

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: April 18, 2012



- | | Item | |
|---------|--------------|--|
| 7:30 PM | 1.0 | Call to Order |
| 7:31 PM | 2.0 | Pledge of Allegiance |
| 7:32 PM | 3.0 | Adopt Agenda |
| 7:34 PM | 4.0 | Dangerous Dog Hearing |
| | Page 1-44 | Lucas Ogborn – 20864 Tippecanoe Street NE |
| 7:49 PM | 5.0 | Report |
| | Page 45-47 | A. Sheriff's Report |
| 7:54 PM | 6.0 | Public Forum |
| 8:04 PM | 7.0 | Consent Agenda |
| | | <i>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</i> |
| | Page 51-54 | A. Approve Bills |
| | Page 55-73 | B. Meeting Minutes, April 4, 2012, Regular Meeting |
| | | C. Accept Resignation of Cable Technician |
| | | D. Authorize Staff to Advertise for Cable Technician Position |
| | Page 74-78 | E. Resolution 2012-22 With No Waiting Period for Exempt Permit for Midwest Animal Rescue & Services to Hold a Raffle at Fat Boys Bar & Grill |
| | | F. Appoint Seasonal Maintenance Workers |
| | Page 79-83 | G. Approve Barter Agreement with Sprint/Nextel for Cellular Communications Services |
| | | New Business |
| | 8.0 | Commission, Association and Task Force Reports |
| | | A. Economic Development Authority |
| 8:10 PM | | B. Planning Commission |
| | Page 84-95 | 1. Meeting Minutes, March 27, 2012 |
| | | C. Park Commission |
| 8:12 PM | | D. Road Commission |
| | Page 96-102 | 1. Meeting Minutes, March 13, 2012 |
| | Page 103-109 | 2. Roads CIP Amendment and Coon Lake Beach Road Improvement Project |
| | 9.0 | Department Reports |
| | | A. Community Development |
| | | B. Engineer |
| | | C. Attorney |
| | | D. Finance |
| 8:30 PM | | E. Public Works |

- Page 110-115 1. Castle Towers WWTP Notice of Violation
- 8:45 PM F. Fire Department
- Page 116-120 1. Monthly Report
- 8:50 PM G. City Administrator
- Page 121-125 1. Ordinance 34, Second Series, Notice, Hearings and Appeals

10.0 Other

- 9:05 PM A. Council Reports
- 9:15 PM B. Other
- 9:20 PM Page 126 C. Closed Session - League of Minnesota Cities (LMC) Litigation
- 9:45 PM Page 127 D. Closed Session – Great River Energy Settlement Suit

10:00 PM **11.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 4.0

Agenda Item:

Dangerous Dog Hearing

Requested Action:

Determine if the dangerous dog determination should be maintained, modified or removed.

Background Information:

The hearing relates to a dog bite incident that occurred on March 11, 2012. The Anoka County Sherriff's office reported a three year old Husky- Labrador mix in the public right of way in front of 20864 Tippecanoe St. NE bit a resident.

The incident was unprovoked and it is now sufficient to issue a dangerous dog notice pursuant to Chapter 10 of the city code based on the sheriff's report and the past history of the animal. Staff has included a copy of the incident report. There has been no written appeal by the owners. A review of city records indicates that the dog was not licensed at the time of the incident but the owner obtained a license the following day, March 12, 2012. The dog is current with its rabies vaccinations.

The owner of the dog paid the fees to release the dog from quarantine and is currently in the custody of the owner.

Pursuant to City Code chapter 10, section 10-72, the owner is to be granted a hearing before the city council. Mr. Heffner will be present on August 17, 2011 to appeal the determination that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The city council pursuant to section 10-72 has several obligations and options regarding this matter.

1. Conduct the hearing allowing the owner to present reasons, if present, why the potentially dangerous dog determination should be lifted or sustained.
2. If the potentially dangerous dog determination is sustained, identify the action to be taken:
 - a. dispose of the animal
 - b. Allow the owners to keep the animal with restrictions.
3. If the potentially dangerous dog determination is not sustained, make a determination that the animal is to be released without further action from or by the City Council.

We have outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained. Per City Code these include:

- a) Requirements:** If after a hearing, if a hearing is requested under Section 10 – 72, the city council finds that the dog is dangerous but does not order the destruction of the dog, the city council shall order one or more of the following as the requirement(s) for the keeping of the dog in the city, which, beginning six months after the dog is declared a potentially dangerous dog, will be reviewed on an annual basis by the city administrator. If, in reviewing the requirement(s) for keeping a potentially dangerous dog, the owner has provided the evidence required under Minnesota Statutes, Sec. 347.51, Subd. 3a. and there have been no ordinance violations for a period of two years, the city administrator may use discretion in determining whether one or more or none of the requirement(s) set forth below will still be required:
- 1) That the owner provide and maintain a proper enclosure for the potentially dangerous dog as defined in Section 10 - 70; and
 - 2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the city, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes Sec. 347.51. The owner must pay a reasonable fee to cover the cost of the warning symbol; and
 - 3) That an easily identifiable, standardized tag identifying the dog as potentially dangerous and containing the uniform dangerous dog symbol must be affixed to the dog's collar at all times as specified in Minnesota Statutes, Sec. 347.51 for a dangerous dog; and
 - 4) That the owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of \$300,000.00. The insurance must insure the owner for any personal injuries inflicted by the potentially dangerous dog. The owner shall have 14 business days from the request to show proof of insurance, except that if the dog is impounded, proof of insurance must be demonstrated prior to the dog's release; and
 - 5) That if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 18 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration; and
 - 6) That all dogs deemed potentially dangerous by the City Council be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the City Administrator.
 - 7) That the dog must have a lifetime license and be up to date on rabies vaccination.
 - 8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council.

- 9) That the owner provides and shows proof of microchip identification implanted in the dog as required in Minn. (Ord. No. 3, Second Series, 9-3-2008)
- 10) That the dog be sterilized at the owner's expense;
- 11) The dog must have a lifetime license and be up to date on rabies vaccination.
- 12) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of dangerous dog by the city council.
- 13) *Seizure.* The animal control authority shall seize any dangerous dog if the owner(s) do(es) not meet each of the above requirements ordered by the city council within 14 days after the date notice is sent to the owner(s) that the dog is dangerous and no appeal has been filed.
- 14) *Reclaiming dangerous dogs.* A dangerous dog seized under this section may be reclaimed by the owner(s) of the animal upon payment of impounding and boarding fees and presenting proof to the animal control authority that each of the requirements under this division of this Code have been met. An animal not reclaimed under this section within 14 days may be disposed of as provided under [section 10-73](#), and the owner(s) is(are) liable to the animal control authority for costs incurred in confining and destroying the dog.
- 15) *Subsequent offenses.* If an owner of a dog which has been declared dangerous and is subject to the requirements of this section has allegedly failed to comply with the requirements, the dog must be seized by the animal control authority. Notice shall be provided to the owner(s) of the basis for the seizure and the right to request a hearing before the city council to determine whether the requirements were violated. A request for hearing must be made within 14 days of the seizure. If the owner(s) fail(s) to request a hearing within 14 days, or is(are) found to have violated the requirements, the council shall order the dog destroyed in a proper and humane manner and the owner(s) shall pay the costs of confining and destroying the dog. If the owner(s) is(are) found not to have violated the requirements, the owner(s) may reclaim the dog under the provisions of this section.
- 16) *Registration fee.* The owner(s) of a dog that has been declared dangerous shall pay an annual registration fee to the city of \$500.00 in addition to any regular dog licensing fees and a reasonable fee to cover the city's administrative costs within 14 days of the declaration and again after annual anniversary dates. If the dog has been impounded, the fee must be paid prior to the dog's release. The animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner presents sufficient evidence of compliance with the requirements of this section.

Attachment(s):

- 1) Incident Report #12051066 dated March 11, 2012

2) City of St. Paul Dog File for the animal in question

Fiscal Impact:

To be determined

Recommendation(s):

Staff seeks direction regarding the dangerous dog determination in this incident pursuant to City Code Chapter 10, Animals, Article II. Dogs, Division 3.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Anoka County Sheriff's Office Report
March 2012

DWI Arrests: There were 2 DWI arrests. One DWI arrest occurred as a result of an anonymous caller reporting a possible dk driver. The vehicle was located, driving conduct was observed and the driver was arrested for driving under the influence. The second arrest was the result of a traffic stop for equipment violation. The driver smelled of alcohol and failed field sobriety tests. The driver was arrested and taken to jail.

Burglaries: There were 3 burglaries. Two of the burglaries involved items being stolen from sheds. One burglary involved a garage being broken into and several tools being taken.

Property Damage: There were 3 reports of damage to property. One involved damage to a slide at Booster Park. Two involved damage to cable boxes outside of homes.

Thefts: There were 20 theft reports for the month. 10 reports involved items being taken from parked vehicles, either with unlocked doors or by breaking a window. One theft report involved a catalytic converter being cut off a vehicle. One theft report involved a skid steer loader that was taken from a construction site. There were three theft cases involving fraud. One involved a savings account that had been accessed by unknown suspects and money had been transferred out. One embezzlement case was received that is currently under investigation involving an employee stealing business checks and writing them out to herself.

INCIDENT INFO

Agency Name: ANOKA COUNTY SHERIFFS OFFICE		ORI #: MN0020000	JCF: <input type="checkbox"/>	Add'l Pages: <input checked="" type="checkbox"/>	 * 1 2 0 5 1 0 6 6 *
Reporting Officer(s): 16547 MERRITT, SEAN					Total Value Stolen (Property): \$0.00
Date Reported: 03/11/2012 02:14 PM	Assigned: 1414	Arrived: 1434	Cleared: 1530		Total Value Damaged (Property): \$0.00
Earliest Date/Time Occurred:		Latest Date/Time Occurred:			Total Value Recovered (Property): \$0.00
Location of Offense/Incident: 20864 TIPPECANOE ST NE EAST BETHEL, MN 55005-				Apt.:	Grid: L30000 - EAST BETHEL

OFFENSE(S)

MOC Code:	Classification:	Disposition:
09574	ANIMAL COMPLAINT - DOG NO LICENSE	ASSISTED/ADVISED
09561	ANIMAL - DOG BITES	ASSISTED/ADVISED
09573	ANIMAL COMPLAINT - DOG ON LOOSE/NO LEASH	ASSISTED/ADVISED

NARRATIVE

Incident Narrative 1
 WENDY BORSTNER REPORTED THAT HER SON TYLER WAS BITTEN BY A NEIGHBORS DOG. SEE SUPPLEMENT.
 DEPUTY MERRITT #199
 CC: EAST BETHEL CITY HALL
 EAST BETHEL CITY PROSECUTOR

NAME CODES: A - Adult Arrested, AC - Arresting Citizen, C - Complainant, D - Driver, F - Family/Parent, G - Guardian, J - Juvenile Arrested, M - Mentioned, MP - Missing Person, I - Other Involved, O - Owner, P - Passenger, PT - Perpetrator, R - Reportee, S - Suspect, V - Victim, W - Witness

NAME(S)

<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: A	Code: R	Name: BORSTNER, WENDY MARIE	Alias:
Address (Street, City, State, Zip): 20754 OKINAWA ST NE EAST BETHEL, MN 55005-				
Apt.:		Date of Birth:		Sex: FEMALE
Race: WHITE				
Height:	Weight:	Hair Color:	Eye Color: BROWN	Home/Bus. Phone: 763-434-0778
Work/Bus. Cell:		Cell/Pager/Fax:		
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: J	Code: V	Name: BORSTNER, TYLER JOHN	Alias:
Address (Street, City, State, Zip): 20754 OKINAWA ST NE EAST BETHEL, MN 55005-				
Apt.:		Date of Birth:		Sex: MALE
Race: WHITE				
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone: 763-434-0778
Work/Bus. Cell:		Cell/Pager/Fax:		
<input checked="" type="checkbox"/> Person <input type="checkbox"/> Business	A/J/U: J	Code: S	Name: OGBORN, LUCAS EDWARD	Alias:
Address (Street, City, State, Zip): 20864 TIPPECANOE ST NE EAST BETHEL, MN 55005-				
Apt.:		Date of Birth: 02/13/1992		Sex: MALE
Race: WHITE				
Height:	Weight:	Hair Color:	Eye Color:	Home/Bus. Phone:
Work/Bus. Cell:		Cell/Pager/Fax: 763-528-5435		
Supervisor:		Extra Copy To:		Related Case Number:

CASE

Case Number:
12051066

MISSING PERSON

A/J/U:	Code:	Name:	Home Phone:			Work Phone:		
Address (Street, City, State, Zip):					Apt.:	Cell/Pager:		
Date of Birth:	Sex:	Race:	Height:	Weight:	Hair Color:	Hair Length:	Facial Hair:	Eye Color:
Alias/Nickname:			Clothing:					
Scars/Marks/Tattoos:								
Missing Person Circumstance:								

VEHICLE(S)

Code:	License Plate #:	State:	Year:	Veh. Type:	VIN:	Veh. Year:	Make:
Model:	Veh. Style:	Color:	Value:	Earliest Date/Time Occurred:	Latest Date/Time Occurred:		
Description/Special Equipment:							

PROPERTY

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

Status:	Type Code:	Quantity:	Make, Model, Description:					
Serial #:	OAN:	Value:	Date/Time Recovered:			Property Recovery Code:		

AFFIDAVIT:

I certify the above information to be true and correct.	Signature:	Date:
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SUPPLEMENTARY INVESTIGATION REPORT

CASE NO. 12051066



OFFENSE: DOG BITE/NO DOG LICENSE/LOOSE DOG

COMPLAINANT:

ADDRESS:

ADDITIONAL DETAILS OF OFFENSE, PROGRESS OF INVESTIGATION, ETC.

TYLER SAID HE WAS RIDING HIS BICYCLE ON THE ROADWAY BY 20864 TIPPECANOE ST WHEN A DOG RAN ONTO THE ROAD TO RETRIEVE A BALL. HE SLOWED DOWN AND WHEN HE RODE BY THE DOG IT DROPPED THE BALL AND TURNED TOWARDS HIM. THE DOG WENT RIGHT AT HIM AND BIT HIM JUST ABOVE THE LEFT SIDE OF HIS BUTTOCKS. TYLER SAID SOMEONE APOLOGIZED TO HIM AND HE RETURNED HOME.

WENDY SAID THAT WHEN TYLER RETURNED HOME SHE WENT TO THE HOUSE TO SPEAK WITH THE DOGS OWNER. SHE TALKED TO 2 OR 3 PEOPLE STANDING OUTSIDE AND ASKED THEM IF THEY HAD SHOT RECORDS AND WHO THE OWNER WAS. NO ONE SAID THEY WERE THE OWNER BUT ONE OF THEM TOLD HER THAT THERE WAS A PREVIOUS INCIDENT INVOLVING THE DOG AND THEY DIDN'T WANT IT PUT DOWN AND TO NOT CALL THE "COPS". WENDY SAID THAT SHE WAS TOLD THE DOG HAD SHOTS LAST SUMMER.

I LOOKED AT THE BITE MARKS ON TYLER AND THERE WERE 4 SEPARATE MARKS FROM INDIVIDUAL TEETH. ONE OF THE MARKS WAS AN ABRASION AND THE OTHER THREE BROKE THE SKIN AND THE AREA HAD BEEN BLEEDING. I TOOK PHOTOGRAPHS OF TYLER AND THE MARKS. TYLER DECLINED TO SEEK MEDICAL ATTENTION.

I WENT TO THE RESIDENCE ON TIPPECANOE AND MET WITH LUCAS OGBORN, JACOB JOHNSON, AMANDA HAYNE AND RUSSELL OGBORN. LUCAS SAID THAT HE WAS THE OWNER OF THE DOG. HE SAID THAT HE DIDN'T SEE THE INCIDENT BUT WAS AWARE THAT HIS DOG DID BITE SOMEONE. LUCAS SAID THAT THE DOG WAS PREVIOUSLY OWNED BY AMANDA'S AUNT AND HE HAD VACCINATION RECORDS BUT HE WAS UNABLE TO FIND THEM. HE SAID THE DOG HAD SHOTS LAST SUMMER. LUCAS MOVED TO THE RESIDENCE THREE MONTHS AGO AND DIDN'T HAVE THE DOG LICENSED WITH THE CITY. WHEN I ASKED LUCAS ABOUT A PREVIOUS INCIDENT, HE SAID THAT THE DOG HAD "SCARED" A CHILD RIDING A BIKE ON THE ROAD IN ST. PAUL AND A REPORT WAS MADE. HE SAID THAT HIS GIRLFRIEND, HAYNE, LIVED IN ST. PAUL ALONG WITH HER AUNT. LUCAS AGAIN SAID THAT HE WAS THE CURRENT OWNER AND WAS GOING TO RE-REGISTER THE DOG IN HIS NAME. HE ALSO SAID THAT HE WAS RESPONSIBLE FOR IT.

I SPOKE WITH AMANDA HAYNE AND ASKED HER IF THE PREVIOUS INCIDENT IN ST. PAUL INVOLVED THE DOG BITING SOMEONE. SHE SAID THAT SHE WASN'T SURE BUT THAT ANIMAL CONTROL WAS INVOLVED AND THE DOG WAS REQUIRED TO WEAR A MUZZLE. HAYNE ALSO SAID THE DOG WAS CURRENT ON SHOTS AND HAD NO MEDICAL HISTORY.

JACOB JOHNSON WITNESSED THE INCIDENT AND SAID THAT WHAT WAS DESCRIBED WAS ACCURATE. HE ADMITTED TO BEING THE ONE WHO THREW THE BALL FOR THE DOG TO RETRIEVE.

THIS OFFENSE IS DECLARED:

Unfounded	<input type="checkbox"/>	SIGNED: _____ Investigating Officer	DATE: _____
Cleared by Arrest	<input type="checkbox"/>		
Exceptionally Cleared	<input type="checkbox"/>	SIGNED: _____ Chief or Commanding Officer	DATE: _____
Inactive (Not Cleared)	<input type="checkbox"/>		
Refer to other Agency	<input type="checkbox"/>		

PAGE TWO
CASE NO. 12051066
DEPUTY MERRITT

RUSSELL OGBORN, LUCAS' FATHER AND THE HOMEOWNER RETRIEVED THE DOG FROM INSIDE THE RESIDENCE. THE DOG IS A BLACK LAB, HUSKY MIX. IT IS A MALE NAMED ROCO AND IS THREE YEARS OLD. I TOOK A PHOTOGRAPH OF HIM.

I SPOKE WITH EAST BETHEL ANIMAL CONTROL OFFICER, TAMMY GIMPL. GIMPL RESPONDED TO THE RESIDENCE AND TOOK THE DOG FOR QUARANTINE. LUCAS WAS ADVISED THAT THE DOG COULD BE QUARANTINED FOR UP TO 10 DAYS AND THAT THE VACCINATION RECORDS AND PAPERWORK FOR THE ST. PAUL INCIDENT WOULD NEED TO BE TURNED INTO THE CITY. I ADVISED LUCAS TO GO TO CITY HALL ONCE HE HAS THE RECORDS AND APPLY FOR A LICENSE.

REFER THIS REPORT TO THE EAST BETHEL CITY PROSECUTOR.

PHOTOGRAPHS SAVED.

DEPUTY MERRITT
ANOKA COUNTY SHERIFF'S OFFICE
:KH 3/12/12

THIS OFFENSE IS DECLARED:

Unfounded
Cleared by Arrest
Exceptionally Cleared
Inactive (Not Cleared)
Refer to other Agency

SIGNED: _____ DATE: _____
Investigating Officer

SIGNED: _____ DATE: _____
Chief or Commanding Officer

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

FACSIMILE TRANSMISSION

DATE: 3/14/2012

TO: JACK Fax: 263-434-9578

LOCATION: East Bethel City Animal Control

SENDER: Karen Olson 651-266-9143

This transmission consists of ^{3rd} (2) 42 pages (including cover sheet).

~~2nd try - looks like all pages didn't go on 1st try?~~

COMMENTS:

Maybe this will be a bit easier to decipher for dates
K.

Copy of requested reports
Dog "Rocco" Bite File
Susan Krieger - 895 Kennard
Catherine Hayne - 2095 Geranium.
If you have any questions,
give me a call
Karen Olson

AA-ADA-EEO Employer

413-1897

License Type Comments Text

Licensee: CATHERINE HAYNE

DBA: CATHERINE HAYNE

License #: 20090005133

2095 Geranium E

10/24/2011 Owner now back in compliance with PD dog, ppwk filed. MN

10/20/2011 Received via USPS copy of R.V. cert from Southview Animal Hospital in regards to "Rocco". R.V. given 9/26/11 and exp 9/25/2013. am

09/26/2011 Dog declared still potentially dangerous after 3 bites, per CAR. MN

09/23/2011 3rd Bite report received at DSI. Gave all papers to CAR for declaration. KKO

09/22/2011 Dog appears in good health. Quarantine released. Advised owner she has 10 days to provide updated Rabies info. Citation #911123148

issued for 200.05: Dog Running Loose (Bite Involved). TC/MK

09/17/2011 1:00 p.m. Owner Catherine Hayne signed Quarantine. Owner will be home at 3:00 p.m. TT

09/16/2011 Owner called in Reschedule. 4:00 to 5:00 p.m. today. Owner will call back to rescheduled for Sat 9/17/2011 at 1:00 p.m. [REDACTED] TT

09/15/2011 9:23. At 2095 Geranium I spoke with Lucas Ogborn. He stated that he had taken the dog "Rocco" to his brother's home at 1003 124th Circle, Coon Rapids, sometime after this incident. He said the dog is usually here where it lives with the owner, Catherine Hayne. I instructed him to bring the dog back to 2095 Geranium due to the quarantine requirement. He said he would, likely this evening. He said a good time to reach Catherine here is between noon and 3:00. I told him we would be back tomorrow during that time span, and expect to see Catherine and "Rocco" here. He showed me a vaccination certificate for "Rocco", but it was delinquent as of 12/2010. ML

09/14/2011 3:06. No response. Left card. ML

09/14/2011 11:18 a.m. Bee Xiong (spouse of victim) called in questioning procedure. Please call with any updated info, at [REDACTED] AM

09/13/2011 Citation 123148 issued for 200.05 Running at large based on CN 11-191840 where a dog owned by Ms. Hayne was loose and bit the victim

Katie Xiong. TC/MK. am

09/13/2011 3rd Dog Bite. CN11191840. Owner on SPPD report: Katherine (Catherine) Hayne, 2095 Geranium, cell [REDACTED]. Potentially Dangerous dog "Rocco", Delinquent LT tag 44126, expired 12/2010, bit: Katie Xiong, 2058 Lacrosse, cell [REDACTED]. KKO

12/24/2009 Entered Dangerous LT type tag for ECLIPS tracking, then withdrew because dog no longer Dangerous, and has new owner. Compliance form sent to ACC. Paperwork filed under 2095 Geranium Ave. E. KKO

12/23/2009 Catherine Hayne, 2095 Geranium, finally brought in application for new LT 44126 tag under her name and address. Paid \$22. Canceled Susan Krieger tag. KKO

12/23/2009 Catherine Hayne, 2095 Geranium, finally brought in application for new LT 44126 tag under her name and address. Paid \$22. KKO

11/13/2009 Hearing Determination by WFG. Dog is now only Potentially Dangerous. Hearing Determination and new Pot. Dang. letter sent, with copy to Catherine Hayne. Owner has until 12/3/2009 to appeal, already is in compliance with #s 1 & 4. IF DOG is going to Catherine Hayne, SHE must get a new LT Tag and be in compliance. KKO

08/10/2009 Hearing was held. WFG still has determination paperwork for both dogs. KKO

07/30/2009 Hearing set for BOTH dogs with WFG for 8/10/2009. Hearing Notices sent to both owners, and also to Catherine Hayne, 2095 Geranium Ave. E., who is said to be the new owner of "Rocco". KKO

07/23/2009 Karen Hayne contacted BAMS about dog hearing. Susan Krieger contacted WFG about dog hearing. Per WFG & BAMS, WFG will do both the Pot. Dang. and the Dang. Hearings combined together, since both dogs were with Karen Hayne both incidents. KKO

07/23/2009 Per ACO TC, he visited the address, and talked to Karen Hayne, who has now moved from 1155 Minnehaha to 895 Kennard with P.D. dog "Leo" (I changed address in ECLIPS). Hayne says that they gave "Rocco" to her sister, Katherine (Catherine?) Hayne, 2095 Geranium Ave. E., without notifying DSI for P.D. dog. ACO TC told Karen Hayne that they should have written a letter to DSI, but she was UNcooperative. She said they might be bringing "Rocco" back. He said there are 3 dogs there, 2 Unlicensed, owned by Mallisa G???, and that if they have 4 dogs there they will need a permit. KKO

07/22/2009 I just found the license tag and certificate which was mailed to 895 Kennard for "Rocco" on 5/19/2009. In the lockup cart. It was returned by the post office back in May: Return to Sender - Attempted-Not Known, Unable to Forward. Asked ACC to check on this. KKO

07/16/2009 Dangerous Notification sent to Susan Krieger at 895 Kennard for "Rocco". Owner has until 8/3/2009 to comply or request a Hearing with WFG. KO

07/03/2009 "Rocco" now declared Dangerous, CAR, because of two bites, on 4/2 & 5/12/2009. KKO

06/19/2009 Owner in compliance with #s 1 & 4 at 895 Kennard for P.D. dog, 4/7/2009 bite. Compliance form to ACC. Paperwork filed at 895 Kennard. KKO

05/29/2009 2nd Bite report, from 5/19/2009 was received by DSI from ACC. KKO

05/28/2009 Potentially Dangerous letter sent to Susan Krieger, 1155 Minnehaha Ave. E., for ONLY the 4/7/2009 bite. Owner has until 6/15/2009 to request a Hearing with BAMS. Susan Krieger already has LT tag and microchip, entered 5/19/2009. KKO

05/14/2009 SUSAN KRIEGER (OWNER), and KAREN HAYNE (CUSTODIAN, NOT OWNER), 1155 Minnehaha Ave. E., hm [REDACTED].

Citation 145567 issued for Unlic'd Dog based on Animal Control records which show that Susan Krieger is the owner of a black and white Lab/Husky mix named Rocco, as of this date Miss Krieger has not licensed her dog. She has been previously advised to do so. TC/tp

05/14/2009 Per ACC, Susan KRIEGER, D.O.B. 2/15/1955, is owner of "Leo". KKO

05/13/2009 Owner Karen L Hayne, 1155 Minnehaha Ave. E., [REDACTED], signed quarantine for 5/12/2009 2nd BITE. Dog ID'd as Male Gold Golden Retriever "Leo". Lic. # LT42202 at 1155 Minnehaha. Owner states that "Leo" was leashed at the time of the incident, and that it was "Rocco" (unlicensed) that was running loose. She states that it was "Rocco" that bit the young man's jacket. I would like to note that "Rocco" was involved in an incident where he bit someone on 4/7/2009, CN09-065-989 at which time he was running loose and under the supervision of Karen Hayne. ACO

05/12/2009 Citation 145550 issued to KAREN HAYNE for Running at Large (bite Involved) based on SPP report CN 09092734. Karen Hayne is listed as the owner of a dog that was running at large and bit: Chai Yang, 1611 Stillwater Ave., St. Paul, MN 55119 [REDACTED], causing injury to his left leg near the knee cap. WS/tp

05/12/2009 Citation 145568 issued for Running at Large (bite Involved) based on report, and Miss Hayne's admission that the dog was loose at the time of the bite. TC/tp

05/12/2009 2nd Dog Bite for "Rocco", 1st for "Leo". CN09092734. Owner on SPPD report: Karen Louise Hayne, 895 Kennard St. no phone given. Two dogs, one unidentified Black dog attempted to bite but only got jacket, and Male Tan, possibly Retriever "Leo" did bite: Chai Yang, 1611 Stillwater Ave., 651-776-9707. KKO

04/23/2009 Dog "Rocco" Declared Potentially Dangerous per CAR

04/20/2009 Citation issued to Karen Hayne for Dog Running at Large, Bite Involved. Report sent to KKO. MN

04/17/2009 9:25 a.m. Dog "Rocco" appears to be in good health. TT

04/17/2009 8:30 a.m. No response, left card. TT

04/08/2009 3:19. Owner Susan Krieger signed Quarantine. TC

04/07/2009 Citation 145686 issued for Running at Large (bite involved) based on information from SPP report CN 09065989. Karen Louise Hayne is listed as the custodian on the report. Ms. Hayne was responsible for a Male Black/White Husky Mix "Rocco", who was Running at Large and bit: Aqua Lynn Shaka, 941 Birmingham #5, St. Paul, MN 55106, [REDACTED] causing injury to left thigh and buttocks. WS/tp

04/07/2009 Dog Bite. CN09065989. Owner on SPPD report: Unknown. OTHER: Karen Louise Hayne, 1155 Minnehaha Ave. E (NOT OWNER, CUSTODIAN, PER ACO TC). Unlicensed Male Black/White Lab/Husky Mix "Rocco", per TC, bit: Aqua Lynn Shaka, 941 Birmingham St., Apt. 5, cell [REDACTED]. KKO

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

Date and Time of Report

09092734

Unreviewed 05/12/2009-10:59:00

Primary offense:

ANIMAL BITES

Phones

Home: 651-771-3274

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer:

Identification

SSN:

License or ID#:

License State:

Parent/Guardian

Her, Yee Lillian

1611 STILLWATER AVE

ST PAUL, MN 55119

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Details

Sex: Female

Race: Asian

DOB: [REDACTED]

Resident Status:

Hispanic:

Age: 37 from 10

Phones

Home: 651-776-9707

Cell:

Contact:

Work:

Fax:

Pager:

Employment

Occupation:

Employer:

Identification

SSN:

License or ID#:

License State:

Suspect

Leo

KNOWN

ST PAUL, MN

Nicknames or Aliases

Nick Name:

Alias:

AKA First Name:

AKA Last Name:

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

09092734

Date and Time of Report

05/12/2009 10:59:00

Primary offense:

ANIMAL BITES

Unreviewed Report

Details

Sex: Race: DOB: Resident Status:
Hispanic: Age: from 10

Phones

Home: Cell: Contact:
Work: Fax: Pager:

Employment

Occupation: Employer:

Identification

SSN: License or ID#: License State:

Physical Description

US: Metric:
Height: to Build: Hair Length: Hair Color:
Weight: to Skin: Facial Hair: Hair Type:
Teeth: Eye Color: Blood Type:

Offender Information

Arrested: Pursuit engaged: Violated Restraining Order:
DUI: Resistance encountered:
Condition: Taken to health care facility: Medical release obtained:

Victim

Yang, Chai
1611 STILLWATER AV
ST PAUL, MN 55119

Nicknames or Aliases

Nick Name:
Alias:
AKA First Name: AKA Last Name:

Details

Sex: Male Race: Asian DOB: 11/25/1995 Resident Status:
Hispanic: Age: 13 from 10

Phones

Home: 651-776-9707 Cell: Contact:
Work: Fax: Pager:

Saint Paul Police Department

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number Reference CN

09092734

Date and Time of Report

05/12/2009 10:59:00

Primary offense:

ANIMAL BITES

Unreviewed Report

Employment

Occupation:

Employer:

Identification

SSN:

License or ID#:

License State:

Physical Description

US: No

Metric: No

Height: to

Build:

Hair Length:

Hair Color:

Weight: to

Skin:

Facial Hair:

Hair Type:

Teeth:

Eye Color:

Blood Type:

Victim Information

Type: Individual

Can Identify Offender: Yes

Willing to Press Charges: No

Condition:

Taken to health care facility: No

Medical release obtained: No

Injuries

Type

Location

Apparent minor injury

Legs/feet

SOLVABILITY FACTORS

Suspect can be identified:

By:

Photos Taken:

Stolen Property Traceable:

Evidence Turned In:

Property Turned In:

Related Incident:

Lab

Biological Analysis:

Fingerprints Taken:

Narcotic Analysis:

Items Fingerprinted:

Lab Comments:

Participants:

Person Type:

Name:

Address:

Phone:

Owner

Hayne, Karen Louise

895 KENNARD ST
ST PAUL, MN 55119

Parent/Guardian

Her, Yee Lilian

1611 STILLWATER AV E
ST PAUL, MN 55119

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number

Reference CN.

Date and Time of Report

09092734

Unreviewed Report

05/12/2009 10:59:00

Primary offense:

ANIMAL BITES

Suspect

Leo

ST PAUL, MN

Victim

Yang, Chai

1611 STILLWATER AV

ST PAUL, MN 55119

NARRATIVE

Squad 394 (Lehner) was dispatched to 1611 Stillwater Ave on an Animal Complaint. Upon arrival, I spoke to a female who verbally ID'ed herself as: Yee Lilian Her, [redacted]. Her told me that her 13 yr. old son was walking to the school bus stop this morning and was bitten by a dog.

I then spoke to the victim who was verbally ID'ed as: Chai Yang, [redacted]. He showed me the injury. I observed a round bite mark on the left leg towards the outside of the leg just under the knee cap. The skin was slightly punctured and there was slight bleeding. Chai told me that at around 0725 hrs., he was walking to his bus stop. As he got in front of 895 Kennard St., Chai saw an older female walking her 2 dogs. A black dog was on a leash and a Tan dog was walking around without a leash. Chai went on to say that the black dog attempted to bile him as he was walking on the sidewalk in front of the Kennard address. The Black dog bit Chai's jacket but did not bite his skin. Just after that happened, the Tan dog bit Chai on the left leg causing the injury. Chai's mother Yee stated that she was going to bring Chai to the clinic to get the dig bite looked at. Chai then accompanied me to the area in front of 895 Kennard. Chai made a positive identification of the dog that bit him. It was on a leash sitting in the back yard. Chai stated that the older female said "sorry about that".

I then went over to 895 Kennard St. and spoke to a female who verbally ID'ed herself as: Karen Louise Hayne, [redacted]. She stated that she remembers her dogs getting angry at a young boy during their walk this morning, but did not know any of her dogs actually bit someone. She stated that her Tan dog is a 6 yr. old Male named "Leo". The dog looked like a retriever. Karen stated that Leo has all of his shots and has never bit anybody before. I strongly advised Karen and drove back to Chai's house.

As Yee and Chai were getting ready to leave for the clinic, I advised them that the dog has had all it's shots. I gave Yee a card with the case number on it. It should be noted that Yee wanted to get her son to the clinic before a camera car could come take photos, therefore, no photo's were taken at this time. I also contacted Animal Control who stated that after reading the report, they will go out to Karen address and speak to her about the incident.

OFFICE DISTRIBUTION

Animal Control

PUBLIC NARRATIVE

Dog bite report taken. Info received. Animal Control advised.

Melissa Jackson

5/29/09 Citation issued for RL, bite involved. MJW.

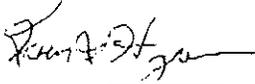
QUARANTINE AGREEMENT

This animal is quarantined until released by St. Paul Animal Control after a minimum of ten (10) days.

The animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot get through or over and which will not permit other animals or persons to enter and will prevent the animal from coming in contact with other animals or persons other than the owner or custodian. The animal shall not be killed. The owner or custodian of such animal, having been so notified, shall immediately quarantine said animal at a location in the city of Saint Paul as noted on this agreement. The animal cannot be moved from this location without prior approval of the Animal Control Section.

If the animal is killed, dies, becomes sick or escapes, prior to release from quarantine, the owner, custodian or agent thereof must notify the Animal Control supervisor of the city of Saint Paul immediately at 651-266-1100. The animal shall be available for viewing at all times.

I hereby agree to comply with the above quarantine agreement:

Signature of owner/custodian:		Date:	5-13-09
Name of owner/custodian:	Karen L. Hayne		
Location of quarantine:	1155 Minnehaha Ave E St Paul MN 55106		
Animal to Animal or No Broken Skin Incident- No Need to Quarantine (check one):	Yes:	<input type="checkbox"/>	No: <input checked="" type="checkbox"/>

ANIMAL CONTROL USE ONLY

Licensed	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	License Number:	42202 (Leo) Licensed to 1155 E. Minnehaha		
Anti-rabies	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>	VeUAR Number:	5/20/08 Lake Animal Hospital	Year:	2008-2010
Date due for release:	5/22/09	Date released:	5/22/09	Released by:	TT	
Previous quarantine	Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	Shelter-Case Number:			
PERSON CONTACTED				Rocko Bite 4/27/09 P.D. 4/23/09		
Name:	Karen Hayne					
Address:	1155 Minnehaha Ave E					
City:	St Paul	State:	Mn	Zip:	55106	
Mobile:		Home:			Work:	

ANIMAL CONTROL COMMENTS: 5-13-09 owner signed quarantine agreement she states that "leo" was leashed at the time of the incident, and that it was "Rocko" that was running loose. she states that it was "rocko" that bit the young man jacket, I would like to note that "Rocko" was involved in an incident where he bit someone on 4/7/09 on 09-065-989 at which time he was running loose. and under the supervision of Karen Hayne. 5-14-09 Karen Hayne cited for R/L TZ 5/22/09. Dog's appears to be good health. TT 912 AM

ANIMAL DECLARATION

By: Christine Rozek

Date of Incident: ~~4/7/09~~ 5/12/09

Date of Declaration: 7/13/09

Address: 895 Kenward, 1155 Minnehaha

Declaration

- Potentially Dangerous
- Dangerous
- Destroy

7/13

Conditions

- Microchip (required)
- Obedience training
- Muzzle / Chain
- Rabies / License
- 8 Dangerous dog conditions

Leo Pot

Racco Dang
bites

4/7/09

5/12/09



City of Saint Paul

Deputy Director/Administration
 Office of License, Inspection and
 Environmental Protection
 8 Fourth St. E., Suite 200
 Saint Paul, MN 55101-1024
 (651) 266-9108
 Fax: (651) 298-4197

The dog "Rocco" is determined to be a Dangerous Animal under Saint Paul Legislative Code Sec. 200.12(a)(1), (2), (4), & (5). The dog has without provocation caused bodily injury or disfigurement to any person on public or private property; or without provocation engaged in any attack on any person under circumstances which would indicate danger to personal safety; or bitten one (1) or more persons on two (2) or more occasions, or been found to be potentially dangerous and/or the owner has personal knowledge of the same, and the animal aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Under MN State Statute 347.52(d), the dog MUST be sterilized at the owner's expense within thirty (30) days, or the animal control authority shall seize the dog and have it sterilized at the owner's expense. *Your dog is on record as being neutered.*

Under Saint Paul Legislative Code Sec. 200.121(a) regarding Dangerous Animals, the dog must have a current Saint Paul lifetime (Altered) dog license, a microchip implant, and anti-rabies shots. *Your dog currently has a lifetime (Altered) license, microchip implant, and proof of current anti-rabies vaccination.*

You are hereby ordered to comply with the ten (10) Requirements listed on the attached sheet, which are defined in Section 200 of the Legislative Code for Maintaining a Dangerous Animal in the City of Saint Paul.

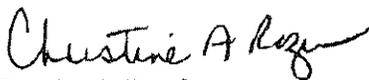
The Notice of a Potentially Dangerous Animal dated May 28, 2009 is no longer in effect.

You have until the close of business day on August 3, 2009 to either request a hearing by contacting Bill Gunther at 651-266-9132 or comply with the dangerous animal conditions. Failure to respond will result in the issuance of an order to Animal Control for seizure and destruction of the animal.

The owner of an animal which has been identified as dangerous or potentially dangerous must notify the Department of Safety and Inspections in writing if the animal has died or is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. If the animal has died, notification must be given no later than fourteen (14) days after the animal's death. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any, and in the case of the death of the animal must include the date of death and the name of any attending veterinarian as well as information relating to the disposal of the animal.

If you have any questions, please call me at 651-266-9108.

Yours truly,



Christine A. Rozek
DSI Deputy Director

CAR/ko

c: Animal Control Supervisor
Bill Gunther
file

895 Kennard St.
Susan Krieger

REQUIREMENTS FOR MAINTAINING A DANGEROUS ANIMAL

See attached information sheet for details.

1. Provide and maintain a proper enclosure for the dangerous animal.
2. Post the front and rear of the premises with approved clearly visible warning signs.
3. If the animal is a dog and is outside a proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed 6 feet in length) and under the physical restraint of a person 18 years of age or older.
4. If the animal is a dog, it must have a standardized tag identifying the dog as dangerous affixed to the dog's collar at all times.
5. Provide veterinarian statement with proof of sterilization of the dog as required in MN State Statute 347.52(d).
6. Provide veterinarian statement with proof of micro-chip identification as required in Section 200. Must show vet's/clinic name, date of implant, micro-chip number and brand name.
7. Provide a Certificate of Liability Insurance annually, with liability insurance in the minimum amount of \$300,000.
8. If animal is a dog, it must be Lifetime (Altered) licensed. Owner must purchase a lifetime (Altered) tag unless the dog already has one. Owner must also submit a Rabies Certificate showing current anti-rabies vaccination.
9. Register dog with Ramsey County. (Form Attached)
10. Pay required annual \$82 registration fee. (Fee does not include cost of Saint Paul Lifetime dog license.)

You must either return this form signed and notarized, including proof that the above specified requirements have been complied with, or request a hearing, on or before August 3, 2009.

Failure to respond will result in the seizure and destruction of the animal.

Ordered by: Christine A Rozek
Christine A. Rozek
DSI Deputy Director 651-266-9108

Date: 7/15/09

I agree to comply with the above specified requirements on or before the date indicated so that I may continue to maintain the animal identified at the address indicated above.

Owner's Signature: _____

Notarized by: _____

Date: _____

PLEASE BRING ALL OF THE DANGEROUS ANIMAL NOTIFICATION/AGREEMENT PAPERWORK WITH YOU WHEN YOU COME IN TO REGISTER THE DOG.

INFORMATION SHEET

FAILURE TO MEET DANGEROUS ANIMAL REQUIREMENTS

If you do not sign, notarize and meet the requirements for keeping a dangerous animal by the comply date indicated on this notice, or request a hearing the animal will be ordered picked up for destruction. Animals picked up for destruction will be held for fourteen (14) days during which time you may appeal the seizure and/or order to destroy the animal.

You may wish to contact an attorney concerning any appeal.

PROPER ENCLOSURE

Proper enclosure means **securely confined indoors or in a securely locked pen or structure** suitable to prevent the animal from escaping and to provide protection for the animal from the elements. Such enclosure shall not allow the egress of the animal in any manner without human assistance.

A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit on its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting.

PEN/KENNEL SPECIFICATIONS

(If the animal is securely confined indoors a pen or kennel is **not required**.)

A pen or kennel shall meet the following minimum specifications:

1. Have a minimum overall floor size of thirty-two (32) square feet.
2. Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be 1 1/4 inches or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
3. A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
4. An entrance/exit gate shall be provided and be constructed of the same material as the side walls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

WARNING SIGNS REQUIRED

Warning signs must be as specified in Minnesota Statue 347.51 and are available from the City of Saint Paul, Department of Safety and Inspections, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806. Signs must be posted at the front and rear of the property and must be clearly visible to persons approaching the property. **There is no cost for these signs.**

STANDARDIZED TAG

In addition to the city license tag, a dog must also have an easily identifiable, standardized tag identifying the dog as dangerous affixed to the dog's collar at all times as specified in Minnesota Statute 347.51. Tags are available from the City of Saint Paul, Department of Safety and Inspections, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806. **There is no cost for this tag.**

STERILIZATION REQUIRED

Under MN State Statute 347.52 (d), a dog which is declared Dangerous **MUST** be sterilized at the owner's expense within thirty (30) days, or the animal control authority shall seize the dog and have it sterilized at the owner's expense.

INFORMATION SHEET(continued)**MICROCHIP IDENTIFICATION**

Any animal found dangerous shall be implanted with a microchip for identification purposes. This implant must be done by a veterinarian. **Provide in writing, by the comply by date indicated, a veterinarian statement showing the name and address of the veterinarian supplying the implant, the chip number and manufacturer of microchip, and date of implant.**

LIFETIME LICENSE TAG

The dog must be sterilized at the owner's expense. The owner of any dog found dangerous shall purchase a lifetime (Altered) license tag. If the dog already has a current one year license tag, it must be changed to a lifetime tag. The amount paid for the one year license tag will be applied toward the lifetime license fee.

PROOF OF INSURANCE

The owner of a dangerous animal must provide proof of liability insurance coverage in the amount of at least \$300,000. A Certificate of Insurance showing the name and address of the insurance company, the amount of liability and the expiration date must be provided by the comply by date indicated. Request this Certificate from your insurance company.

REGISTRATION WITH RAMSEY COUNTY

The animal must be registered with Ramsey County. The City of Saint Paul registers all dangerous animals for Ramsey County. Forms are attached, and are to be returned to the City of Saint Paul, Department of Safety and Inspections, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806. **Hours for registering in person are from 7:30 a.m. to 4:00 p.m., Monday through Friday. BRING ALL OF THE DANGEROUS ANIMAL NOTIFICATION/AGREEMENT PAPERWORK WITH YOU WHEN YOU COME IN.**

REGISTRATION FEE

There is a \$82 annual City of Saint Paul registration fee. If the dangerous animal is a dog, this registration fee is in addition to the cost of the lifetime Saint Paul dog license.

PROOF OF COMPLIANCE

Proof of the following requirements must be received by the City of Saint Paul, Department of Safety and Inspections, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806 on or before the comply by date indicated:

1. Proof of microchip identification. (See above)
2. Proof of sterilization of the dog. (See above)
3. Purchase of lifetime (Altered) license tag. (See above)
4. Proof of liability insurance. (\$300,000 minimum) (See above)
5. Payment of annual registration fee. (\$82)
6. Registration with Ramsey County Environmental Health.

Hours for providing proof in person are from 7:30 a.m. to 4:00 p.m., Monday through Friday.

BRING ALL OF THE DANGEROUS ANIMAL NOTIFICATION/AGREEMENT PAPERWORK WITH YOU WHEN YOU COME IN TO REGISTER THE DOG.

When the above requirements have been met, Saint Paul Animal Control must verify that:

1. A proper enclosure is provided.
2. The front and rear of the property has been posted with required signs.
3. A proper leash and muzzle is provided.
4. The proper standardized dangerous identification tag is affixed to the dog's collar.

If you have any questions about the proof for Requirements, contact this office at 651-266-9090 between 7:30 a.m. and 4:00 p.m., Monday through Friday.

RAMSEY COUNTY REGISTRATION OF DANGEROUS DOG

Registration No:

The following described dog owned by Susan Krieger
of 895 Kennard Street, Saint Paul, MN 55106

DESCRIPTION OF DOG

Name: Rocco Sex: Male Age:
Breed: Husky/Labrador Color: Black Weight:
 Retriever Mix

Height (at shoulder):

Identifying marks:

Municipality Saint Paul

Tag No.: LT 43629, Due for
Update 12/2010

STATE OF MINNESOTA)

COUNTY OF RAMSEY)

AFFIDAVIT

I/WE, _____
(Print Name)

owner(s) of the above-described dog, being duly sworn, do hereby state:

1. That a proper enclosure exists for said dog and a posting on the premises notifies that there is a dangerous dog on the property. Said posting is a clearly visible warning sign which includes a warning symbol to children of the presence of a dangerous dog on the property.
2. That I/we have obtained a proper surety bond or liability insurance policy in the amount of at least \$50,000 in accordance with Minnesota Statutes Section 347.51. (2) (2).

Further your affiant(s) sayeth not.

Owner(s) _____
(Sign Name)

Subscribed and sworn before
me this _____ day of _____,

Notary Public



City of Saint Paul
DEPARTMENT OF SAFETY AND INSPECTIONS

DANGEROUS ANIMAL COMPLIANCE REPORT

Due Date: 8/3/2009

Owner: Susan Krieger

Phone#: [REDACTED]

Address: 895 Kennard Street, Saint Paul, MN 55106

DESCRIPTION OF ANIMAL

Name: Rocco

Breed: Husky/Labrador Retriever Mix

Color: Black

Sex: Male

License #: LT 43629,

Due for Update 12/2010

Compliance	Not in Compliance	
		1. Provide and maintain a proper enclosure for the dangerous animal. _____ Securely Confined Indoors _____ Securely Locked Pen/Kennel
		2. Post the front and rear of the premises with approved clearly visible warning signs. Date given at DSI: _____ Number: _____
		3. If the animal is a dog and is outside a proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed 6 feet in length) and under the physical restraint of a person 18 years of age or older.
		4. Standardized tag identifying the dog as dangerous affixed to the dog's collar at all times. Date given at DSI: _____

		5. Proof of micro-chip identification as required in Section 200.16. Date: _____ Chip #: _____ Brand: _____ Where: _____
		6. Proof of public liability insurance in the minimum amount of \$300,000. (Certificate of Insurance) Effective _____ Expires _____
		7. Proof from veterinarian, in writing, of sterilization of the dog. Name of veterinarian/clinic _____
		8. Dog LIFETIME (Altered) licensed and up to date on anti-rabies vaccination. Lic.#: _____ Exp.: _____ (Certificate of Vacc.) Given: _____ Where: _____ Due: _____
		9. Dog registered with Ramsey County as a Dangerous Dog. Number _____
		10. Annual Registration fee paid. (\$82)

DSI Office Approval #s 5-10, Owner in Compliance (Sent to ACC for Inspection of #s1-4) Date _____

Animal Control Approval #s 1-4, Owner in Compliance (Sent back to DSI) Date _____

DEPARTMENT OF SAFETY AND INSPECTIONS
Bob Kessler, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

373 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-9090
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

November 13, 2009

NOTICE OF DANGEROUS ANIMAL HEARING DETERMINATION

Susan Krieger
895 Kennard Street
Saint Paul, MN 55106

RE: Animal Hearing held on August 10, 2009

Dear Ms. Krieger:

Based on the evidence presented at the hearing held on August 10, 2009, at 10:30 a.m. in the Saint Paul City Hall/Ramsey County Courthouse, 15 Kellogg Boulevard West, Room 330, the animal described below:

Name: Rocco

Sex: Male

Color: Black

Breed: Husky/Labrador Retriever Mix

License #: LT43629, Exp: 12/2010

is hereby found to be **Potentially Dangerous**. The requirements for maintaining a Dangerous animal listed on the Dangerous Animal Notification/Agreement dated July 15, 2009 are no longer in effect. The Dangerous designation will be removed from the animal. **Susan Krieger or Catherine Hayne must be in compliance with all of the Requirements by December 3, 2009** or your animal will be ordered seized and destroyed.

This determination was based on evidence presented regarding the following incidents:

On April 7, 2009 while riding her bike on Bush Avenue near Etna at approximately 5:21 p.m., Aqua Shaka, age 47, was bitten on the left thigh/buttocks. The dog described above ran up to her and circled her before biting. The victim also fell off the bike and cut her knee on the pavement. The dog was under the custody of Karen Hayne, 1155 Minnehaha Avenue E., at the time of the incident.

On April 23, 2009 the dog was determined to be a Potentially Dangerous Animal under Saint Paul Legislative Code Sec. 200.11(a)(1), & (2). The animal has, when unprovoked, bitten a human or a domestic animal on public or private property; or (2) when unprovoked, chased or approached a person upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack.

See the Notice of a Potentially Dangerous Animal dated May 28, 2009, which was sent to Susan Krieger at 1155 Minnehaha Avenue E., the address on the bite report.

On May 19, 2009 a lifetime license tag was issued to Susan Krieger, 895 Kennard St., for "Rocco". A lifetime license tag was issued to Karen Hayne, 1155 Minnehaha Ave. E., for "Leo" on October 20, 2006.

On May 29, 2009 our Office received a second bite report incident from Animal Control:

On May 12, 2009 Chai Yang, age 13, was walking to a school bus stop at approximately 7:25 a.m. Two dogs; a black dog on a leash, later identified as "Rocco", and an unleashed tan dog, later identified as "Leo", were being walked by a female in front of 895 Kennard Street. The black dog bit the victim's jacket, but did not bite his skin. Then the tan dog bit the victim on the left leg. The dogs were under the custody of Karen Hayne. Ms. Hayne later told an Animal Control Officer that it was "Rocco" who was running loose and bit the victim's jacket, and "Leo" who was on the leash.

On July 13, 2009 "Rocco" was determined to be a Dangerous Animal under Saint Paul Legislative Code Sec. 200.12(a)(1), (2), (4), & (5).

See the Dangerous Animal Notification/Agreement dated July 16, 2009.

On August 10, 2009 a joint Hearing was held by request of the owners, to discuss the Potentially Dangerous declaration for "Leo", a Gold Male Golden Retriever Mix licensed to Karen Hayne, and the Dangerous declaration for "Rocco", a Black Male Husky/Labrador Retriever licensed to Susan Krieger.

The hearing was scheduled for 10 a.m. however the paperwork that was sent out had 10:30 a.m. as the hearing time. The hearing had already started with the testimony of the bite victim when the dog owners showed up after 10:30 a.m. The testimony was then repeated for dog owners' sake.

The first bite victim, Aqua Shaka, testified that she was riding her bicycle on the sidewalk at the time. She noticed a woman approaching with a Golden Retriever on a leash (probably "Leo") and decided to go into the street to avoid a possible confrontation with the dog. She then noticed a Black Lab (probably "Rocco") running in the street with what looked like a rope hanging from its neck. Ms. Shaka stated that she was not aware of any barking or warning before the attack but she did notice that the hair on the dog's back was standing-on-end. At that point she stated that she even slowed down so as not to startle the dog. Ms. Shaka stated that the Black Lab ran past her and then turned around and jumped up and bit her on the leg.

As a result of the attack, Ms. Shaka stated that she fell off her bike. It appears that the dog immediately ceased the attack and eventually went to the owner. Ms. Shaka asked the owner about the dog and the owner stated that the dog was a good dog but needed to go to obedience school. Ms. Shaka wanted to get specific details such as the owner's address but neither person had any writing material to exchange information at the time.

Ms. Shaka needed to finish her errand and asked the owner if she would be in the area in the near future. The owner stated that she would be in the wooded area close to where the incident took place for awhile. Ms. Shaka stated that the owner had put the Golden Retriever in a vehicle and took the dog that had bitten her into the wooded area.

When Ms. Shaka returned, she didn't immediately see the dogs or the owner. She was not sure that the dog owner was still in the area so she called the police. At the time, Ms. Shaka was not sure how badly she had been injured since it was under her clothes. Ms. Shaka called her daughter from her cell phone and told her to write down the license number of the car, presumably owned by the dog owner.

Ms. Shaka waited for the police to arrive to take her statement. She also stated that a school bus driver had witnessed the bite incident and in fact stopped to ask if she was alright. The police arrived and took her statement and suggested that she go home to attend to the bite. The officer then left the scene. As the police officer was driving off, the dog owner and the dog came out of the wooded area. According to Ms. Shaka, the owner appeared to be trying to ignore her and got into a different vehicle than the one she had put the first dog in earlier, and drove off.

Ms. Shaka stated that she felt that was odd since the first vehicle was still in the area, and she thought that there might be someone else in the woods who owned one of the two vehicles. The first vehicle was still in the area but Ms. Shaka testified that the dog that was in the first vehicle had been taken out and had been placed in the second vehicle that had driven off. Ms. Shaka tried to get the license number of the second vehicle but the owner drove off too fast. Up to this point, Ms. Shaka had not been told if the dog that bit her had its shots.

Ms. Shaka then read a statement that she had prepared which she gave to me. Ms. Shaka stated that she wasn't afraid of dogs before now and that she was raised around animals, but now she is fearful of any animal that may come walking towards her.

Ms. Shaka brought photographs of the wounds that were caused by the incident. She took the pictures with her camera on the day of the bite. There is one picture that shows what appears to be a puncture mark on the knee, which Ms. Shaka stated was damage caused by the fall from her bike. A second picture does show a mark on her leg which she claims was caused by the dog. Ms. Shaka stated that the area did bruise in a couple of days.

Susan Krieger claimed that she was the owner of "Rocco", the Black Lab, and that Karen Hayne was the owner of "Leo", the Golden Retriever. She stated that she was not with her dog at the time of the attack. She testified that the two dogs that she and her partner, Karen Hayne, owned were brought to the area to meet and get used to two other dogs which were kept at 895 Kennard. Ms. Krieger and Karen Hayne intended to move into this house, and they were concerned that the dogs get to know each other beforehand. Melissa Jochim currently lived at that address with her two dogs. Ms. Jochim was in the wooded area with her two dogs at the time of the incident. Susan Krieger stated that they wanted the dogs to get acclimated to each other and to do that, they felt that they needed to let the dogs run free.

Ms. Krieger brought a statement from Ms. Jochim regarding what happened at the time of the incident which was entered into the record.

Ms. Krieger stated that "Rocco" "gives hugs" and she felt that "Rocco" jumped on Ms. Shaka to give her a "hug" and that the wound was a scratch from the dog's claw.

Ms. Krieger also brought a letter from a neighbor who lived behind where the dog was being kept. The neighbor stated that the dog was never a problem with her two small children.

Karen Hayne, who was at the park with "Rocco" at the time of the incident, testified that she had dropped "Rocco's" leash so that he could get to know the other dogs. She stated that she saw "Rocco" go toward the unfenced area and saw Ms. Shaka approaching. She stated that she put the other dog, the Golden Retriever, in the car before going after "Rocco". Ms. Hayne pointed out a discrepancy between Ms. Shaka's testimony that she was bitten on the right leg and the animal bite report that stated the bite was on the left leg. Ms. Hayne testified that Ms. Shaka had not fallen off of her bike but rather had just gotten off the bike. Ms. Hayne also testified that Ms. Shaka pulled down her pant leg and said that "it was nothing." Ms. Hayne testified that she told Ms. Shaka that she was standing on the right side of her bike and the mark was on her left side and that she had scratched herself on her bike. Ms. Hayne stated that she was not aware of the wounds to Ms. Shaka's knee. Ms. Hayne did think that "Rocco" was about to run along side Ms. Shaka on her bike, but that his hair was not on end.

Ms. Hayne stated that she and Ms. Shaka talked for about 5 minutes and they were about to exchange information but neither had anything to write with, and so she stated that she would be in the wooded area while Ms. Shaka finished her errand and got some writing materials. Ms. Hayne testified that she told Ms. Shaka that she would be in the area for 30-45 minutes. She also stated that Ms. Shaka never showed her the wound on her knee.

Ms. Shaka reaffirmed that she was bitten and that she cried out that the dog bit her. She also stated that when she fell off her bike, a part of the bike was broken. Ms. Shaka stated that, although she was flustered, she was trying to be calm. Ms. Shaka also claims not to have shown the bite wound to Ms. Hayne but if she did show anything, it was her knee and that she was not even aware of the bite mark on her leg until she got home and saw what was causing the burning feeling on her leg. It was at that time that she took the pictures that she presented at the hearing. Ms. Shaka stated that she was bitten and that she fell and that the whole thing was witnessed by a school bus driver. Ms. Shaka also stated the police officer went over to the car that had the Golden Retriever in it and wrote down the license number.

Ms. Hayne stated that when she left, she left in her car with both dogs, "Leo" and "Rocco", and it was the same car that she originally put "Leo" in.

Ms. Hayne and Ms. Krieger brought pictures that showed "Rocco", the street at 895 Kennard with "Leo", and the cable that restrains "Rocco". "Rocco" is 82 lbs. and is a Husky/Lab Mix. Ms. Shaka stated that she thought that the dog that she claims attacked her had longer hair than the dog in the picture. "Rocco" was a rescue shelter dog.

The second bite victim, Chai Yang, was not present at the hearing. The details from the police report were read for comments by the dog owners. Although the police bite report contained details about what happened during the incident, hearing officers were not able to question Chai Yang since he did not appear for the hearing. The police report did state that the officer did witness that there was a fresh wound on Chai Yang's leg that appeared to be a dog bite.

Essentially, from the police report, Ms. Hayne was with "Rocco" and "Leo" in front of 8995 Kennard. The report stated that the Black dog, "Rocco", was on a leash while the Tan dog, "Leo", was not. As the victim walked on the sidewalk, both dogs attempted to attack him for some reason. "Rocco" grabbed the victim's jacket, while "Leo" actually bit him on the left leg.

Ms. Hayne stated that at the time of the incident, she was standing at the curb in front of 895 Kennard with both dogs, looking down the street. She testified that this was the first day that she and her dogs were at this address. She testified that "Rocco" was not leashed but rather it was "Leo", the Golden Retriever, who was leashed. Ms. Hayne stated that the boy, Chai Yang, was very quiet as he approached so that neither she nor apparently the dogs were aware of him. Ms. Hayne stated that the boy made a loud sound, "bah" or "rah", as he came right next to her that startled not only her but also both dogs. Ms. Hayne testified that she had "Leo" on a leash and was holding "Rocco" by the collar, but when she and the dogs were startled, she let go of "Rocco". It was at this point that "Rocco" circled the group and "Leo" bit the boy, although Ms. Hayne stated that she was unaware that a bite had taken place. Apparently, the boy was close enough that "Leo" was able to bite him while she was still holding on to the leash.

Ms. Hayne testified that the boy never said anything about being bitten and that she was unaware of the bite until she was informed by the police officer. Ms. Hayne stated that the dogs were barking and agitated so she put them in the house.

Ms. Hayne stated that she was very sorry that the incident took place but claimed that the dogs were provoked.

Ms. Hayne stated that the bite report was inaccurate in that the boy was not on the sidewalk but was definitely in the street as she was at the curb with the dogs, and the boy was in front of them. Ms. Hayne also stated that the bite report was inaccurate in that it stated that the Black dog, "Rocco", was on a leash and the Tan dog, "Leo", was free. She testified that it was the other way around; "Leo" was on the leash and she had "Rocco" by the collar.

According to the testimony, the owners and the two dogs lived at 1155 Minnehaha in St. Paul until they moved to 895 Kennard at the time of the second incident. They have since installed a six foot fence around the property.

There were a number of letters of character reference for the dogs from neighbors and veterinarians.

There was a statement from Animal Control that "Rocco" was at another address, 2095 Geranium Avenue E., where Ms. Hayne's sister, Catherine Hayne, lives. It was stated that Animal Control informed them that only three dogs could be at 895 Kennard so they sent "Rocco" to Catherine Hayne at the above address. Catherine Hayne stated that she currently has "Rocco" and intended to keep him permanently.

My ruling is that in the first incident involving Aqua Shaka, there was an attack of some sort. The dog jumped up or intentionally interfered with Ms. Shaka in some way that resulted in the injuries that were documented in the pictures from Ms. Shaka. On this basis, "Rocco" is to be considered a Potentially Dangerous dog according to City Code 200.11 (a) 2). The dog has, when unprovoked, chased or approached a person upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack.

In the second incident involving Chai Yang, however, although there definitely appears to have been an attack, there is no clear evidence that "Rocco" participated in the attack. Even though the police report contained the statement that "Rocco" pulled the jacket of Chai Yang, I was unable to verify this from questioning Chai Yang. It appears from Karen Hayne's testimony that there were a number of inconsistencies in Chai Yang's statements as contained in the police report. I am ruling that "Rocco" did not attack Chai Yang in this incident and I am therefore cancelling the Dangerous Dog Declaration. The Potentially Dangerous declaration is still in effect.

Based on the testimony and review of the records, the dog is determined to be a Potentially Dangerous Animal under Saint Paul Legislative Code Sec. 200.11(a)(1), (2), & (3). The animal has, when unprovoked, bitten a human or a domestic animal on public or private property; or when unprovoked, chased or approached a person upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack, or a known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals. The Dangerous Animal Notification/Agreement dated July 16, 2009 is no longer in effect. See the Notice of a Potentially Dangerous Animal dated November 13, 2009.

Susan Krieger may appeal this determination and may wish to be represented by an attorney during the appeal process. The determination may be appealed by writ of certiorari to the MN Court of Appeals. Contact the Clerk's Office, at 651-296-2581. You have until the close of business day on December 3, 2009 to provide to this office proof of filing of appeal. If no appeal is filed, and the Requirements are not met under Susan Krieger's name or Catherine Hayne's name, the animal will be ordered seized and destroyed.

If you have any questions, please call me at 651-266-9132.

Very truly yours,

William F. Gunther / WFGMS

William F. Gunther
DSI Hearing Officer

WFG/ko

c: Animal Control Supervisor
Catherine Hayne
filer

On May 29, 2009 our Office received a second bite report incident from Animal Control:

On May 12, 2009 Chai Yang, age 13, was walking to a school bus stop at approximately 7:25 a.m. Two dogs; a black dog on a leash, later identified as "Rocco", and an unleashed tan dog, later identified as "Leo", were being walked by a female in front of 895 Kennard Street. The black dog bit the victim's jacket, but did not bite his skin. Then the tan dog bit the victim on the left leg. The dogs were under the custody of Karen Hayne. Ms. Hayne later told an Animal Control Officer that it was "Rocco" who was running loose and bit the victim's jacket, and "Leo" who was on the leash.

On July 13, 2009 "Rocco" was determined to be a Dangerous Animal under Saint Paul Legislative Code Sec. 200.12(a)(1), (2), (4), & (5).

See the Dangerous Animal Notification/Agreement dated July 16, 2009.

On August 10, 2009 a joint Hearing was held by request of the owners, to discuss the Potentially Dangerous declaration for "Leo", a Gold Male Golden Retriever Mix licensed to Karen Hayne, and the Dangerous declaration for "Rocco", a Black Male Husky/Labrador Retriever licensed to Susan Krieger. See the Notice of Dangerous Animal Hearing Determination dated November 13, 2009.

Based on the testimony and review of the records, the dog is determined to be a Potentially Dangerous animal under Saint Paul Legislative Code Sec. 200.11(a)(1), (2), & (3). The animal has, when unprovoked, bitten a human or a domestic animal on public or private property; or when unprovoked, chased or approached a person upon the streets, sidewalks, or any public or private property, other than the animal owner's property, in an apparent attitude of attack; or a known history or propensity, tendency or disposition to attack while unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

The Dangerous Animal Notification/Agreement dated July 16, 2009 is no longer in effect.

Under Saint Paul Legislative Code Sec. 200.11 regarding Potentially Dangerous Animals, the animal must be microchipped. "Rocco" has microchip information on file under Susan Krieger's license.

Also under Saint Paul Legislative Code Sec. 200.11 regarding Potentially Dangerous Animals, the dog must have a current Saint Paul lifetime dog license under the name and address of the owner. "Rocco" has a lifetime license under Susan Krieger at 895 Kennard. If the dog will now be living with Catherine Hayne at 2095 Geranium Avenue E., Ms. Hayne must purchase a lifetime license under her name and address. The license under Susan Krieger will be canceled. Licenses are not transferrable from one owner to another.

Enclosed is an application for a lifetime dog license tag. If the dog owner is now Catherine Hayne she has until December 3, 2009 to submit the application with \$33.00 for altered dog to the Department of Safety and Inspections at the address above, or to the Animal Control Center, 1285 Jessamine Avenue West.

The dog must be effectively restrained, and not allowed to run at large. Under Sec. 200.05 of the Saint Paul Legislative Code, any dog which is not effectively contained within a fenced area, or any dog which is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively restrained by chain or leash from moving beyond such unfenced area or lot, or any dog on any street, public park, school grounds or public place without being effectively restrained by chain or leash not exceeding six (6) feet in length, shall be deemed to be running at large.

Susan Krieger may appeal this determination and may wish to be represented by an attorney during the appeal process. The determination may be appealed by writ of certiorari to the MN Court of Appeals. Contact the Clerk's Office, at 651-296-2581. You have until the close of business day on December 3, 2009 to provide to this office proof of filing of appeal. If no appeal is filed, and the Requirements are not met under either Susan Krieger's name or Catherine Hayne's name, the animal described above will be ordered seized and destroyed.

Should the animal identified above be involved in another aggressive act, attack, or bite that would endanger the safety of humans or domestic animals, the animal can again be declared Dangerous. If declared a Dangerous Animal, the owner may be ordered to comply with the requirements for keeping a dangerous animal or the animal may be ordered destroyed.

The owner of an animal which has been identified as dangerous or potentially dangerous must notify the Department of Safety and Inspections in writing if the animal has died or is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. If the animal has died, notification must be given no later than fourteen (14) days after the animal's death. The notification must include the current owner's name and address, the relocation address, and the name of the new owner, if any, and in the case of the death of the animal must include the date of death and the name of any attending veterinarian, as well as information relating to the disposal of the animal.

If you have any questions, please call me at 651-266-9132.

Very truly yours,

William F. Gunther / BAMS

William F. Gunther
DSI Hearing Officer

WFG/ko

c: Animal Control Supervisor
Catherine Hayne
file

Karen Olson - 895 Kennard, Krieger dog Rocco

From: Karen Olson
To: Gunther, William; McMonlgal-St Dennis, Barb; Petricka, Lori; Stephenson, Bill
Date: 12/9/2009 11:09 AM
Subject: 895 Kennard, Krieger dog Rocco

Just FYI

I spoke to Susan Krieger this morning 12/9 about the potentially dangerous dog Rocco being given to Catherine Hayne at 2095 Geranium. She "didn't know" what they had to do.

When I asked her if she had the Notices we sent to her in November, explaining what they had to do, she said "not in front of" her. (as usual). So I went over her requirements:

*We need a statement in writing from her that she has given Rocco to Catherine.

*Catherine needs to get a new LT license in HER name, and pay the \$33.

I already have the microchip and rabies vaccination info from Susan Krieger's license, which will be canceled.

I have the LT tag that never got sent to Susan because the post office returned it to us as undeliverable, so I will just use that same tag for Catherine, since we STILLLLLLL don't have the new tag shipment in yet, and I am out.

Susan said they would definitely come down to DSI tomorrow (bad weather today), and bring the statement of transfer, and buy the new LT tag for Catherine.

When that is done, they will finally be in compliance.

Karen

RE: Rocco (DOG)
SUSAN KRIEGER
895 KENNARD
ST PAUL MN 55104
~~██████████~~

ROCCO HAS MOVED

NEW OWNER:

CATHERINE WAYNE
2095 E GERANIUM
ST PAUL MN 55119
~~██████████~~

LIFETIME LICENSE HAS BEEN APPLIED FOR 12/23/2009



SUSAN J. KRIEGER



City of Saint Paul Dog License - New (First Time) Application/Certificate

Please apply only if your dog is kept within the City of Saint Paul limits

DO NOT USE THIS FORM IF YOUR DOG IS CURRENTLY LICENSED OR HAS PREVIOUSLY BEEN LICENSED IN THE PAST IN SAINT PAUL.

2009-5133

Owner may mail, or bring this completed and signed application in person, to:
Department of Safety and Inspections, 375 Jackson Street, Suite 220, Saint Paul, MN 55101-1806
or Owner may apply in person at the Animal Control Center, 1285 Jessamine Avenue W. (at Beulah Lane)

Pay by: Cash, Check Payable to City of Saint Paul, or
Credit Card (Visa, Master Card, Discover Card, American Express)

(This Area for Office Use Only)	
Tag Number:	1744126
Tag Expiration Date:	12/10

Application Date: 12-23-09

APPLICATION MUST BE COMPLETED AND SIGNED BY THE DOG OWNER

Owner's Printed Name (REQUIRED): CATHERINE HAYNE

Owner's Address (REQUIRED): 2095 GERANIUM AVE E Saint Paul Zip: 55119
(P.O. Box Numbers NOT accepted)

Owner's Phone #: Home: [redacted] Work: [redacted] Cell: [redacted]
(At least one number is required)

Owner Must Be 18 Years Or Older, Date of Birth (mm/dd/yyyy): [redacted]

Alternate Contact's Printed Name: BARB WEST

Alternate Contact's Address: 1336 CLARENCE ST. ST PAUL Zip: 55106

Alternate Contact's Phone #: Home: [redacted] Work: [redacted] Cell: [redacted]

Alternate Contact Must Be 18 Years Or Older, Date of Birth (mm/dd/yyyy): [redacted]

Fill out the information below completely:

Dog's Name (up to 3*)	Sex (M/F)	Altered?(Yes/No)**	Age	Breed	Color(s)	Rabies Vacc. Clinic & Date***
ROCCO	M	YES	3	LAB/HUSKY	BLACK	frank 12/10/09

*You must also purchase a separate permit if more than 3 dogs reside in your household. Contact Animal Control at 651-266-1100 for information.
 **Is the dog spayed (female) or neutered (male)? Answer Yes or No. The Application must include written veterinarian proof that the dog has been spayed or neutered.
 ***Current Rabies Vaccination is a required measure to protect public health. Contact your veterinarian for information.

By signing this application I hereby certify that I have not been convicted of any violations of MN Statute §347.542 which would prohibit me from owning a dog. (See reverse side)

Owner's Signature (REQUIRED): Catherine Hayne

P.D. 11/13/2009



City of Saint Paul
Department of Safety and Inspections

POTENTIALLY DANGEROUS ANIMAL COMPLIANCE REPORT

Due Date: 12/3/2009

Owner: ~~Susan Krieger~~ Catherine Hayne

Phone#: ~~[REDACTED]~~
~~[REDACTED]~~
~~[REDACTED]~~

Address: 895 Kennard Street, Saint Paul, MN 55106
 2095 Geranium Ave E 55119

DESCRIPTION OF ANIMAL

Name: Rocco

Breed: Husky/Labrador Retriever Mix

Color: Black

Sex: Male

License #: ~~LT 43629~~ LT 44126, Exp: 12/2010

In Compliance (Date/Initials)	Not in Compliance (Date/Initials)	
12/8/2009 KRO		1. Proof of micro-chip identification as required in Section 200.16. Chip # 48771B627F Brand: HomeAgain Implant Date: 3/26/2007 Where Implanted: Unknown
N/A		2. If the animal is a dog, proof of completion of an approved dog obedience class.
		3. The dog must be effectively restrained, and not allowed to run at large. Under Sec. 200.05 of the Saint Paul Legislative Code, any dog which is not effectively contained within a fenced area, or any dog which is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively restrained by chain or leash from moving beyond such unfenced area or lot, or any dog on any street, public park, school grounds or public place without being effectively restrained by chain or leash not exceeding six (6) feet in length, shall be deemed to be running at large.
12/8/2009 KRO		4. If a dog, LIFETIME licensed AND up to date on anti-rabies vaccination. Lic. Tag #: LT 43629 Expires: 12/16 (Certificate of Vacc.) Given: 12/21/2008 Where: Arcade Due: 12/21/2010
N/A		5. If the animal is not a dog, up to date on anti-rabies vaccination. (Certificate of Vaccination) Date Given: Where Given: Date Due:
Comments:		

Karen Olson 12/24/2009
 DSI Approval, Owner in Compliance (Form Sent to ACC for inspection of #3 if necessary) / Date

Saint Paul Police Department ANIMAL INCIDENT REPORT

Complaint Number

11191840

Reference CN

Date and Time of Report

09/13/2011 10:36:00

Primary offense:

ANIMAL BITES

RECEIVED

SEP 14 2011

Animal Control

Primary Reporting Officer: Cragg, Jeffrey

Location of Incident: 2095 GERANIUM AV E

Secondary Reporting Officer:

ST PAUL, MN 55119

Primary Squad: 325T

District: Eastern

Date & time of Occurrence: 09/13/2011 08:05:00

Site:

to 09/13/2011 10:37:00

ANIMAL INFORMATION

Type of Animal: Dog

Owner Present:

Breed: Lab

Owner:

Sex: M - TT

Tag Number:

Color Marking: black

At Time of Occurrence Animal was: Running Loose

Name: Rocko

INJURY

Nature and Location of Injury: Dog bite to victims left upper thigh

Victim Treated At:

NAMES

Other

Hayne, Katherine
2095 GERANIUM AV
MN 55119

DOB: [REDACTED] - TT

Phones

Home:

Cell: [REDACTED]

Pager:

Work:

Fax:

Victim

Xiong, Katie
2058 LACROSS
MN 55119

DOB:

RECEIVED IN D.S.I.

SEP 23 2011

Phones

Home:

Cell: [REDACTED]

Pager:

Work:

Fax:

NARRATIVE

On 09/13/2011, At 0835 squad 325t (Officers J. Cragg, B. Beaudette), were dispatched to 2058 Lacrosse St. Paul MN,

2095 Geranium Ave (private)

55119, qn. a complaint of a dog bite.

When I arrived on scene I made contact with Xiong, Katie [redacted], 2058 Lacrosse, St. Paul MN, 55119. Xiong said that she was riding her bike along Geranium ave. when she noticed a large black dog that she thought was a Labrador.

Xiong said that the dog began to chase her while she was riding her bike, and then all the sudden the dog leaped up and bit her in the upper part of her left thigh. Xiong said after the dog let go of her upper left thigh she continued to ride her bike in order to get away from the dog so that she wouldn't get bit again.

Xiong said that the dog continued to chase her and attempted to bite her again, but Xiong yelled at the dog in order to scare him away. Xiong said after she yelled at the dog he ran away into the house at 2095 Geranium, St. Paul MN, 55119. Xiong said that after the dog went into the house she knocked on the door and the person who answered the door said that the black lab belonged to Hayne, Katherine, St. Paul MN, 55119, c/p [redacted] and that she didn't know if the dog had all his current shots and that Hayne was not home at the present time.

Xiong said that when she arrived home her husband took pictures of the left upper part of her thigh. At this point Xiong showed me the pictures of her left upper leg and there appeared to be teeth marks from a dog. I asked Xiong if she needed medical attention and she stated no, and that she already made a doctors appointment for later today.

I gave Xiong my card business card with the CN# on it and advised her to call the number on the card if she had any question.

At this point I attempted to make contact with the dogs owner at 2095 Geranium Ave St. Paul MN, 55119. I knocked on the door but there was no answer. I looked through the door window and there appeared to be a large Black dog in the kitchen area.

QUARANTINE AGREEMENT This animal is quarantined until released by Animal Control after a minimum of ten days. The animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot get through or over and which will not permit other animals or persons to enter and will prevent the animal from coming in contact with other animals or persons other than the custodian. The animal shall not be killed. The owner or custodian of such animal, having been so notified, shall immediately quarantine said animal at a location in the city of Saint Paul as noted on this agreement. The animal cannot be moved from this location without prior approval of the Animal Control Section.

If the animal is killed, dies, becomes sick or escapes, prior to release from quarantine, the owner, custodian, or agent thereof must notify the Animal Control supervisor of the city of Saint Paul immediately at 266-1100. The animal has to be available for viewing at all times.

I hereby agree to comply with the above quarantine agreement:

Location of quarantine: 2095 GERANIUM AVE

Signature of owner or custodian: Catherine Hayne

Date: 9-17-11

ANIMAL CONTROL USE ONLY

Census tract: LT 44126, expired 12/2010 VLO

Licensed: Yes (expired) No License Number: 44126 exp 12/2010 1st Bite 4/17/20

Antirabies: Yes No (expired 2010) Number: Year: PD. 11/13/2011

Date due for release: 9/22/11 Date released: 9-22-2011 Released by: TC MK

Previous quarantine: Yes No in 2009 - Declared DD on 11/13/09 "Power" 2nd Bite 5/12/11

Person contacted: owner Catherine Mary Hayne Dang. 7/3

Address: 2095 E. Geranium 55119 11/11/1970 Brn 5-3 165

Home phone: Work phone: 11/13/11 Hearn no Wc Pet. D. aqa.

Animal control comments

9/14/11 11:18am Bee Xiong (spouse of victim) called in questioning procedure. Please call Mary updated info @ 651.334.2422. M
9/14/11 No response. Left card. M to 305
L...K M

AT 2095 GERANIUM I spoke with Lucas Og born. he stated that he had taken the dog, "Rocco", to his brother's home at 1002 124th Circle, Coon Rapids, sometime after this incident. He said the dog is usually here where it lives with the owner, Katherine Hayne. I instructed him to bring the dog back to 2095 GERANIUM due to the quarantine requirement. He said he would, likely this evening. He said a good time to reach Katherine here is between noon and 3:00. I told him we would be back tomorrow during that time span, and expect to see Katherine and "Rocco" here. He showed me a vaccination certificate for "Rocco", but it was delinquent as of 12/2010. ML 9:23

9/16/11 - owner called in reschedule. 4:00 + 5:00 pm to day, owner call back reschedule for Sat 9/17/11 at 1:00 pm TT - 612-570-0485.

9/17/11 - owner signed quarantine TT 1:00 pm. owner will be home at 3:00 pm
11/11/1970

V.992266305720 . TT

9.22-11 Dog appears in good health. Quarantine released. Advised owner 10 days to provide updated rabies info. Citation Issued for RL bite involved - TE MK

Citation #911123148 20.05

ANIMAL DECLARATION

By: Christine Rozek
 Date of Incident: 9/13/2011
 Date of Declaration: 9/26/2011
 Address: 2095 Glenview E

Declaration

- Potentially Dangerous
- Dangerous
- Destroy

Conditions

- Microchip (required)
- Obedience training
- Muzzle / Chain
- Rabies / License
- 8 Dangerous dog conditions



City of Saint Paul
 Deputy Director/Administration
 Department of Safety
 and Inspections
 375 Jackson Street, Ste. 220
 Saint Paul, MN 55101-1806
 (651) 266-9108

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

October 5th, 2011

NOTICE OF A POTENTIALLY DANGEROUS ANIMAL

Catherine Hayne
2095 E. Geranium Ave.
Saint Paul, MN 55119

Dear Ms. Hayne:

You are hereby notified that the following animal:

Name: "Rocco"

Sex: Male

Color: Black

Breed: Husky Labrador Retriever

License: LT44126 expired 12/2010

is hereby declared a Potentially Dangerous Animal according to Section 200.01 of the Saint Paul Legislative Code based on the following incident(s):

On November 13th, 2009, after a dangerous dog hearing which was held on August 10th, 2009, the dog was declared potentially dangerous after two bite incidents.

On December 24th, 2009, the owner was in compliance with the potentially dangerous requirements.

On December 31st, 2010, the life time license was due for renewal.

On September 13th, 2011 at approximately 8:05 a.m., Katie Xiong, age 31, was riding her bike along Geranium Avenue, when the dog described above began chasing her. The dog suddenly leapt up and bit her in her upper left thigh. The dog continued to chase her in an attempt to bite her again, then retreated back into the house.

Based on the police report for this incident, the dog is not declared Dangerous at this time; however, the dog's lifetime license is delinquent due to no current rabies vaccination information.

Under Saint Paul Legislative Code Sec. 200.11(a)(4) regarding Potentially Dangerous Animals, the dog must have a current Saint Paul lifetime dog license. You have until October 21st, 2011 to submit a current Rabies Certificate of Vaccination showing the date of the vaccination and when it is due again, to the Department of Safety and Inspections at the address above, or to the Animal Control Center, 1285 Jessamine Avenue West. Failure to provide the certificate, will result in enforcement action for failure to remain in compliance with a potentially dangerous dog.

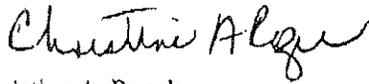
The dog must be effectively restrained, and not allowed to run at large. Under Sec. 200.05 of the Saint Paul Legislative Code, any dog which is not effectively contained within a fenced area, or any dog which is on any unfenced area or lot abutting a street, alley, public park, school grounds or public place without being effectively restrained by chain or leash from moving beyond such unfenced area or lot, or any dog on any street, public park, school grounds or public place without being effectively restrained by chain or leash not exceeding six (6) feet in length, or a shorter length if required under subsection 200.121(a)(4), shall be deemed to be running at large.

Should the animal identified above be involved in another aggressive act, attack, or bite that would endanger the safety of humans or domestic animals, the animal can be declared Dangerous. If declared a Dangerous Animal, the owner may be ordered to comply with the requirements for keeping a dangerous animal or the animal may be ordered destroyed.

The owner of an animal which has been identified as dangerous, potentially dangerous or a public nuisance must notify the environmental health officer in writing if the animal is to be relocated from its current address or given or sold to another person. The notification must be given in writing at least fourteen (14) days prior to the relocation or transfer of ownership. The notification must include the current owner's name and address, the relocation address, and the name and address of the new owner, if any. In the event of the animal's death, notification must be given no later than fourteen (14) days after the death, and must include the date of death and the name of any attending veterinarian as well as information relating to the disposal of the animal.

If you have any questions, please call Marie Notarino at 651-266-1923.

Very truly yours,



Christine A. Rozek
DSI Deputy Director

CAR/mn

c: Animal Control Supervisor
file



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 5.0 A

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 March, 2012.

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 – MARCH 2012

ITEM	MARCH	FEBRUARY	YTD 2012	MARCH YTD 2011
Radio Calls	373	351	1,037	1,043
Incident Reports	365	315	978	844
Burglaries	3	4	8	6
Thefts	20	19	50	40
Crim.Sex Cond.	0	0	0	1
Assault	0	1	2	5
Dam to Prop.	3	6	15	8
Harr. Comm.	8	3	12	10
Felony Arrests	2	4	8	10
Gross Mis.	0	0	1	1
Misd. Arrests	10	8	28	14
DUI Arrests	2	6	13	11
Domestic Arr.	1	5	8	6
Warrant Arr.	8	9	25	10
Traffic Arr.	101	67	255	155

**CITY OF EAST BETHEL – MARCH 2012
COMMUNITY SERVICE OFFICERS**

ITEM	MARCH	FEBRUARY	YTD 2012	MARCH YTD 2011
Radio Calls	28	11	52	30
Incident Reports	26	14	56	30
Accident Assist	2	2	6	8
Veh. Lock Out	2	1	8	11
Extra Patrol	56	38	145	89
House Check	0	0	0	10
Bus. Check	6	3	12	62
Animal Compl.	9	4	16	11
Traffic Assist	3	6	14	7
Aids: Agency	48	50	135	187
Aids: Public	12	13	36	87
Paper Service	20	7	29	10
Inspections	0	0	0	0
Ordinance Viol.	4	1	6	0



Payments for Council Approval April 18, 2012

Bills to be Approved for Payment	\$96,474.18
Electronic Payroll Payments	\$24,297.18
Payroll City Staff - April 12, 2012	\$29,892.98
Payroll City Council - April 13, 2012	\$1,461.07
Payroll Fire Dept - April 13, 2012	\$10,839.28
Total to be Approved for Payment	\$162,964.69

City of East Bethel

April 18, 2012

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	3339668	Trane U.S. Inc.	615	49851	875.00
Arena Operations	Bldgs/Facilities Repair/Maint	032812	Wright-Hennepin Coop Electric	615	49851	21.32
Arena Operations	Professional Services Fees	44	Gibson's Management Company	615	49851	6,030.71
Arena Operations	Telephone	040112	CenturyLink	615	49851	111.32
Assessing	Professional Services Fees	040112	Kenneth A. Tolzmann	101	41550	11,451.00
Building Inspection	Electrical Inspections	031912	Brian Nelson Inspection Svcs	101		909.75
Building Inspection	Unemploy Benefit Payments	1st Qtr 2012	MN Dept of Employment and	101	42410	5,251.61
Central Services/Supplies	Information Systems	215930	City of Roseville	101	48150	2,140.16
Central Services/Supplies	Information Systems	04 2012	Midcontinent Communications	101	48150	1,278.00
Central Services/Supplies	Legal Notices	IQ 01796786	ECM Publishers, Inc.	101	48150	51.25
Central Services/Supplies	Office Supplies	602577208001	Office Depot	101	48150	20.74
Central Services/Supplies	Office Supplies	602782918001	Office Depot	101	48150	33.43
Central Services/Supplies	Office Supplies	603162107001	Office Depot	101	48150	5.41
Central Services/Supplies	Office Supplies	603163636001	Office Depot	101	48150	8.04
Central Services/Supplies	Office Supplies	603669837001	Office Depot	101	48150	90.65
Central Services/Supplies	Office Supplies	603915630001	Office Depot	101	48150	28.85
Central Services/Supplies	Postage/Delivery	4647-02	Do-Good.Biz	101	48150	26.07
Central Services/Supplies	Telephone	040112	CenturyLink	101	48150	232.62
City Administration	Office Supplies	603162107001	Office Depot	101	41320	9.62
City Clerk	Office Supplies	603162107001	Office Depot	101	41430	63.31
Authority	Professional Services Fees	2590	Ady Voltedge	232	23200	28,947.00
Authority	Professional Services Fees	041012	Jill Teetzel	232	23200	110.00
Finance	Office Supplies	602577208001	Office Depot	101	41520	34.24
Fire Department	Bldg/Facility Repair Supplies	626283-1	Tierney Brothers Inc.	101	42210	295.84
Fire Department	Bldgs/Facilities Repair/Maint	032812	Wright-Hennepin Coop Electric	101	42210	5.32
Fire Department	Clothing & Personal Equipment	790759-IN	Heiman, Inc.	101	42210	537.45
Fire Department	Small Tools and Minor Equip	603326313002	Office Depot	101	42210	160.30
Fire Department	Telephone	040112	CenturyLink	101	42210	61.33
Fire Department	Telephone	040112	CenturyLink	101	42210	170.95
Fire Department	Telephone	040112	CenturyLink	101	42210	114.75
Fire Department	Telephone	040112	CenturyLink	101	42210	57.06
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470806213	Cintas Corporation #470	101	41940	20.82
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14820	GHP Enterprises, Inc.	101	41940	378.07
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-03-12	Premium Waters, Inc.	101	41940	48.21
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	119650	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	18114	Smith Bros. Decorating Co	101	41940	301.53
Information Technology Service	Info Systems Equip	H461020	CDW Government, Inc.	701	49960	442.19
Legal	Legal Fees	01 2012	Eckberg, Lammers, Briggs,	101	41610	1,003.33
Legal	Legal Fees	02 2012	Eckberg, Lammers, Briggs,	101	41610	1,003.33
Legal	Legal Fees	03 2012	Eckberg, Lammers, Briggs,	101	41610	7,425.40
Legal	Legal Fees	118731	Eckberg, Lammers, Briggs,	101	41610	1,889.00
Mayor/City Council	Professional Services Fees	12-285	North Suburban Access Corp	101	41110	120.00
Park Maintenance	Clothing & Personal Equipment	470786173	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470799548	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470802900	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Equipment Parts	141542	HSBC Business Solutions	101	43201	96.17
Park Maintenance	Equipment Parts	4042058137	HSBC Business Solutions	101	43201	(62.88)
Park Maintenance	Equipment Parts	03 3060595	Isanti County Equipment	101	43201	101.27
Park Maintenance	Equipment Parts	209747	Lano Equipment, Inc.	101	43201	192.13
Park Maintenance	General Operating Supplies	2442144	Dalco	101	43201	362.58
Park Maintenance	Park/Landscaping Materials	14021	Bjorklund Companies, LLC	101	43201	112.22

City of East Bethel

April 18, 2012

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Personnel/Labor Relations	498469	LexisNexis Occ Health Solution	101	43201	64.00
Park Maintenance	Professional Services Fees	041012	Jill Teetzel	101	43201	100.00
Park Maintenance	Small Tools and Minor Equip	29929	Menards Cambridge	101	43201	109.54
Payroll	Insurance Premiums	04 2012	NCPERS Minnesota	101		128.00
Payroll	Union Dues	04 2012	MN Teamsters No. 320	101		623.95
Planning and Zoning	Professional Services Fees	484	Flat Rock Geographics, LLC	101	41910	911.25
Planning and Zoning	Professional Services Fees	041012	Jill Teetzel	101	41910	200.00
Police	Professional Services Fees	03 2012	Gratitude Farms	101	42110	654.06
Recycling Operations	Hazardous Waste Disposal	2037604	OSI Environmental, Inc.	226	43235	12,817.00
Recycling Operations	Other Advertising	41097	The Courier	226	43235	232.50
Recycling Operations	Professional Services Fees	04 2012	Cedar East Bethel Lions	226	43235	1,000.00
Sewer Operations	Bldg/Facility Repair Supplies	353274	Ham Lake Hardware	602	49451	15.46
Sewer Operations	Bldg/Facility Repair Supplies	621905	USA BlueBook	602	49451	138.71
Sewer Operations	Bldgs/Facilities Repair/Maint	032812	Wright-Hennepin Coop Electric	602	49451	429.53
Sewer Operations	Professional Services Fees	80571	Utility Consultants, Inc.	602	49451	437.00
Street Maintenance	Bldgs/Facilities Repair/Maint	470786173	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470799548	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470802900	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-03-12	Premium Waters, Inc.	101	43220	48.21
Street Maintenance	Bldgs/Facilities Repair/Maint	032812	Wright-Hennepin Coop Electric	101	43220	21.29
Street Maintenance	Cleaning Supplies	2442144	Dalco	101	43220	211.54
Street Maintenance	Clothing & Personal Equipment	470786173	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Clothing & Personal Equipment	470799548	Cintas Corporation #470	101	43220	67.60
Street Maintenance	Clothing & Personal Equipment	470802900	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Equipment Parts	2122138	MacQueen Equipment, Inc.	101	43220	819.73
Street Maintenance	Motor Vehicles Parts	3063973	Auto Nation SSC	101	43220	229.23
Street Maintenance	Motor Vehicles Parts	3064752	Auto Nation SSC	101	43220	229.23
Street Maintenance	Motor Vehicles Parts	C241133922	I State Truck Inc.	101	43220	133.85
Street Maintenance	Personnel/Labor Relations	498469	LexisNexis Occ Health Solution	101	43220	128.00
Street Maintenance	Professional Services Fees	041012	Jill Teetzel	101	43220	75.00
Street Maintenance	Refuse Removal	9263	Wessman Service	101	43220	641.25
Street Maintenance	Safety Supplies	5055	Corporate Connection	101	43220	441.13
Street Maintenance	Telephone	040112	CenturyLink	101	43220	68.22
Water Utility Capital Projects	Professional Services Fees	347626	Braun Intertec Corporation	433	49405	690.49
	Professional Services Fees	347626	Braun Intertec Corporation	434		1,080.01
Water Utility Operations	Bldgs/Facilities Repair/Maint	032812	Wright-Hennepin Coop Electric	601	49401	26.67
Water Utility Operations	Telephone	040112	CenturyLink	601	49401	108.56
	Sales Use Tax Remittance	1st Qtr 12	Minnesota Revenue	101		689.00
						\$96,474.18

City of East Bethel

April 18, 2012

Payment Summary

	Electronic Payments	
Payroll	PERA	\$5,393.27
Payroll	Federal Withholding	\$4,967.09
Payroll	Medicare Withholding	\$1,721.96
Payroll	FICA Tax Withholding	\$6,175.23
Payroll	State Withholding	\$1,999.82
Payroll	MSRS	\$4,039.81
		\$24,297.18



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 7.0 A-F

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, March 21, 2012 Regular City Council

Meeting minutes from the March 21, 2012 Regular City Council Meeting are attached for your review and approval.

Item C

Accept Resignation of Cable Technician

Mr. Jeremy Millington has submitted his resignation as the Cable Technician for the City of East Bethel. Staff is recommending accepting the resignation from Mr. Jeremy Millington effective May 17, 2012.

Item D

Authorize Staff to Advertise for Cable Technician Position

With the resignation of Mr. Millington, the Cable Technician position has been vacated. The Cable Technician position is a part-time position, guaranteed a minimum of three hours per City Council meeting at a rate of \$12.00 per hour. Staff is requesting approval to advertise for the Cable Technician position.

Item E

Resolution 2012-22 With No-Waiting Period for Exempt Permit for Midwest Animal & Rescue Services (MARS) to Hold a Raffle at Fat Boys Bar & Grill

This resolution approves an application with no waiting period for an exempt permit for Midwest Animal & Rescue Services (MARS) to hold a raffle on June 23, 2012 at Fat Boys Bar & Grill, 21383 Ulysses Street NE, East Bethel, MN 55011. MARS would like to hold their 2nd Annual Rescue Motorcycle Run at Fat Boys on June 23, 2012 and this raffle will be held in conjunction with their run. Winners will receive donated prizes, each valuing at least \$25.00. Tickets will be sold on0st efor \$1.00 and you must be present to win.

Staff recommends Council adopt Resolution 2012-22 Approving the Application with No Waiting Period for Midwest Animal & Rescue Services (MARS) to Hold a Raffle at Fat Boys Bar & Grill on June 23, 2012.

Item F

Appoint Seasonal Maintenance Workers

The City Council recently approved the hiring of two seasonal maintenance employees. The City advertised for two positions, receiving 31 applications. The Public Works Manager interviewed six individuals for the position over the past week and has identified two of the individuals for the seasonal maintenance position that will best meet our needs.

City staff is recommending the appointment of Colin Bartz and Matthew Scheeler for the two seasonal maintenance positions for 2012. Under the supervision and direction of the Public Works Manager, these individuals will perform various types of manual labor in the general maintenance of the Parks Department for a period of up to 63 working days. Both Mr. Bartz and Mr. Scheeler are qualified for the seasonal maintenance positions and have provided excellent results while working for the Public Works Department in previous years.

City staff is requesting approval to re-hire Colin Bartz and Matthew Scheeler. Mr. Bartz will begin work on April 30, 2012. Mr. Scheeler will begin work on May 14, 2012. The rate of pay is \$11.00 an hour and funding for these positions is provided for in the General Fund Budget for 2012 under the Parks Department budget.

Item G

Approve Barter Agreement with Sprint/Nextel for Cellular Communications Services

The City has had an agreement with Sprint/Nextel for cellular communication services since 1998. Currently the "Demo Account" provides for five phones which share 2500 minutes. Currently, these five phones are used by the City Administrator, Fire Chief, Deputy Fire Chief, Building Official and the Public Works Manager.

The new barter contract provides for a credit for these five phones in the amount of \$164.98 and 3000 shared minutes.

The City Attorney has reviewed the Barter Agreement with Sprint/Nextel.

Staff is recommending that City Council approve the Barter Agreement with Sprint/Nextel for Cellular Communications Services and authorize the City Administrator to sign the agreement.

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

EAST BETHEL CITY COUNCIL MEETING

April 4, 2012

The East Bethel City Council met on April 4, 2012 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Bob DeRoche Richard Lawrence
 Heidi Moegerle Steve Voss

ALSO PRESENT: Jack Davis, City Administrator
 Mark Vierling, City Attorney
 Craig Jochum, City Engineer

Call to Order **The April 4, 2012 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **DeRoche made a motion to adopt the April 4, 2012 City Council Agenda. Voss seconded** Lawrence said he would like to add 7.0 G.6 Lowell Friday IUP Discussion. Moegerle said she would like to add 7.0 G.7 Scheduling Council Work Meeting to Discuss the Recommendations from Ady Voltedge. **DeRoche amended his motion to add the two items to the agenda. Voss seconded the amendment; all in favor, motion carries.**

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

Taras Mertynenko of 2847 Viking Blvd NW, Oak Grove, wants to discuss the First State Tire property on the corner of Highway 65 and 229th Avenue. He wants to know if we can have a trucking company at this site because we are looking at purchasing it. The previous company (First State Tire) had a trucking company there but they were limited to fifteen (15) trucks at the site. DeRoche indicated that he should come to City Hall and discuss this with City Staff. Davis explained he received an e-mail from the attorney from First State Tire, and he told her that Mr. Mertynenko should schedule a meeting with him to discuss this. Davis gave Mertynenko his business card and explained that he could contact him during regular business hours and he would work with him on what the requirements would be regarding the property formerly used by First State Tire.

Doug Tierney of 4610 Viking Blvd. NE wants to thank staff for putting the "No Parking" sign on 1st street. They block all those streets up so thank you. They have cleaned part of it up, but down by the waters edge they didn't remove the grass clippings because there is a ridge. That should be cleaned out.

Tierney wants to make another comment and thank all three of you who okayed the ATVs. You have been by and seen my "No Trespassing" signs. A 4-wheeler came by and hooked a chain unto my sign and ripped it out right in front of me. Called the sheriff and he came and could see where the eyebolt was ripped right out. The Deputy said he was surprised the City passed that. The only thing he (4-wheeler) did do which was kind of a disappointment, (usually when snowmobilers come by they let me know I am #1) when he came back, I had put a second chain across he went underneath it. So I went and bought cameras. He seen me putting up the cameras and he hasn't been back. When you go spend several hundred dollars then you get a little peace. And I want to thank you for allowing this. Boyer had a term and I think it had something to do with parentage. But he won't use that term because we are on

the air.

DeRoche asked “One person on an ATV breaks the law, do you think if that ordinance hadn’t been in place do you think he still would have done it?” Tierney said, “We have had these problems for many years. He can remember years back when the 3-wheelers first come out. He knew who the kid was in the development behind Voss’s first house. He never laughed so hard. A squad car was chasing the kid and the squad car was bouncing all over. You just made it a lot easier for them to do it. It is just blatant.”

Tierney, “Also when you mentioned that one guy and how the sheriff picked on him. He has a bad leg and was delivering stuff for the lake association. He was on his 4-wheeler and got pulled over and he was nothing but nice to me.” When you made the ordinance to let them run loose, it is nothing but a pain. You have to put up fences, you have to put up cameras. What you did, didn’t help matters, it made it worse. DeRoche, “Are you going to be around when we discuss this tonight on the agenda? I have a lot of information on this.” Tierney explained when I was going around talking to people, they asked what is it benefitting the general public. The DNR might want to use this. Voss explained you realize we are not vacating the easement.

DeRoche explained that when the review of the ordinance on ATVs comes up later on the agenda he can explain more. He has been monitoring this since day one. He has been monitoring it through the sheriff and through DNR office, so he does know what is going on. It will come up on the agenda tonight. DeRoche, “Do you have a pamphlet on what the ATV Regulations are? Tierney explained he has two ATVs and he uses them like tractors, not to torment the neighbors. To try to make his place look better. Lawrence explained the one question he has, like DeRoche explained, without the ordinance would this have happened? Tierney commented that the reason he is here is, Boyer said one time that someone was bothering him and Moegerle asked him if he called the sheriff, did he complain? And he said no. Tierney explained he called the sheriff both times, showed them the damage and he is here. He doesn’t want someone to say later on down the road, “Doug did you complain?” He is too darn old and arthritic to be doing the repairs.

Moegerle, “Could you answer the Mayor’s question about whether or not this would have happened if the ordinance was in place or not?” Tierney, “Sure this is going to happen, but it is happening more when you are allowing them on the streets. When you are allowing them, is he going to be over a mile away from his house where he can’t cut in, when you are allowing him. All he has to do is get back out on East Front and he is not breaking the law.”

DeRoche, “County Road 22 is a county road, correct?” Tierney, yes. DeRoche, “Legally in the State of Minnesota you cannot drive an ATV on a county road or a state highway.”

Tierney, “This was on East Front Blvd. He came down East Front Blvd. onto 22.” DeRoche, “So he was breaking the law. He will go through all that when we get to the agenda item.”

Tierney, “In his opinion you made it easier on them.”

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

Consent
Agenda

Voss made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, March 21, Regular Meeting; C) Pay Estimate #1, Municipal Builders, Inc. for Water Treatment Plant No. 1; D) Pay Estimate #11, S.R. Weidema, Phase 1, Project 1, Utility Improvements; E) ~~Contract Addendum #8 Engineering Services for Castle Towers Sanitary Sewer Foremain Construction~~; F) JPA Street Maintenance Projects. Boyer asked to removed item E) Contract Addendum #8 Engineering Services for Castle Towers Sanitary Sewer Foremain Construction to be discussed separately. **Moegerle**

seconded; all in favor, motion carries.

Item E –
Contract
Addendum #8
Engineering
Services for
Castle Towers
Sanitary
Sewer
Forcemain
Construction

Boyer asked the City Engineer to address this item. Jochum explained this item is as required as per our engineering agreement, any project we need to do an addendum. This is #8 for the Castle Towers Sanitary Sewer Forcemain. This for the City portion only. This does include the cost of a meeting with the Met Council and there would likely be weekly meetings we would be involved with. In general, this includes the cost for work to complete the forcemain north of the Met Council project which will include construction, as we discussed. Also, we anticipate this will include right-of-way acquisition and an assessment process. This includes all those items.

Voss said you state this is the City owned portion of this. So your services still include where we are in the same trenches? Jochum, "Correct. There will be some coordination, weekly meetings." Voss said there is still some design. Jochum, "Yes." Lawrence, "When he mentioned this was being proposed to be done, some of the residents felt that we could tap individual homes into these things. Or individual businesses. Is this the case, or not?" Jochum explained that you could but it would not be feasible. Lawrence, "What do you think for dollars it would take to tap somebody in? Do you have a figure?" Jochum explained it would require a lift station, so at a minimum \$50,000.

Moegerle, "With regard to this proposal, it is based on upon assumptions. First one is the properties will be assessed, doe that have any specific meaning in terms of this. Why is it pulled out to say that it will be specially assessed? Jochum, "No, just to say that all those costs are anticipated. This is a not to exceed, so it is our contract hourly rates, so we cannot exceed this amount. Davis explained as far as assessments go, the engineer has to prepare an assessment report and that is what this cost would be. Jochum, "Run the assessment hearings." Boyer, "This has nothing to do with the original sewer project, correct?" Jochum, "Correct." Boyer, "This is an extension of that project." Jochum, "Correct."

DeRoche explained it states in here, "That the City will be responsible for other costs, Soil work, Appraiser Fees and Easement Acquisition" estimated at \$20,000. He asked, "What are the chances of that coming in at about \$40,000?" Jochum explained that is just the overhead costs. The appraiser we are estimating will be about \$10,000, soils work probably another \$10,000. Easement acquisition was estimated at about \$150,000 but he has done some preliminary looking at this and thinks there are a lot of existing easements we can use on plats that we already have. DeRoche explained he is curious because all of a sudden we get slapped with a bigger bill then we are anticipating. He understands that there could be a little bit of costs, but he would hate to see it go \$40,000 or \$50,000 than we are already anticipating. Jochum, "All these costs were included in the last write-up (approval), but previous we put 15% on it and right now we are at 11%. With our fee, the appraiser and the construction." Voss asked this is the appraisal fee, it is the not the acquisition of properties, so the chance of that cost changing is minimal. Jochum explained that would be part of our scope, we would have to go out and negotiate after we get the appraisals.

Moegerle made a motion to approve Item E) Contract Addendum #8 Engineering Services for Castle Towers Sanitary Sewer Forcemain Construction. DeRoche seconded. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.

Ordinance 36,
Second Series,
Amending

Davis explained that at the January 24 Planning Commission meeting, Ryan DiMuzio and Jordan Valder made a presentation discussing open sales lots. As a result of the presentation, Planning Commission recommended staff to propose a zoning text amendment that would

Appendix A of allow for open sales lots with regulations.

the City of

East Bethel

Zoning Code –

Zoning Text

Amendment –

Automotive

and/or

Motorcycle

Internet

Distribution

Sales

City Council discussed this same matter at their regular scheduled meeting on February 1 and again on February 15. It was the consensus of City Council, City Attorney, and Staff that the proposed business can be defined as “Internet Distribution Sales.” The City Attorney drafted a definition for “Internet Distribution Sales” and Staff and the City Attorney have developed draft language to regulate the use. The draft language was provided to City Council at the February 15 meeting. City Council directed staff to proceed with the zoning text amendment.

On February 28, 2012, Planning Commission discussed the proposed ZTA and directed staff to make some modifications. On March 27, 2012, a public hearing was held at the Planning Commission in which the public had an opportunity to comment on the proposed changes. There were no public comments.

The proposed Zoning Text Amendment as approved by City Council and amended by Planning Commission is in your write-up attachment.

Planning Commission recommends City Council approves the ZTA known as Ordinance XX, Second Series.

Voss made a motion to adopt Ordinance 36, Second Series, Amending Appendix A of the City of East Bethel Zoning Code – Zoning Text Amendment – Automotive and/or Motorcycle Internet Distribution Sales as amended. Lawrence seconded. DeRoche, “Are Valder and DiMuzio both doing this? It was his understanding one of these gentlemen was no longer doing this.” Jordan Valder of 180 184th Lane NE, East Bethel, explained that it is just him now. DeRoche wonders what the chances are that there will be twenty (20) vehicles sitting out front of the business. Valder explained that it is not very likely right now. Lawrence, “Have you seen this Zoning Text Amendment? Can you live with this?” Valder, “He has and yes, he can.” DeRoche, “What kind of lease do you have with the property owner, Mr. Chies?” Valder, “Right now it is a year lease. He knows it is going to be redeveloped. After that we can re-sign for five years or whatever.” DeRoche asked the City Attorney for his thoughts and any concerns on the lease. Vierling, “The maximum term he can have on this is two years until renewal. Valder can certainly schedule his lease for his own term.” Boyer, “He was confused because he figured this going to be dead. Didn’t we have a problem with the number of vehicles?” Davis explained there was a limit placed on number of vehicles.

Moegerle, “With regard to definition of motorcycles. Think it impinges on definition of ATV. So at the end of definition of motorcycles I would like to add after tractors insert: **vehicle designed and regulated by the State of Minnesota for operation on Highways.** In a place that makes it read well.” Boyer asked, “Along those lines aren’t we using the State Motor Vehicle definition of what a Motorcycle and ATV are? That has historically been our practice.” Moegerle, “I think that would be a good practice, but I didn’t see a reference to that in here.” Vierling explained this particular section has a separate definition for motorcycles so if you are not happy with this definition we need to refine it. Boyer commented that wouldn’t be a stronger ordinance if we used the State Motor Vehicle definition. Voss asked, and Moegerle’s concern is that it doesn’t include ATVs? Moegerle, “That is correct.” Voss read: not designed with more than three wheels and has contact with the ground, wouldn’t that do it? He asked do they still manufacture 3-wheel ATVs? DeRoche said “No, those are illegal, you can’t sell them, not as a dealer.”

Moegerle, “If you look at our ordinance, 3-wheel ATVs are included.” Moegerle asked, “What would the City Attorney’s recommendation be on the definition of motorcycle?” Vierling explained he has no problem if you want to add in the reference to the state statute on the motorcycle. If we include definition to the statutory reference of motorcycle should do what you want to do. DeRoche, “A lot of people are driving 3-wheel trikes now.” **Voss amended his motion adding the reference to the state statute to the definition of motorcycle. Lawrence seconded the amendment. Boyer, nay; DeRoche, Lawrence, Moegerle and Voss, aye; motion carries.**

Summary of Ordinance 36, Second Series and Direction to Publish

Davis explained that after the adoption of ordinances, the ordinance or a summary of the ordinance must be published in the City newspaper. Attached is the summary for Ordinance 36, Second Series.

Staff recommends Council adopt Ordinance 36, Second Series summary and give direction to publish.

Voss made a motion to adopt the Summary of Ordinance 36 Second Series and direction to publish. Lawrence seconded; all in favor, motion carries.

Dave Niven, 2731 225th Lane NE, IUP Renewal, Home Occupation, Screen Printing

Davis explained that Mr. Niven was approved on November 19, 2009 for an IUP for a home occupation. The business is known as Sierra Ink Screen Printing and Embroidery. The business is conducted out of the detached accessory structure. Product delivery and customer traffic is limited. Mr. Niven is the only employee.

During the screening process, the type of ink used is soy-based and biodegradable. The majority of the water used is recycled as well. Mr. Niven disposes of the end product off site. In 2009, Anoka County did not require Mr. Niven to have a Hazardous Waste Permit. However, staff has contacted Anoka County Environmental Services to ensure regulations have not changed. Anoka County will schedule an inspection and will notify the City if one is required. In the event Mr. Niven needs a permit from Anoka County, he will be required to submit the approved permit to the City no later than September 1, 2012.

Staff has inspected the site and has determined it is in compliance with City codes. Home occupations are a permitted use as long as the regulations set forth in the zoning code and IUP conditions are met. Mr. Niven has remained in compliance with the City code and approved conditions from the 2009 approved IUP.

Staff recommends approval of an IUP Renewal to allow the continuation of the home occupation known as Sierra Ink Screen Printing and Embroidery for Mr. Niven, located at 2731 225 Lane NE, East Bethel, PIN 03-33-23-23-0019 with the conditions as listed in your packet.

DeRoche made a motion to approve the request of Dave Niven for an Interim Use Permit (IUP) for the continuation of the home occupation known as Sierra Ink Screen Printing and Embroidery at 2731 225 Lane NE, East Bethel (PIN 03-33-23-23-0019) 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; 2) 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; 3) No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence; 4) Any sign associated with the home

occupation shall be in compliance with the East Bethel City Code Chapter 54, Signs; 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. If Anoka County Environmental Services determines a Hazardous Waste Generator’s license is required, Mr. Niven is responsible for obtaining and providing a copy to the City no later than September 1, 2012; 6) There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation; 7) Parking needs generated by the home occupation shall be provided on-site; 8) 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; 9) Parking of the work related vehicles must be on a designated driveway; 10) The IUP shall be for a term of three (3) years, expiring April 4, 2015, at which time, the applicant will be required to re-apply for an IUP; 11) Violation of conditions and any City Codes shall result in the revocation of the IUP. Boyer seconded.

Voss asked how the business is doing. Niven, “Good, keep as part-time business. This summer he plans on applying for a permit to get a holding tank out there so he doesn’t have to keep running things off-site. Then the holding tank will just be pumped out whenever it is full. Don’t think I have moved more than 200 gallons of waste since 2008 or 2009, when I started. I do recycle a lot of the water once the sediment settles to the bottom. As far as cleaning chemicals, may be using a teaspoon to tablespoon of the ink cleaner to a gallon of water. So it is very diluted. I was in Nevada prior to this and everything went into the City sewer and septic. And it was all checked out then too.” **All in favor, motion carries.**

S.R.
Weidema,
Change Order
6, Phase 1,
Project 1,
Utility
Improvements

Jochum explained that S. R. Weidema and MCES are requesting consideration of the attached change order for the Phase 1, Project 1 Utility Improvements. Change Order No. 6 is attached to your packet. A summary of the Change Order costs are as follows:

A. Contract Add Items:

1. 24” Time and Materials Work: Due to differing site conditions, this item pays for additional work to install the 24” pipe with open cut methods on a time and material basis where subcut depths exceeded 10 feet under the pipe invert between MH 113 and MH 114.
2. 42” Time and Materials Work: Due to differing site conditions, this item pays for additional work to install the 42 inch pipe with open cut methods where soft peat and organic silt soils were too unstable to perform with normal construction methods.
3. Swamp Excavation Spoil Pile Handling Claim: Due to differing site conditions, this item pays for additional work to minimize lateral soil movement by locating spoil piles further away from the excavation in areas where normal construction methods could not be utilized.
4. 187th Crossing Additional Dewater Claim: Due to differing site conditions, this item pays for additional dewatering costs needed to complete the tunnel.
5. Discharge Pipe Material Claim: The total amount of this claim, as shown in the table below, is the final negotiated settlement amount for additional costs to provide the purple colored 16 inch C905 PVC DR 14 pipe for the MCES forcemain.

B. Contract Deduct Items:

- 6. Deduct for Unused 42” Piling: This item includes deleting the unused contract items shown below for Items 6 through 8.

C. Summary of Costs

<u>Item Number</u>	<u>Item Description</u>	<u>Total</u>
1.	24” T & M work	\$ 47,276.55
2.	42” T & M work	\$117,723.21
3.	Soil handling claim	\$ 30,166.00
4.	Dewatering claim for 187 th Avenue	\$ 37,550.14
5.	Discharge pipe claim	\$ 27,318.00
6.	12.75” piling driven	-\$139,847.68
7.	Piling concrete	-\$219,626.55
8.	Piling steel	-\$ 37,902.00
Total Deduct		-\$137,342.33

Change Order No. 6 results in a net decrease in the Contract amount of \$137,342.33.

Staff recommends Council consider approval of Change Order No. 6 to S.R. Weidema with a net deduct amount of \$137,342.33.

Boyer made a motion to approve Change Order #6 for S.R. Weidema, Phase 1, Project 1, Utility Improvements in the amount of \$137,342.33. DeRoche seconded. DeRoche, “The unused contract items shown below, because of this change and when we get to the end of this project, will we be rebilled for this? Or is this a permanent change?” Jochum, “This is a permanent change. They went deeper and put in more rock. So in everyone’s opinion this is better than putting in the piling.”

Lawrence asked, “For the general public here, where is the area that we didn’t have to put the pilings down?” Jochum, “Midway between north of the big bank pond and Viking Blvd.” Moegerle, “It is the tales of legend these days about how many people and businesses did soil borings over there. She understands Weidema did some, but not as much as others. But now we have a change order due to differing site conditions. Were these not able to be anticipated through a thorough boring sample of those areas. Why wasn’t it a part of the original bid on this area?” Jochum explained in general limited borings are done when the bid is done. And then the plan is to do a lot more borings when construction begins. It is kind of a grey area. The soils had less sheer strength once tested than anticipated at first. Basically it was sloppier. Moegerle, “But could that have been anticipated from those borings?” Jochum, “Maybe if they did a lot of them from the beginning and maybe more excavation. Some of the testing basically you find out as your digging. Drilling a little 4” hole it is difficult to tell. Weidema got their Geo-tech involved. In general part of this is not all due to differing soil conditions. They had two options, they went deeper, it created additional work for them.

Lawrence, “On the first two items, is that time and material work?” Jochum, “That is correct.” Lawrence asked, “What is this about? Prelude to saving money?” Jochum, “Part of it is that and part of it is what was somewhat proved. That the conditions (soil shear) was less

than anticipated. Soils as dug out had to be brought all the way out and to the back. They typically would not have to do that.”

Moegerle asked, “But wouldn’t that be anticipated by the very sandy soils we have here? Her understanding is part of that was anticipated by the other companies that bid here. That is her understanding, she could be wrong.” Jochum, “Can’t answer that, he doesn’t know what other companies bid.” Voss said he wants to make clear this portion of the work is fully funded through MCES, so not a City cost, not is it a City credit. Jochum, “That is correct, other than some of this piling you were responsible for in Change Order #1. So since we are not doing the piling, you are getting a credit.” Lawrence, “Can we get it documented what that would be?” Jochum explained he can get that to Council. Moegerle, “We pay a percentage of this when hopefully businesses pay a connection or access fees. So it is not completely fair to say that MCES is paying this, because eventually it is passed on to East Bethel, and hopefully not East Bethel residents.” Boyer, “Actually it is passed onto every metropolitan user.” Voss said this doesn’t change the rate that MCES is going to charge. Davis, “This doesn’t change the rate, but if it reduces the project cost it could have some affect on the final assessment too.” **Moegerle, nay; Boyer, DeRoche, Lawrence, Voss, aye; motion carries.**

Davis explained that in the amending of the Alcohol and Tobacco Ordinances, the hearing portions of these were removed and is presented as a new Ordinance to provide consistency and uniformity for this process. This Ordinance addresses Notices, Hearings, Appeals, Fines and Penalties under one title and will be used to address these actions that relate to other enforcement issues.

This ordinance should be approved prior to consideration of amending the Alcohol and Tobacco Ordinance in order to have a hearings process included in their amendments. Additional updates and revisions would be forthcoming from the City Attorney concerning the content of the proposed Ordinance. But the City Attorney has issued his opinion as submitted.

Staff is recommending the approval of the hearings ordinance.

Moegerle made a motion to adopt Ordinance XX, Second Series, Notice, Hearings and Appeals. DeRoche seconded. Boyer, “I am going to vote against this, because I don’t think Council should act as the hearing officer. Think it is time the City hires a professional to act as the hearing officer for dog bites and things like this.” Moegerle explained she doesn’t disagree, however the definition of hearing officer is: The City Council or an appointed board, commission or representative. So that covers your objection. Moegerle asked, “What other objections do you have?” Boyer, “That is his objection and it goes back a long time.”

Voss asked the City Attorney, how do other communities work, how do they use a hearing officers. When we talked about this before it was retired judges, etc. Vierling, “There are a number of retired attorneys and judges. You can always engage the State Department of Appeals, they have to send a hearing official up. There is a price to pay for that. They will conduct your hearing for you. You can hire an individual with background, retired attorney, judge, magistrate to conduct that. A number of communities do have contracted officers to conduct these hearings. The role of the hearing officer, you have to be able to separate a little bit. If you have administrative penalties in a hearings ordinance, which specifically assigns penalties and fines, let’s say for mowing violations or community type violations through the hearing officer, that hearing officer can render a final decision. Usually a monetary fine, no

more than a \$100 or something of that nature.”

Vierling, “ In terms of license violations, permit violations, uniformly those hearing officers don’t normally render final decisions. This is some of the text that I am having problems with. The hearing officer will conduct the hearing, make the findings and then make the recommendation. The recommendation will go to the City Council either to adopt, modify or reject. If you read the first sentence it says any violation of the code, don’t think you really intend that or want that. Then you really don’t have the opportunity to impose an administrative penalty for any violation of your code. Don’t want this to be confused for other items in your code, such as items that are charged out as misdemeanors.”

Moegerle, “Referring to Section 18.180 of our Code, which is regarding tobacco, this section on hearing officer is taken directly from that without change. She read this section. Vierling explained he doesn’t have a problem with the hearing officer or the definition of the hearing officer. But, you have to know what the hearing officer is there to hear. Are they there to make a final decision or to make a recommendation. Moegerle, “I agree, but at this point she doesn’t think the City has the wherewithal to hire a hearing officer. So for the foreseeable future the hearing officer is the City Council. At the point where the hearing officer is no longer the Council then amendments would be appropriate. Would that solve your concern?” Vierling, “No, that doesn’t solve it. To some extent there are going to be matters where he is going to recommend that you order a hearing officer. There is going to be one later tonight where he is going to recommend that you do order a hearing officer. Because of volume or complexity, the hearing process that would really be taxing on your Planning Commission or Council if you intended on doing it yourselves.”

Voss said the reason he is asking perhaps a way to address this a bi is it says representative and that seems vague. Suppose we add an additional identifier there such as “Professional Hearing Officer.” Voss said and then think we would want to set some parameters around who we would want to appoint in that position. Vierling asked, “But, do you really want to do that in the ordinance which he would suggest you don’t do. Or do you want to do that when you get around to hiring or engaging someone for the position and then build what you want for qualifications, professionally.” Boyer, “We have had tobacco and liquor ones that have appealed to the courts. Think the City would be better served to have a professional holding the hearings and making recommendations to the Council.”

Vierling, “The major feature you have in some of these issues is making sure the record is preserved. Prepared correctly, all the evidence comes in. The documents are numbered and they do their job to make sure the record is complete.” Voss’s vision of it is irregardless whether we have an appointed hearing officer or Council as hearing officer, do believe Council will have the same examination as before. DeRoche, “Doesn’t have a problem with using a hearing officer in extreme cases. But I think part of the job of being up here is having to make some hard decisions and using a little discretion. A hearing officer doesn’t know everyone in the City. And is this going to be for certain ordinance violations or are we going to just write through the book. He is more for working with people and he doesn’t know that a hearing officer is going to do that.”

Voss asked would the hearing still happen here at Council? Vierling, “More often than not, the hearing officer conducts the hearing themselves, the record is preserved, it is open to the public. Those hearings are typically not conducted before Council. Then the hearing officer after the hearing is closed, develops a written record, makes a set of findings and makes a recommendation to the Council. Based on that, Council either adopts, modifies it or rejects

it. Voss said so Council wouldn't have the opportunity to hear any direct testimony. Vierling, "The role of the Council is not to reopen and open the hearing." Voss said he agrees, it is removing that personal touch. But there are times we would almost want that. DeRoche asked, "Who pays for this?" Vierling, "There is a reference here to a court transcript and if one of the parties wants to engage that, they would need to pay for it. Most of your hearing officers are going to conduct their hearing by audio tape."

Moegerle, "When you search for hearing officer in our code, it says the City Council shall serve as the hearing officer. Under excavation, under dog bites and issues. It is riddled throughout our Code of Ordinances that the City Council is the hearing officer. So to get away from that, we would have to amend all those things as well." Vierling, "That goes to the initial sentence of this. It says it applies to all. Think you can draft the language so the Council can determine on a case-by-case basis which one they are going to use. That is not an automatic default right to an outside person. Probably what you are going to want to do at least until you have developed some history over the issue, until you have a comfort level." Voss asked do you have concern over this? He thought this came from you. Vierling, "He would like to wordsmith a few of the items on this."

DeRoche made a motion to table Ordinance XX, Second Series, Notices, Hearings and Appeals. Voss seconded. Davis explained as part of your motion to table, the next two ordinances are dependent on this ordinance being adopted. Vierling explained that they are connected, he thinks you will have to. Voss asked can we treat them as separate so we can raise some issues. **All in favor, motion carries.**

Ordinance
XX, Second
Series,
Amending
Chapter
Alcoholic
Beverages

Davis explained that per Council direction, staff was instructed to review Section 6-93 of the above ordinance, and recommend changes to Council that would provide additional clarification and discretion in the administration of penalties and fines under the ordinance.

Staff recommends City Council discuss the proposed amendments to Chapter 6, Article IV, Section 6-93 of the City Code and other changes as presented in the draft attachments.

Voss asked when we discussed this last time, he thought the consensus was on the first violation we were going to change the language so it was may. And in this version, the second violation is may, but he thought we were just going to deal with just the first violation to have the flexibility. Moegerle, "As she reads it the first violation is may, second violation is may. So when we get to the second violation both of them will, is that what you are suggesting?" Voss said he thought we were just changing the first violation, and now both the first and second are may. That is what we are discussing. Voss said the first violation okay, you made a mistake. The second violation, shame on you, you knew better. Moegerle, "Second violation could be your second violation in five years, does that mean may." Voss said he got a speeding ticket and it took him 30 years to get another one. Moegerle, "But you got another one. Your point is taken." Voss said he didn't think we discussed it and it is in here.

Lawrence, "He doesn't see a problem with may, there might be a special circumstance. Probably not, but if you take it out then you take out the leeway. If you put in shall, then you take out the leeway." Voss said especially when they are here for their first violation and we remind them that if they have a second violation they will get fined, they will lose their license. He said that is setting a standard for the community Moegerle, "What standard would someone have to meet to evoke the may? It would have to be a high standard. It will be the standard of the community, which the five us, as the hearing officers set. There is

nothing wrong with may, the penalty is out there. If you give them a very firm lecture at the first violation, whether it says may or shall, the penalty is still out there.”

Boyer, “He doesn’t see a problem with may. He has a larger problem with additional fines and violations. You could have violated this four times, but that doesn’t mean you are going to get your license revoked. Would like to see this may result in we suspend your license.” Moegerle, “This says the same thing, we just don’t repeat it over and over again.” Voss said this was hard to follow there was so many changes. Moegerle, “The idea was to simplify it and make it clear. Some paragraphs were ten (10) lines long.” DeRoche, “How about we add an E to #2 so you can do a suspension.” Moegerle, “But you can, under this.” Boyer, “Appreciate this, he sees how it is structured. If someone walked in here and had two violations in a month, don’t think they are taking this seriously.” Moegerle, “You have the suspension you can add under E.”

Voss asked in terms of violations, does our current ordinance state within these categories a suspension of license? Davis said, “Yes, it does.” Voss said then it should be listed under each of these. He remembers when it happened to Tom Thumb, it was much more an impact to lose the license. DeRoche, “As long as it stays may instead of shall.” Boyer, “What is the opinion of the City Attorney?” Vierling, “Structure of this draft can be confusing. May/shall think Council can give direction of what they want there. Would like to see the opportunity within each section as far as totality of what the fines and sanctions can be, they don’t have to be. At least that way every violation when you are reading it and enforcing it, you know what there is. He grants you there is duplication there. Voss said we talked about this many times, thought the last discussion was about may/shall. Moegerle, “Thinks this simplifies this, but if not the consensus, not the consensus.” Boyer, “Don’t think there is anything wrong with it, but.” Moegerle, “Think you and I read things like this more than the others.” Voss said that has nothing to do with this. Moegerle, “It has to do with our familiarity with these types of documents.”

Vierling, “What he is hearing you would like to do, is go back to the draft you had before and just change the may/shall thing.” Voss said if the consensus is to have may in the second violation we can discuss that at the next meeting. Boyer, “Correct me if I am wrong, but if we go with shall, there is no going back.” Lawrence, “If they are a repeat offender, that may will be a shall right away.”

Voss made a motion to table Ordinance XX, Second Series, Amending Chapter Alcoholic Beverages to allow staff to redraft. DeRoche seconded; all in favor, motion carries.

Ordinance 35,
Second Series,
Amending
Chapter 18,
Article IV
Regulating the
Sale of
Tobacco

Davis explained that this proposed Ordinance amendment would amend Sections 18-180 and 18-181 of the Code of Ordinances of the City of East Bethel as submitted in the attachments and remain consistent with Council directives as to the administration of penalties and fines under the ordinance.

Boyer, “He has the same comments as the Alcohol ordinance for the terms of fines and penalties.”

Voss made a motion to table Ordinance 35, Second Series, Amending Chapter 18, Article IV Regulating the Sale of Tobacco to allow staff to redraft with the same comments as the Alcoholic Beverages Ordinance. DeRoche seconded, all in favor, motion carries.

Davis explained that City Council approved a revision of the ATV Ordinance on December 21, 2011 and permitted ATV's to operate within the City Right of Way under certain conditions. As part of the motion approving the revisions, a review of any adverse implications that may have resulted as a result of the revision would be conducted in 90 days.

The time period required for initiating the review is now in effect and Council may wish to address this matter. To date, staff has received two complaints regarding the policy and these are as follows:

1. An anonymous caller complained about the revision to the Ordinance and expressed her thoughts as to what might occur as a result of the revision; and
2. A property owner complained about a group of ATV riders cutting the chain across his driveway to access Coon Lake.

Other than these two calls, there have been no additional complaints at this time.

Staff recommends Council review any affects due to the Ordinance revision as required in the motion for approval.

Voss said he has heard from some of the deputies. Asked has he talked to Lt. Orlando. Davis, "He had a discussion with some of the deputies and none of them had any real issues at the time." DeRoche, "He had a discussion with Lt. Orlando this afternoon and talked to the DNR and asked if there were any issues. Both said no, nothing out of the ordinary. Like he explained he put books and CDs out here and at Coon Lake Market. And they have a sign where they can change the letters that has the rules. Anybody that rides an ATV in the State of Minnesota, born after June of 1987 has to take an ATV Safety class. And if they are riding and they don't then they are violating the law, no matter what. He has also stopped and talked to deputies at Public Works and they have told him there haven't been any problems."

DeRoche, "Understand that an ATV road through and cut Doug Tierney's fence. But you can't ride on a county road unless you have a Class II. If you regulated it, (there are probably 40,000 ATVs in the State of Minnesota, he knows that because he was one of the first instructors in the state), there are numerous safety classes out there and he hasn't seen people just driving down the middle of the road. When he does see people riding on the right hand side of the road, he just refreshes their memory about wearing helmets or having a license. This City ordinance doesn't supersede any state laws. Deputy has stopped people and told them when they can and can't ride. This ordinance has nothing to do with people driving up and down the ditch.

Boyer, "His point in this, he voted against this, we pass ordinances not because a majority of people do things, it is but because of idiots. We use ordinances and laws to regulate idiotic behavior." Voss asked on County Road 22 are ATVs allowed to drive on the shoulder during nesting time? DeRoche, "No, county road, Class I, can't drive down side of road." Voss asked so the instances where they are allowed to ride on ditch, can they ride on shoulder to get around? DeRoche, "You are allowed to come up on the shoulder to get around." Voss said the reason he is asking is in his area there are a lot of driveways and they have to come up on shoulder. He said the way this is written now, ATVs can ride in right-of-way. And he would rather see it written like our snowmobile ordinance is written, have to be on City street. Voss said he would rather have the ATVs on the City street. Because in residential neighborhoods that right-of-way is as good as a person's yard. Haven't heard an issue yet,

but if going to tweak this at all, would rather see them riding in streets.

Voss said back to original question about sheriff's office, haven't heard any comments either. But the comments he has heard, is right or wrong, or ordinance is most lenient of all. He has noticed more, never seen ATVs riding on Wild Rice before. That particular one bothers him because we just widen it for pedestrians. Lawrence, "One comment he heard from our sheriff's office was our ordinance was so vague and misleading, they couldn't enforce anything on it." Voss said that is a reason to clean up the ordinance. He said his only suggestion is to change it from right-of-way to City street. Moegerle asked, "Where do you want to change that?" Voss said page 99 of the packet. Lawrence, "Do we have a licensing plan so if someone violates this we can turn them in?" DeRoche explained it is a state requirement to be licensed. He explained the license requirements. Boyer, "He has gotten a lot of complaints." Moegerle explained she has gotten an e-mail or two about issues. However she lives right at Coon Lake and hasn't seen any violations by adults. The violation she saw was at the pavilion and it was a kid. And she has heard complaints about the fact of the ordinance. But not heard complaints besides Doug Tierney's.

Sylvan Street
License
Agreement

Davis explained that on September 7, 2011 City Council approved a license agreement for Andy Nelson to utilize a portion of the Sylvan Street right-of-way for use as a septic tank and well location. Mr. Nelson appeared before Council on December 21, 2011 and expressed concern that the license did not address any terms of duration on the use. Mr. Nelson further requested that Council consider vacating the street or amending the agreement to include a fixed term for the license.

Per Council direction on December 21, 2011, staff was instructed to work with Andy Nelson at 4640 East Front Boulevard to prepare a license agreement amendment that would address the issues of the use and term for a portion of the Sylvan Street right-of-way for a septic tank and well location. Staff was also instructed to work with the MPCA to determine if there were any programs that were applicable to this situation.

In addition, a public hearing was held to consider vacating the street but the petition for vacation was denied by Council. As a matter of concern for this issue, Council agreed to work with Mr. Nelson to attempt to resolve the question of a term for the license. This license agreement would serve a dual function, as it would permit Mr. Nelson to relocate his systems, which in turn, would permit Doug and Linda Foster, adjacent property owners on the east to Mr. Nelson, the space to correct deficiencies in their system. Staff checked with MPCA to see if there were any available programs that might address this type of situation. Staff was told by MPCA that they had no programs that dealt with small scale issues of this nature and that their programs were directed toward public infrastructure projects.

City Attorney, Mark Vierling, has reviewed Mr. Nelson's submittal and recommends the changes that are presented in Attachment #2 to address the terms of the license and are summarized as follows:

"The term of this License Agreement and the License shall begin on the date stated in the first paragraph of this License Agreement and shall continue until the earlier of the following dates (which earlier date is herein referred to as the "Termination Date", namely: a) the date on which public sanitary sewer service has been extended to and is available for immediate connection to the residence located on License Holder's property or b) the date on which the City has decided to open and improve the right-of-way of Sylvan Street as it abuts License Holder's Property by the construction of public street improvements within the right-

o- way; (c) the date upon which the City Council decides to vacate the right-of-way pursuant to Minn. Stat. 412.851; or (d) the date upon which the City Council determines that it has a public use to which the land needs to be applied which is determined by the City Council to be inconsistent with the purpose of this License Agreement.”

Staff recommends approval of the amended license with the definition as to the terms of the agreement as presented.

Boyer, “This seems to definitely have a term unless a, b, c or d happens.” Vierling, “It doesn’t have a definite term. Understand the applicants concerns. In reality the City can issue a license in this nature, but this is not really under state law is not your property. You hold it in benefit for trust for the public, you have to have it available to the public so the conditions especially “c” and “d” keep with the City the authority to revoke the license at will. So it really comes down to a judgment call by the property owner as to whether or not they feel there is undue risk for them making that investment under those conditions.

Voss made a motion to approve the license agreement for Mr. Andy Nelson at 4640 East Front Blvd. NE as amended by the City Attorney. DeRoche seconded. Voss said this is essentially what we talked about last time, correct? Vierling, “Yes it is.” Moegerle, “What about the issue of removal of trees? Know that Mr. Nelson has said he is not going to remove any trees but then he may not be there for as long as this license agreement is in place. Or is this specific to him and not to any successors?” Vierling, “The purpose of the license agreement is only for him to install his facility there. He doesn’t have authority to do anything other than that. And he will have to coordinate with City Staff if there is a tree in the way of where he has to place a line. He doesn’t have authority to do anything other than place it and maintain it.” Moegerle asked “Does this move on to his successor and interest should he sell it?” Vierling said, “Yes.” Boyer asked, “Mr. Nelson, since your neighbor needs land for theirs and you need land for yours, why don’t you just swap some land?” Andy Nelson of 4640 East Front Blvd. NE, “The neighbor that needs to address his system, doesn’t have land to give. Really a puzzle tightly to fit into the land.” Boyer, “So you are saying you don’t have the land to give.” **All in favor, motion carries.**

Lowell Friday
– IUP
Discussion

Lowell Friday of 18215 Greenbrook Drive NE, “We propose the agreement with the Council. We had first met with the City Administrator to try to carry on a renewal. We ended up late. Got my paperwork filed two days before the deadline. Basically trying to solve the problem. Agreed in meeting with City Administrator and Mayor to cease my operation with horses, keep horses there, but wouldn’t do boarding or stallion breeding. Can’t move stallions because state law requires a 5’6” fence and some people are afraid of stallions. None of boarding places will take stallions, don’t have facilities for them. Little kids in neighborhood come and play with mine. Have a stack of okays of neighbors that kids that can come play with mine. Got pictures of horses that were taken.

Vierling asked, “Mr. Friday, he doesn’t mean to interrupt you, but can we frame the issue for the Council here? He received a call from your attorney today Mr. Al Johns?” Friday, “That is one of his attorneys.” Vierling explained as everyone is aware we have criminal matters pending in this matter. Mr. Friday’s Interim Use Permit (IUP) expired on the 18th of March. He applied for a new one two days prior. City staff had been sending out letters to him regarding renewal. The old IUP, he has determined, and he has instructed staff, has lapsed. Mr. Friday certainly has every right to apply for a new one. He has applied for a new one and will go through and have the hearings for that.

Vierling explained he thinks the issue that Mr. Friday wants to bring to you today is, "Is he going to be allowed to keep the animals he has on site now, or will he will be required to remove them before we get to the issue of applied IUP. And he has recommended to staff that because the old IUP as far as he has determined has lapsed, those horses should be removed and taken off the property. We will be scheduling the public hearing on the IUP soon, which is one of the other issues we will be discussing tonight. But this singular issue he wants to present to you is does he have to remove the animals from the site or can he keep them their until such time as you rule on his IUP request.

Friday, "That is basically correct, we made a gentleman's agreement that he would stop his operations." Davis, "Excuse me, Mr. Friday. You say there was a gentleman's agreement with whom?" Friday, "When we talked with you and the Mayor." Davis, "There was no agreement, let me make that perfectly clear." Friday, "The agreement was that we would take this to the lawyers and let them look at it, but the agreement was that this would possibly work out." Davis, "No, there were no guarantees. Let's make that abundantly clear, there were no agreements made on the City's behalf." Friday, "You gave me a written deal that you wanted the operation stopped but I could keep the horses." Davis, "That is totally incorrect, I told you to have your attorney contact Mr. Vierling so we could get clarification in this matter. It was my opinion that your IUP had lapsed and that you were not entitled to continue your operations. That is why we are here tonight."

Voss said he thinks we understand there is a disagreement about the timing here. Lawrence asked, "How many horses are on Friday's property now?" Friday, "I have 27 horses, can move mares off it that is a necessity. But the stallions would just be ridiculous." Lawrence, "So your request is to keep the horses on the property until the court case?" Friday, "Yes, I won't board, I won't do any breeding, I won't do anything. Just going to keep the horses there. But, will move all the mares out to pasture, because contrary to East Bethel, Ham Lake grandfathers me in and because I am a farm and have been a farm for 168 years. Lawrence asked, "So how many horses total?" Friday, "He could cut it down to six total. He has to have them, because you are required to have so much shelter and a 5'6" fence and most people do not even have a place where you can legally take one of these stallions. He has gotten down on his number of stallions, his permit allows for fourteen (14) and now he is down to six.

Moegerle, "I am very concerned about this from the standpoint that if we allow him knowingly to operate, to have these animals on his property in East Bethel without the proper permit. The precedent of that will overwhelm us with people doing this. We need to abide by our ordiannces and the ordinance says you can't have those animals without a permit. Plenty of notice was provided to Mr. Friday well in advance of expiration of his permit. In an unusual way, because she doesn't think we usually give people notice that their permits are about to expire. I am not inclined to afford him a special dispensation from the operation of our ordinances that wouldn't be given to other permit holders.

Voss said he wants to hear legal. Vierling, "He concurs with Council Member Moegerle. We have enough irons in the fire with both the criminal and potential civil with the IUP coming up. There has been plenty of time afforded. Adequate notice was given, even though notice wasn't required. He realizes Mr. Friday disputes that, and he has every right to dispute that. His recommendation to the Council is that he is instructed to remove the animals."

Voss asked is that the process when an IUP expires? Vierling, "That there is no longer any permit. You can (if you so wish) all the animals to be there while the matter is being heard

for the IUP, that is your call. Voss asked when is that scheduled for? Vierling, "That is one of the things we are going to be discussing. I am going to be asking to schedule this in the next four to six weeks." Voss asked if Mr. Friday continues to have horses on the property, it then becomes a non-compliance issue, and then we have to start proceedings on that, correct? Vierling said, "Yes." Voss asked and how long does that take, four to six weeks? Vierling said, "Yes." Voss said that seems like an odd situation.

DeRoche we have had people come in and had to get permits for two horses and had to get IUPs and were questioned on it. Vierling, "The other part that comes into play here, is some Council's don't agree to move the matter down the road and don't require the applicant to come into compliance. They have the applicant post some kind of financial bond to assure prompt compliance if the Council determines that they are not going to issue. Voss asked Mr. Friday, are you suggesting you reduce your current herd from twenty seven (27) to about six? So it is a substantial reduction and at that point we would be pursuing something for six horses, instead of 100, at conclusion of that just six more horses, doesn't seem as monumental, even if it is twenty seven (27) that it is now. To him to the extent we can take efforts to address the permit without substantial costs. Vierling, "I think you are looking at substantial costs potentially either way. What he is concerned about is Mr. Friday has his property in East Bethel, his property in Ham Lake. He has twenty seven (27) horses now and those horses can migrate back and forth hourly across the line in any which way you have." Friday, "Some of these horses are at a different facility in Ham Lake. Also, have Mary here who can tell you the horses are in Ham Lake under her. The stallions cannot run loose. I am about the only facility set up for stallions."

Voss asked if he can make a suggestion to staff, recognize Mr. Friday is operating without a permit at this time. Would like staff to take a look and see if there are issues with boarding the stallions. If there are other options, then he needs to move the stallions. Boyer, "Don't think Mr. Friday took this seriously. I am not interested in a compromise." Moegerle, "Agrees, there is not an amount of a bond that satisfies this. If there was a gun club that was expired, we wouldn't allow that to continue."

Vierling, "He would like authorization to move forward with a hearing officer. This type of hearing would be a real burden for the Planning Commission and staff. He has several retired judges he would like to check with. Otherwise he can go to the State Office of Appeals." Voss in terms of IUP appeals ordinance, who bears the cost of the hearing officer? Vierling, "The cost would more than likely be borne by the City."

Voss made a motion to direct staff to move forward with acquiring a hearing officer in the matter of the application for an Interim Use Permit (IUP) for Mr. Lowell Friday, 18215 Greenbrook Drive NE, East Bethel, MN 55092. DeRoche seconded. Boyer "Do you want a budget for this?" Vierling, "He would be more comfortable coming back with this." Voss said he would like to suggest that the hearing is held here. Vierling, "It will be held in this building." **All in favor, motion carries.**

Moegerle made a motion to direct staff to proceed with the regular method of dealing with permit and ordinance violations, regarding the Interim Use Permit (IUP) expiration for Mr. Lowell Friday at 18215 Greenbrook Drive NE, East Bethel, MN for horses. Boyer seconded; all in favor, motion carries.

Schedule
Council Work

Moegerle, "There was a substantial amount of documents sent out and presentations, so the meeting could be lengthy." Voss said he was at the meeting the other night. Does the EDA

have recommendations and do they want to present those to us? Davis, “We presented this to the EDA at the last meeting in case they didn’t have the opportunity to come.” Voss said but what he means is from what he understands you want to do is start to implement some of these things and he would think that the EDA would make the recommendations to Council. Or do it as a joint session. Moegerle, “We are having an issue with getting everyone to attend joint sessions. The other issue is Council timelines, Council priorities this needs to be coordinated with the EDA as well. There may be a priority that Council sees that the EDA doesn’t see or vice-versa. It would be valuable to have all twelve of us together, but we haven’t been able to get all five of us together. So, it’s something that needs to be discussed to mutually inform each other. Voss asked and the EDA doesn’t have any inkling to make a recommendation to Council? Moegerle explained that our last discussion was what Ady Voltedge had come up with, at our March meeting. Our next monthly meeting will be the end of April. We frequently have meetings in between, but attendance is spotty because it is not a scheduled permanently set date. So again, facing the problem of getting everyone together for meaningful dialogue, where we are likely to be able to get together even before the EDA meets.

Voss said his point is that is why we have commissions, he would like to hear the EDAs thoughts on this. Davis said then we should schedule a joint meeting with the EDA. Moegerle said, “And her sense of what happened at the meeting of the EDA was acceptance and consensus of the Ady Voltedge report. This was not formally voted on.” Voss asked can we get the minutes so we can see the discussion? So they had discussion about the report? Davis explained we presented an overview of the report. This was a meeting that Council was invited to. We can provide you with the minutes.

Moegerle asked, “Is a joint meeting what you would prefer?” Voss said he would like for them to have their meeting first and then have them present this to us. Moegerle, “Would you like to have a joint meeting after that?” Voss said we can have a joint meeting after that. Moegerle asked, “Can we all attend the EDA meeting on April 25th?” Voss said we can do this on April 25th as a joint meeting, just be discussion and then we can meet again on May 2nd before the Council meeting at 6:30 p.m. if needed. Moegerle, “I feel there is a greater urgency than this timeline reflects.” DeRoche cannot attend on the 25th. Voss asked the documents, know we got them in pieces by e-mail. Davis, “He has a copy of the plan. Anyone that wants a copy, we can get one to you. We will get you a copy electronically and a hard copy to those that want one.”

Council
Reports –
DeRoche

DeRoche, “There have been a lot of fires. Chief DuCharme sent out a couple maps today on the fire danger. Burning ban still on. Can have recreational fires. I attended the stakeholder’s meeting on Monday, and it was very good.”

Council
Reports –
Moegerle

Moegerle, “We have a lot to do with the Ady Voltedge issue. They have given us an action plan and we need to sort that all out. Was a great meeting with the Sandhill Crane on March 23rd. We had representatives from Linwood Township with their ecological, environmental concerns. The whole group is interested in doing a regional plan to an area of eco-tourism, eco-recreation and eco-education including Coon Lake, Martin Lake, Typo Lake and circling around to Cedar Creek and East Bethel Blvd. There is a lot of grant money available for regional environmental development. The idea is it would be a bike, walk, educational experience. I discovered in the City ordinances that highways are defined as public places, public places, public places are cemeteries and school yards, so our cemeteries and school yards are highways. Also, it is spring and we need to remember our dogs need to be on leashes or under control.

Council
Reports –
Voss

Voss asked have we heard anything from the DNR when burning will be lifted. Davis, “As DeRoche said the Fire Chief sent out some information that this area was in the high incident for fire danger.” Voss asked can we get an update on the project on 221st and 65. Davis, “The project will be bid on the later part of July. It will start in August. MnDOT will be done white-topping by Labor Day. Voss asked when will temporary lights go up? Davis, “Maybe by next month.” Voss asked at what point do IUP renewals become a staff item. Davis, “They have always come back to Council. They way it is currently set up.” DeRoche, “Think it is a good idea.” Boyer, “It could be put in the consent agenda.” Voss asked in the minutes we had tonight and the last meeting, seemed like we had a lot of quotes, quotation marks. Question he has if down the road there is a case, to him it reads like these are verbatim, and because Council approved them, they are certified. Vierling, “Your official record by statute and law is the minutes. He can tell you in the last five to ten years with cablecasting, and tapes, whenever we have had issues with civil litigation, the tapes are replayed and transcribed. Davis, “Just a matter of cleaning it up and putting it in proper grammatical form.” Voss said that is fine, but if approving these, he wanted to bring this up. He said it seems odd and cumbersome.

Council
Reports -

Lawrence, “Talked to a few residents that were having a hard time getting ahold of staff at City Hall.” Davis, “This staff person is the only staff person in this department right now and is very busy. Generally, these staff members are involved in enforcement type activities of Council. And a lot of times when people don’t hear what they want to hear from them, they automatically speak negatively of these staff members. Springtime, in the building department, a lot of improvements are going on, and our staff is out doing a lot of inspections.” Lawrence, “A resident asked about the sirens down at Coon Lake Beach, if they worked.” DeRoche and Moegerle both indicated that the sirens work, they went off to day at 1:00 p.m.

Vierling explained that for the benefit of the public and the public record, Council has recommended we go into closed session per Minnesota Statute 13D regarding a matter of litigation, Great River Energy (GRE) vs. the City of East Bethel, District Court File # 02-CV-115638. After the closed session, Council will return into open session to announce any motions or actions.

DeRoche made a motion to go into closed session to discuss Great River Energy vs. the City of East Bethel. Voss seconded; all in favor, motion carries.

Vierling explained that the Council has concluded the closed session. Attending were Council Members Moegerle, Voss, and DeRoche and Mayor Lawrence. Council Member Boyer was not able to be there. Also attending were Jack Davis, City Administrator and myself, City Attorney. Council and the Mayor received an update from staff regarding possible terms a of settlement and gave advice to staff, but no specific actions or motions were made.

Davis explained that staff is recommending that Council consider working towards a settlement on the Great River Energy issue. In working with Athens Township, they have agreed to consider the approval of a Conditional Use Permit (CUP) for Route E1 with the condition that East Bethel participates in the improvements for the repair of some boundary streets that are commonly shared by both Athens Township and the City of East Bethel. This involves 245th Avenue NE, east of University Avenue, including re-grading and Class V and 245th Avenue NE and Highway 65 (entrance to Castle Towers), and west 700 feet. It is

recommended that Council approve participation in this project in an attempt to work towards the settlement of the GRE issue.

Voss made a motion to approve participation with Athens Township on the improvements for the repair of some boundary streets that are commonly shared by both Athens Township and the City of East Bethel. This involves 245th Avenue NE, east of University Avenue, including re-grading and Class V and 245th Avenue NE and Highway 65 (entrance to Castle Towers), and west 700 feet. This participation is an attempt to work towards the settlement of the GRE issue. DeRoche seconded; all in favor, motion carries.

Vierling, "There is an issue that Athens Township has with regard to potential annexation. The concern they have affects the binding of both this community and that community. Because the principles involved potentially have conflict with a number of legal requirements he requests that the Council allow him to contact Athens Townships legal representative and see if we can work cooperatively to come up with terms and conditions that meet the requirements of law and to satisfy both of our clients.

Moegerle made a motion to direct our City Attorney to work with Athens Township's legal representative to cooperative come up with terms and conditions that meet the requirements of law and satisfy both Athens Township and the City of East Bethel. Lawrence seconded; all in favor, motion carries.

Adjourn

DeRoche made a motion to adjourn at 10:25 PM. Lawrence seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

**CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA**

RESOLUTION 2012-22

**RESOLUTION APPROVING APPLICATION FOR A RAFFLE PERMIT FOR
MIDWEST ANIMAL RESCUE SERVICES WITH NO WAITING PERIOD**

WHEREAS, Midwest Animal Rescue Services (MARS) has made application for a gambling permit for a raffle to be held on June 23, 2012 at Fat Boys Bar & Grill, 21383 Ulysses Street NE, East Bethel, MN 55011.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA that the gambling permit application for Midwest Animal Rescue & Services for a raffle to be held on June 23 2012 at Fat Boys Bar & Grill, 2383 Ulysses Street NE, East Bethel, MN 55011 is approved with no waiting period.

Adopted this 18th day of April, 2012 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



MIDWEST ANIMAL RESCUE & SERVICES

Where all roads lead home.

March 30, 2012

East Bethel City Hall
Wendy Warren
2241 – 221st Ave NE
East Bethel, MN 55011

Dear Wendy:

Thank you for your help in getting the following application into the East Bethel City Council meeting in April.

To refresh your memory, Midwest Animal Rescue & Services (501(c) 3 non-profit – exempt certificate is enclosed) will be holding its 2nd Annual Rescue Motorcycle Run at Fatboy's on June 23, 2012 to benefit the 350 animals in our care. At the conclusion of the ride, we will be holding a tent party and motorcycle stunt show. With East Bethel's permission, we would like to add to these activities a ticket drawing (raffle). The winners will receive donated prizes, each valuing at least \$25.00. Tickets will be sold on-site for \$1.00, and you must be present to win. All money collected will be used to benefit our mission.

Per the State of Minnesota Gambling laws, we are required to receive approval from the City to conduct this drawing (raffle). Enclosed is our application that needs to be submitted to the State, with East Bethel's approval. (City needs to fill in appropriate sections on page 2)

Please let me know if you or the Council needs further information from us. Call me at 612-964-7305 or email me at rpaulson@midwestanimalrescue.org.

Thank you for your help and also thank the East Bethel City Council for us.

Please mail completed application to:

MARS
C/O Richard Paulson
4112 83rd Ave N
Brooklyn Park, MN 55443

Sincerely,

Richard L. Paulson
CFO
Midwest Animal Rescue & Services

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:
 - conducts lawful gambling on five or fewer days, and
 - awards less than \$50,000 in prizes during a calendar year.

Application fee	
If application postmarked or received:	
less than 30 days before the event	more than 30 days before the event
\$100	\$50

ORGANIZATION INFORMATION				Check# _____ \$ _____
Organization name Midwest Animal Rescue & Services		Previous gambling permit number		
Minnesota tax ID number, if any 9675774		Federal employer ID number, if any 20-8496665		
Type of nonprofit organization. Check one. <input type="checkbox"/> Fraternal <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input checked="" type="checkbox"/> Other nonprofit organization				
Mailing address 4112 83rd Ave N		City Brooklyn Park	State MN	Zip Code 55443
Name of chief executive officer (CEO) J. Susan Bates		Daytime phone number	Email address accounting@midwestanimalrescue.org	
Attach a copy of ONE of the following for proof of nonprofit status.				
Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.				
<input type="checkbox"/> Nonprofit Articles of Incorporation OR a current Certificate of Good Standing . Don't have a copy? This certificate must be obtained each year from: Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155 Phone: 651-296-2803				
<input checked="" type="checkbox"/> IRS income tax exemption [501(c)] letter in your organization's name. Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.				
<input type="checkbox"/> IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter) If your organization falls under a parent organization, attach copies of <u>both</u> of the following: a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and b. the charter or letter from your parent organization recognizing your organization as a subordinate.				
GAMBLING PREMISES INFORMATION				
Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place. Fatboys Bar and Grill				
Address (do not use PO box) 21383 Ulysses St		City or township East Bethel	Zip Code 55011	County Anoka
Date(s) of activity (for raffles, indicate the date of the drawing) June 23, 2012				
Check the box or boxes that indicate the type of gambling activity your organization will conduct:				
Bingo*	<input checked="" type="checkbox"/> Raffles	Paddlewheels*	Pull-Tabs*	Tipboards*
<p>* Gambling equipment for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.</p> <p>To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-639-4000.</p>				

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

If the gambling premises is within city limits, a city official must check the action that the city is taking on this application and sign the application.

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).
- The application is denied.

Print city name _____

On behalf of the city, I acknowledge this application.
Signature of city personnel receiving application _____

Title _____ Date _____

If the gambling premises is located in a township, a county official must check the action that the county is taking on this application and sign the application. **A township official is not required to sign the application.**

- The application is acknowledged with no waiting period.
- The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.
- The application is denied.

Print county name _____

On behalf of the county, I acknowledge this application.
Signature of county personnel receiving application _____

Title _____ Date _____

(Optional) TOWNSHIP: *On behalf of the township, I acknowledge that the organization is applying for exempted gambling activity within the township limits. [A township has no statutory authority to approve or deny an application [Minnesota Statute 349.166]]*

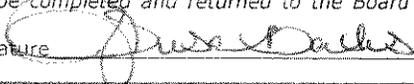
Print township name _____

Signature of township official acknowledging application _____

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

The information provided in this application is complete and accurate to the best of my knowledge. I acknowledge that the financial report will be completed and returned to the Board within 30 days of the date of our gambling activity.

Chief executive officer's signature  Date 3-30-12

Complete a separate application for each gambling event:

- one day of gambling activity
- two or more consecutive days of gambling activity
- each day a raffle drawing is held

Send application with:

- a copy of your proof of nonprofit status, and
 - application fee for each event
- Make check payable to "State of Minnesota."

To: Gambling Control Board
 1711 West County Road B, Suite 300 South
 Roseville, MN 55113

Financial report and recordkeeping required

A financial report form and instructions will be sent with your permit, or use the online fill-in form available at www.gcb.state.mn.us. Within 30 days of the activity date, complete and return the financial report form to the Gambling Control Board.

Questions?

Call the Licensing Section of the Gambling Control Board at 651-639-4000.

This form will be made available in alternative format (i.e. large print, Braille) upon request.

Data privacy notice: The information requested on this form (and any attachments) will be used by the Gambling Control Board (Board) to determine your organization's qualifications to be involved in lawful gambling activities in Minnesota. Your organization has the right to refuse to supply the information; however, if your organization refuses to supply this information, the Board may not be able to determine your organization's qualifications and, as a consequence, may refuse to issue a permit. If your organization supplies the information requested, the Board will be able to process your organization's application.

Your organization's name and address will be public information when received by the Board. All other information provided will be private data about your organization until the Board issues the permit. When the Board issues the permit, all information provided will become public. If the Board does not issue a permit, all information provided remains private, with the exception of your organization's name and address which will remain public.

Private data about your organization are available to: Board members, Board staff whose work requires access to the information; Minnesota's Department of Public Safety; Attorney General; Commissioners of Administration, Minnesota Management & Budget, and Revenue; Legislative Auditor, national and international gambling regulatory agencies; anyone pursuant to court order; other individuals and agencies specifically authorized by state or federal law to have access to the information; individuals and agencies for which law or legal order authorizes a new use or sharing of information after this notice was given; and anyone with your written consent.

Reset Form

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: APR 15 2008

MIDWEST ANIMAL RESCUE SERVICES
PUPPY RESCUE OF MINNESOTA
C/O JILL SUZANNE BATES
6413 NOBLE AVE N
BROOKLYN CENTER, MN 55429

Employer Identification Number:
20-8496665

DLN:
17053303026047

Contact Person:
DEBRA JOHNSON

ID# 75126

Contact Telephone Number:
(877) 829-5500

Accounting Period Ending:
June 30

Public Charity Status:
170(b)(1)(A)(vi)

Form 990 Required:
Yes

Effective Date of Exemption:
June 4, 2007

Contribution Deductibility:
Yes

Advance Ruling Ending Date:
June 30, 2011

Addendum Applies:
No



Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. During your advance ruling period, you will be treated as a public charity. Your advance ruling period begins with the effective date of your exemption and ends with advance ruling ending date shown in the heading of the letter.

Shortly before the end of your advance ruling period, we will send you Form 8734, Support Schedule for Advance Ruling Period. You will have 90 days after the end of your advance ruling period to return the completed form. We will then notify you, in writing, about your public charity status.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Letter 1045 (D0/CG)



Barter Agreement

This BARTER AGREEMENT (“Agreement”) is made effective as of _____, 2012 (the “Effective Date”), by and between NEXTEL WEST CORP., a Delaware corporation d/b/a Nextel Communications, (“Sprint”), with offices located at 6391 Sprint Parkway, Overland Park, Kansas 66251, and THE CITY OF EAST BETHEL, a Minnesota municipal corporation (hereinafter “East Bethel”) with an address of 2241 221st Avenue NE, East Bethel, MN 55011.

Recitals

WHEREAS, East Bethel will receive certain benefits from Sprint, as set forth in Exhibit A attached to this Agreement.

NOW, THEREFORE, in consideration of the mutual agreements and promises contained herein, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Term of Agreement

The term of this Agreement will commence on the Effective Date and will expire on December 31, 2019 unless terminated earlier as provided for herein.

2. Obligations of Sprint

2.1 Sprint will provide East Bethel with the products and/or services (“Sprint Products” and/or “Sprint Services”) described on Exhibit A which is attached hereto and incorporated herein. The value of such Sprint Products and/or Sprint Services is stated in Exhibit A. The Sprint Products are subject to Sprint standard return policies and warranties, if any. Upon the expiration or termination of this Agreement, East Bethel will own the Sprint Products and will not be required to return them to Sprint. East Bethel acknowledges the replacement of lost/stolen or damaged equipment listed in Exhibit A is East Bethel’s responsibility. East Bethel acknowledges that the Sprint Products are designed exclusively to work on Sprint’s proprietary wireless network(s). Sprint makes no representations or warranties as to the ability of the Sprint Products to work on the system or network of any other wireless telecommunications service provider.

2.2 Sprint will provide East Bethel with monthly service credits (“Monthly Service Credits”) in the amount stated on Exhibit A.

2.3 Sprint will invoice East Bethel monthly for the Sprint Services. The Sprint Services are provided to East Bethel in the form of a Monthly Service Credit (“MSC”) to offset amounts that East Bethel owes to Sprint for the Sprint Services. The MSC identified in Exhibit A will apply only to normal monthly recurring charges (“Recurring Charges”) and non-recurring usage-based charges (“Usage Charges”). Recurring Charges and Usage Charges are together referred to herein as “Service Charges.” The MSC shall not apply to any federal, state or local taxes, surcharges or other fees and expenses (together, “Tax Charges”). Usage Charges include overage charges (e.g., call minutes used above the base plan), Internet access using Sprint Products, 411 calls, roaming calls, and long distance and international call charges. The MSC will be credited on a per subscription basis, and the amount of MSC for each subscription may not be combined with other subscriptions. Any portion of the MSC that is unused by East Bethel in any

billing period will expire and be forfeited at the end of the monthly billing period, will not be carried over to any future billing period, and may not be shared by, or used to offset, another subscription.

2.4 If East Bethel fails to pay any amount owed to Sprint when due or fails to comply with the terms of any Sprint subscription, and fails to cure such failure promptly upon receipt of written notice, Sprint may, at its option, elect to terminate provision of Sprint services to East Bethel, and terminate this Agreement as of the effective date of termination of Sprint services. East Bethel acknowledges and agrees that Sprint's normal policies and procedures for collecting delinquent accounts apply to East Bethel, including without limitation suspension of Sprint services for non-payment, collections letters, and referral to outside collection agencies. Any failure of Sprint's network or system at any time or any failure of the products to work at any time will not be a breach or failure of consideration for this Agreement.

3. Termination

Sprint may terminate this Agreement prior to the date set forth in paragraph 1 herein in the event its site license located at 20765 NE Highway 65, East Bethel, MN 55011 expires or is terminated prior to December 31, 2019.

4. Representations and Warranties

Each party hereto represents and warrants that it has full power and authority to enter into this Agreement, to assume the obligations hereunder and that the execution, delivery and performance of this Agreement will not infringe upon the rights of any third party or violate the provisions of any other agreement to which such party is bound.

5. Notices

Any notices to be provided to the parties in this Agreement will be sent by facsimile, first class mail, return receipt requested, certified mail, overnight mail or hand delivered to the following addresses:

<p>As to SPRINT:</p> <p>Sprint Nextel Property Services Mailstop KSOPHT0101-Z2650 6391 Sprint Parkway Overland Park, KS 66251-2650</p> <p>With a copy to:</p> <p>Sprint Nextel Law Department Mailstop KSOPHT0101-Z2020 6391 Sprint Parkway Overland Park, KS 66251-2020</p>	<p>As to East Bethel:</p> <p>City of East Bethel 2241 221st Avenue NE East Bethel, MN 55011</p> <p>Attn: City Clerk</p>
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The addresses herein given may be changed at any time by either party by written notice given to the other party as herein provided.

6. Assignment

The parties to this Agreement may not assign, transfer, share or divide, voluntarily or involuntarily any of their rights or privileges under this Agreement without the prior written consent of the other party; provided, however, that (i) Sprint may assign this Agreement without obtaining such consent to any entity that it controls, is controlled by, or is under common control with (each such entity will be referred to as an “Affiliate”), or in connection with a merger, consolidation, or sale of all or substantially all of its assets, stock or other equity interests with or to a successor (which for the purposes hereof will be deemed included in the term Affiliate) and (ii) Sprint will be entitled to activate all rights and benefits and claim the protections herein described, in a manner that includes all brands (e.g., the “Sprint” brand, the “Nextel” brand, etc.), sub-brands, successor brands, marks, products and services of Sprint Nextel Corporation and its Affiliates.

7. Governing Law

This Agreement will be governed by and construed in accordance with the laws of the state of Minnesota, without regard to any conflict of laws principles.

8. Entire Agreement

This Agreement contains the entire agreement between the parties relating to the subject matter hereof and any prior or contemporaneous oral or written agreements, understandings, warranties, representations or promises relating to such subject matter are merged in this Agreement. This Agreement cannot be modified or changed except by written instrument signed by all of the parties to this Agreement.

9. Severability

If any provision of this Agreement is held to be void, invalid, illegal, or unenforceable under any law or regulation, such void, invalid, illegal, or unenforceable provision will be (i) revised to the minimum extent necessary (while still reflecting the original intent of this Agreement as closely as possible) in order to make it valid, legal, and enforceable, or (ii) deemed stricken if such revision is impracticable or impossible; and in either event all remaining provisions will continue to be valid and binding upon the parties.

10. Confidentiality

Each party will maintain the Confidential Information of the other party and will not disclose such information to any third party without the other party’s prior written consent, except with regard to each of the parties’ accountants, agents and attorneys that have a bona fide need to know such Confidential Information, and except as required by law or other legal proceeding. “Confidential Information” means all non-public, proprietary information of either party that is not generally known to the public, including without limitation information regarding either party’s affiliates, employees, agents, or customers, or the terms of this Agreement. “Confidential Information” does not include information which (i) is or becomes generally available to the public other than as a result of a disclosure by recipient or its representatives in breach of this Agreement, (ii) was available to recipient on a non-confidential basis prior to the disclosure to recipient by the other party or (iii) becomes available to recipient on a non-confidential basis from a source other than the other party; provided that, to the actual knowledge of the recipient, such source is not bound by a confidentiality agreement with or other obligation of secrecy to the other party

11. Miscellaneous

This Agreement will be deemed to have been prepared by both parties mutually. Any ambiguity herein will not be construed against any one party hereto. The titles and subtitles of the various sections and paragraphs are inserted for convenience and will not be deemed to affect the meaning or construction of any of the terms or provisions of this Agreement. The parties agree that they will perform all other acts and execute and deliver all other documents, which may be necessary or appropriate to carry out the intent and purposes of this Agreement. No portion of this Agreement is binding upon either party hereto until it is executed by an authorized representative of each party in the space provided below. Prior to such execution, neither the submission, exchange, return, discussion, nor the negotiation of this document, whether or not this document is then designated as a “draft” document, will have any binding effect on either party.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

NEXTEL WEST CORP.
d/b/a NEXTEL COMMUNICATIONS

CITY OF EAST BETHEL

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Exhibit A

BENEFITS PROVIDED BY SPRINT

Sprint will provide East Bethel with the following Products and/or Services:

Sprint Products	Number of Units	Unit Cost
Total Value of Sprint Products Value	0	0
Monthly Service Credit for Subscription \$165.00/month until December 31, 2019		
Total Value of Sprint Services	~\$ _____	
Total Value of Sprint Products and Services		

Use of Products and Services. Use of the Sprint Products and Sprint Services is subject to Sprint's standard terms and conditions of service (a copy of which typically is available in the user guide for each handset).

Continued Use After Expiration or Termination. Upon the expiration or earlier termination of this Agreement, East Bethel will be responsible for all subsequent charges for service, fees and taxes incurred by continued use of the Sprint Products and/or Sprint Services, unless otherwise agreed upon in writing by both parties.

* East Bethel acknowledges that upon expiration or termination of this Agreement, East Bethel is responsible for all account maintenance through Sprint customer service (e.g., East Bethel will be responsible for closing applicable accounts, keeping applicable lines active, porting numbers to different carriers, etc.). Termination or expiration of this Agreement will not automatically cancel/deactivate the applicable phone accounts.



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Planning Commission Meeting Minutes for March 27, 2012

Requested Action:

Information Only

Background Information:

Information Only. These minutes are in draft form. They have not been approved by the Planning Commission.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

EAST BETHEL PLANNING COMMISSION MEETING

March 27, 2012

The East Bethel Planning Commission met on March 27, 2012 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Brian Mundle, Jr. Eldon Holmes Tanner Balfany Joe Pelawa
Lorraine Bonin Glenn Terry Lou Cornicelli

MEMBERS ABSENT:

ALSO PRESENT: Stephanie Hanson, City Planner
Heidi Moegerle, City Council

Adopt Agenda

Chairperson Mundle called the March 27, 2012 meeting to order at 7:00 P.M.

Mundle motioned to adopt the March 27, 2012 agenda. Holmes seconded; all in favor, motion carries.

Commission Appointment and Oath of Office

At the January 24, 2012 Planning Commission meeting, Commission members Holmes and Terry took the Oath of Office. Since Commission member Pelawa was absent, he will take the oath of office this evening.

I, Joe Pelawa do solemnly swear or affirm that I will support the Constitution of the United States of America and the State of Minnesota, and faithfully discharge the duties as a member of the City of East Bethel Planning Commission in the County of Anoka and the State of Minnesota to the best of my ability. So help me God.

Public Hearing: Zoning Text Amendment to Allow Automotive and/or Motorcycle Internet Distribution Sales in the B3-Highway Commercial Zoning District and Establishing Regulations

At the January 24 Planning Commission meeting, Mr. DiMuzio and Mr. Valder of Valder Vehicles made a presentation discussing open sales lots. After much discussion, Planning Commission recommended staff to propose a zoning text amendment (ZTA) that would allow for open sales lots with regulations.

City Council discussed this same matter at their regular scheduled meeting on February 1 and again on February 15. It is the consensus of City Council, the City Attorney, and City Staff that the proposed business can be defined as "Internet Distribution Sales." The City Attorney drafted a definition for "Internet Distribution Sales" and Staff and the City Attorney have developed draft language to regulate the use. The draft language was provided to City Council at the February 15 meeting. City Council directed staff to proceed with the zoning text amendment.

On February 28, 2012, Planning Commission discussed the proposed language and directed staff to make some modifications and to prepare for the public hearing to be held this evening.

The proposed changes are as follows:

SECTION 01 GENERAL PROVISIONS OF ADMINISTRATION

Motor Vehicle and/or Motorcycle Internet Distribution Sales (only): A business predicated on sales through internet communication elements of which consist of the following: at least ninety-five (95) percent of all sales are initiated and secured through internet communication between buyer and seller; the business has no pre-sale acquired inventory; all sales are substantially completed before the product is delivered to the business site for delivery to the customer; there is minimal need for automotive storage on site with the exception of automobiles awaiting customer pickup; there is limited need for exterior storage, and no automotive repair or maintenance is conducted outdoors.

Motorcycle: Every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, including motor scooters and bicycles with motor attached, excluding tractors.

SECTION 47 HIGHWAY COMMERCIAL (B-3) DISTRICT

Interim Uses: Motor Vehicle and/or Motorcycle Internet Distribution Sales; limited to no more than a two (2)-year permit.

SECTION 10 GENERAL DEVELOPMENT REGULATIONS

Motor Vehicle and/or Motorcycle Internet Distribution Sales

An interim use permit is required and is limited to no more than two (2) years in duration, upon initiation or renewal.

- 1) At least ninety-five (95) percent of all sales shall be initiated and secured through Internet communication between buyer and seller.
- 2) Exterior storage area for vehicles and/or motorcycles is limited to 4,000 square feet and shall not interfere with access to required parking spaces. Exterior storage is limited to no more than twenty (20) vehicles and/or motorcycles for a maximum of forty-five (45) days.
- 3) Exterior storage of inoperable vehicles and/or motorcycles, equipment, parts, or materials used in the conduct of the business is prohibited. On site storage of damaged vehicles and/or motorcycles is prohibited.
- 4) Minor vehicle and motorcycle maintenance is permitted as an accessory use as to vehicles and/or motorcycles awaiting sale and delivery only, within a structure. All vehicles awaiting maintenance must be stored inside the principal structure. Body work is prohibited.
- 5) Vehicle and/or motorcycle storage area shall be surfaced with concrete or bituminous and shall meet required parking setbacks. Vehicles and/or motorcycles must not be stored in the right-of-way.

- 6) All necessary state and city licenses shall be obtained prior to operation and displayed for public view during business hours.
- 7) Business owner must submit records of sales type as requested by city staff within fourteen (14) days of request.
- 8) All signs associated with the use shall be in compliance with the East Bethel Sign Ordinance.

Staff requests Planning Commission to hold the public hearing for the ZTA to permit automotive and/or motorcycle internet distribution sales in the B3 – Highway Commercial zoning district with restrictions. After the public hearing, Staff requests Planning Commission make a recommendation of approval to City Council. This matter will be heard at the April 4, 2012 regularly scheduled City Council meeting.

Public hearing was opened at 7:04 p.m. and was closed at 7:05 p.m.

Holmes stated we already have an Internet sales business that will have a problem with the regulations, Crashed Toys. Hanson stated that it is a legal non-conforming use for the location. Holmes stated the General Development Regulations have a problem. Hanson stated they are an existing business that is legal, non-conforming. If they wanted to expand their business to vehicle sales, it could affect them. Balfany stated there isn't any preview sale and all the vehicles are not owned by Crashed Toys, they are owned by insurance companies. Holmes stated if they want to expand, they would be prohibited by this ordinance. Hanson stated they do have an entity that does cars, and that is in Ham Lake. Balfany stated he doesn't see this as an issue at this point. Holmes stated he can see it as a problem.

Terry stated he has a question on number 3. He read number 3 - Exterior storage of inoperable vehicles and/or motorcycles, equipment, parts, or materials used in the conduct of the business is prohibited. On site storage of damaged vehicles and/or motorcycles is prohibited. Hanson stated the second sentence should be removed, as they say the same thing.

Terry stated he doesn't understand why we need number 8. All signs should be in compliance with our sign ordinance. Holmes likes it in there, since we have issues with that all the time. Terry withdrew his complaint. Cornicelli stated it looked like all the items that were discussed at the last meeting were incorporated.

Balfany made a motion to recommend approval to City Council of the Zoning Text Amendment to Allow Automotive and/or Motorcycle Internet Distribution Sales in the B3-Highway Commercial Zoning District and Establishing Regulations, with the change of removing number 8. Motion was seconded by Mundle; all in favor, motion carries.

This matter will be heard at the April 4, 2012 regularly scheduled City Council

meeting.

**Discussion of
Proposed Changes to
the Tree Preservation
Ordinance**

The existing East Bethel Code regulates tree preservation within all new subdivisions but lacks regulations for the mass removal of trees on non-developing parcels.

Over the past few years, there have been instances of significant tree clearance and clear cutting. Currently, the City of East Bethel Code regulates tree removal as part of the subdivision process (Chapter 66, Article VIII) but there are no regulations for the mass removal of trees in preparation for future development on non-developing properties. Also, the current ordinance is vague as to when a tree preservation plan is to be submitted and is not specific as to tree replacement calculations, tree replacement schedule, tree warranty, and mitigation measures.

In response to this situation, staff has prepared amendments to the existing Tree Preservation Ordinance (Chapter 66, Article VIII) and recommends regulations for tree removal on non-developing parcels, and addresses the deficiencies in the existing ordinance. The proposed changes will also add measures to improve the enforcement of the ordinance.

The draft proposal was prepared in consultation with the City Attorney. Should this proposal move forward and be approved at a later date, the ordinance would be moved from Chapter 66, Subdivision, to Chapter 26, Environment. Attachment #1 includes the proposed changes in an underlined format.

Staff requests Planning Commission to discuss the proposed changes and provide staff with direction in regards to amending the tree preservation ordinance to include regulations for tree removal on non-developing lands.

City Council did look at it at their last meeting and they requested that Planning Commission discuss the proposal.

Hanson stated when the subdivision ordinance was first completed, there was a section about tree removal on non-developing lots but it was removed because it did not have the support; it was thought to be too restrictive. Balfany asked if this proposal came from other cities. Hanson stated not a lot of cities have a tree preservation ordinance but the cities she talked to wished they would had one because clear cutting has been an issue.

Bonin stated it is not separated from the development thing, their intention is to development, and it should be developed. Balfany stated if someone wants to make the area cornfields or something, they should be able to do what they want. But if it gets developed, they need to do something with the land.

Hanson explained if you do cut trees on your property and it is developed within 10 years, then you need follow the tree preservation plan. Holmes stated is this residential or commercial property.

Hanson stated if a residential property is existing and you are clearing it for a

garage, it is kind of like free trees. Mundle stated he thought that personal land can be cleared, when he was looking at platted residential lots area of the proposal. Hanson stated on page 20 it states owners of platted residential lots can remove up to 100 percent of the trees on the lot without replacement. Terry stated why 100 percent. Bonin stated that is kind of a lot. Mundle clarified if they are specimen trees, they need a permit. Balfany stated he has over one-third of an acre lot; in his back yard he has really tall pine trees and a small tree in his front yard. Personally he would like to see all of the trees in his backyard gone and he wouldn't notice a change with all the trees around him. Bonin stated if there are evergreens planted for windbreaks, would they be affected. Hanson stated for coniferous trees there are also specifications. Terry stated to him it would make a difference if a lot was in a wildlife corridor or a residential area. Holmes stated there he doesn't think people would clear cut their lots. Cornicelli stated his neighbor is doing it right now.

Terry had an addition on page 12, under nuisance. He thought invasive species could be added, such as buck thorn. Mundle asked if we had a city forester/inspector. Hanson stated we did at one point but isn't sure if the Public Works Manager is a tree inspector.

Mundle stated where it says 'dead, dying or diseased trees', is there anything that takes into account storm damage to trees. He explained half of a tree could fall off, but the whole tree isn't dead. The tree is lopsided or looks ugly. If a tornado comes through, and one-half is mangled, they could be taken down. Bonin stated if a tree is injured due to a tornado, it will fill in again. Balfany stated if they want to remove it because they don't like it anymore, they should be able to remove it.

Pelawa asked if the forester has to be certified by the State of Minnesota. Hanson stated yes, they do, and she also believes that the City Public Works Director may have his. Hanson stated if there is a mass removal of trees you need to have a tree preservation plan.

Pelawa stated he wants to be clear that the City is going to tell people what they can do on their property. Is there recourse if a property owner does sell to a developer – what would require them to follow the preservation plan? Terry asked if a property owner wants to use property for agriculture and they clear cut it, then they sold it to a developer, would they have to put in trees.

Bonin stated regarding 209th, this would help prevent people from clear cutting and then not developing the area. Balfany stated those trees were cleared for plans to develop the area. Bonin stated they thought they would get it ready to sell the property and nothing ever happened. Cornicelli stated it would eventually go back into being a forest. Balfany stated they do have their right to do what they want on their property. Bonin stated she has an objection to that it is their property. We are a steward of the property to use it until someone else comes along. She stated technically they don't own the land and they are just using it. They have rights, yes, but not to do whatever they want. Balfany stated it is their opinion to do what they want with their land. It comes down to opinion. Pelawa stated they pay taxes on the land. Holmes stated then why do we have the rules whereby you can't put a 57 story building on the property. If you clear cut land

and it may affect your neighbor's property.

Moegerle stated her issue is that there should be another time limit, a person can cut 25 percent one year, then 25 percent another year, and then 25 percent another year. She is interested in comments on 25 percent, and what that means. Mundle stated he had a question on how many times this can be done. Pelawa stated you will never get to 100 percent; you might get to 95 percent. He stated that sort of language is also in the shoreland state statutes. Balfany stated you can add 10 percent sand to your shoreline, or one dump. Bonin stated it should be for the full 10 years, and if things change within that time frame they need to have discussions with the City. Balfany stated it should be setting limitations based on the size of your lot. It is residential and if he needs to cut down those trees due to insurance or if he is tired of looking at naked pine trees that are killing his grass. Mundle stated residential is exempt. Hanson stated if you have an existing lot, page 20 addresses residential lots.

Holmes stated if it is a commercial property you have to put in trees and shrubs – it is a state law. Holmes went on to say why would you clear cut the property. Pelawa stated from an economic standpoint, it is easier to clear cut a property and then build the property out. He stated why are we so pro development; we will be losing the nature. Bonin stated you can have reasonable development and then you won't lose the trees. Pelawa stated you will be removing the forest and keeping a patch. Bonin stated we don't have that much forest. Cornicelli stated yes, we do. Pelawa stated we did have a lot on Highway 65, and a lot of that was cut.

Cornicelli stated what about addressing based on lot size. Balfany stated kind of like we do with animals. Cornicelli stated this would be future commercial. Such as 10 acre parcels or bigger. Terry stated he still thinks location trumps the size. Cornicelli stated that means we would have to look at what forests are not developed and what is outside of the Highway 65 corridor. You are looking at 10/12 acre parcels. This really addresses what is left on Highway 65 and we could almost get it down to individual parcels, decide how big they are, and go from there.

Balfany stated if a developer is trying to be creative and buy two neighbors, and then possibly clean out what he can, he sees Pandora's box opening. Hanson stated there aren't a lot of multiple lots. Hanson stated she can take an aerial on the commercial area on Highway 65 and then take a look at it. Cornicelli stated east/west of Highway 65 is protected and there is some agricultural.

Pelawa had a question on page 19, under number 4. Item C and E where it says the city will issue a permit within 14 days for removal of trees and the landowner must notify within 14 days. E implies the City will issue the permit within 14 days. Bonin stated in compliance it will be issued. Pelawa stated the wording implies they will be issued; it should say within 14 days the city will make a determination. Bonin stated it states if you are in compliance, you will get a permit. Cornicelli stated it puts the onus on the City to issue the permit if they are in compliance.

Pelawa stated on B, landowners may remove 25 percent as of the date of the ordinance. Moegerle stated but what is the end date. Pelawa stated how often the City looks at these ordinances. Mundle stated could it be written as once within a 10 year period. If they want to do more within a 10 year period they would have to consult with the city forester and they would need a forest management plan.

Pelawa wanted to know if anyone knows what it costs for the forest management plan. He explained for 160 acres it is almost \$3,000.00. It may not seem like a lot, but it is. What needs to be in a forest management plan? Hanson stated the Regional Forester will be the one looking at the plan as it deals with forest management. Moegerle stated the Tree Preservation Plan is smaller. Hanson stated the Tree Preservation Plan has more details since it consists of a tree inventory, tree sizes, and a survey of tree location. Moegerle stated really.

'In excess of 25 percent' should be added to 4F. Bonin stated if you are saying that then they would have to replace in excess of 25 percent. Then you are giving them permission to remove more than 25 percent. Mundle stated the developer would be the responsible party to replace in excess of 25 percent. Hanson stated we would use aerial photographs to figure it out. The county does yearly aerials now. Pelawa stated there seems to be more of a problem in the 7-county metro areas.

Terry asked about page 20, B. – if a property owner is removing a tree on their property (specimen). Mundle: would this be approval or a permit. Hanson stated they haven't discussed if there would be a fee or just a permit. Mundle stated a lot of people wouldn't pay \$50.00 to cut down their tree. Holmes stated didn't they at one time have a fee based on the diameter of the tree. He thinks it use to be that way. Hanson stated the fee schedule is typically based on the size of the trees. Usually developers can look at the fee schedule or do plantings. Pelawa stated where we were talking about platted residential lots or lots of record. Hanson stated we might want it to state *existing lots of records*.

Pelawa stated his neighbor has 6 trees with oak wilt and only has 10 trees. Hanson stated the bugs have been out since March 15 this year. Terry stated there is a neighbor that has clear cut a bunch of trees on his street. He doesn't know why they did that, there is oak wilt in the area. It totally changes the territory of that area. He doesn't know how it will affect in the future. The gentleman to the south of him just wanted a view, and clear cut everything down to the creek. Pelawa stated there would be DNR rules that would affect that. Hanson stated they don't deal with the trees of the shoreland district. Terry stated this wouldn't affect his one based on the buffer. It really disrupted the continuity of the area. Pelawa stated there should be a buffer around lakes and rivers. Terry stated he thought there was something in our ordinance. Pelawa stated that is something that should be addressed. Bonin stated before you were saying it is their property and they should be able to do what they want, and now you are saying you should protect an area. Pelawa stated there are quite a few people that allow people to fill a wetland or unintentionally fill in a wetland.

Moegerle stated in the dead, disease, and dying – does that section need more information such as whose responsibility is it? Cornicelli stated most of us don't

need the City to come out and say that a tree has oak wilt. Bonin stated the implication is calling them all dead and dying; you can't prove that they weren't dead after you have cut them down. Bonin stated she has an oak tree that has a branch that is broken off, and it still gets leaves, and you couldn't look at it and see that it died this year or last year. Pelawa stated his neighbor has a limb that has fungus growing on it. Is someone going to come out and say something to them about it? Bonin stated if the damage doesn't happen during the period, it will scar over and it isn't an issue.

Mundle has a question on unauthorized tree removal that starts on page 19/goes to 20, looking at D. Looking at the fee, who pays the fee to the City or who would replace the trees, also who is penalized? Balfany stated would it be seller or the buyer. If the seller is not penalized, if there is no violation against the landowner for doing this. If the developer gets stuck with the fee, why have all this. Hanson is going to see if this can be on file with the property at the county. Pelawa stated it would be a lien against the property. Moegerle wanted to know how educated the developer is. Mundle stated it might look like a natural land area, and they took out a bunch of trees before. If something is attached to the title, then it is a different story. Pelawa stated once you start opening that up, if they sell it within the first 5 years, they need to come into 100 percent compliance with the ordinance. How about within 8 years, they have less to be in compliance. Do we need a tier and step program with this?

Mundle stated page 19/20 5 A-E, if there is no penalization against the land owner. Balfany stated if the penalty is to the developer, then the current owner has no penalization. Terry stated then this negates the purpose of this. Terry stated the purpose is not to punish, but to have good stewardship. Mundle stated do we want to cross our fingers and hope they do the right thing with our property. Balfany stated currently there is nothing in the ordinances. It is not like someone is coming through and clear cutting the City. We do still have to give faith to the rest of the constituents.

Holmes wants to know what cities have as ordinances. Hanson stated Lino Lakes, Andover, and Woodbury has ordinances. Holmes stated maybe call Bemidji, Duluth, Brainerd, and International Falls.

Cornicelli stated there are two issues – one looking at residential lots and also commercial lots and what the restrictions are. There are two separate issues. Holmes stated if someone wants to develop a piece of property they can clear up to 25 percent. It would be a common law. Cornicelli stated he technically agrees with Bonin on the first issue. But he also knows that a lot that is clear cut, it will eventually revert back to what it is. Clear cut isn't necessarily a bad thing. Hanson stated staff will get an aerial map and see what properties and how many would be affected by the code, especially in the 65 corridor.

Moegerle asked if the MIDS grant we received will have anything to do with this. Hanson stated no that will not, the MIDS pilot program focuses on treating storm water on site.

Pelawa stated the forest management plan is referred to as a woodlands

stewardship plan by the DNR. That plan covers management for deer, grouse, hunting, etc., in addition to trees. This is more conducive to what is happening than development.

Hanson stated she has some information to bring back to staff. Mundle asked if this will go back to staff for more work, and then it will go back to Planning Commission. Pelawa questioned number 13, number 4. What is a common tree? Cornicelli stated it is defined in number 1. Pelawa stated so basically it is anything else.

Balfany stated in the case of a large residential lot, where someone wants to sell ½ of the lot to their child, would they be able to clear ½ their lot to let their child build. Is that addressed in here? Hanson stated typically when people come in they would stake out the houses and 20 feet away from the house you could clear the trees. The trees removed for streets, building pads and driveways aren't counted against you, and that would also include the septic/drain field area.

Pelawa stated what if you have 10 acres, and 7 acres is grass and 3 are wooded, and they want to build their house in the woods – will that be allowed. Mundle stated on page 14, 3A, it discusses that the developer will make the best effort not to remove trees. Balfany stated he doesn't want it to be more restrictive for new development. Bonin stated if somebody is that easily discouraged, let them go. Mundle stated if one person is going away, how many people are turning for that reason. Balfany stated he would hate to see ourselves open ourselves up. It only has to be one bad word out there, where they don't even consider us based on the reputation.

Moegerle stated that Columbus is a tree city, do we know what the regulations are, and should we be one of them. Pelawa stated it is a lot of work. Moegerle stated what does that mean. There is a lot of paperwork, inventory of trees, etc. to gain the certification of a tree city. Moegerle stated what do you get out of that. Pelawa stated you get to call yourself a tree city and fill out a lot of paperwork. Moegerle retracted the interest in becoming a tree city.

Balfany stated the development along Durant, where there is newer development, how restrictive is what we are finishing up, and going to restrict the development of those lots. Holmes stated if people don't want trees then you are in the wrong area, if a person doesn't want trees they won't look at a treed lot. If a person wants trees, they won't buy a cleared lot.

Balfany stated he doesn't want to see developers handcuffed, and doesn't want this ordinance to be too restrictive. We don't want to force a set of parameters. Holmes stated a developer will look at all different areas. Balfany stated we need to let them know we will work with them. Balfany stated he is not saying to do this, he just doesn't want to see them browbeat it to death. He doesn't want to see them come into the City and they can only do certain things. Holmes stated you can't keep everyone happy, granted we will work with them.

Moegerle stated one of the things that have been recommended is to put together a developer packet.

Terry stated he has a possible mute point on something that we didn't discuss on the bottom of page 13. If it were him, if I wanted to do this on a property, and he would want to do the survey himself and that would save him a bunch of money. If he was a developer, he would have someone on their staff do it. Balfany stated it should say, plan prepared and submitted to staff for review.

Pelawa stated you might want to have criteria on how this is presented. Maybe there should be a short little list of what they need. Hanson stated there are tree preservation requirements on page 14.

Pelawa asked if we have a developer checklist. Hanson stated we do have checklists in place for anything dealing with land uses. Moegerle stated we don't have a welcoming packet. Hanson stated staff is putting one together right now, and it is more an informational packet for developers of the development process and contact information. Pelawa asked if it is more just informational rather than detailed. He stated someone could pick one up today, and then come back with the information 5 years later. Terry stated it might be a good idea to have a date on it.

Mundle motioned for staff to review the proposed changes and recommendations with regards to amending the tree preservation ordinance to include regulations for tree removal on non-developing land, make changes and bring it back to the Planning Commission in the future. Bonin seconded, all in favor, motion carries.

City Council Report

City Council Member Moegerle will give Planning Commission an update on issues currently before the City Council. Things are moving forward for a 3-jurisdiction agreement for the utility line for the GRE. Cornicelli was wondering if it is Route A. Moegerle stated it is not Route A. For tomorrow evening's meeting, there is going to be a presentation from the Small Business Administration. Staff and council has had more meetings today with Ady Voltage. That is coming along and we are a month ahead of schedule. You are doing a fabulous job on the minutes.

Approve February 28, 2012 Planning Commission Meeting Minutes

Terry had a correction on page 31, third from bottom paragraph. He asked it to be changed from EBAY item, strike word do and put in the word sell and add an s after items.

Bonin stated they will have cars on site; some of them may not want the car. She thinks the semicolon should be taken out, and because should be added.

Balfany is misspelled.

Bonin corrected on Page 26 Bonin stated that the east side. She asked it, not stated it.

Moegerle asked about a \$4.00 budget. Should it be a \$4.0 dollar budget? Should be corrected to \$4.0 million dollar budget.

Holmes motioned to approve the March 27, 2011 minutes as presented with discussed changes. Cornicelli seconded; all in favor, motion carries.

Adjourn

Holmes made a motion to adjourn the meeting at 8:40 PM. Terry seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

Road Commission Meeting Minutes for March 13, 2012

Requested Action:

Information Only

Background Information:

Information Only. These minutes have been approved by the Road Commission.

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 Road Commission Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 8.0 D.2

Agenda Item:

Roads CIP Amendment and Coon Lake Beach Road Improvement Project

Requested Action:

Consider amending the Roads CIP to consolidate funds for a road improvement project for the Coon Lake Beach area

Background Information:

As part of the Roads Capital Improvement Plan, the City has planned and budgeted for completing road improvements in the Coon Lake Beach area to address deteriorating road conditions. Staff and the Road Commission have been reviewing possible options and have determined that an overlay with corrective measures is the best option.

The 2012-2016 Roads CIP has \$307,000 budgeted for 2012 and \$305,000 budgeted for 2013 for a total two-year budget of \$612,000 for this project. Staff and the Road Commission have recommended advance funding the 2013 portion of the project for 2012 to complete the work at one time and to save money and inconvenience to the residents compared to dividing the project over a two-year time span. The \$205,000 budgeted for Whispering Aspen in 2012 would be moved to 2013. The change would result in 2012 ending balance of \$617,962 compared to the projected ending balance of \$712,962. After 2013, the ending balance would offset and be back inline with the projected amount planned for in the 2012-2016 Roads CIP.

The City Engineer and staff have provided construction cost estimates for multiple options with a range of \$545,960 to \$651,289 that would include performing work in the entire area. The portions of Laurel Rd and Lakeshore Drive that have more recent improvements and the MSA portion of Lincoln Dr., Laurel Rd, and Longfellow Dr. would not be included in this portion of the project.

In addition moving the Whispering Aspen Project, scheduled for 2012 to 2013, would eliminate the risk of any street damage that could occur as a result of the Castle Towers/Whispering Aspen MCES Sewer Connection Project that will be completed by early 2013.

Alternative 1- Would consist of a 1½ inch bituminous overlay. It was assumed that 30 percent of the existing pavement area would be patched prior to the overlay. The expected life of the

alternative is 8-12 years. Moderate isolated patching would likely be required throughout the expected life of this alternative. The estimated construction cost is \$545,960.

Alternative 2- Would consist of a 2 inch bituminous overlay. It was assumed that 20 percent of the existing pavement area would be patched prior to the overlay. The expected life of the alternative is 10-15 years. Minor to moderate isolated patching would likely be required throughout the expected life of this alternative. The estimated construction cost is \$604,506.

Alternative 3- Would consist of a 2½ inch bituminous overlay. It was assumed that 5 percent of the existing pavement area would be patched prior to the overlay. The expected life of the alternative is 12-18 years. Minor isolated patching would likely be required throughout the expected life of this alternative. The estimated construction cost is \$633,908.

Alternative 4- Would consist of reclaiming 70 percent of the streets and then constructing a 2½ inch overlay. The expected life of this alternative is 15-20 years. Minor isolated patching would likely be required throughout the life of this alternative. The estimated cost is \$651,289.

Alternative 5- Would consist of reclaiming 10 percent of the streets and then constructing a 2½ inch overlay over those portions and a 2 inch overlay over the remaining 90 percent of the street surfaces previously identified. It is planned that the sections scheduled for the 2” overlay will be patched prior to re-paving. The expected life of this alternative is 12-15 years. However, due to the low volume and speed of traffic in these areas, it is anticipated that a longer life can be expected. Minor isolated patching would likely be required throughout the life of this alternative. The estimated cost is \$601,035. There is sufficient funding in the Streets Capital Fund to cover the costs of this project.

After reviewing alternatives 1-4, staff prepared alternative 5 to address specific locations where the placement of additional base material from in-place reclaiming would be beneficial to the thicker bituminous overlay and to insure that each street was addressed as to its own needs. The additional 10 percent of patching would be in areas where a leveling course is needed to create a level surface for the final overlay. Staff believes that a 2 inch overlay would sufficiently provide the desired finished road surface for the remaining 80 percent of the development.

If the City Council approves the CIP amendment, staff recommends Alternative 5 as the alternative for the road improvements.

Attachments:

- #1 Table of construction estimates
- #2 Roads CIP 2012-2016 Funding Analysis
- #3 Map of Project Location

Fiscal Impact: As noted above

Recommendation(s): Staff and Road Commission recommend advancing the 2013 portion of the Roads Capital Improvement Fund for Coon Lake Beach street improvements to the 2012 Roads Capital Improvement Fund and moving the 2012 Whispering Aspen street improvements from the 2012 schedule to 2013.

Staff also recommends selecting Alternative 5 and to direct the City Engineer to prepare the bidding documents for the road improvements.

Road Commission Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

**Coon Lake Beach Pavement Reconstruction
Construction Cost Estimate**

Alternative	1	2	3	4
Item	1.5" Overlay	2" Overlay	2.5" Overlay	Reclaim 70% and 2.5" Overlay
Bituminous Pavement	\$315,276	\$420,717	\$525,461	\$525,461
Patching Before Overlay	\$170,684	\$113,789	\$28,447	\$0
Driveway Construction	\$40,000	\$50,000	\$60,000	\$40,000
Drainage Improvements	\$10,000	\$10,000	\$10,000	\$10,000
Engineering	\$10,000	\$10,000	\$10,000	\$10,000
Pavement Reclaim	\$0	\$0	\$0	\$65,828
Total Estimated Construction Cost	\$545,960	\$604,506	\$633,908	\$651,289

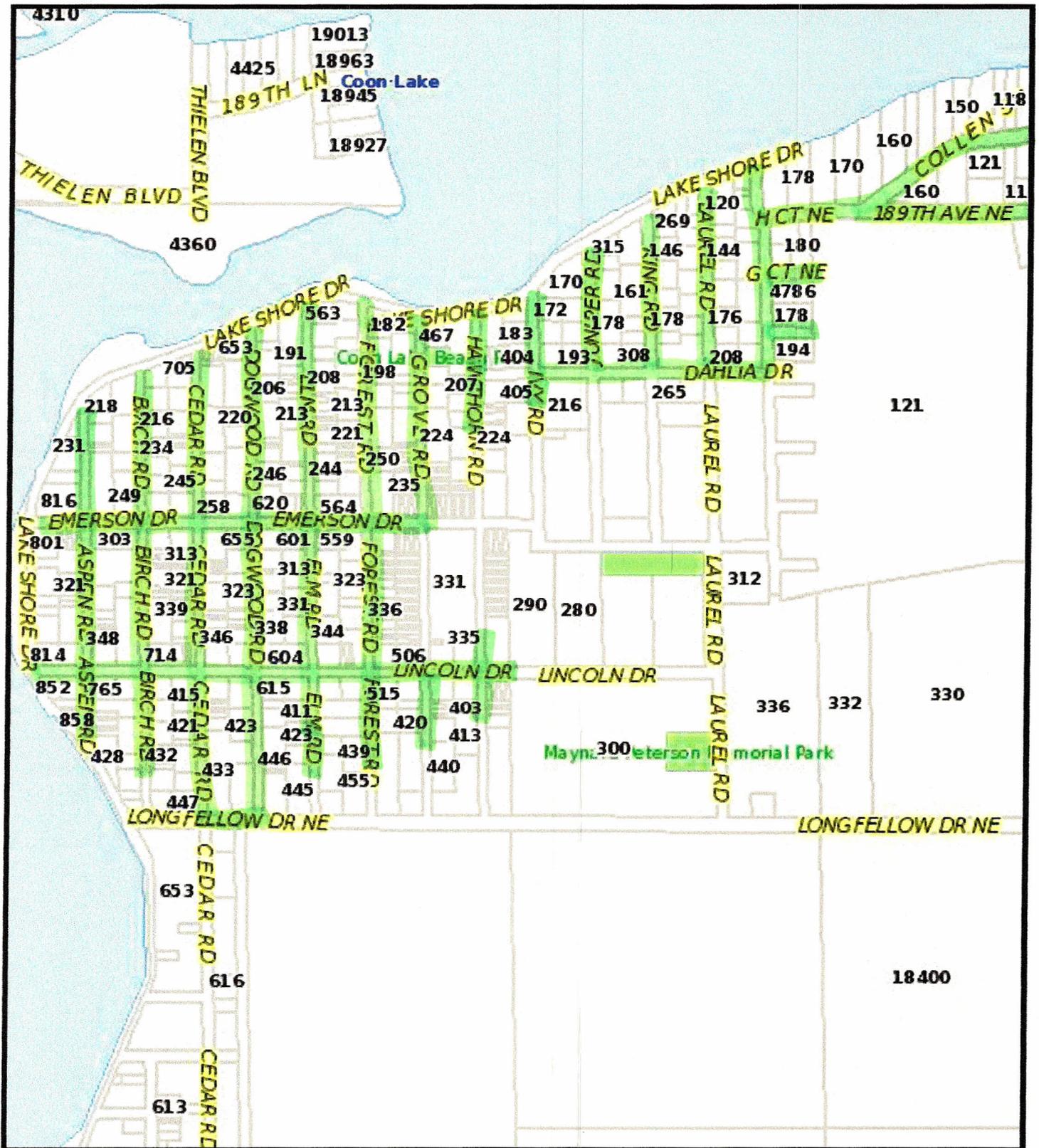
Alternative #5	
Reclaim 10% with 2.5" overlay, 90% 2" Overlay	
2" Bituminous Overlay	48,306 square yds \$379,685
Pavement Reclamation	5,186 square yds \$10,372
2.5" Bituminous Overlay	5,186 square yds \$50,978
Patching Before Overlay	\$80,000
Driveway Construction	\$60,000
Engineering	\$10,000
Drainage Improvements	\$10,000
Total Estimated Construction Cost	\$601,035

Coon Lake Beach Pavement Reconstruction Summary

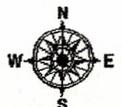
Street	Start	End	Length (ft)	Width (ft)	Square Yards	Tons @ 1 1/2"
Aspen Road	Lake Shore Dr	South End	1,438	18	2,876	261
Birch Road	Lake Shore Dr	South End	1,720	18	3,440	312
Cedar Road	Lake Shore Dr	South End	2,020	18	4,040	367
Dogwood Road	Lake Shore Dr	South End	2,094	18	4,188	380
Elm Road	Lake Shore Dr	South End	2,107	18	4,214	382
Forest Road	Lake Shore Dr	South End	2,099	23	5,364	487
Grove Road	Lake Shore Dr	South End	840	18	1,680	152
Grove Road	Lincoln St	South End	446	18	892	81
Hawthorn Road	Lake Shore Dr	South End	579	18	1,158	105
Ivy Road	Lake Shore Dr	Emerson Dr	496	18	992	90
Juniper Road	Lake Shore Dr	Emerson Dr	530	18	1,060	96
King Road	Lake Shore Dr	Emerson Dr	675	18	1,350	123
Laurel Road	Lake Shore Dr	Emerson Dr	796	18	1,592	144
Maple Road	Lake Shore Dr	South End	859	18	1,718	156
Emerson Drive (No intersections)	Lake Shore Dr	Grove Road	1,537	18	3,074	279
Dahlia Drive (No intersections)	Hawthorn Road	Maple Road	1,256	18	2,512	228
Collen St	Bryant LN	East End	1,182	18	2,364	215
Bryant LN	Maple Road	East City	1,522	20	3,382	307
Court F	Maple Road	East End	170	18	340	31
Court G	Maple Road	East End	179	18	358	32
Longfellow	Cedar Rd	Dogwood Rd	213	18	426	39
Estimated Totals			22,758		47,020	4,267

Street Capital Projects				
2012-2016				
Funding Analysis				
STREET CAPITAL FUND	Beginning	Sources	Uses	Ending
	Balance	(Revenues)	(Project Costs)	Balance
2012 Beginning Balance	\$1,017,362			\$1,017,362
Transfer from General Fund		\$425,000		\$1,442,362
Whispering Aspens-Sealcoat and overlay			\$210,000	\$1,232,362
Coon Lake Beach Streets (see below for listing) *			\$307,000	\$925,362
Hupp St.-Sealcoat			\$18,000	\$907,362
239th Ave.-Sealcoat			45,600	\$861,762
Erskine St.N-Sealcoat			32,400	\$829,362
231 and 233 Ave.			34,800	\$794,562
Kiissel St.			38,400	\$756,162
224th Avenue			43,200	\$712,962
* Elm , Forest, Grove, Hawthorne, Ivy, Juniper, King, Dahlia Emerson, Bryant Lane, Laurel, Maple and Collen				
2012 Ending Balance				\$712,962
2013 Beginning Balance	\$712,962			\$712,962
Transfer from General Fund		\$425,000		\$1,137,962
Thielan Road-Sealcoat			\$36,000	\$1,101,962
Sportsman Road -Sealcoat			\$12,000	\$1,089,962
Breezy Point Drive-Sealcoat			\$25,000	\$1,064,962
Edmar Lane-Sealcoat			\$40,000	\$1,024,962
Vickers Street-Sealcoat			\$13,000	\$1,011,962
Yalta Street -Sealcoat			\$6,000	\$1,005,962
189th Avenue-Sealcoat			\$6,000	\$999,962
190th Lane-Sealcoat			\$7,000	\$992,962
Naples Street-Sealcoat			\$12,000	\$980,962
190th Avenue-Sealcoat			\$12,000	\$968,962
191st Avenue-Sealcoat			\$18,000	\$950,962
195th Ave & E. Front Blvd-Sealcoat			\$38,000	\$912,962
Rendova Street-Sealcoat			\$12,000	\$900,962
Coon Lake Beach Streets*			305,000	\$595,962
*Aspen, Birch,Cedar, Dogwood,Elm, Emerson, Longfellow Laurel				
2013 Ending Balance				\$595,962
2014 Beginning Balance	\$595,962			\$595,962
Transfer from General Fund		\$425,000		\$1,020,962
209th Street Overlay			\$200,000	\$820,962
224th Avenue-Sealcoat			\$56,000	\$764,962
Austin-Sealcoat			\$60,000	\$704,962
239th Ave-Sealcoat			\$55,000	\$649,962
221st Ave and Wake Street-Sealcoat			\$65,000	\$584,962
2014 Ending Balance				\$584,962

Street Capital Projects				
2012-2016				
Funding Analysis				
2015 Beginning Balance	\$584,962			\$584,962
Transfer from General Fund		\$425,000		\$1,009,962
Washington and 7th Streets-Sealcoat			\$45,000	\$964,962
Monroe St. and 238th Lane-Sealcoat			\$32,000	\$932,962
235th Avenue-Sealcoat			\$27,000	\$905,962
231st Lane-Sealcoat			\$27,000	\$878,962
Buchanan St.-Sealcoat			\$18,000	\$860,962
Taylor St. North and South-Sealcoat			\$42,000	\$818,962
229th Lane East and West-Sealcoat			\$78,000	\$740,962
225th Ave,222nd and 226th Lane and Jenkins-Sealcoat			\$166,000	\$574,962
Waconia Circle and Staples St-Sealcoat			\$110,000	\$464,962
2015 Ending Balance				\$464,962
2016 BEGINNING BALANCE	464,962			464,962
Transfer from General Fund		425,000		\$889,962
Okinawa and Tippecanoe-Overlay			205,000	\$684,962
209th, Austin, and 204th-Overlay			\$270,000	\$414,962
2016 Ending Balance				\$414,962
TOTAL STREET CAPITAL SOURCES & USES		\$2,125,000	\$2,727,400	



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City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 9.0 E.1

Agenda Item:

Castle Towers Wastewater Treatment Facility Notice of Violation

Requested Action:

Provided for informational purposes only

Background Information:

The City has been issued a Notice of Violation (NOV) by the Minnesota Pollution Control Agency (MPCA) for the Castle Towers Wastewater Treatment Facility. The NOV dated April 4, 2012 is attached. The NOV is in regards to the solids drying beds. The beds are over 25 years old and beyond their design life.

The drying beds consist of 4 bunkers with wood dividing walls. Each bunker is lined with an impervious material and each has an under drain system. Concentrated solids that settle to the bottom of the treatment tank are discharged to the drying beds. The liquid is decanted and returned to the treatment plant. The solids are removed from the beds and stored in the outside bunker until they are eventually disposed of offsite.

Both the drying bed walls and liners need to be replaced or repaired. The NOV indicate that the City must have a plan within 30 days and must complete the replacement or repairs within 90 days.

Staff has contacted the MPCA regarding the NOV. The MPCA has indicated that they would consider an interim repair since the plant will be decommissioned in 2013. Staff needs to identify and present the proposed interim repairs to the MPCA on or before May 4, 2012. Staff will provide a plan for Councils consideration at the May 2, 2012 meeting.

Attachment(s):

- 1. Notice of Violation

Fiscal Impact:

Not known at this time.

Recommendation(s):

None at this time.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

April 4, 2012

Mr. Jack Davis
City Administrator
Castle Towers WWTP
2241 221st Avenue Northeast
East Bethel, MN 55011

RE: Notice of Violation-Castle Towers WWTF, MN0042196

Dear Mr. Davis:

Enclosed is a Notice of Violation (NOV) issued by the Minnesota Pollution Control Agency (MPCA) to the City of East Bethel (Regulated Party) for alleged violations of Discharge Monitoring Report timeliness and operations and maintenance at the Regulated Party's facility located in East Bethel, Minnesota. By sending this NOV, the MPCA is notifying the Regulated Party of alleged violations that the MPCA staff discovered during an inspection and file review on February 1, 2012. This NOV also provides the Regulated Party an opportunity to respond to the alleged violations.

The first section of the NOV cites the permit conditions which the MPCA alleges that the Regulated Party violated, and describes the actions or omissions constituting the violations. The second section titled, "Corrective Action" contains corrective actions that the Regulated Party is to complete in order to resolve the NOV.

Please note, the Corrective Action section contains dates by which the actions should be completed. Please also note, if the Regulated Party believes the allegations in this NOV are incorrect, the MPCA requests a written response within ten days.

If you have any questions, please contact Eric Pederson at 651-757-2645.

EP:rrs

Enclosure

cc: Ann Cohen, Attorney General's Office (w/enclosure)
Bill Priebe, MPCA (w/enclosure)
Mark Hugeback, MPCA (w/enclosure)
Enforcement Data Coordinator-Enforcement Database Tracking Number 15080 (w/enclosure)
Appropriate File

STATE OF MINNESOTA
Minnesota Pollution Control Agency
Municipal Division

NOTICE OF VIOLATION

In the Matter of: The City of East Bethel
Castle Towers Wastewater Treatment Facility

To: Mr. Jack Davis
City Administrator
Castle Towers WWTP
2241 221st Avenue Northeast
East Bethel, MN 55011

PLEASE BE ADVISED, that the Minnesota Pollution Control Agency (MPCA) has sufficient information to allege that the City of East Bethel (hereinafter Regulated Party) has violated the following provisions of permit conditions at its facility located in East Bethel, Minnesota.

**1. NPDES/SDS Permit No. MN0042196; Chapter 6. Total Facility Requirements;
1. General Requirements**

1.34 The Permittee shall at all times properly operate and maintain the facilities and systems of treatment and control, and the appurtenances related to them which are installed to used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures....

1.36 Solids Management. The Permittee shall properly store, transport, and dispose of biosolids, septage, sediments, residual solids, filter backwash, screenings, oil, grease, and other substances so that pollutants do not enter surface waters or ground waters of the state...

The Regulated Party has not properly maintained the appurtenances of treatment and control as witnessed by the condition of the solids drying beds. The Regulated Party is not properly storing residual solids so that pollutants do not enter ground waters of the state. The drying beds are in a condition of disrepair. The first drying bed provides a direct route for solids or runoff from rain on the solids to contaminate the groundwater of the state through the break in the drying bed walls. The other drying beds liners conditions are unknown but they are in a state of disrepair as was observed during the inspection. There is also potential in all the drying beds through liner damage due to roots of the small trees for groundwater impacts.

**2. NPDES/SDS Permit No. MN0042196; Chapter 4. Surface Discharge Stations;
1. Requirements for Specific Stations**

1.1 SD 001: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

Chapter 5. Waste Stream Stations; 1.1 Requirements for Specific Stations

1.1 WS 002: Submit a monthly DMR monthly by 21 days after the end of each calendar month following permit issuance.

The following DMRs were received late.

DMR Month	Date Due	DMR Received
SD001 and WS002		
January 2009	2/21/2009	3/2/2009
March 2009	4/21/2009	4/27/2009
May 2009	6/21/2009	6/23/2009
August 2009	9/21/2009	11/30/2009

CORRECTIVE ACTIONS

To address the alleged violations cited in this Notice of Violation (NOV), the Regulated Party is to complete the following actions:

1. Within 30 days after receipt of this NOV, the Regulated Party shall submit plans for repair or replacement of the existing drying beds.
2. Within 90 days after receipt of this NOV, the Regulated Party shall submit photographic evidence that the drying beds have been repaired or replaced.

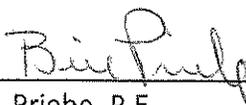
NOTICE

THEREFORE, you are hereby given notice that the above alleged violations have been recorded and documented by the MPCA. This NOV and your response does not preclude the MPCA from taking further action with respect to the above alleged violations. The MPCA reserves the right to seek any and all remedies available under Minn. Stat. §§ 115.071, 116.072, 116.073, and 609.671 and all applicable rules or permits for any violation cited in the NOV. If the Regulated Party believes the allegations in this NOV are incorrect, please respond in writing within ten days after receiving this NOV and explain any inaccuracies. If the Regulated Party does not respond, the MPCA will conclude that the alleged violations occurred as set forth in the NOV.

DATED:

MUNICIPAL DIVISION

April 4, 2012



Bill D. Priebe, P.E.

Supervisor, Metro Regional and Infrastructure Financing
Unit
Municipal Wastewater Section
Municipal Division

BDP/EW:rrs

Address Submittals Requested Above To:

Eric Pederson, Pollution Control Specialist
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 9.0 F.1

Agenda Item:

Fire Department Monthly Reports

Requested Action:

Informational only

Background Information:

Fire Department Monthly Report.

To aid in your understanding, staff has included as Attachment #1 the Incident Type Codes it appears on the reports.

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

INCIDENT TYPE CODES

- 100 Fire
- 200 Overpressure Rupture, Explosion, Overheat (No Ensuing Fire)
- 300 Rescue and Emergency Medical Service (EMS) Incidents
- 400 Hazardous Condition (No Fire)
- 500 Service Call
- 600 Good Intent Call
- 700 False Alarm and False Call
- 800 Severe Weather and Natural Disaster
- 900 Special Incident Type

East Bethel Fire Department
03/01/12 To 03/31/12
Incident Calls

Incident Number	Incident Date	Alarm Time	Location	Incident Type
121	03/31/2012	11:10	4922 229 AVE NE	321 EMS call, excluding vehicle accident with injury
120	03/30/2012	21:28	18164 HWY 65 HWY NE	321 EMS call, excluding vehicle accident with injury
119	03/30/2012	20:17	23501 Daveport ST NE	561 Unauthorized burning
118	03/30/2012	17:47	21709 University AVE NE	321 EMS call, excluding vehicle accident with injury
117	03/28/2012	19:27	3103 185th LN	611 Dispatched and cancelled en route
116	03/28/2012	00:29	18164 65 HWY NE	321 EMS call, excluding vehicle accident with injury
115	03/27/2012	23:33	24355 Hwy 65	321 EMS call, excluding vehicle accident with injury
114	03/25/2012	23:39	21900 NW County Road 7 NW	111 Building fire
113	03/24/2012	17:54	CO 22 AVE NE	322 Motor vehicle accident with injuries
112	03/24/2012	09:22	2731 NE 225 LN NE	321 EMS call, excluding vehicle accident with injury
111	03/23/2012	16:36	345 Elm RD NE	321 EMS call, excluding vehicle accident with injury
110	03/23/2012	14:30	4160 221 ST NE	561 Unauthorized burning
109	03/22/2012	21:33	3806 Edmar LN NE	321 EMS call, excluding vehicle accident with injury
108	03/19/2012	18:18	24105 Dogwood ST NW	111 Building fire
107	03/19/2012	14:13	2220 Viking BLVD	322 Motor vehicle accident with injuries
106	03/19/2012	13:08	19717 Jackson ST NE	520 Water problem, other
105	03/18/2012	16:15	20531 university AVE NE	143 Grass fire
104	03/18/2012	14:43	185th AVE NE	142 Brush or brush-and-grass mixture fire
103	03/18/2012	09:20	4440 NE 231 LN NE	321 EMS call, excluding vehicle accident with injury
102	03/18/2012	03:04	1965 Briarwood LN NE	321 EMS call, excluding vehicle accident with injury
101	03/18/2012	02:08	21636 NE East Bethel BLVD	321 EMS call, excluding vehicle accident with injury
100	03/17/2012	01:14	308 Dahlia DR NE	631 Authorized controlled burning
099	03/16/2012	22:21	20042 Polk ST NE	321 EMS call, excluding vehicle accident with injury
098	03/16/2012	13:46	5645 226th AVE NE	143 Grass fire
097	03/16/2012	12:52	235 Dogwood ST	561 Unauthorized burning
096	03/15/2012	18:40	22779 Sandy DR	561 Unauthorized burning
095	03/15/2012	12:51	28 Sims RD NE	111 Building fire
094	03/15/2012	12:43	24355 Highway 65 HWY NE	321 EMS call, excluding vehicle accident with injury

093	03/14/2012	06:28	20540 Polk ST	600 Good intent call, other
092	03/13/2012	16:11	2043 189th AVE NE	142 Brush or brush-and-grass mixture fire
091	03/13/2012	09:59	22965 3rd ST NE	321 EMS call, excluding vehicle accident with injury
090	03/13/2012	07:45	648 199th AVE NE	321 EMS call, excluding vehicle accident with injury
089	03/12/2012	21:41	18346 Lakeview Point DR NE	321 EMS call, excluding vehicle accident with injury
088	03/12/2012	18:29	21844 east bethel BLVD	600 Good intent call, other
087	03/12/2012	13:55	22277 quincy ST NE	321 EMS call, excluding vehicle accident with injury
086	03/11/2012	18:30	4537 Viking BLVD	600 Good intent call, other
085	03/10/2012	22:47	1150 216th AVE	321 EMS call, excluding vehicle accident with injury
084	03/08/2012	10:57	14500 Lexington AVE NE	900 Special type of incident, other
083	03/08/2012	08:45	1867 210th AVE	321 EMS call, excluding vehicle accident with injury
082	03/07/2012	19:17	23939 NE Hwy 65 HWY NE	611 Dispatched and cancelled en route
081	03/05/2012	15:43	Viking BLVD	631 Authorized controlled burning
080	03/04/2012	15:03	Viking BLVD	611 Dispatched and cancelled en route
079	03/04/2012	05:16	246 Cedar RD NE	611 Dispatched and cancelled en route
078	03/03/2012	19:19	18927 Jewell ST NE	631 Authorized controlled burning
077	03/03/2012	06:23	852 Lincoln DR NE	322 Motor vehicle accident with injuries
076	03/02/2012	16:06	22823 Waconia CIR NE	321 EMS call, excluding vehicle accident with injury
075	03/01/2012	19:20	944 201 LN NE	561 Unauthorized burning
Total				47

City of East Bethel

Subject: Fire Inspector Report

March 1 – 31, 2012

City of East Bethel Fire Inspection List

Name	Address	Comments
Preferred Tool	3140 Viking Blvd	No Violations
Central Wood Products	19802 Hwy 65	No Violations
Clear Vision Satellite	18553 Hwy 65	No Violations
5K Auto Sales	18355 Hwy 65	No Violations
R.L. Automotive Inc.	1835 Viking Blvd	No Violations
Go For It	3255 Viking Blvd	2 nd Inspection: No Violations and key is in lock box.
Fire out inspection	28 Sims Rd	Checked on a fire area from day before to make sure all fires were extinguished and there were no hot spots left.
AllState	18651 Buchanan St #300	No Violations
Boss Control Systems	18651 Buchanan St #200	No Violations
A-Blast	21473 Johnson St	Emergency lights
Blue Sky Alpacas Inc.	21476 Johnson St	No Violations
Cedar Creek Auto	21388 Johnson St	No Violations
Cedar Creek Carpentry	21435 Johnson St NE Suite 300	Vacant
Minnesota Jobs	21435 Johnson St NE Suite 200	Fire Extinguishers
Detail Drafting & Design	21435 Johnson St NE Suite 100	Vacant

NOTE: First Inspections Unless Noted

15 Businesses Inspected

Reported by: Mark Duchene
Fire Inspector



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

9.0 G.1

Agenda Item:

Hearing Ordinance

Requested Action:

Consider the adoption of a Proposed Hearing Ordinance

Background Information:

In the amending of the Alcohol and Tobacco Ordinances, the hearing portions of these was removed and is presented as a new Ordinance to provide consistency and uniformity for this process. This Ordinance addresses Notices, Hearings, Appeals, Fines and Penalties under one title and will be used to address these actions that relate to other enforcement issues.

This ordinance should be approved prior to the future consideration of amending the Alcohol and Tobacco Ordinance in order to have a hearings process included in their amendments

The draft presented in the attachment is a clean copy only. The redlining became a distraction to the point where it became less confusing to read the black and white copy anew.

Attachment(s):

Draft Hearing Ordinance

Fiscal Impact:

Recommendation(s):

Staff is seeking direction as to approval or additional modification of this ordinance

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

**CITY OF EAST BETHEL
ANOKA COUNTY, MINNESOTA**

ORDINANCE NO. 34, Second Series

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE
CITY OF EAST BETHEL, ADDING CHAPTER ___ - REGARDING
NOTICE, ADMINISTRATIVE HEARINGS, AND APPEALS**

The City Council of the City of East Bethel, Anoka County, Minnesota does hereby ordain as follows:

SEC. _____ NOTICE , HEARINGS, AND APPEALS

- (a) **Application.** This ordinance shall apply to any license or permit revocation, suspension or sanction proceeding allowed under the ordinances of the city and in any other proceeding as may be directed by the city council.
- (b) **Notice.** Within ten (10) days of an alleged violation of a permit or license condition or any ordinance regulating same, the alleged violator may be issued, either personally or by mail, a Notice that recites:
- (i) The facts of the alleged violation,
 - (ii) That such violation subjects the permit or license to cancellation or revocation or imposition of an administrative Fine. The right to request a hearing and the process by which it may be requested;
 - (iii) Any applicable administrative fine amount and/or penalties,
 - (iv) The fine payment due date, if the alleged violator does not request a hearing, and
 - (v) A statement of the City's rights, means and methods of fine collection if the fine is not paid on time.
 - (vi) License revocation, suspension and effective date, if applicable
- (b) **Administrative Hearings.** If, within ten (10) days of receiving the citation, the alleged violator requests a hearing, the City shall schedule the hearing and give notice of the time and place, the right to present evidence and a general statement regarding the conduct of hearings.
- (i) Hearings will be conducted by a Hearing Officer.
 - (ii) The City may, from time to time, adopt rules for the fair and efficient conduct of Hearings.
 - (iii) Upon request, copies of the rules for the fair and efficient conduct of hearings will be provided to an alleged violator at no cost.
- (d) **Hearing Officer.** The City Council or an appointed board, commission or representative may serve as the Hearing Officer.
- (e) **Decision.** The Hearing Officer's written determination as to the merits, if any, of the alleged violation, the rationale for the determination and the recommended fines penalties to

be imposed shall be provided to the alleged violator in writing, within ten (10) days of the determination. unless additional time is determined to be needed by the hearing officer during the hearing and if so, an additional 15 days may be taken.

- (e) **Appeals.** Any appeal of any decision made by the Hearing Officer shall be pursued in the Minnesota Court of Appeals by Writ of Certiorari. There shall be no appeal from a recommendation of the hearing officer to the city council. Appeal shall be from the final action of the city council.

- (g) **Recording.** Proceedings conducted before the hearing officer shall be audio or audio and video recorded. Transcription of the recording shall be at the expense of the party requesting same.

SEC. _____. FINES AND PENALTIES

- (a) **Generally.** The City has the right to enforce the provisions of this Code by all means allowed by law, including, but not limited to, warnings, fines, penalties, and misdemeanor charges.
- (b) **Determination of Fines and Penalties.** In matters where the hearing officer has been assigned the authority to determine the issue and assess a fine, if the Hearing Officer determines that an ordinance has been violated, the Officer shall determine the actual fine and penalty to be assessed against by the violator by weighing mitigating facts and aggravating facts and adjusting the presumptive fine to be commensurate to the violation and consistent with the city's schedule of fines.

In Matters where the hearing officer has been assigned the authority to conduct the hearing and make findings and recommendations back to the city council a fine or sanction shall be recommended as part of the final report.

- (c) **Fines.** When authorized the Hearing Officer may order administrative fines in amounts that are fair and reasonable, compliant with council established fine schedules and do not to exceed ordinance or statutory limits.
 - (i) **Payment of Fines.** Unless otherwise provided in this Code or provided in a decision of a Hearing Officer or Court, all fines are due and payable fourteen (14) days following the hearing officers determination of the imposition of the fines, unless another time is specified in the Order.
 - (ii) **Failure to Pay Fines.** A violator who fails to pay a fine with fourteen (14) days after the first written notice of the imposition of the fine, may be subject to license or permit forfeiture, collection efforts including, but not limited to, suspension of licenses or permits, liens against property and/or other collection efforts, the cost of which may be assessed against violator, to the extent allowed by statute.

- (d) **Community service.** The City Council may provide a violator the option to substitute community service for a suspension or revocation of a license or permit. Community service that is performed as a penalty for a violation of this Code must be performed within the City limits or for an organization that provides substantial benefit to the City and its residents.

- (i) If the City Council allows a business entity or licensee to perform community service, the community service shall be performed by an individual that is an owner, operator or manager of that business or licensee.
- (ii) The City will maintain a list of organizations that are recommended for completion of community service requirements.
- (iii) The City may establish additional rules to efficiently and uniformly monitor community service requirements.
- (iv) If a violator chooses to perform community service, the community service must be performed by the violator and must be completed no later than sixty (60) days after the imposition of this penalty.

(e) Misdemeanor Prosecution. Nothing in this section shall prohibit the City from seeking prosecution as a misdemeanor for an alleged violation of this Code.

Section 2. Effective Date. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted by the City Council of the City of East Bethel, Minnesota, this 18th day of April, 2012.

For the City:

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

Adopted: April 18, 2012

Summary Published:

Effective:



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 10.0 C

Agenda Item:

Closed Session - League of Minnesota Cities (LMC) Litigation

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding the LMC litigation.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05, Subd. 3.

Fiscal Impact:

None

Recommendation(s):

Staff is recommending closing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 for a discussion of the League of Minnesota Cities Litigation.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

April 18, 2012

Agenda Item Number:

Item 10.0 D

Agenda Item:

Closed Session - GRE Settlement Negotiations

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding the GRE settlement Negotiations.

Background Information:

The session is closed pursuant to Minnesota Statutes 13D.05, Subd. 3.

Fiscal Impact:

None

Recommendation(s):

Staff is recommending closing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 for a discussion of the GRE settlement negotiations.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



PUBLIC FORUM SIGN UP SHEET

April 18, 2012

The East Bethel City Council welcomes residents and property owners to the Public Forum. The purpose of the forum is to provide residents and property owners an opportunity to respectfully inform the Council of issues they are concerned about.

The following guidelines apply to the Public Forum:

1. A resident/property owner may address the Council on any matter not on the agenda during the Public Forum portion of the agenda.
2. A person desiring to speak must sign up prior to the time the Council reaches the Forum on the agenda.
3. The Mayor will invite speakers up to the podium/microphone.
4. Once the Mayor has recognized the speaker, the speaker should state his/her name, address, and phone number.
5. Each speaker should attempt to limit their presentation to 3 minutes.
6. If a group of persons wish to address the Council regarding the same issue, the group should elect a spokesperson to present the group's issue to the Council.
7. The Council will listen to the issue but will not engage in dialogue or a Q & A session. If a majority of the Council would like to address the issue in more detail, it can be added to the agenda or can be addressed during the regular agenda of a future meeting.

NAME	ADDRESS	PHONE NUMBER	TOPIC

