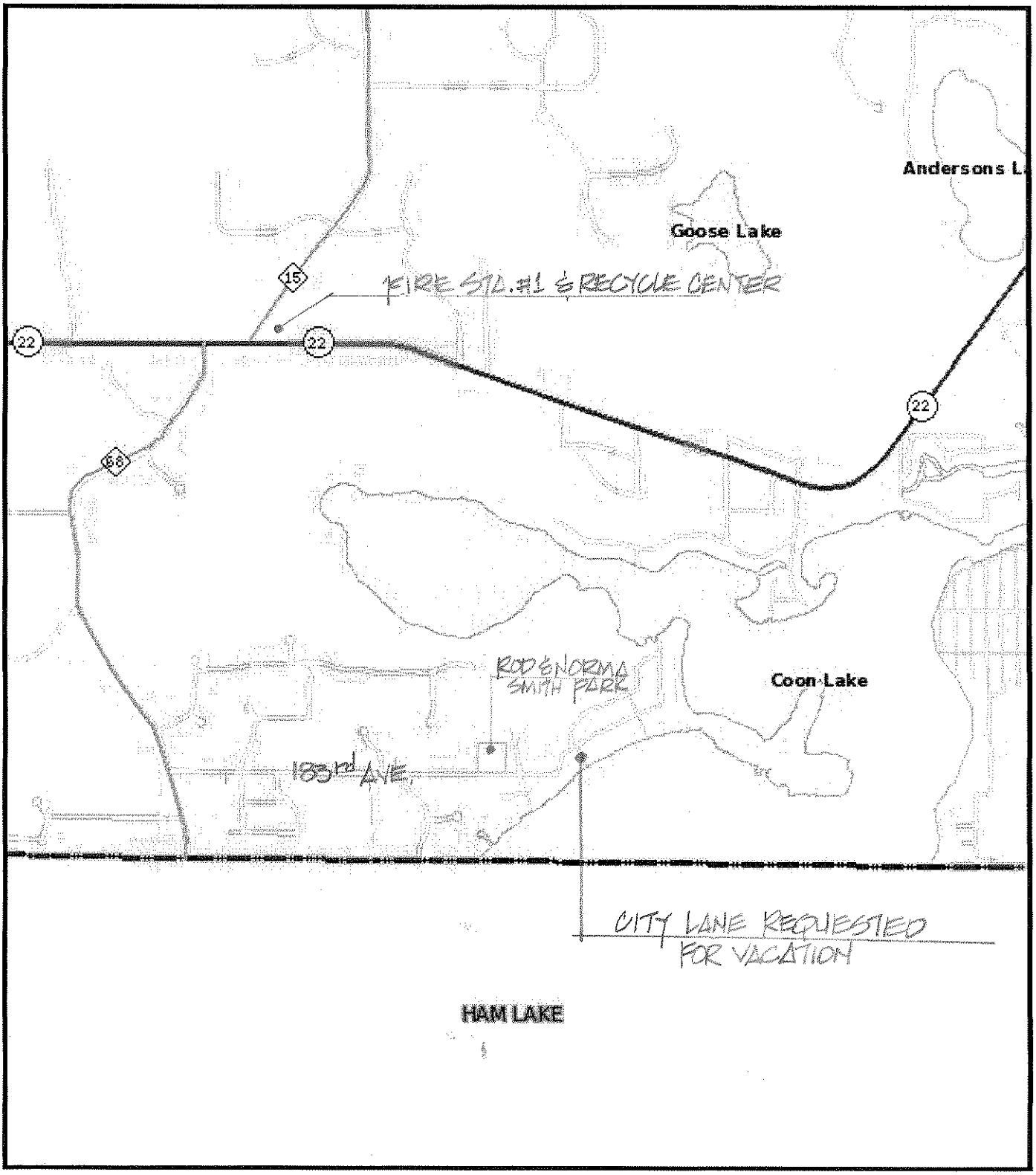
____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

Map



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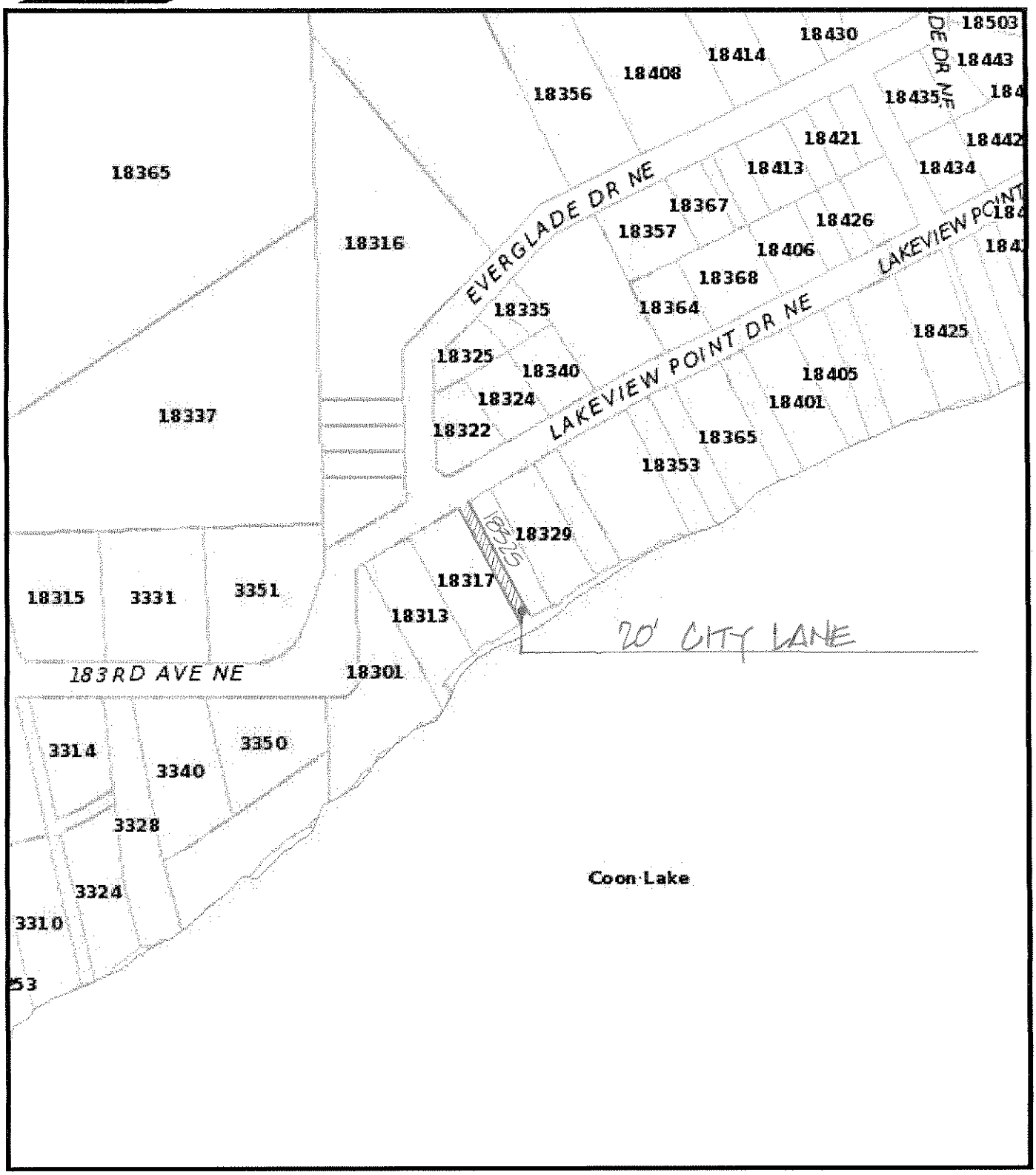
Printed 06/13/2013

Map



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