

# City of East Bethel

## City Council Agenda

Regular Council Meeting – 7:30 p.m.  
Date: November 16, 2011



### 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 Reports/Presentation**

Page 1 A. Sheriff's Report

Page 2 B. MidContinent Cable

Page 3 C. Anoka County Hwy. Dept. Signalization Project at 221<sup>st</sup> Ave. & Hwy. 65

8:34 PM **5.0 Public Forum**

8:54 PM **6.0 Consent Agenda**

*Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration*

Page 6-9 A. Approve Bills

Page 10-27 B. Meeting Minutes, November 2, 2011, Regular Meeting

Page 28-31 C. Meeting Minutes, October 26, 2011 Town Hall Meeting

Page 32-33 D. Res. 2011-57 Final Certification of Delinquent Charges

Page 34 E. Res. 2011-58 In Support of Continuation of the Current Fiscal Disparities Law

Page 35 F. Site Plan for Recycled Oil Tank Location

### New Business

**7.0 Commission, Association and Task Force Reports**

A. EDA Commission (**No Report**)

9:00 PM B. Planning Commission

Page 36-46 1. Meeting Minutes, October 25, 2011

9:02 PM C. Park Commission

Page 47-58 1. Meeting Minutes, October 12, 2011

9:04 PM D. Road Commission

Page 59-66 1. Meeting Minutes, October 11, 2011

### 8.0 Department Reports

9:06 PM A. Community Development

Page 67-71 1. St. Croix Minimal Impact Design Standards Pilot Project - Pilot Community Application

Page 72-85 2. Tim Christiansen – IUP Renewal/Home Occupation – 1507 205<sup>th</sup> Ave. NE

Page 86-108 3. Ordinance 32, Second Series, An Ordinance Amending Chapter 14, Buildings and Buildings Regulations

Page 109-112 4. Summary of Ordinance 32, Second Series, An Ordinance Amending Chapter 14, Buildings and Buildings Regulations

9:30 PM B. Engineer

Page 113-125

1. JPA Between the City of East Bethel and Anoka County Hwy. Dept. for the Signalization Project at 221<sup>st</sup> Ave. & Hwy. 65

- C. Attorney (**No Report**)
- D. Finance (**No Report**)
- E. Public Works (**No Report**)
- F. Fire Department (**No Report**)
- G. City Administrator

9:45 PM

Page 126-128

1. Res. 2011-26 Amending the Fee Schedule

Page 129-134

2. Contract for Electrical Inspection Services

**9.0 Other**

9:50 PM

- A. Council Reports

9:55PM

- B. Other

10:00 PM

**10.0 Adjourn**



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 4.0 A

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**Agenda Item:**

Monthly Sheriff's Report

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**Requested Action:**

Information Only

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**Background Information:**

Sgt. Wiley will review the monthly statistics and report on activities for the month of October, 2011.

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 4.0 B

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**Agenda Item:**

Midcontinent Customer Service Presentation

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**Requested Action:**

Information Item

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**Background Information:**

Midcontinent Communications will be present a presentation to City Council regarding their transition of service from US Cable and be available to answer questions concerning customer service issues that have arisen from the transition.

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**Fiscal Impact:**

To be determined

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**Recommendation(s):**

None at this time.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 4.0 C

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**Agenda Item:**

Anoka County Highway Department Signalization Project – 221<sup>st</sup> and Hwy. 65

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**Requested Action:**

Informational Only

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**Background Information:**

Representatives from the Anoka County Highway Department will update the Council on the 221<sup>st</sup> Avenue NE and Hwy 65 Signalization Project that is scheduled for 2012.

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**Fiscal Impact:**

None at this time

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**Recommendation(s):**

Informational Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



**Payments for Council Approval November 16, 2011**

Bills to be Approved for Payment	\$311,061.11
Electronic Payments	\$21,844.65
Payroll City Staff - November 10, 2011	\$35,286.47
<b>Total to be Approved for Payment</b>	<b>\$368,192.23</b>

# City of East Bethel

November 16, 2011

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	85266	Menards Cambridge	615	49851	188.10
Arena Operations	Bldgs/Facilities Repair/Maint	102111	Connexus Energy	615	49851	21.32
Arena Operations	Concession for Resale	96351	1st Line/Leewes Ventures LLC	615	49851	968.60
Arena Operations	Concession for Resale	463438	Indianhead Foodservice Distrib	615	49851	344.54
Arena Operations	Concession for Resale	805191	The Watson Co, Inc.	615	49851	333.71
Arena Operations	Electric Utilities	102111	Connexus Energy	615	49851	5,483.80
Arena Operations	Motor Fuels	1052647480	Ferrellgas	615	49851	297.81
Arena Operations	Professional Services Fees	39	Gibson's Management Company	615	49851	9,254.29
Arena Operations	Telephone	110111	CenturyLink	615	49851	110.81
Building Inspection	Conferences/Meetings		10,000 Lakes Chapter ICC	101	42410	500.00
Building Inspection	Motor Fuels	1973716	Lubricant Technologies, Inc.	101	42410	486.86
Central Services/Supplies	Information Systems	215305	City of Roseville	101	48150	2,009.58
Central Services/Supplies	Information Systems	103011	Midcontinent Communications	101	48150	1,276.97
Central Services/Supplies	Office Equipment Rental	189147929	Loffler Companies, Inc.	101	48150	534.13
Central Services/Supplies	Office Supplies	10465	Norseman Awards	101	48150	20.15
Central Services/Supplies	Office Supplies	584270227001	Office Depot	101	48150	84.00
Central Services/Supplies	Office Supplies	584270287001	Office Depot	101	48150	29.87
Central Services/Supplies	Office Supplies	584308402001	Office Depot	101	48150	29.36
Central Services/Supplies	Office Supplies	583694691001	Office Depot	101	48150	37.21
Central Services/Supplies	Office Supplies	583694563001	Office Depot	101	48150	7.47
Central Services/Supplies	Telephone	110111	CenturyLink	101	48150	231.54
Equipment Replacement	Motor Vehicles		State of MN/Dept of Transportation	701	43220	9,500.00
Equipment Replacement	Motor Vehicles		State of MN/Dept of Transportation	701	43220	9,500.00
Fire Department	Bldgs/Facilities Repair/Maint	102111	Connexus Energy	101	42210	5.32
Fire Department	Electric Utilities	102111	Connexus Energy	101	42210	579.80
Fire Department	Fire Pension Contribution-City	101911	East Bethel Fire Relief	231	42210	4,000.00
Fire Department	Motor Fuels	1973717	Lubricant Technologies, Inc.	101	42210	443.31
Fire Department	Motor Fuels	1973716	Lubricant Technologies, Inc.	101	42210	774.52
Fire Department	Motor Vehicles	110111	Central Trailer Sales, Inc.	701	42210	4,499.00
Fire Department	Other Advertising	66399	Aspen Mills, Inc.	231	42210	626.50
Fire Department	Personnel Advertising	100054792	Soderquist's Market	231	42210	49.90
Fire Department	Personnel Advertising	37544	The Courier	231	42210	162.50
Fire Department	Professional Services Fees	213781	Anoka County Treasury Dept	101	42210	219,714.50
Fire Department	Telephone	110111	CenturyLink	101	42210	411.72
Fire Department	Travel Expenses	103011	Arden Anderson	231	42210	416.16
Fire Department	Travel Expenses	102711	Dan Berry	231	42210	88.95
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14775	GHP Enterprises, Inc.	101	41940	380.58
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-10-11	Premium Waters, Inc.	101	41940	25.21
General Govt Buildings/Plant	Electric Utilities	102111	Connexus Energy	101	41940	941.44
General Govt Buildings/Plant	Professional Services Fees	241569	Mark J. Traut Wells Inc.	101	41940	22.00
Legal	Legal Fees	40817	Eckberg, Lammers, Briggs,	101	41610	7,350.96
Mayor/City Council	Commissions and Boards	2165	City of Oak Grove	101	41110	3,629.97
Mayor/City Council	Other Advertising	37544	The Courier	101	41110	30.00
Park Capital Projects	Park/Landscaping Materials	17694	Central Wood Products	407	40700	726.75
Park Capital Projects	Park/Landscaping Materials	17695	Central Wood Products	407	40700	545.06
Park Maintenance	Bldg/Facility Repair Supplies	335887	Ham Lake Hardware	101	43201	12.34
Park Maintenance	Bldg/Facility Repair Supplies	87117	Menards Cambridge	101	43201	181.54
Park Maintenance	Clothing & Personal Equipment	470725219	Cintas Corporation #470	101	43201	14.00
Park Maintenance	Clothing & Personal Equipment	470728573	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470725219	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Electric Utilities	102111	Connexus Energy	101	43201	786.71
Park Maintenance	General Operating Supplies	87236	Menards Cambridge	101	43201	20.09

# City of East Bethel

November 16, 2011

## Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	General Operating Supplies	85261	Menards Cambridge	101	43201	154.04
Park Maintenance	General Operating Supplies	233776	S & S Industrial Supply	101	43201	5.08
Park Maintenance	Motor Fuels	1973716	Lubricant Technologies, Inc.	101	43201	663.87
Park Maintenance	Motor Fuels	1973717	Lubricant Technologies, Inc.	101	43201	852.53
Park Maintenance	Motor Vehicles Parts	204026	Lano Equipment, Inc.	101	43201	49.43
Park Maintenance	Motor Vehicles Parts	1539-107045	O'Reilly Auto Stores Inc.	101	43201	45.73
Park Maintenance	Motor Vehicles Parts	1539-107016	O'Reilly Auto Stores Inc.	101	43201	215.32
Park Maintenance	Other Equipment Rentals	49870	Jimmy's Johnnys, Inc.	101	43201	520.00
Park Maintenance	Park & Landscape Services	8468	Great Northern Landscapes, Inc	101	43201	1,309.00
Park Maintenance	Reimbursement-3rd Party Exp.	C0009378	League of MN Cities Ins Trust	101	43201	561.21
Park Maintenance	Repairs/Maint Machinery/Equip	773573	Pomp's Tire Service, Inc.	101	43201	49.12
Payroll	Insurance Premiums	40848	NCPERS Minnesota	101		128.00
Payroll	Union Dues	40848	MN Teamsters No. 320	101		553.35
Planning & Zoning	Escrow Reimb.	103111	Classic Construction	905		500.00
Planning & Zoning	Escrow Reimb.	103111	Dale A. Johnson	930		300.00
Planning & Zoning	Escrow Reimb.	103111	William Gombold	841		186.53
Planning and Zoning	Professional Services Fees	456	GIS Rangers	101	41910	896.06
Police	General Operating Supplies	149662	J. P. Cooke Company	101	42110	31.72
Police	Professional Services Fees	21434	Gopher State One-Call	101	42110	2.90
Police	Professional Services Fees	100811	Gratitude Farms	101	42110	250.00
Recycling Operations	Electric Utilities	102111	Connexus Energy	226	43235	106.09
Recycling Operations	Other Equipment Rentals	49870	Jimmy's Johnnys, Inc.	226	43235	62.50
Recycling Operations	Professional Services Fees	40848	Cedar East Bethel Lions	226	43235	1,000.00
Sewer Operations	Bldgs/Facilities Repair/Maint	102111	Connexus Energy	602	49451	24.53
Sewer Operations	Electric Utilities	102111	Connexus Energy	602	49451	608.31
Street Maintenance	Bldgs/Facilities Repair/Maint	470728573	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470725219	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	102111	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-10-11	Premium Waters, Inc.	101	43220	25.21
Street Maintenance	Clothing & Personal Equipment	470725219	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Clothing & Personal Equipment	470728573	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Electric Utilities	102111	Connexus Energy	101	43220	1,374.03
Street Maintenance	General Operating Supplies	81237	Metro Products, Inc.	101	43220	376.22
Street Maintenance	Lubricants and Additives	1539-105528	O'Reilly Auto Stores Inc.	101	43220	69.35
Street Maintenance	Motor Fuels	1973716	Lubricant Technologies, Inc.	101	43220	287.67
Street Maintenance	Motor Fuels	1973717	Lubricant Technologies, Inc.	101	43220	2,114.29
Street Maintenance	Motor Vehicles	110411	MN Dept of Public Safety	701	43220	1,328.00
Street Maintenance	Motor Vehicles Parts	204276	Lano Equipment, Inc.	101	43220	24.29
Street Maintenance	Motor Vehicles Parts	1539-107044	O'Reilly Auto Stores Inc.	101	43220	23.49
Street Maintenance	Motor Vehicles Parts	1539-107278	O'Reilly Auto Stores Inc.	101	43220	24.77
Street Maintenance	Motor Vehicles Parts	1539-106568	O'Reilly Auto Stores Inc.	101	43220	117.83
Street Maintenance	Safety Supplies	80657088	Bound Tree Medical, LLC	101	43220	176.20
Street Maintenance	Street Maint Materials	70744514	North American Salt Co.	101	43220	7,522.70
Street Maintenance	Telephone	110111	CenturyLink	101	43220	67.90
Street Maintenance	Tires	822172	Pomp's Tire Service, Inc.	101	43220	142.56
Water Utility Capital Projects	Electric Utilities	102111	Connexus Energy	433	49405	11.27
Water Utility Operations	Bldgs/Facilities Repair/Maint	102111	Connexus Energy	601	49401	26.67
Water Utility Operations	Electric Utilities	102111	Connexus Energy	601	49401	210.85
Water Utility Operations	Telephone	110111	CenturyLink	601	49401	108.31
						<b>\$311,061.11</b>





# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 6.0 A-F

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**Agenda Item:**

Consent Agenda

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**Requested Action:**

Consider approving Consent Agenda as presented

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**Background Information:**

Item A

Bills/Claims

Item B

Meeting Minutes, November 2, 2011 Regular City Council

Meeting minutes from the October 19, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, October 26, 2011 Town Hall Meeting

Meeting minutes from the October 26, 2011 Town Hall Meeting are attached for your review and approval.

Item D

Res. 2011-57 Final Certification of Delinquent Charge

The City has received delivery of the City Code of Ordinances, Chapter 74, Sec. 74-126 (b) and Chapter 30, Sec. 30-105 requires that the City Council adopt the final assessment resolution certifying the final amounts to county auditors for collection with property taxes in 2012.

Resolution 2011-57 provides for that certification.

Item E

Resolution 2011-58 In Support of Continuation of the Current Fiscal Disparities Law  
Growth and economic development are an important goal for all communities. With that in mind, the Metro Areas' Fiscal Disparities tax sharing system is making progress towards its objective. However, there may be an effort to dismantle this important program which assists in equalizing the disparities between those Cities with diversified tax bases and those that do not.

If the Fiscal Disparities Program was eliminated, most homeowner and business property tax statements in the Anoka County area would see an average increase of 10% (on the combined

city/school/county taxes). For the City of East Bethel this would amount to an increase of approximately \$288 on \$200,000 residential homestead in 2011.

To show leadership on this issue, Anoka County passed the attached resolution at the October 25 county board meeting. Anoka County is requesting our support for Resolution 2011-58 In Support of Continuation of the Current Fiscal Disparities Law so it can be ready for the January Legislative Session.

Item F

Site Plan for Recycled Oil Tank Location

As requested by Council, attached is a site plan that shows the proposed temporary location of the new oil recycling equipment. It is anticipated that the permanent location of this equipment will eventually be placed on the site of the old facility once the clean up is complete.

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**Fiscal Impact:**

As noted above.

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**Recommendation(s):**

Recommend approval of the Consent Agenda as presented.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## EAST BETHEL CITY COUNCIL MEETING

November 2, 2011

The East Bethel City Council met on November 2, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer                      Bob DeRoche                      Richard Lawrence  
                                 Heidi Moegerle                      Steve Voss (7:34 PM)

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

Call to Order     **The November 2, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda    **Boyer made a motion to adopt the November 2, 2011 City Council Agenda. Lawrence seconded.** DeRoche said he would like to pull item 8.0 A.2 Tim Christiansen IUP Renewal, table it. Boyer asked should we just table it when we get to it. DeRoche said that is fine. **All in favor, motion carries.**

**Moegerle made a motion to reconsider the November 2, 2011 City Council Agenda to add item 7.0 A.1 EDA Marketing and Branding Recommendation. Boyer seconded; all in favor, motion carries.**

Hearing -                      Davis explained that the East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b)  
Delinquent                      provides for the collection of delinquent utility bills through the property tax system. East  
Charges                      Bethel Code of Ordinances, Chapter 30, Sec. 30-105 provides for the collection of unpaid  
Certifications                      emergency services through the property tax system in the county which the recipient of the  
                                 services owns property. These ordinances provide an opportunity for property owners that  
                                 are delinquent in payments to the City for utility services and for emergency services to  
                                 come before the City Council to explain their specific situation. This Public Hearing this  
                                 evening is that hearing required in the ordinances.

The Public Hearing must be conducted and property owners must be provided an opportunity to be heard before the final certification of delinquent amounts is forwarded to the County for collection with property taxes.

At its September 21, 2011 meeting, Council set November 2, 2011 as the Public Hearing date for individuals wishing to object to the delinquent charges being collected through the property tax system. All affected property owners have been notified via U.S. Mail of the opportunity to appear before the City Council on Wednesday, November 2<sup>nd</sup>. Requests to be heard at the Public Hearing as provided for by ordinance were accepted through October 14, 2011. As of this date, no property owners have notified the City of their intent to be heard before the City Council.

Two emergency service charges remain unpaid. These two unpaid amounts are for the fire department's response to motor vehicle accidents. These accidents occurred at Hwy 65 & Viking and at Hwy. 65 & 187th Lane N.E.

The original proposed certification list included fifteen properties. These property owners

were notified. Of these fifteen properties, four made payment in full to correct the deficiency.

Council has set the final certification date as November 16, 2011. Following adoption of the assessment roll on that date, the City will continue to accept payments until November 25, 2011. The final list must be provided to the County no later than November 30, 2011 (Minnesota Statute 429.061, Subd. 3 requires the City to certify its assessments to the county auditor by November 30).

The Delinquent Accounts were listed in your City Council packets.

Mayor Lawrence opened the public hearing. There were no comments.

**Boyer made a motion to close the public hearing for the delinquent charge certifications. Moegerle seconded, all in favor, motion carries.**

**Boyer made a motion to certify the delinquent charges to the county no later than November 30, 2011 as outlined in our packet. Voss seconded; all in favor, motion carries.**

Heidi  
Moegerle –  
Service on  
Planning  
Commission

Lawrence explained we have some long overdue business to take care of. We always try to make sure that the people that serve on our committees get recognized. Lawrence said it is a tough job and when people do serve they need to be recognized for doing so. Ms. Heidi Moegerle had served the City of East Bethel as a Planning Commission member in 2010 and we would like to honor of her for her service to the City, it is a tough job and we thank you very much for doing so.

Used Oil  
Recycling  
Program –  
East Side Oil  
Company

Davis explained the existing oil recycle facility at 2761 Viking Blvd. NE was closed at the end of June 2010 due to a PCB contamination of the tanks. In addition to the cleanup of this site and litigation of the complaint of the vendor, staff has been exploring alternative means to restore this service.

East Side Oil Company (ESOC) has a program that can accomplish the goals of meeting a community's used oil recycling needs at no direct cost to the city. ESOC provides the above-ground storage container, signage, and transport of the used oil, all while being responsible for any material deposited in the storage tank. City staff would be responsible for keeping the area around the storage tank clean, checking tank levels, and requesting tank pumping, activities that were required with the previous arrangement with OSI. This proposed arrangement would provide an oil recycling facility while minimizing the City's risk and exposure in the provision of this service. The City Attorney has reviewed and modified the lease to address the City's concerns. The lease as amended by the City Attorney is attached.

A representative from ESOC will be in attendance to present additional information and answer any questions. ESOC operates approximately 50 sites within Minnesota. Staff contacted the City of Plymouth, an ESOC lessee, and received a very positive recommendation for this service.

The existing oil recycle facility at 2761 Viking Blvd. NE was closed at the end of June 2010. Staff recommends approval of the lease and operational agreement with East Side Oil Company for the used oil recycling program.

Patti Carlson of ESOC said we were actually contacted by the City of Brooklyn Park thinking we could help you with your services. The tank is at tailgate height. When we designed this tank we made it portable. We were looking for a more economical way to serve more cities in Minnesota. People don't want to travel more than 15 miles. Carlson said by you having a prior facility she can only imagine that people are still dropping off oil and that occurs at other sites that have shut down. This tank is a UL WL. We built this with the MPCA. She said on the face of the tank is an added piece of steel so if someone backs into it, it won't damage the tank itself. This was required by the State Fire Marshall. Carlson said there is also venting on the back of the tank as required. She said on the face of the tank there is a sign and all the signs are reflective. So they illuminate themselves. On the signs are all the regulations that the MPCA wanted to have.

Carlson said on the back of the tank are two vials, one is the level and one is the space between the inner wall and the outer wall. It is a requirement by the MPCA that once a month somebody walks out there and makes sure that little vial doesn't pop up. Carlson said if it pops up red, that means there is a breach in the tank. She said when we make a selection where these tanks are going to go; it becomes a partnership between ESOC and the City of East Bethel. If it pops up red someone has to notify us right away. We are not on site all the time; we do not drive out here unless we have other commercial accounts to service. Carlson said when the vial gets about half full we request that someone from the city notifies us so that we have enough time to route our trucks to be fuel efficient and service our accounts and we can pick that up and it doesn't get to the point that it overflows. Carlson said we did add a cover to it. She said it is on hydraulics. Carlson said the reason we put covers on is we do not provide garbage service. She said that we find that if you provide a dumpster they will leave it. If you don't they tend to not. Carlson said and on the tank itself it says, "Please take your garbage and containers this is not a dumpsite." It is just for used oil.

Carlson said a requirement by the MPCA is a barrel for filters, barrel for oil and a barrel for antifreeze. The requirements by the MPCA, any barrels that contains fluids, meaning the big tank, has to be registered and says used oil only on it. The barrel for filters says used filters only. And on antifreeze barrel it says used antifreeze only. Carlson said this is because they don't want people to mix; any commercial place has to do this as well. They always have to be covered so the filter barrel has a flip top; antifreeze has a funnel so it makes it easier for them to get into a 55 gallon barrel. Carlson said the only other thing we just now modified per the MPCA is we take the barrels and attach them to the tanks. This makes one less change of their being a spill.

Carlson said there is a lock box on the tank itself for donations, 50 cents for filters, \$1.00 for each gallon of antifreeze or oil. She said we know there is an expense for people to go out and take a look at this tank, and if there is a minor clean-up. Carlson said if there is a major spill we expect a representative from East Bethel to call us right away so we can take care of it. She said but that funding goes to the city. Carlson said we don't provide the lock because we don't want to have access or risk.

Carlson said every city/county has their own vehicles and her recommendation is that you don't put the city's used oil in this tank. She said the difference between the tank; it is not a valued resource like somebody changing your own truck, because you know what is coming off your truck. Carlson said typically you should be paid for that oil. She would recommend that they provide on free lease a 550 or 265, 550 is a double wall, 265 is a single

wall, based on your fire code, based on whether it is on cement, put your vehicle oil in there and we would reimburse you. She said we are a recipient of the state contract as well. Carlson said she doesn't know what zone you are in, but you should be reimbursed a minimum of 65 cents per gallon. No charge for your filters and no charge for your antifreeze.

DeRoche asked what issues have you found. Carlson said typically garbage has been the biggest issue. She said we had a big problem with this in Montevideo, for some reason people thought it was a dumping ground. Carlson said this was privately owned. She said we didn't provide a dumpster and they didn't provide a dumpster. Carlson said they called me up and said it was overflowing with containers. She said finally someone left a backboard there saying this is a petroleum based product. Carlson said so finally she wrote a letter to the editor explaining that this was being provided to them by the city, by the Farmers Union Coop, something they were doing for the community and if they continued to do this, they would pull the tank. She said and it stopped.

Carlson said one time someone put something like a solvent in our tank in Melrose. She said the difference in our surfaces and others is we vacuum. So we take everything, sludge, everything that is down below. Carlson said so if we see something isn't quite right with our tank, we vacuum that thing down. And we clean it up. She said and all of ours is tested for different types of things we have to be in accordance for with the MPCA.

DeRoche said because our tank got contaminated, could have been someone driving down Hwy. 65 knew the tank was there and said lets dump it in there. He asked what is to prevent that happening with your tank? Carlson said nothing. She said but this is the difference. Carlson said prior you were paid for the oil in that tank. She said anytime that you sell oil, in a sense you are responsible to test that oil. The oil that comes in from the community can have water that comes in with it. Carlson said it may have gas in it. She said in our facility we have to go back and determine what it is, what we can do with the oil. Carlson said and if for some reason we are able to recover it and send it off it to asphalt sites, we put aside that funding and we build more sites. This is a way we give back to the community, it kind of self-funds itself.

DeRoche asked there is no means if someone contaminates it; you have the vial with the red indicator, no way to set it to go off. Is there any means or way to set that up so if it is contaminated you know? Carlson said what we plan to do, since we know about your prior situation, is that the tanks will be tested before they leave the site. She said our tanks are above ground and we can hold 1,500,000 gallons of storage, we don't want to take the risk of those 2,000 gallons of that being contaminated. But we are 1 of 5 hazardous waste providers in the State of Minnesota, so typically when people call and they have hazardous waste, they call us.

DeRoche asked with the lease of equipment, he noticed there is a certain monetary value is the equipment is damaged, lost or stolen. He said it says you carry insurance. DeRoche asked is the city to carry insurance against loss, theft or damage? Carlson said she thinks that is up to the city. We cover our own liability insurance. She said the reason we have the value on the lease is so we can attach it to our policy. Carlson said an insurance certificate would be given to you at that time. She said we are within the guidelines of the MPCA rules and a part of that requires us to have a certain amount of liability insurance on all of our tanks. Vierling said the city has its own premises liability with the League of Minnesota Cities (LMC). He said he would also like to note that we did confer with the LMC on this

particular lease before we proceeded and made further amendments. Boyer asked and Vierling has reviewed the lease and doesn't see any risk for the city. Vierling said we have reviewed it and have made adjustments to it, but we have also had the LMC risk people take a look at it as well and they are fine with it.

DeRoche asked related to the clean-up, is that minor clean-up the city does and major clean-up ESOC does. Carlson said we have never had major. She said what minor would be, there is a four foot whole that they need to hit and every once in a while if the city could wipe this, the front of the tank, because if you leave this, after a while it becomes an issue. Carlson said our staff every time they come out they will be cleaning up the tank as well. She said we need someone that is going to be around every once in a while to look out for the tank. Carlson said you would not necessarily be responsible for what is in the tank, or the tank itself, but to say this is the problem or the issue, and call ESOC.

DeRoche asked is this something that is going to be fenced in. Davis said it could be fenced in. He said with the way Carlson has shown it, it is out in the open. Davis said as far as monitoring goes, with the OSI arrangement, we had a scheduled whereby they came by every 7 to 10 days and pumped it unless we called them. He said with this arrangement we would have to let ESOC know when it needed to be pumped. So we would have to send somebody by there twice a week to check the tank and monitor the levels in it. Davis said we have people going by there every day. Carlson said the reason why we have our partner's do that is there is a MPCA guideline as well. That they want to make sure people are walking around this and looking out for it. Carlson said we have to fall under certain guidelines as well. She said we don't want to have a spill of any kind.

Lawrence said just to clarify you are accepting drain oil only from automobiles, correct? Carlson said used oil. She said used oil can have different faces. Carlson said there are different types of hydraulic oils that can go into the tank. She said no food oil, we get asked that. Lawrence said so it is hydrologic fluids on tractors and such when you change it out. He said the motor oil and such. Carlson said yes. DeRoche asked transmission fluid? Carlson said yes. She said that is why you never know why kind of oil you are going to get. Carlson said if it is a city vehicle you pretty much know it is not contaminated with water, there is less of a process to get it to be an on-spec'd oil in accordance to the MPCA. She said that is the only type of oil that a building that has an oil burner can burn. Boyer asked question of process, listed under public hearing, but staff is requesting action from Council, is it your expectation that we take action. Davis said if that is Council's desire. Boyer said he thinks it might be more appropriate to have the presentation under New Business.

**Boyer made a motion to approve the lease and operational agreement for the Used Oil Recycling Program with East Side Oil Company subject to review by the city attorney. DeRoche seconded.** Voss asked have we looked at where we are going to place this yet. Davis said not exactly on the site yet. He said he thought we would confer with the East Side Oil reps. Davis said ultimately if this goes in, he would envision that we would remove the structure where our existing facility is. He said and eventually locate it there; it would be accessible all the way around. It would be out of the way of the main stream of traffic. He would envision that the first location would be on the west side next to the highway, as far away from the building as possible.

Voss said part of reason he asks is signage. He said he assumes they don't all have this large sign on them. Carlson said yes they do. Voss said they do all have that sign. Carlson said and on the side of that sign it says, "Public Used Oil Drop site, this facility has been

brought to you by the City of East Bethel and East Side Oil Company". She said that illuminates on both sides as well. Voss said that is why we need to discuss the location of it. Carlson said her thought would be this. She said she is not part of East Bethel, but she is part of East Side Oil company. Carlson said if people already know where to take the oil, for recycling, because once you put it somewhere else, they will still bring their oil there. You move it and they are not fully aware of it, they will still leave their oil there. Voss said he agrees, we have had it there for 30 years, we are not going to move the location, but having it right by the highway with a huge sign that is lit up. He said that is all he was asking and we don't need to decide this tonight either.

Moegerle asked are we going to move the underground tank. Davis said eventually we will, we are waiting for the final clean up by OSI. He said they did the initial phase clean up and didn't test. Davis said so they are going to have to go back and do some more work on that. He said this is an operation that the LMC will cover under our insurance program though. Davis said hopefully we will have all the clean-up done in the next couple weeks. He said then after that, there will be the process probably in the spring time of getting rid of that facility. Boyer asked what kind of time frame are we looking at before we could be up and running. Davis said he assumes we could be up and running in a couple weeks. Boyer said you could bring back a site approval to the next meeting. He said even if it ends up on the consent agenda. **Boyer amended his motion to make this subject to site approval by Council. DeRoche 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.

Dan Butler of 20330 Austin Street NE said he sent an e-mail to Council (from his secondary e-mail) about a little bit of a tough time he has had personally with MidContinent. He said he is going to go back to a letter he received as a MidContinent prospective customer on September 27<sup>th</sup>. Butler said a three page letter was sent out explaining what we needed to do possibly about our billing set up, what was going to happen with our voice over internet, what was going to happen with our cable television and there were a couple other things. He said on the bottom of the third page was about a ½ inch to an inch of what to do with your e-mail address and he missed that. Butler said he did spend the better part of an afternoon, mid-October setting up his billing with MidContinent. He said he had to make three phone calls to get them to take his money. Butler said he thought that was rather bizarre but, what the heck.

Butler said so yesterday he had his e-mail address go down unexpectedly, because he didn't realize that on or about (we never got a hard date) that the e-mail address was going away. He asked if any Council Members had ever had this happen. Boyer said yes, two days ago. Butler said it is rather traumatic. He said he couldn't get an explanation from the tech so he asked for a supervisor. Butler said the supervisor said US Cable might be able to resurrect his previous e-mail. He said they sent me a body of a text which he sent to everyone.

Butler said that was about forty minutes of his life yesterday afternoon. He said an unfortunately he actually had one of the Council members on his speed dial. He always takes my call, and he got an earful also, so he apologizes for that. Butler said he figured he would send an e-mail out to all of you and then this morning he proceeded to get e-mail addresses set up so he can move forward with his new provider. He said that is a little bit of a bizarre situation too, because it seems as though they are so very busy answering calls in their service center, he was on hold for 18 minutes before getting a live person. Butler said that was just to get his e-mail that he had set up this morning at home to work on his mobile

device. He said then he also has a laptop that he can pick e-mails up on. Butler said this afternoon he spent an hour with somebody from MidContinent Cable trying to get the POP3 codes and the SMTP codes correct in that laptop so he can receive e-mail from our new provider. He said he was really excited about seeing all this, we got a new bigger company and that is all great. Butler said he watched the guy from US Cable say this is going to be great, this is a bigger company. He said then the guy from MidContinent was here and he said what was going on about MidContinent and US Cable.

Butler asked did anybody call anyone from MidContinent to find out how the transition was going to work. He said he is suspecting not. DeRoche said he did. He said you were pretty lucky. DeRoche said the first time he was on hold for thirty minutes and the second time he was on hold for even longer. He said then he called the CEO of MidContinent and got his voicemail and he got a call back about twenty minutes later. DeRoche said the CEO was on vacation but he hooked me up with the regional guy and we got some stuff straight. He said but, he has heard from other people just exactly what you are talking about. DeRoche said he got a call saying someone's cable bill went up \$45. He told them they can't be, and they told him they got new equipment. Well he had perfectly fine equipment before this. DeRoche said he is not quite sure what is going on there, but it was his understanding that Steve Johnson was going to be taking care of this stuff. Davis said he made some contacts with Johnson via e-mail today and asked him if someone from US Cable or MidContinent could be here tonight. He said apparently it was short notice. Davis said if you like we not request, but insist that they be here at our next Council meeting. Voss said he thinks summons is a better word. Moegerle said she thinks you should tell them the love fest is over.

Butler said maybe they were so busy with calls. He said he was just taken aback by the whole thing. Butler said going back to the billing issue, that was part of his issue. He said the bills didn't match up; he had to straighten that out to give them his money. Butler said you are obviously all aware of issues with MidContinent and the transition. He said he guesses due diligence or hindsight is 20/20. Lawrence said he has heard a lot of complaints about MidContinent not getting the job done and you are on the real short end of the wait time. He said he has heard of wait times up to a couple hours. Lawrence said they keep coming back on saying, "You are in the queue, we will get with you." He said one gentleman waited hours and hours to get back on and they never came. Butler said the question would be raised what are our legal options on something like this. Boyer said he will raise this during Council Reports, but this isn't on the agenda so we really can't take any action. Moegerle said and the franchise agreement comes up again. She said when we were having that hearing she goggled MidContinent and complaints did not come up. Moegerle said she imagines that has changed now. Butler said he changed his billing and got that all set up and he received a postcard, and it is talking about a bunch of different things, nothing about e-mail on here. He said he also asked the supervisor in the tech support area, "Did it occur to you to get the e-mail addresses from US Cable and send an e-mail out to all customers?" Butler said he told him that they don't have the e-mail addresses. He said he told them his e-mail address as part of US Cable was part of the assets they bought. If you didn't have the foresight to get the e-mail addresses of all the customers who had e-mail and be courteous enough to send them an e-mail, that would have been a good idea. Butler said that the supervisor told him he was right.

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

**19, 2011, Work Meeting; D) Resolution 2011-54 Accepting Donation from Patricia Regan; E) Resolution 2011-55 Declaring Surplus Property 1981 Grumman Utility Truck; F) Change Order #3, Project 1, Phase 1, Utilities. Voss seconded.** Boyer pulled item G. DeRoche pulled item H for discussion. Moegerle said she has her usual spelling and grammar changes to the meeting minutes. **All in favor, motion carries.**

G – Oak Glen Estates – Warranty Letter of Credit (LOC)

Boyer asked has the developer performed all the work. Jochum said he is in the process. Boyer asked then why would we release the LOC if he has done all the work yet. Jochum explained that it will only be released once he is finished. Vierling explained that the other issue you have is the LOC is scheduled to expire on November 18<sup>th</sup>, so if the work is not done by November 18<sup>th</sup> then we are going to have to pull it and take action on November 17<sup>th</sup>. Jochum said or require them to put in a cash escrow. Vierling said or an extension on the LOC. Boyer said again, why are we releasing this. Voss said if he is not done, can't we just table this to the next meeting. Jochum said this is on here in case he doesn't finish, it gives staff the authorization to pull it. He said if he does finish then we will let it expire. Voss asked if it expires on the 17<sup>th</sup>? Vierling said it expires on the 18<sup>th</sup>. Voss said and our next meeting is the 16<sup>th</sup>, so we have another meeting before this expires. He asked is it critical to have action tonight. Jochum said no, but then we can give the bank a heads up. Jochum read from his write up: If the developer fails to make the necessary corrections the city would contract with an outside contractor to make the necessary corrections and pay for it from the LOC proceeds. Boyer said he doesn't have a problem with that; he is unsure what you want us to do here. Davis said the other thing in there is we have given him until November 11<sup>th</sup> to complete the work. Boyer said and if he doesn't have the work done, by the 11<sup>th</sup>. Voss said then we have already given them the approval to pull the LOC. Boyer said so you are seeking our approval to do that. Jochum said correct. He said otherwise we could bring it back to the next meeting.

**Voss made a motion to have staff proceed with provisions on page 46 of packet, Oak Glen Estates – Warranty Letter of Credit (LOC). Lawrence seconded; all in favor, motion carries.**

Res. 2011-56 Approving Raffle Permit for St. Francis Blue Line Club with No Waiting Period

DeRoche said he just has a question on the raffle permit for St. Francis Blue Line Club. He asked is that the people that rent the Ice Arena. Davis said yes, they are part of the youth hockey organization, that is correct. DeRoche asked does part of the proceeds go to help the kids in East Bethel. Davis said St. Francis includes East Bethel on this.

**Boyer made a motion to adopt Resolution 2011-56 Approving Raffle Permit for St. Francis Blue Line Club with No Waiting Period. DeRoche seconded; all in favor, motion carries.**

EDA – Marketing and Branding RFPs

Moegerle said the EDA met today regarding the marketing and branding proposals we received. She said there was agreement by the EDA that the following companies be invited to interview for that business. Moegerle said those companies are: SVP Design Consulting, Studio 106 Inc. and Sharp Creative (Landform). She said there was divided discussion in regard to Addy Voltage. This is the one out of Madison, Wisconsin. Mike and I were interested. She said also Julie Lux was interested and Brian indicated he was interested in this company; however that was not what passed the EDA. Moegerle said so if you would like to interview four, she would indicate that might be the fourth that might be interviewed by the Council. She said but the first three were submitted to Council to interview by the EDA. DeRoche asked if there was any particular reason there were just three and not four? Boyer said there was concern, one that since they are not from this area, our money spent on

researching this area. He said that was one of the concerns raised. Moegerle said to counter that, this is someone that would be coming in with a fresh prospective to East Bethel. She said the other thing is that the interview process is information gathering. Moegerle said and when the interview process goes through they would be presenting ideas. She said she doesn't want to bring in someone that isn't absolutely going to be considered. Moegerle said the other three are local. Sharp Creative (Landform) doing core in Ramsey. Studio 106 is out of East Bethel. SVP, not finding an address but they are also local. She said it might be an interesting prospective to gain from the outside. Moegerle said she throws that out because there were four people interested from the EDA in Addy Voltage. She said two of the four were not present at the meeting. Boyer said in fairness we don't know if they would have changed their mind.

DeRoche said he doesn't know what it is going to hurt to at least interview them. Moegerle said they would be coming from Madison, Wisconsin. Boyer said that would be their choice. If they want to come, they come. Moegerle said the question is whether or not to put the invitation to them. DeRoche said the EDA was put tougher to come up with ideas for economic development, correct? He said if four out of the seven were interested he doesn't see a problem with it. As long as they don't come here thinking they are going to get picked just because they are coming from Madison. Voss asked is this an EDA activity or Council activity. Davis said this is a Council activity to recommend which firms to interview. Voss said because we don't even have this on our agenda tonight. Davis said what the recommendation was that came out of the EDA was to set up a meeting with Council to interview these applicants. DeRoche said it wasn't intended to be discussed tonight, at the EDA it was do we hold two separate meetings, or do we hold a meeting with the EDA and Council together and kill two birds with one stone.

Boyer said if you want it on the agenda, the meeting is set for the December 14<sup>th</sup> so we can certainly put it on the next agenda. Voss said he that the discussion was do we want to add another company to be interviewed. He said and now he is hearing do we want the interviews to be a meeting together or two separate meetings. Moegerle said when she added this to the agenda it was to discuss the EDA recommendation with regard to this which was to come before the Council and make the decision on who to invite to be interviewed. She apologized if she wasn't quite clear on that. Voss said you are asking Council whether we should add this fourth entity into the interviews with only the two Council Members that were part of the discussions, that were there at the EDA. Moegerle said it is her understanding from the planner that all Council Members received a copy of these packets. She said she is advising you that the EDA made this decision on the three. Moegerle said she is advising you on the additional fact that there were four people interested in the other. She said it passed the EDA for their final recommendation. Moegerle said it is here at Council so that Council can make the decision to act on the EDA recommendation.

Voss said he would prefer to go by what the EDA recommended, that is what we had the commission set up for. Lawrence said the only reason they didn't get put in was because they weren't here. He said but they did e-mail in their concerns. Lawrence said he thinks it has some valid point, these people read their stuff. He said they are on the EDA. Lawrence said they sent their information in and it is good to look at that. Boyer said there is an assumption there is that they don't change their mind during discussion. Lawrence said the assumption is that they sent in their opinion. Boyer said the assumption is that they didn't participate in a discussion where they could have changed their mind. Moegerle said there is also an assumption that if someone went to the effort of making an e-mail it has some weight. Voss said he is talking about superseding a process that was set up. He said you are

suggesting basically a proxy vote to make a decision. Voss said that is just it, if other EDA members weren't there and afterwards sent in an e-mail with their vote. Moegerle said she is just providing context. She said it is the Council that makes the decision, that is how we set up the EDA. Moegerle said she is providing context, you have had the opportunity to review these. Voss said but it wasn't Council's position to select who was being interviewed. He said it was never presented to Council that way. Voss said it was EDA was selecting the firms to be interviewed. Moegerle asked if this should be approved by Council. Davis said it can be approved by Council or not. He said it is up to Council the way it is set up. Davis said if Council wants the EDA to conduct the interviews and make a recommendation to them then that would be the practice that is followed. He said it has generally been the practice with the Council's he has been around here that anything that has a substantial contract, Council participates in the selection or interview process. Voss said right, he is just responding to the statement that we should have already reviewed it and selected who we wanted interviewed. He said that wasn't our process, that was EDA's process. Moegerle said she did not say that. She said it was available to you, it is your choice what you choice to read, she is not choosing that for you. Boyer said in all fairness we all have plenty to read every week and we don't need to go out of our way to look for more. He said let's just vote on this, it is fairly apparent what we are going to do. Voss said he would suggest it is EDA's activity and Council would be there to watch the interviews. Moegerle asked is that consistent with the EDA By-Laws? Vierling said Council needs to make the financial decisions.

**Boyer made a motion to extend an invitation to SVP, Studio 106 Inc., Sharp Creative and Addy Voltage for a joint EDA and Council meeting on December 14, 2011 at 6:00 p.m., EDA will decide on the process and run the meeting. Moegerle seconded. Boyer and Voss, nay; DeRoche, Lawrence and Moegerle, aye; motion carries.**

Mary Kelly –  
IUP/Farm  
Animals –  
22051 Durant  
Street NE

Davis explained that Mr. and Mrs. Kelly are requesting an IUP for the keeping of domestic farm animals. The request is for the keeping of up to four (4) horses and a combination of goats, sheep, chickens, and pheasants or quail; not to exceed animal units per acre of pastureland as regulated in East Bethel City Code Section 10, Article V. Farm Animals.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 20-acre parcel is not located within a platted subdivision.

The 20-acre parcel has approximately two (2) acres of wetlands and ten (10) acres of open pastureland with an existing barn. City Code has a limit on the number of animals per parcel. Horses require one (1) acre of pastureland per horse while the animal units for goats/sheep (2 per acre) and chickens or pheasant/quail (100 per acre) require less acreage. Pasture land is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

The property owners are in the process of fencing pasture land for the horses and other animals. The fencing must be completed prior to the animals occupying the property.

City staff has conducted a site inspection. The property meets the requirements set forth in City Code for the keeping of farm animals.

Planning Commission recommends approval to the City Council of an IUP for the keeping

of up to four (4) horses and a combination of regulated animals so as long the combination does not exceed animal units per acre of pastureland as regulated in East Bethel City Code Section 10, Article V. Farm Animals. The IUP shall be granted for Mary Beth and John Kelly for the property located at 22051 Durant Street NE, East Bethel, PIN 12-33-23-22-0003 with the conditions as listed in your write up.

**Voss made a motion to approve the request for an Interim Use Permit (IUP) for Mary Beth and John Kelly at 22051 Durant Street (PIN 12 33 23 22 0003) for the keeping of up to four (4) horses and a combination of regulated animals with the conditions as follows: 1) An Interim Use Permit Agreement must be signed and executed by the property owners and the City; 2) Property owners must comply with City Code Section 10. Article V. Farm Animals; 3) Permit shall expire when: a) The property is sold, or b) Non-compliance of IUP conditions; 4) Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP; 5) Property will be inspected and evaluated annually by city staff; 6) Conditions of the IUP must be met no later than January 2, 2012. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP; 7) Property owner must complete a Request for Change of Animal Units form available from the Planning Division. This form is intended to keep staff updated as to the number and type of regulated domestic farm animals kept on the property. The form will be kept in the address file. Boyer seconded.** Lawrence said he had the opportunity to sit on the Planning Commission meeting on this item and the neighbors showed up and said yes, we want them. He asked you also plan to work with distressed animals also. Mary Beth said yes. Lawrence asked you will make the limit four horses, correct? Mary Beth said yes. **All in favor, motion carries.**

Mary  
Hendrikson –  
Administrative  
Subdivision/  
Lot Line  
Adjustment –  
2859 221<sup>st</sup>  
Avenue NE

Davis explained that East Bethel City Code Chapter 66, Subdivisions, allows lot boundary line adjustments where the division is to permit the adding of a parcel of land to an abutting lot. Administrative subdivisions do not require a public hearing; therefore, City Council is the only review body for the land use request.

Ms. Henrikson's existing parcel is 29 acres in size. She is requesting an adjustment of the northern property line by moving it to the south and adding the parcel of land to Mr. Henrikson's abutting property.

Ms. Henrikson's existing 29 acre parcel will then be reduced to 9.71 acres. Mr. Henrikson's existing 0.8 acre parcel will increase to 19.3 acres. Attachment #3 is a survey that reflects the lot line adjustment.

The City Attorney has reviewed the proposal and has requested the following:

1. The owners to supply an informal drawing identifying the location of the current well and septic systems on each lot and backup location for septic replacement when needed,
2. Survey of the existing parcels and lot lines, and
3. An ownership and encumbrance report identifying fee owners, lien holders and easements, prepared as to each existing lot of record.

The administrative subdivision meets the requirements set forth in city code and meets the policies adopted as part of the East Bethel Comprehensive Plan; therefore, staff suggests City Council consider approving the subdivision.

City Staff is recommending approval of the Administrative Subdivision that would allow a lot line adjustment for the properties known as 2859 221st Ave., PIN 03-33-23-34-0004, and 22309 Bataan St., PIN 03-33-23-31-0002. The parcel known as 2859 221st Ave. NE, East Bethel, will decrease in size from 29 acres to 9.71 acres. The parcel known as 22309 Bataan St. NE, East Bethel, will increase in size from 0.8 acres to 19.3 acres. The approval shall be contingent on the conditions as listed in the write up.

**Boyer made a motion to approve the request for an administrative subdivision to allow a lot line adjustment for Mary Hendrickson for the following properties at 2859 221<sup>st</sup> Ave. NE (PIN 03 33 23 34 0004) decreasing in size from 29 acres to 9.71 acres and 22309 Bataan Street NE (PIN 03 33 23 31 0002) increasing in size from 0.8 acres to 19.3 acres with the following conditions: 1) The owner is to supply an informal drawing identifying the location of the current well and septic systems on each lot and backup location for septic replacement when needed; 2) Submit a survey of the existing parcels and lot lines; 3) Submit an ownership and encumbrance report identifying fee owners, lien holders and easements, prepared as to each existing lot of record. This information can be identified on the existing survey; 4) Certification from the surveyor must be submitted stating that all lot corners have been set; 5) New property description must be reviewed and approved by City Engineer prior to the signing of the parcel deeds; 6) Deeds and survey shall be recorded at the Office of the County Registrar of Titles no later than February 2, 2012. Failure to promptly record this transaction will void the administrative subdivision. Moegerle seconded.**

Boyer said wants to raise one issue. He asked you do realize there were be a certain advantage to you to have a 10 acre parcel as opposed to 9.71 acres. Mr. Hendrickson said there is a house and garage on it now. Boyer said he understands but the reason he brings it up is you could do a metes and bounds division if it was a 10 acre parcel. He said he is only bringing this up because otherwise he is going to say it can't be divided in the future. Mr. Hendrickson said for that one, but how about the 19.3 acre one. Boyer said but you are never going to get four parcels out of 19.3. He said so if you did 19.01 and you would in essence have an extra lot. Mr. Hendrickson said it is agricultural we are not looking to subdivide; we are just splitting into two lots for mom and myself. Voss said there is another factor that goes in there and that is frontage. He said with this parcel B, even if they had 10 acres, they couldn't subdivide it because it needs 300 feet of frontage. Boyer said we have granted a lot of variances for road frontage over the years. Voss said he was going to bring it up also. He said if parcel A was 20 acres you would have 4 lots. Two ways to subdivide, metes and bounds, and subdivide. Just want to make sure you know about it. **All in favor, motion carries.**

Tim  
Christiansen –  
IUP Renewal/  
Home  
Occupation –  
1507 205<sup>th</sup>  
Avenue NE

**Boyer made a motion to table the request for an Interim Use Permit (IUP) for a home occupation for Tim Christensen at 1507 205<sup>th</sup> Avenue NE (PIN 17 33 23 43 0010) until the next Council meeting.** Moegerle asked what is the point, what do you want to achieve by tabling this. DeRoche said he has some problems with renewing an IUJP when the original hasn't even been met yet. He asked how do you renew something that shouldn't have even taken effect. DeRoche said this was passed last November or December and all the licensing and paperwork was to be done by January 20<sup>th</sup> and that hasn't been done yet. He said to his knowledge the licensing for an automobile dealers license or a hazardous waste from Anoka County hasn't been issued still as of this morning. DeRoche said in the original IUP stipulations, if these items weren't met by January 20<sup>th</sup>; the IUP was to become null and void. He said he would suggest until the licensure is gotten, if it can be, and the information he has gotten is this isn't going to happen per the county, he thinks this needs to

be put on the back burner or make it null and void and he can resubmit for a new one when the items are in place.

**Boyer withdrew his motion.** Moegerle said she is looking at the October 26<sup>th</sup> letter and from the attorney and it says the application license is in process and will be filed in the very near future. She said however #10 of the conditions of the IUP from November 17<sup>th</sup> says Mr. Christianson must submit a MN Vehicle's Dealers license to the City of East Bethel and obtain a City of East Bethel Automobile Dealer's license. Each license is to be renewed on an annual basis. A copy is to be submitted. Finally it says a copy filed and IUP conditions must be met no later than January 20<sup>th</sup>, 2011. Moegerle said so if he hasn't gotten it by October 26, 2011, he certainly hasn't met the requirements by January 20<sup>th</sup>, 2011, so there never was an IUP. DeRoche said we are renewing something that didn't exist. Voss asked so what are we doing, are we tabling this. He said he is confused as to what is going on here. Boyer said we could table this for 30 days and if he hasn't done anything we could act on it. Voss asked don't we have to act on this by November 17<sup>th</sup>? Vierling asked the date of the application. Davis said he thinks Voss's point is critical. He said it has to be acted on by November 17<sup>th</sup>. Voss said that is the date of the original IUP. Moegerle said our point is there never was one. Voss said this is what staff is supposed to present, he is hearing this from two different Council Members. DeRoche said it is right in the minutes. Davis said he would suggestion you give staff direction to investigate this and bring it back to Council on November 16<sup>th</sup> for denial or approval.

**Boyer made a motion to table the request for an Interim Use Permit (IUP) for a home occupation for Tim Christensen at 1507 205<sup>th</sup> Avenue NE (PIN 17 33 23 43 0010) until November 16, 2011. Voss seconded.** Lawrence said with that tabling we should be saying that he should be supplying the required documentation. Davis said that is part of what staff will get. **All in favor, motion carries.**

Ordinance 32,  
Second Series,  
Amending  
Chapter 14,  
Buildings and  
Buildings  
Regulations &  
Summary of  
Ordinance 32,  
Second Series,  
Amending  
Chapter 14,  
Buildings and  
Buildings  
Regulations

Davis explained that Staff has revised City Code, Chapter 14 Buildings and Building Regulations to eliminate redundancies and conflicts with other sections of the city ordinances. The revision also provides for appeal processes, permit fee refunds, and the addition of electrical inspections. The revisions to the ordinance are included in the attachments for your review. The City Attorney has reviewed the revisions and forwarded changes.

Staff recommends adoption of Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel by Modifying Sections 14-19, 14-20, 14-21, 14-22 and 14-23.

Boyer said he thought we had adopted these changes, they automatically rolled in. State Code Changes. Vierling said he doesn't think they can automatically roll in. He said in many respects it is a housekeeping matter. Vierling said this particular item came before you two months ago and there were question on it. He said there is no particular crisis if this doesn't happen tonight. Lawrence said unfortunately he did not have enough time to review this; it came to him pretty late.

**Lawrence made a motion to table Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel by Modifying Sections 14-19, 14-20, 14-21, 14-22 and 14-23 and Summary of Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel until the next meeting. DeRoche seconded.** Voss asked for a redline version with the changes.

**All in favor, motion carries.**

Pay Estimate  
#6, Phase 1,  
Project 1,  
Utilities

Jochum explained that the major pay items for this pay request include removals, sanitary sewer, discharge piping, and watermain construction on Ulysses Street north of 187<sup>th</sup> Avenue, restoration on Ulysses Street south of 187<sup>th</sup> Avenue and other miscellaneous items. Two separate payments will be made. One payment will be to S.R. Weidema and the other will be to the escrow account established at TCF Bank. We recommend partial payment of \$612,614.42. A summary of the recommended payment breakdown is as follows:

<b>Contractor Payment Summary</b>			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$2,529,249.05	\$2,231,700.04	\$297,549.01
City	\$1,985,928.53	\$1,701,493.83	\$284,434.70
Total	\$4,515,177.58	\$3,933,193.87	\$581,983.71

<b>Escrow Payment Summary</b>			
	Totals to Date	Less Previous Payments	Amount Due this Estimate
MCES	\$133,118.37	\$117,457.90	\$15,660.47
City	\$104,522.55	\$89,552.31	\$14,970.24
Total	\$237,640.92	\$207,010.20	\$30,630.71

This estimate includes payment of \$581,983.71 to S.R. Weidema and \$30,630.71 to the escrow account for a total of \$612,614.42. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

Staff recommends Council consider approval of Pay Estimate #6 in the amount of \$612,614.42 for the Phase 1, Project 1 Utility Improvements.

Boyer made a motion to approve Pay Estimate #6 to S.R. Weidema in the amount of \$612,614.42 for Phase 1, Project 1, Utility Improvements. Lawrence seconded; all in favor, motion carries.

**Auditing RFPs** Davis explained that HLB Tautges Redpath, LTD has been providing audit services to the City for the past seven years. The last agreement was to provide auditing services through the year ending December 31, 2010. HLB Tautges Redpath LTD has provided outstanding professional service to the City.

On August 17, 2011 City Council approved the solicitation of bids for professional auditing services for the years ending 2011, 2012 and 2013. The RFP notice was posted on the League of Minnesota Cities website and bids were accepted through September 30, 2011. Eight quotes that provided the information requested were received.

Abdo, Eick & Meyers, LLP submitted the low quote for auditing services for the next three years totaling \$57,765 which is \$12,735 less than the highest quote received. The City paid \$24,000 for the 2010 audit. Abdo, Eick & Meyers, LLP provides auditing services to 96 cities in Minnesota. Their governmental clients include the cities of Isanti, St. Francis and Wyoming, and also include larger cities such as Mankato, New Hope and Elk River.

The fee for auditing service for 2011 will cost \$19,066.

Staff recommends award of the auditing services to Abdo, Eick and Meyers, LLP and approves a letter of engagement for 2011 auditing services.

**Boyer made a motion to award the city auditing services to Abdo, Eick and Meyers, LLP and approve a letter of engagement for 2011 for auditing services in the amount of \$19,066. Lawrence seconded.** Voss asked was there reference check and background check done. Davis said yes. He said and Pierce has experience working with this firm in Isanti. **All in favor, motion carries.**

Res. 2011-26  
Amending Fee  
Schedule

**Boyer made a motion to table Resolution 2011-26 Amending Fee Schedule. Moegerle seconded; all in favor, motion carries.**

Contract for  
Electrical  
Inspection  
Services

**Boyer made a motion to table the contract for Electrical Inspection Services. Moegerle seconded; all in favor, motion carries.**

Sylvan Street  
Vacation

Davis explained that the City of East Bethel has five platted but undeveloped City streets that connect East Front Boulevard to Coon Lake (see attached map). Two of these streets, Center Street and one unnamed street, provide storm water drainage for East Front Boulevard and are locations for storm sewer culverts that discharge into Coon Lake. The other three streets, First, Lake and Sylvan Streets, appear to serve no other function other than points of pedestrian or recreational vehicle access to Coon Lake. The East Bethel Fire Department has no plans to utilize these streets to access Coon Lake for a water source for fire fighting incidents.

Sylvan Street is the street that is being petitioned for vacation. Sylvan Street varies in width from 21.6' at its intersection with East Front Boulevard to 57.2' at its termination at Coon Lake. The street is approximately 300' in length and features a gradual rise in elevation from East Front Boulevard to mid-way along its length before sloping off to the lake. The total street right of way is approximately 0.25 acres. The City Attorney has advised staff that platted City streets can not be sold but must transferred to the adjoining property owners if a vacation is approved.

City Council provided the petition to the DNR. We have received a response from the DNR regarding this matter. Their assessment of the vacation is that it is not in the public interest and would promote no public benefits to match the value of the current public resource. Their review and comment on this request does not create a right of intervention on behalf of the DNR or prevent the City from proceeding with the proposed vacation. Council, as a matter of course would want to consider the DNR's position, should this matter proceed.

If Council proceeds with the vacation request the earliest date a public hearing could be scheduled that would be concurrent with a City Council meeting is December 7, 2011.

This platted but undeveloped street is rarely if ever used for lake access by the general public, possesses little benefit for a drainage easement and is not deemed necessary for fire equipment access to the lake.

While the DNR does not support any findings of public benefit for this vacation, the DNR indicates in their response to this request that should the shoreline be allowed to return to an undisturbed state this would better support clean water and fisheries habitat goals for the

lake. Therefore, staff recommends the process of vacation of Sylvan Street as prescribed by Statute 412.851 proceed with the condition that shoreline of the vacated street be returned to and maintained in an undisturbed state as approved by the DNR and that a public hearing for this matter be scheduled for December 7, 2011.

Boyer said he thought that was rather selective reading by staff of the DNR comments. He would like to read the DNR comments into the record. "The unvacated right of way clearly has both precedent use for access to public waters. We do not advocate any kind of development or improvement of this site, but as it stands it has potential for passive recreation, walking, canoe or kayak access and shore fishing. We cannot precisely predict your needs for access on Coon Lake, but once this valuable land leaves public ownership, it is gone for good." Boyer said he personally does not read that as being in favor of the vacation. Davis said he emphasized the DNR did not advocate this. Moegerle said she thinks it is interesting the DNR does not plan on attending the public hearing. She said they object, but not enough to say anything. Moegerle said if they really cared they would be here. She said kind of damning with faint objection. Boyer said he doesn't see any reason to give this up. Voss said we already made provisions for those homeowners to continue to use their property. Moegerle said they have a license. Vierling said the one property owner that applied. He said you have basically five areas they are looking at. Vierling said you have one property owner that has a license in the one area. Boyer said just think what it would cost you to buy that lake frontage back.

Davis said this is an issue that was brought up last year; he was not trying to omit the DNR comments. He said he emphasis that the DNR did not see any public benefit from this. Boyer said if we vacate it, it will go to the homeowner and we cannot tell the homeowner what to do with their property either. Vierling said you can vacate with conditions in terms of imposing conditions on it. Voss said he is not sure we needed the DNR comments anyways, it was expected.

Vierling said basically there are two actions in front of Council. One is you do have a petition in front of you from the set of property owners where the license is that want to proceed to complete the vacation. He said so at this point and time, regardless of the DNR comments, because of the application we will proceed at their expense of course to complete the application to set it up for public hearing. Vierling said the other four ROWs that were an issue are certainly your call in terms of whether or not you want to instruct staff to move forward on a vacation proceeding. He said the difference being the one that was petitioned by the property owners that would be a simple majority vote by the Council, if it comes up in front of you. For the other four it would require a four/fifths vote if it comes up in front of you. Voss asked on this petition for vacation we are required to have a public hearing on it. Vierling said absolutely. Voss said you may want to convey to the property owners the sentiment tonight. Vierling said the other thing the property owners may want to know is there is a cost to go forward with the petition. Davis said the property owners are in attendance tonight.

**Boyer made a motion to schedule the public hearing for vacation of Sylvan Street for December 7, 2011. Voss seconded; all in favor, motion carries.**

Council  
Reports -

Boyer said he had an opportunity to talk with Vierling about this MidContinent situation. Maybe he could outline a logical first step. Vierling said Council has already invited them to the next meeting. He said if the Council felt there was default under the terms of the Franchise Agreement they could send over a notice of default with that and deal with that at

the same time at the next meeting. Vierling said those would be the only two avenues you would have in front of you. He said he doesn't have the ordinance in front of him, but he suspect there is a cause for default. Voss said he was literally in the middle of e-mailing someone and all of a sudden it just stopped. He said and he knew it was coming. Voss said it is just perplexing not only from the fact why these two companies didn't do a half way better job, but even a decent job communicating. He said the e-mail exchange Davis had with Johnson was arrogance at the highest degree. Voss said to make matters worse, when Butler mentioned the letter, he remembered getting the letter. He said he tried to set it up the day he got the letter. Voss said and they said we can't do it yet, we are not expecting to get the information from US Cable for a week. He said he thought well then why did you send me the letter if you aren't ready. Voss said so he set it down on his desk. He said his neighbors said they knew for some reason.

Boyer said what he would like to do is schedule on next agenda, a discussion for consideration of notice of default and make them aware that is what we are going to talk about it. Moegerle said she has ordinance and cause of revocation. She read it out loud. DeRoche said he believes he spoke with Davis when they went through the transition. He said and the cable went out on Friday and didn't come back on until Tuesday. DeRoche said that is when he contacted the CEO and they said you did receive a letter. He said he told them he didn't receive a letter and they should have streamed it and done a better job. DeRoche said he told them you should have notified everyone before you did it that the equipment wasn't going to work and when Johnson and other gentlemen stood up and said there would be no changes in bills and programming, everything was going to go swimmingly. He said he got new equipment. DeRoche said he made a couple calls after he got a couple nasty calls saying he didn't pay enough on his bills. He said he made a couple calls to Davis and he is sure he called Johnson, and Johnson never did call me back. DeRoche said after being on hold 3 times for a half hour to an hour, fortunately don't have any patience.

Boyer said he doesn't care what we call this, just want to shoot something up their bow and have them here to answer people's questions. Moegerle said revocation procedures say we can have a public hearing after notice and demand after 14 days written notice. DeRoche asked didn't that gentlemen stand up and say the service was going to be different and put our faith in MidContinent. Voss said that transition in Cable TV, he doesn't have their phones, but it all came back. He said this whole thing with e-mail is a totally different level because you are talking about people being able to watch entertainment, this is business transactions, this is everything else. Voss said think about how many e-mails you have, now he can't get in there to change the accounts he has. Boyer said he is curious about the phone. Voss said they offer VOIP. Boyer said could there have been people that loss total phone service and couldn't call 911. Voss said that transition would have happened over a month ago. Voss said he doesn't know why the e-mail had to change at all. DeRoche said he knows there were service issues with US Cable prior to the transition. He hopes that doesn't continue. Davis said we will contact them and get their attention.

Boyer said burning permits are available again.

Council  
Reports –  
DeRoche

DeRoche said it is getting around that time; the lakes are going to get a thin layer of ice. No ice is safe ice, stay off.

Council

Moegerle said she is really interested in what is going on with SRWMO and those. She said

Reports –  
Moegerle

we have meetings in our packets, but we never hear what is going on with them, except they want money. Moegerle asked what are we getting for our money. Voss said before we used to get the minutes of all the board meetings. Davis said we do have a bit of information on the CARP grant that will be coming out in your Friday Update.

Adjourn

**Boyer made a motion to adjourn at 9:15 PM. Voss seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk

DRAFT

## EAST BETHEL CITY COUNCIL TOWN HALL MEETING

October 26, 2011

The East Bethel City Council met on October 19, 2011 for a work meeting at City Hall.

MEMBERS PRESENT:      Bob DeRoche              Richard Lawrence      Steve Voss

MEMBERS EXCUSED:      Bill Boyer                  Heidi Moegerle

ALSO PRESENT:              Jack Davis, City Administrator  
                                      Nate Ayshford, Public Works Manager  
                                      Mark DuCharme, Fire Chief  
                                      Rita Pierce, Fiscal and Support Services Director  
                                      Larry Martin, Building Official  
                                      Stephanie Hanson, City Planner  
                                      Craig Jochum, City Engineer  
                                      Shelly Orlando, Lt., Anoka County Sheriff's Office

Call to Order      The October 26, 2011 Town Hall meeting was called to order by Mayor Lawrence.

Adopt Agenda      **Voss made a motion to adopt the October 26, 2011 Town Hall Meeting Agenda. DeRoche seconded; all in favor, motion carries.**

Ed Fiore of 194 Ivy Road said he has a question on water and sewer, mainly what is being built now. He said in reading the literature during campaign, it stated the surveys were done on population growth during 2006 and that study indicated a population growth over the next 20 years. Fiore said as you know that did not turn out to be the reality. The reality is in 2006, 2007 and 2008 the demography showed a declining population in East Bethel. Fiore said yet based on those declining numbers, the administration at that time, including the Met Council continued with the sewer and water system, based on the 2006 population growth numbers. He asked given that those numbers were wrong has there been dereliction of duty, either on the part of the existing City Council at that time, and/or the Met Council. Fiore asked and do we have a recourse back to the Met Council for the cost that have been incurred in building that sewer system which as far as he can see there is no way this population can support those operating costs and the redemption of the bonds given the present circumstances. Fiore said what he is saying is, do we have recourse back to the Met Council and do we have recourse back the City Council that existed back on November 2010 when they voted on that knowing that the study was flawed and they went ahead anyway. To him that is dereliction of duty and those City Council Members were covered by insurance called errors and omissions and perhaps the new City Council could look at both the Met Council and the existing Council at that time and look at possible legal action.

Davis said this is entirely a legal issue and he doesn't think we are prepared to speak to that. He said his first impression would be no to both things, but it is a legal matter that would have to be answered by an attorney. Fiore asked is the city looking at the culpability of this. He said he is interested in the Met Council more than anything. Lawrence said the new Council looked at this; we issued documents and looked into this, in beginning before the vote went down. He said we talked as Council. Lawrence said Council itself and all the people in the city are protected against that kind of a problem but he doesn't know about the

Met Council.

DeRoche asked how many people watch Council meetings on Channel 10 (Cable Channel) or online. A lot of the residents raised their hands.

Dale Williams said the tape on the Channel 10 is not starting on time. It is starting with the sheriff's report, not the pledge of allegiance. Davis said this is older outdated equipment, we are looking at upgrading the equipment and this would be paid for with cable access fees. He said we think we have most of the minor problems taken care of. Davis said if there are any issues, please let us know and we will address them. Williams said they also cut off before the meeting is done.

Deanna Kleven of 230 189<sup>th</sup> Avenue NE said she just wants to suggest when there is a community activity it would be nice if the Council Members would show up. She said such as National Night Out, and when the Fire Department had their Open House. Voss said he agrees. Kleven said it would have been nice to see some of you there.

Voss said perhaps some of you don't know; hope you have heard about it, the stoplight at 221<sup>st</sup> and Highway 65 is moving forward. Jochum said getting close to ROW acquisition phase. They hope to start the project in mid-summer and have it operational in late fall in 2012. Voss said so within a year from now. Jochum said correct. He said a Joint Powers Agreement between the County and the City will be coming forward at the November 16<sup>th</sup> City Council meeting. Jochum said this is the final step for Council to approve or disapprove. Voss said there have been a few issues with the surrounding properties and the county has been working with them to try to ease that. He said he knows there are some that aren't in support of a light there, but a lot of us saw in the paper and on the TV how they rated the intersection and that intersection was the 6<sup>th</sup> deadliest in the state. Voss said in years past Council pushed for a bridge, just because there is a concern that stoplights cause other issues. He said we have had 6 or 7 fatalities in the past 15 years. Lawrence said one thing we can say about the light is it will approve the ability for fire and police to cross that intersection, because they will have the ability to change the light to green whichever direction they are traveling. He said so if there is a fire on the west side of the city they can get there quicker. Jochum said two modifications they have made recently are on the east side it is all curbed and on the north side pulled the ROW back a little bit. He said also they have changed the pond design quite a bit so it doesn't affect the northeast property as much. Jochum said they have been listening and working the comments and trying to address those. Voss said he knows the drawings are out there, what type of turn signals are they, east/west as well? Jochum said that is correct. Resident asked will there be a separate left hand turn lane going across. Jochum said that is correct. Resident said that is nice.

Harley Hansen of 1960 221<sup>st</sup> Avenue NE said there is a petition going around in regards to this stoplight. He said there is nothing wrong with having a stoplight there. Hansen said the opposition is three lanes going to west and three going to the east. He said they are taking all the property from the person on the north side by the name of Kable. Hansen said a few of us have taken a little sympathy with him and to get this changed a different way. He strongly believes that a corner like Coopers or 22 would be adequate for that. Instead of a median and three lanes. Hansen said if you look at the print, it shows 2 13 foot and a 12 foot lane, so that is 38 feet. He said that is snow that will have to be moved to the north and in the winter time, moving it in the morning, we will have it full by the afternoon. Hansen said also with the water running down on the north side in the third lane and he talked to the garbage people and they said now you are in a braking situation and you are trying to come up to the corner and now you have liquid coming down and freezing on that side.

Hansen said the drain should be on the south side. He said there are a lot of experts out there two. He said he has a petition going around, with about 150 names. Voss asked is the petition to change the design. Hansen said there are options. Go to a two lane, discontinue the median. Equalize the how they are taking the property. Hansen said that little piece of land just as you leave 65 belongs to someone else, and you could discharge the clean water as you leave the pond, he will get you a copy. Voss said this is the first time he had heard of the petition. Davis asked Hansen to get those petitions to him so he can get them to Council. Lawrence said in response to moving the road south, he talked the County Commission, and it would cost \$300,000 because of it needing more fill. Also according to the county you have to have three lanes, but you can dig that one up.

Hansen said it is 90% covered by a federal grant. Davis said that is true, it will cost the city about \$10,000. Jochum said the city is not intimately involved in the design. Voss said that is his point, so we know if there are ways to tweak this. Davis said city staff has met with the Anoka County Hwy. Department regarding Mr. Kable's concerns. We also met with the County Commissioner about his concerns. Davis said to date they have followed through with addressing a lot of his concerns. They have been listening to some of our requests on this. DeRoche asked has there been any more discussion on going on the south side for the water? Davis said no. He said what we have been told is the 3 lanes and a portion of the median is a requirement of the federal grant monies. Lawrence said we also have been told going to 2 lanes would only save about 10 feet of land. Voss said there are other improvements we have been working on in that corridor. Frontage road, 221<sup>st</sup> to Buchanan. This was on the East Side, but we couldn't acquire the land, so now we have to move it to the West Side. Davis said it was planned to go to Teddy Bear Care. He said we hope someday to be able to resurrect this.

Bruce Roles of 21853 Quincy Street NE and he wants to know when we are going to stop wasting money. Want to know when we are going to stop wasting the deputy's time having them sit in attendance at the Council meetings and get them back out in the street where they will do us some good and use the skills and services that they have acquired during training. Roles said rather than having them sitting needlessly at all the Council meetings. He said he wants to know when that is going to stop. Lawrence said some people think it is necessary and some don't. He said when the people come and say we don't need them anymore. Roles said we don't need them anymore, think others think the same. Resident asked why it was needed. Lawrence said it was requested to be done by other people. Resident said she has a hard time seeing how the time spent at a Council meeting is that detrimental to their service. Lawrence said it was done for the safety of the people in the chambers and in the audience. DeRoche said there are quite a few cities that have deputies at their meetings. Roles said that is a waste of money. DeRoche said he doesn't think at the time that was a waste of money. He said and if you watch the news quite a few things happen at meetings. DeRoche said and it would cost a lot more money to take care of it after if there wasn't a deputy there. DeRoche asked Lt. Orlando, we still have people patrolling the city. Lt. Orlando said yes. Voss said but one less. Resident asked could the Council look into the issue and see if the deputy is needed at the next meeting.

Fiore said the City of Harrisburg declared bankruptcy, under Chapter 9; they are the capitol of Pennsylvania. They built an incinerator plant on the basis if we build it they will come and they didn't. Fiore asked if you can't get the customers, will you consider bankruptcy down the road. Lawrence said that will have to be addressed when it comes up. He said we have businesses hooking up and in 2016 when we have a major payment coming up, hopefully we will have taken care of this problem.

Resident said she just wanted to say she doesn't object to having a sheriff here. She said life is just too unpredictable and she does support your decision to have a sheriff here if you feel it is necessary. Lawrence said we will still review this to see if we feel it is necessary.

Lawrence said we haven't had any comments on the sewer and water project. DeRoche asked for an update. Davis said the project is on the schedule. He said if have driven up Hwy. 65 you have observed the construction. Davis aid the sewer portion is now proceeding in front of Village Bank. He said the water tower is out of the ground now, if you drive west on Viking Blvd. you can actually see the base of the tower. Schedule for completion of that is next fall. Davis said the schedule for completion of water and sewer lines is also next fall. He said the sewer treatment plant is scheduled for completion in 2013. Met council has agreed to pump and haul for all the connections that can be connected to the system at the completion of the piping work, which is approximately one more year. Davis said things are going according to schedule and the city is going to extraordinary steps to widen our customer base so we won't be in the predicament that you just described.

Lawrence said we have enacted the Economic Development Authority (EDA) and they will be going out and trying to bring in new business to the city. He said it will be crucial for the EDA to get this done. Lawrence said we are really working with that group and hoping to see good things. He said we have had some interesting people come to the city as they have seen the city sewer and water come in. Lawrence said we haven't had any takers yet. Davis said he is an optimist, would realistically expect to see something happen in the next year or two on the corner of 22 and 65. He said there is ample property for development in the sewer phase portion of this project. Davis said again, we will be able to meet our initial goals to make this thing cash flow.

Resident asked is it his understanding for any new commercial coming in do they have to go in that new zone. He asked or can then go on 221<sup>st</sup> and 65, such as a gas station. Davis said absolutely. He said three of those properties are for sale; they can there if they met the zoning code. Resident asked what they would have to go with for sewage. Davis said at this point they would have to go with wells.

Davis introduced staff. He said we have a new Public Works Manager, Nate Ayshford. He comes to us from Ham Lake; he has a lot of experience and is doing a good job. Voss said and as most of you know, Jack Davis is now our City Administrator; he was our Public Works Manager.

Adjourn

**Voss made a motion to adjourn at 8:42 PM. DeRoche seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk

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

**RESOLUTION NO. 2011-57**

**FINAL CERTIFICATION OF DELINQUENT CHARGES FOR COLLECTION WITH 2012  
PROPERTY TAXES**

**WHEREAS**, East Bethel Code of Ordinance, Chapter 74, Sec. 74-126 (b) provides for the collection of unpaid utility bills through the property tax system; and

**WHEREAS**, East Bethel Code of Ordinances, Chapter 30, Sec. 30-105 provide for the collection of unpaid emergency services through the property tax system in the county which the recipient of the services owns property; and

**WHEREAS**, the attached list shows the delinquent amounts owed assuming a certification cutoff date of September 26, 2011 that reflects payments received through November 9, 2011; and

**WHEREAS**, certification will greatly improve the City's chances of collecting the relevant charges.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE COUNCIL** approves the attached, final certification list.

Adopted this 16th day of November, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

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Richard Lawrence, Mayor

ATTEST:

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Jack Davis, City Administrator

**2012 CERTIFICATION LIST  
OF DELINQUENT CHARGES**

Address	Name	PID	Certification Amount
Anoka County - County Fund #84518			
1024 243rd Ave	Fenton	29-34-23-23-0163	\$1,302.72
1050 243rd Ave	Tuon	29-34-23-22-0114	\$1,671.08
1059 243rd Cir	Manthei/Lemma	29-34-23-22-0115	\$2,083.87
1095 243rd Cir	Jornlin (Cline)	29-34-23-22-0118	\$1,437.74
1131 Pierce Path	Dahlen	29-34-23-22-0132	\$561.17
1142 243rd Ln	Bender	29-34-23-22-0124	\$2,334.29
1153 Pierce Path	Demarais	29-34-23-22-0133	\$682.40
24150 Whispering Cir	Bergstrom	29-34-23-23-0185	\$1,736.91
24235 Fillmore Cir	Weisbrod	29-34-23-23-0170	\$1,676.29
			<u>\$13,486.48</u>
11824 Dunkirk Circle NE Blaine, MN 55449	Carlson	10-31-23-34-0132	\$403.17
Total Anoka County			<u>\$13,889.65</u>
Isanti County			
1410 Carriage Hills Drive Cambridge, MN 55008	Williams	15.107.0350	\$403.17
Total Isanti County			<u>\$403.17</u>
Total All Counties			<u>\$14,292.82</u>

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

**RESOLUTION NO. 2011-58**

**RESOLUTION REQUESTING NO CHANGE IN FISCAL DISPARITIES**

**WHEREAS**, the State of Minnesota adopted Minnesota Statute Section 473F – a system designed to share tax resources in the metropolitan area known as fiscal disparities; and,

**WHEREAS**, the idea of tax-base sharing is to narrow the gap between communities with a strong and growing commercial-industrial tax base and communities with small or stagnated commercial-industrial tax base; and,

**WHEREAS**, tax base sharing makes sense because communities in the Twin Cities area are interdependent parts of a single economic entity; and,

**WHEREAS**, the Minnesota fiscal disparities tax sharing system is working and is making progress towards its objective; and,

**WHEREAS**, tax base sharing results in spreading the benefits of regional centers and facilities to communities that do not have them but whose taxpayers support them, either through sales or income taxes; and,

**WHEREAS**, fiscal disparities is an integral part of the metropolitan area's property tax system, and is a fundamental benefit to the entire metropolitan area because it recognizes that communities are an interdependent economic unit;

**NOW THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT THE COUNCIL** supports continuation of the current Fiscal Disparities Law.

Adopted by the City Council for the City of East Bethel, this 16<sup>th</sup> of November, 2011.

CITY OF EAST BETHEL

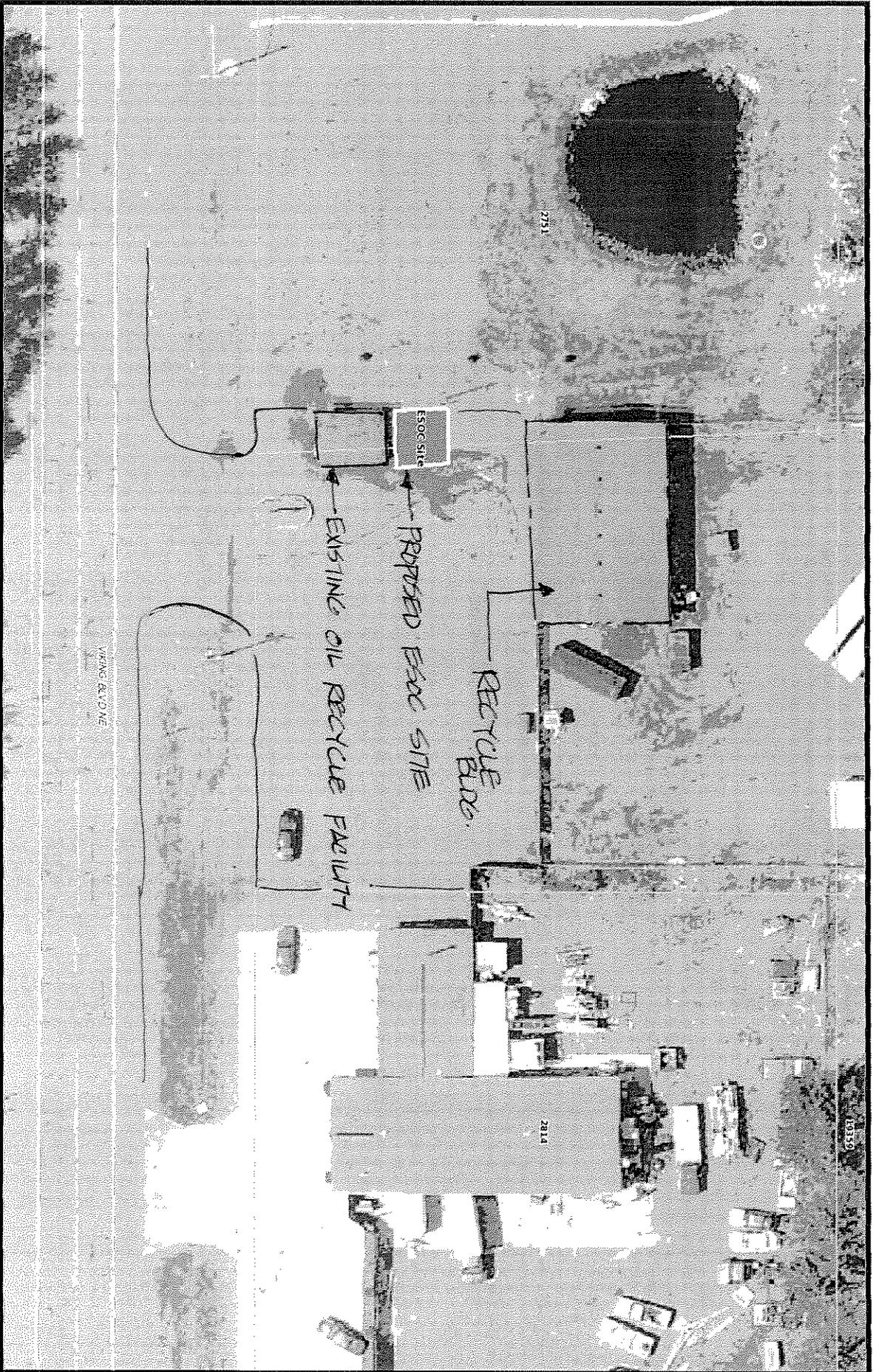
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Richard Lawrence, Mayor

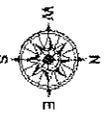
ATTEST:

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Jack Davis, City Administrator



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# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 7.0 B.1

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**Agenda Item:**

Planning Commission Meeting Minutes for October 25, 2011.

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**Requested Action:**

Information Only

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**Background Information:**

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

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X

## EAST BETHEL PLANNING COMMISSION MEETING

October 25, 2011

The East Bethel Planning Commission met on October 25, 2011 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT: Lorraine Bonin Brian Mundle, Jr. Joe Pelawa Tanner Balfany  
Dale Voltin Glenn Terry

MEMBERS ABSENT: Lou Cornicelli

ALSO PRESENT: Stephanie Hanson, City Planner

### Adopt Agenda

Chairperson Terry called the October 25, 2011 meeting to order at 7:00 P.M.

**Terry motioned to adopt the October 25, 2011 agenda. Bonin seconded; all in favor, motion carries.**

**Public Hearing/  
Interim Use Permit  
(IUP) A request by  
owners/applicants,  
Mary Beth and John  
Kelly for Domestic  
Farm Animals in the  
RR – Rural  
Residential District.  
The location being  
22051 Durant St NE,  
East Bethel, MN  
55011 PIN 12-33-23-  
22-0003.**

### Property Owner/Applicants:

Mary Beth and John Kelly  
22051 Durant Street NE  
East Bethel, MN 55011  
PIN 12-33-23-22-0003

Mr. and Mrs. Kelly are requesting an IUP for the keeping of domestic farm animals. The request is for the keeping of up to four (4) horses and a combination of goats, sheep, chickens, and pheasants or quail; not to exceed animal units per acre of pastureland as regulated in East Bethel City Code Section 10, Article V. Farm Animals.

East Bethel City Code Section 10, Article V. Farm Animals, requires that no animals that are regulated by the code can be kept on a parcel of land located within a platted subdivision or on any parcel of land of less than three (3) acres (130,680 square feet). The 20-acre parcel is not located within a platted subdivision.

The 20-acre parcel has approximately 2 acres of wetlands and 10 acres of open pastureland with an existing barn. City Code has a limit on the number of animals per parcel. Horses require one acre of pastureland per horse while the animal units for goats/sheep (2 per acre) and chickens or pheasant/quail (100 per acre) require less acreage. Pasture land is defined as land with vegetation coverage used for grazing livestock. Pasture growth can consist of grasses, shrubs, deciduous trees or a mixture, not including wetlands.

The property owners are in the process of fencing pasture land for the horses and other animals. The fencing must be completed prior to the animals occupying the property.

City staff has conducted a site inspection. The property meets the requirements

set forth in City Code for the keeping of farm animals.

**Recommendation:**

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for the keeping of up to four (4) horses and a combination of regulated animals so as long the combination does not exceed animal units per acre of pastureland as regulated in East Bethel City Code Section 10, Article V. Farm Animals. The IUP shall be granted for Mary Beth and John Kelly for the property located at 22051 Durant Street NE, East Bethel, PIN 12-33-23-22-0003 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owners and the City.
2. Property owners must comply with City Code Section 10. Article V. Farm Animals.
3. Permit shall expire when:
  - a. The property is sold, or
  - b. Non-compliance of IUP conditions
4. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.
5. Property will be inspected and evaluated annually by city staff.
6. Conditions of the IUP must be met no later than January 2, 2012. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.
7. Property owner must complete a Request for Change of Animal Units form available from the Planning Division. This form is intended to keep staff updated as to the number and type of regulated domestic farm animals kept on the property. The form will be kept in the address file.

A new condition was added, number 7. This will be kept with the City, Planning Division. The reason staff did this, is to keep track of what animals are kept on a property. There have been a few IUPs for horses, and they want to change them for another animal, such as a sheep. So that is why Hanson put the item in the conditions.

Terry asked the property owners how long they owned the property. Hanson said they just purchased the property. Terry said there is a horse barn there. Hanson said IUPs don't go with the land. Terry said they don't? Balfany said the same thing with the kennel license. Terry thought it was different for horses. A neighbor of the property was at the meeting.

Mundle said if they were going to build a house, would it affect the IUP. Hanson said there is a house on the property. A house wasn't specified in the information. Terry said do you happen to know what he fenced area is that is behind the horse barn. The neighbor said there is drive and they kept dogs in the fence. Mundle said was it the new owners that raised dogs. Neighbor said old neighbor raised dogs.

**Public hearing opened at 7:08 p.m.**

Bill Eghart - 20929 Durant Street. He lives next door to the property and they support having horses at the site. No objection to horses in the area.

**Public hearing closed at 7:09 p.m.**

**Balfany motioned to recommend approval to the City Council of an IUP for the keeping of up to four (4) horses and a combination of regulated animals so as long the combination does not exceed animal units per acre of pastureland as regulated in East Bethel City Code Section 10, Article V. Farm Animals. The IUP shall be granted for Mary Beth and John Kelly for the property located at 22051 Durant Street NE, East Bethel, PIN 12-33-23-22-0003 with the following conditions:**

1. **An Interim Use Permit Agreement must be signed and executed by the property owners and the City.**
2. **Property owners must comply with City Code Section 10. Article V. Farm Animals.**
3. **Permit shall expire when:**
  - a. **The property is sold, or**
  - b. **Non-compliance of IUP conditions**
4. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP.**
5. **Property will be inspected and evaluated annually by city staff.**
6. **Conditions of the IUP must be met no later than January 2, 2012. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.**
7. **Property owner must complete a Request for Change of Animal Units form available from the Planning Division. This form is intended to keep staff updated as to the number and type of regulated domestic farm animals kept on the property. The form will be kept in the address file.**

**Voltin seconded. All those in favor, motion carries unanimously.**

This will go before the East Bethel City Council on November 2, 2011.

**Discussion of possible Comprehensive Plan Amendments in regard to Land Use.**

The East Bethel 2030 Comprehensive Plan is a document that describes how East Bethel will develop over the next 19 years. To achieve the goals of the Metropolitan Land Planning Act, State law requires the Metropolitan Council to adopt a comprehensive Metropolitan Development Guide that establishes parameters for regional infrastructure and local planning. The Metropolitan Council sets the framework that guides each community in terms of land use (population, household number, and employment), transportation, and parks and open spaces. Each community then incorporates the development framework, specific for that particular community, into the comprehensive plan.

Land use planning begins with forecasts of growth in population, household number, and employment (derived by the Metropolitan Council). Once those figures are established for the region and community, local planners and elected officials identify where residents will live, work, play, and shop. Attachment #1 is East Bethel's existing land use map adopted by City Council and approved by Metropolitan Council in 2007. Any time a community wants to amend any portion of the comprehensive plan, it must go through the Comprehensive Plan Amendment (CPA) process with the Metropolitan Council (typically a six (6) month process). This will go through Planning Commission and City Council and final approval by the Metropolitan Council.

Bonin always thought that the strip was a suggested strip and was easily adjusted. Hanson said it can be easily adjusted, and if it is decided we need to make larger changes, we work with Metropolitan Council to make the changes. We always make our changes through Metropolitan Council.

### **Comprehensive Plan Amendment #1**

On May 17, 2011, City Council conducted a work meeting to discuss and review the city's comprehensive plan. One of the topics discussed was land uses along Viking Blvd. Currently there are approximately nine (9) existing businesses along Viking Blvd. At one point, the land use for the majority, if not all of the businesses, was a business land use designation. Over the years, the land use has been changed to residential, thus creating legal nonconforming uses. The residential classification has made it difficult for the existing businesses to expand its' current use. Also, legal nonconforming uses lose its nonconforming status once the property has not been in use for one (1) year. For example, the building located at 3255 Viking Blvd (the old site of Mac's Store and Bait) has been vacant for over one (1) year. According to State Statutes, the property must now revert back to a residential land use and cannot be used as a business even though there is an existing retail building on the property. City Council directed staff to continue forward with a possible Comp Plan Amendment to address this issue. Attachment #2 shows the properties that would be affected by a Comp Plan Amendment and attachment #3 is a list of the property addresses.

City Council also directed staff to move forward with an amendment to the transportation map that would include the extension of a frontage road on the southern side of Viking Blvd from Highway 65 east to East Bethel Blvd. The transportation map has been provided as attachment #7. Staff has added where the proposed frontage road would be placed per City Council direction.

### **Comprehensive Plan Amendment #2**

There have been proposals on a few occasions for open sales lots for boats and used vehicle sales. However, the current zoning code does not allow for vehicle sales lots within the city and boat sales are allowed only in the B3 zoning districts.

On October 5, 2011, Staff approached City Council about the possibility of allowing open sales lots for boats and vehicles within the city. After much discussion, City Council directed staff to bring the discussion to Planning Commission. Attachment #6 is a copy of the October 5 City Council meeting minutes.

Questions to consider as part of the discussion:

1. Should a new land use classification be developed along Highway 65 to accommodate uses such as open sales lots for boats and vehicles?
2. Where would the best placement be along Highway 65 for such uses?
3. Should these types of uses be permitted in the I-Light Industrial area which would require a Zoning Text Amendment (ZTA) rather than a Comp Plan Amendment?

### **Comprehensive Plan Amendment #2 Discussion**

It was asked if staff knows why the City doesn't allow vehicle sale lots. Hanson said no, she doesn't know. Terry said a lot of this seems to be going back in time to where we were before this zoning map and seems like spot zoning. It is like undoing all the years of discussion. Same with sales of cars and boats. The City didn't want the unsightly businesses and wanted to clean up the out door storage type business. Now we are back to looking at those again. What is motivating this change?

Lawrence said we looked at the City. In this City you are not allowed to sell cars. For instance if White Bear Motors wanted to come up and put in a auto lot, same with the boat sales, so if Lund wanted to come in, they wouldn't be able to do it. Hanson clarified boat sales are allowed in the B3 area (the dark purple area on the maps). Terry said what about East Bethel Marine. Hanson said that is an existing non-conforming use.

Mundle said what about the auto sales place on the south side of town. That is a legal non-conforming use. The property owner has been the same, but the company is leased out. Voltin asked if that is all that in East Bethel. Balfany said they expanded into the pizza building.

Mundle said wasn't there another one that they were talking about. Hanson said yes there was, and they occupied the antique business spot, but they have discontinued using it as a sales lot. Has there been other dealers wanting to put in a dealership? Hanson stated yes, there has been one inquiry which would occupy that same lot.

She also advised there is an individual at East Bethel Marine, would have really liked to open another place within the City. This would be allowing the auto sales. Hanson said there are two options to allow these businesses to exist – there could be a comp plan amendment, or add it in our zoning code.

The topic that always comes up is these businesses take in junk vehicles and the junk vehicles line up the back row and some of them sit there for years, and that becomes an issue. So if the code is changed, the City may want to have something restricting that. Hanson said there are some communities that only allow new car lots. Balfany said if we were going to bring in used car sales, most of the time if they are going to sell used cars. But the City could put restrictions on the lot, such as you can sell used cars, if there are you are selling new cars. Mundle said if they are selling new cars, would they have to be licensed or associated with a dealership. Terry said that doesn't sound like the type of business that is driving this change.

Would we want to see it on the southern end of the City when people come into the City? Terry asked what is driving this. Hanson said car lots don't really drive use on a water/city sewer system. It will drive the additional business opportunity into town.

It was asked if the Commissioners want to change the land use, or attach it to a current zone. Balfany said from Ham Lake to East Bethel, how many used car dealerships are there? There are like 7 of them. He then stated them all and

asked if the City wants the image continued. Bonin said we want to be concerned with anything south of our City Center. Mundle said could you write something into the stipulations. Could you say 50% of your cars have to be newer, like two years old? Hanson said that would be hard to manage, but you could do a new/used lot. Voltin said have you looked at what other cities have. Hanson said a lot of communities allow new or new/used.

Hanson said as people enter the community, is that what you want them to see. Balfany said you look at Andover, theirs looks really nice. Hanson said in zoning code there will be regulations. It was asked if light pollution will be regulated. Balfany said part of the rural stigma is being able to see the black night sky. We should make sure we get what we want. Bonin said she doesn't see how a used car lot is anything for a City to be proud of. If you look at Ham Lake, they don't add anything to the appearance to the City. If people want to buy a used car, they don't have to stay in the City. It won't really build up the City.

The Ford dealership in Cambridge is the closest new car lot. That is a new dealership. Lawrence said the auto lot that is Blaine, Bedrock; they have done a good job of keeping the lot up. Balfany said 5k does a good job of keeping the lot up.

Do we want to allow this in the community and where? Will it come back to the Planning Commission for more discussion?

Hanson said do you want to do a Comprehensive Plan Amendment or allow it in a district. Mundle asked what the difference is. The Amendment goes to Metropolitan Council and takes about six months to process. The zoning amendment would be done here. Mundle said if the City decides it doesn't want it, they would have to go back to Metropolitan Council. Pelawa said the way the zoning goes he wants to make sure it is limited. Bonin said if you change your mind on something, they then become non-conforming use.

Terry said he keeps remembering how hard the Council and Planning Commission were trying to clean up the City. Especially businesses not visually appealing. We are opening the can of worms, and then the business moves in here, we make changes to the code again, they are non-conforming and this is what we were trying to get rid of and did the work to do.

Terry asked what the motivation to do this is. Hanson said staff was directed to do this. Voltin said is there a request out there. Hanson said one of them doesn't have a property and another one does. An open car lot has been proposed in the southern area of town at the Meadowmore property (antique place). Another person wants to create a place to do boat repair, but doesn't want to build a facility.

Balfany said he doesn't want to restrict businesses. Bonin said if you are thinking about a new business, we need to think about how this business affects the City. It is not just a matter of this guy wants to do this. So if someone wants to do something in the City, is it good for the City. How will the City benefit from this business? She doesn't know if these are good for the City and just because someone wants to do something doesn't mean we should do it.

Balfany said if we can find a way to do something, so it is good for the City and the business owner. It is more business into the City. Pelawa said the tax value for the City would not be very much on a used car lot, as they are only taxed on the building and not very much on paved land. Bonin said a used car lot may discourage another business from coming into the City.

Hanson advised the Commission that they could limit the number of licenses in the City. Mundle said how difficult would it be for someone to use in the Meadowmore property. Hanson said you would have to add that into the B3 zoning. Mundle said you could limit the amount of licenses in the B3 area to 2 licenses. Lawrence said the last time that was used as a dealership they didn't even mow the area. Pelawa said all vehicles for sale would have to be on a hard surface or some sort of approved surface. Bonin said we don't want to pave over everything and we want to make sure there is drainage. Lawrence said that property, the Meadowmore property, is soggy ground. Bonin said that property needs to be redeveloped. Mundle said a newer good looking dealership could go in. Hanson said the property owner is holding onto the property. It is zoned B3.

Terry what are the negative ramifications of not doing anything on this. Lawrence said if you do nothing, we don't allow automotive sales. If a big dealership wanted to come in we couldn't do that. Bonin asked what the chances of a big dealership coming in are. It was stated zero. Lawrence said he doesn't see anyone calling at this point. Bonin said if someone calls, we could work on it.

Voltin said we could allow someone in, within about three or four months. Hanson said open sales lots for boats are allowed in the B3 - boat sales and repairs. Voltin said the B3 is where. Hanson said it is the deep purple. Terry said if it is allowed, why we are talking about it. Hanson said if we would create another land use, we could look at them in other areas and someone wanted to open one in B2. Hanson said someone could come in for a zoning text amendment.

It was asked if we should wait until someone approaches the City. Bonin said if we like one business, but we didn't allow it for another business, could someone sue the City. Lawrence said you need to make sure everyone gets the same information so they can make sure they all base their decision on coming to the City. Hanson said you need to treat everyone equal. Balfany said we need to decide if we are going to allow it, and if we are going to put the stipulation in force. Balfany said do we have to do it now. Hanson said we don't have anyone knocking on our door. Balfany recommended new/used lots, with a limit of 2 licenses and 50% of the inventory needs to be 5 year or older.

**Terry motioned that the Planning Commission will not be taking any action on this and the Commission will consider requests as they are presented to the City. Bonin seconded.**

Mundle said just to clarify you're not tabling it for any future discussions and this would be a recommendation that goes to the City Council. Voltin said it looks like the Council is in favor of this change. Lawrence said the reason we were

looking at that, is because we have to make a change a zoning amendment change.

**All in favor; motion carries (opposed Mundle).**

Pelawa said it would be nice to have those choices in town, but with technology a lot of people shop online for cars. Granted having a used car place for window shopping is nice, but is that really right for East Bethel and it wouldn't provide much tax base.

**Comprehensive Plan Amendment #1 Discussion**

Pelawa said what he doesn't understand is why we are looking at spot zoning. Hanson said it is not uncommon. He also doesn't understand why all properties along County Road 22 wouldn't be all zoned like we have on Hwy 65. Hanson said we are aware of the whole issue along Viking. Mundle said this would make the non-conforming legal.

**Voltin motioned to recommend to City Council to directed staff to move forward with an amendment to the transportation map that would include the extension of a frontage road on the southern side of Viking Blvd from Highway 65 east to East Bethel Blvd. The transportation map has been provided as attachment #7. Staff has added where the proposed frontage road would be placed per City Council direction. Pelawa seconded; all in favor, motion carries.**

Hanson stated the time line on this is the comp plan amendment public hearing will be January.

Hanson stated staff met with PCA about the closed landfill on Friday. By Minnesota State Statute the closed landfill will also require a comp plan amendment to closed landfill restricted. After the amendment, the zoning code will also need restrictions added. Bonin asked what is it zoned as now. Hanson said it is rural residential. There are restrictions on the properties around that that can be built. Bonin said can that be used for anything. Hanson said it would be at least 50 years from now. PCA is going to do a presentation to the City Council on this at the November 16 City Council meeting.

Balfany said Andover did something with theirs in their past couple years. They put in the softball fields. Elk River did some soccer fields with theirs. Hanson said the East Bethel one is one of the better ones out there.

Hanson showed everyone where the road is proposed and it will be developer driven. Pelawa said the frontage road would be a business road access. Right now it goes through residential, but we need to have it on the maps. Bonin said we also need to have it on the map when we are developing that area.

Pelawa said if it is being proposed on the south side, how come it is not being proposed on the north side. Pelawa believes it should be shown on the north and south side. Balfany said on the east and west side of Hwy 65 and on the north

and south side of County Road 22. There is the lacking intermediate north/south route. It would be more conducive on the east side, than on the west side, because of the north/south Polk/Jackson Streets.

**Pelawa motioned to recommend to the City Council that the service road should be on the north and south side of Viking Boulevard from the service road to the east side of East Bethel Boulevard. Balfany seconded; all in favor, motion carries.**

**Discussion to consider amending Appendix A. Zoning of the East Bethel City Code. The proposed changes include amending Section 42. Rural Residential (RR) District to define a setback exception under Development Regulations, and amending Section 56. Planned Unit Development (PUD) District to further define changes to the zoning districts where PUDs are Required.**

At the August 23, 2011 and September 27, 2011 Planning Commission meetings, Staff and Commission members have been discussing proposed zoning code amendments that staff has brought forward for discussion.

Attachment #1 changes reflect the discussions from both regularly scheduled meetings. In particular, Commission members directed staff to make additional changes to Section 49. City Center (CC) District regarding architectural standards. Commission members directed staff to offer examples of architectural elements rather than requirements.

**Recommendations:**

Staff recommends Planning Commission discuss the possible amendments and provide staff with direction to continue the amendment process which could include to move forward with a public hearing for the November 22, Planning Commission meeting. Staff is recommending not doing this on November 22<sup>nd</sup>; this would probably be pushed to a January public hearing.

Terry said right-of-way doesn't have its own definition. Mundle said are you talking in section seven. Terry said in definitions, there wasn't a definition. Terry said things were changed from shall be to should be. Balfany said should give's us the option to change as they come forward.

Terry said acceptable colors include, rather than consist of. Mundle said that is a broader sort, and then they give examples. Balfany said should it be such as? Terry said colors include, you are giving examples. Otherwise you are telling what they need to be specifically.

Voltin said he is still looking at the rural residential. On the rural residential set back, side and rear yard is 25 foot. Hanson said that should be 10 feet.

Balfany on the color one, should it be changed from shall to should be. Hanson said yes, it should be should. Hanson said also number 1 too, it should be changed from shall to should. Balfany said it is the same thing with number 9. Hanson said correct.

**Balfany motioned that Planning Commission recommends changes as discussed in this meeting to Amendment A for Zoning and to continue the amendment process. Bonin seconded; all in favor, motion carries.**

All of the changes will be incorporated in the changes coming forward and will be put forward for Public Hearing in January. Hanson would like to get everything to Planning Commission in November.

**Approve September 27, 2011 Planning Commission Meeting Minutes**

Terry has a few changes to the minutes. He would like to strike the full first sentence and in the fourth sentence down he would like to add Frank Lloyd Wright has good architecture without such elements. The 8<sup>th</sup> paragraph down, which starts with Bonin said, the second sentence, Terry said yes, if you are sleeping. He thought you should add badaboom.

Bonin said on the architectural reviews, she is concerned about a major feature. Pelawa said about the major features, number 7. Bonin said number 5. If that is just simply something sticking up there, she is opposed, but if it is part of the structure she is fine with that. Balfany said how is not acceptable. He sees it as something architectural. Bonin said if it is just sticking up there. Balfany said if there is a dormer. Bonin said she is not talking about a dormer. Mundle said like one dimensional. Bonin said yes. This language allows you to have a card board cut out. Hanson said there will be a design review committee. All buildings will come through planning commission.

Terry said you are wasting an architect's time. Hanson said there will be a design review team. Mundle said it doesn't have to be triangular. Balfany said the developer will bring that forward. Terry said do we need that in there, we have number 8. Is there a problem with a horizontal roof line? That one escaped Terry; he thinks it needs to be relooked at. Balfany wants to leave it where it is. It doesn't have to be one thing. Bonin said it could be a long narrow building with something sticking up. Mundle said we don't have anything in front of us to look at. These are guidelines and that is why we did the should, versus shall. Pelawa said it is a starting place. Bonin said why do we have to have something on the roof. It is a suggestion. Pelawa said buildings in our community will be 30/35 feet tall. If you are on Hwy 169, there are buildings on the east side of the road that are big brick buildings. On the west side, there are features on the building to break up the big square box lines. Mundle said some people might want a flat front. Bonin said they are ugly. Mundle said you don't want it, and some people might think Frank Lloyd Wright buildings are ugly. Hanson said these are PUD areas and everything is negotiable. We are assuming architectural will be negotiated. Terry said Bonin and him will be the architectural committee.

**Terry motioned to approve the minutes with said changes. Balfany seconded; all in favor, motion carries.**

**Adjourn**

**Pelawa made a motion to adjourn the meeting at 7:58 PM. Voltin seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel  
Recording Secretary



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 7.0 C.1

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**Agenda Item:**

Park Commission Meeting Minutes for October 12, 2011.

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**Requested Action:**

Information Only

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**Background Information:**

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

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:  X

## EAST BETHEL PARKS COMMISSION MEETING

October 12, 2011

The East Bethel Parks Commission met on October 12, 2011 at 7:03 p.m. at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Sue Jefferson Tim Hoffman Bonnie Harvey  
Denise Lachinski

MEMBERS EXCUSED: Dan Butler Dan Kretchmar

ALSO PRESENT: Nate Ayshford, Public Works Manager  
Richard Lawrence, Mayor

### Adopt Agenda

**Butler motioned to adopt the agenda as submitted. Hoffman seconded; all in favor, motion carries.**

### Approve – September 14, 2011 Meeting Minutes

Butler had one correction, he was late, and he did get there. Page 2 of 7, Harvey asked when they say, I was talking about the City owns the entire lake frontage, they are referring to Coopers. She just wanted to make sure it wasn't misconstrued as Coon Lake Beach. We went through that tangle before. Is everyone reading that? Ayshford was referring to Coopers Lake on that discussion. Hoffman had a spelling correction, on page 2/7 first paragraph, says bans not bands. Butler said on Page 5, fifth paragraph second sentence, Butler wants to discuss the "pelletized" not "palletized".

**Butler made a motion to approve the September 14, 2011 minutes as amended. Hoffman seconded; all in favor, motion carries unanimously.**

### Parks Financial Information – Parks Capital Funds Summary

Ayshford asked if anyone had any questions. Langmade said how come the part time employees are up so high this year. Davis said we originally budgeted for two employees, but one of our full time employees was off quite extensively for injury. So we had an opportunity to hire three seasonal employees instead of two. It does show a deficit for the seasonal, but it was charged back to the line item of the other employee. Our operations budget is going to be slowing down in the next couple of months, so we should be in good shape said Ayshford.

The only purchase that we had is the playground equipment at Norsland Manor Park. There will be a transfer coming in December to cover the cost of it. Langmade asked if the playground equipment that we talked about last month has been purchased. Ayshford said no, we will talk about it later tonight. Butler said it appeared that the preliminary budget for 2012 shows a severe reduction for the amount allocated for 2012 for Parks.

How close is Council to finalizing that one? Davis said the Parks General operating budget will increase by 2%. The major reduction is on the trails side, the transfer is reduced by \$57,000. That budget cannot be increased, but it can be decreased. It won't be adopted until December. Hoffman said for the next budget the transfer to the trails has been wiped out completely pretty much. The thoughts were we were looking for places to make some cuts. We didn't want to do away with the trails allocation completely.

**Hoffman motioned to accept the financial reports as presented. Lachinski seconded; all in favor, motion carries unanimously.**

### **Coopers Lake Ordinance**

Jason Spaeth is an owner of lake frontage on Cooper's Lake. He would like to see the ordinance changed to allow the use of motorized watercraft on the lake.

Attachment #1

DNR Surface Water Rules and Regulations

Attachment #2

Ordinance No. 57 – Prohibiting the Use of Motor Powered Water Craft on Coopers Lake in the City of East Bethel, Anoka County, Minnesota

This is a continuation from last meeting and the goal is to get a recommendation to present to City Council. Mr. Spaeth would like to see the ordinance changed. The DNR water surface rules are included in the packets. If there is motorized boat used on the lake, the City would be responsible for sectioning off the beach with buoys. Enforcement would be hard since there is not a public access to the lake.

It was asked what are the barricades at the north side of the lake. Davis said we have a lot of complaints for that area being used for a lot of activities. The barricades do discourage some after hour's use of that portion of that lake. It is a sandy driveway.

Harvey asked if we got any input from the neighborhood. Ayshford said we didn't go to that step yet. Harvey said she would like to see that happen before we make any recommendation. Ayshford said so a survey. Harvey said she wants to know what the neighbors are ok with. It would be prudent to do that. Lachinski said there are quite a few neighbors there. Ayshford said all the houses are on the east side, except for Mr. Spaeth.

Lachinski said there is a road that goes through and there are houses back there. The houses that are on the west side are protected by 300 feet of City own property. Langmade said one of the houses has a dock on the east side of the lake. Davis said that one of the owners wanted a dock, so they allowed a temporary dock. How much property does the City own? The lake current size is about 50-60 acres. Last summer it was 30 acres. The water level fluxuates drastically.

The way it is set up right now, Jason Spaeth is the only property owner with land abutting the lake, other than the City. Butler is curious is to what size motor Mr. Spaeth is intending to use. Spaeth said it would obviously be a small boat. It is a DNR classified lake, but he is not able to utilize it. .

Butler said if we were to enact an ordinance that limited to 6.6 horse power or less. Spaeth said he wouldn't want to see it be limited. Harvey said she thinks jet skis. Her other concern is we went through this with the docks. Wanting us to lease property, so there could be docks on the lake. Spaeth there is docks on there now. The neighborhood would probably be in favor of it. Then we can figure out how we regulate it.

Lachinski said the other property owners, without lake front property, would want to use boats on the lake. Davis said he thinks it is probably better that if you get one on there, then all the neighbors will want it and it will get extremely crowded. Lachinski said she would want to get a jet ski if she saw him with one.

Butler said you would prefer to see no limit on the horse power. If you were to pick a number to recommend to this body, what horse power would you recommend to the body? Spaeth said he would rather have a speed limit rather than a horse power. Butler said you can't have a speed limit if you have no enforcement. Davis said the barricaded area that is used to get on the lake is not an access.

Butler said so now back to my question, back to the horsepower question, and your answer is 25 hp. He would rather see what would be rationale for limiting it. You can't go very fast, because you will be on the other side. Butler said a Yamaha 250 VMAX. Spaeth said you won't be able to get it in the water.

Jefferson said so no boats can go in there, because there is no public launch. Harvey said they use to use it for duck hunting. Ayshford said you can carry a canoe or a light weight boat through the park. Harvey said they would have to use City property to get onto to the lake. Davis said some of the duck hunters have pulled in off of 237<sup>th</sup> and unloaded there boats. The City would have to close that off. If we allow one, we will have to allow others.

Lachinski said if Mr. Spaeth divided up his land or sold his land we would have to allow the other property owners boats on the lake. Davis said he wouldn't be able to divide his property because it isn't large enough. Davis said if it is open to one, because you can get to the lake. We will be forced to open it to other people that want to be on the lake with a motorized boat. We wouldn't be forced to create an access, but we wouldn't be able to barricade it off.

Mayor Lawrence said if duck hunters wanted to get out there they will have a small motor. Ayshford said would the County have a problem with people parking on 237<sup>th</sup>. Davis said we would have to improve that entrance. There use to be an old house there at one time. Lawrence said that would be minimal expense for the City. We would have to remove some trees, and also pave it about 50/60 feet.

Butler said he is reading the ordinance that was passed in 1974 it stated that it creates a grave danger for the swimming beach. There haven't been many people swimming there for the past three decades. Langmade said it was almost impossible to swim, because the lake was so low. This year it is up high. Last year it was especially low. Hoffman said it was a big sand beach last year. Langmade said years ago, it was used a lot. His wife and her friends use to swim there years ago.

Davis said it has had some intermittent use, most of the swimming ceased when the lessons ended. There are people who go in the lake occasionally to swim. Swimming would be really restricted.

**Harvey motioned to table the item and that the City consult with the neighbors around the lake before this item is discussed at the next meeting.** If she lived here she would want some input. Once you do it, and you have upset neighbors.

Jefferson asked what the neighbors think. Spaeth said he doesn't think it is proper to ask them because they don't own the lake frontage. For one thing they wouldn't be able to land a boat legally. Harvey said if we are going to put in a ball field, are you going to put a park in a really tight neighborhood. It is really nice to let the neighborhood know what is going to happen.

Ayshford said from here it would go to the City Council and then to the DNR. Davis said we can send out seven or eight letters to the neighbors, to let them know what is going on. If we don't, and everything is approved, and the first time Mr. Spaeth is on the lake with his boat they will calling.

Butler said I think your right, we need more input. **Butler seconded.** When we contact the residents, we should have a selection of response card or survey monkey for them to get back to use with. What they would prefer with limiting the horse power. We are considering changing this ordinance and please come to the next meeting.

Hoffman said the way the statute states on public property people can hand carry a non-motorized water craft to a lake. We are then giving Mr. Spaeth his own private access. If we don't develop an access, no one else would be able to get on the lake. We are limiting the rest of the lake entries to non-motorized access. **All in favor, motion carries.**

**Geo-Caching** Geocaching is outdoor activity that can be enjoyed by all age groups with little financial investment. It is a modern day treasure hunt where participants use clues and hand-held GPS units to discover "caches" that contain trinkets left by the person who established the cache and those who have visited the cache.

The plan developed by staff and volunteers would involve placing a geocache in each park. Participants would pick up a "passport" at City Hall and would need to visit each park and find the hidden geocache. Within each cache, a stamp would be placed that participants would use to mark their passport indicating they have found the cache. After visiting all of the parks in the system and discovering all the geocaches, they would return to City Hall and receive a token indicating that they completed the East Bethel Park Geocache Trail.

The geocaches themselves would be placed and monitored by volunteers. Some of the possible geocaches are already in place. The parks department would be responsible for providing the passports, stamps, and tokens.

This program is developed in Crosby and they are trying to develop one in Wyoming. The City would create a Passport.

Harvey likes the idea. It would give the parks more exposure. Langmade said it would be fun. It would get people visiting our parks more. Butler said who is responsible for providing the clues or developing the clues. Is that the Geo-Caching volunteers? He is assuming that the people are providing their own hand held GPS activities. The volunteers develop all of it. There are already geocaches in our parks. This would be volunteer driven. If they weren't on board with that, they would have to remove them from our park.

There is a group of geocaching boxes at the Cedar Creek Ecosystem. There are five of them in place in that area, it is miniature trail. We could probably do that in Booster Park. Lachinski said the one in her back yard they have been maintaining it.

Ayshford said the booklet won't cost much to make. We could have the families get involved, and use stamps. We could maybe use Disney, or some sort of theme that would tie it all together. If we are breaking copyright laws, that wouldn't be good. Jefferson said that people are looking for these things. It is like going on a treasure hunt.

Lachinski said a lot of kids leave things in the box, like marbles. Ayshford said the City would create something like stamps. It is an on your honor system. Most people carry something small and put it in there. Butler said how does it work in the winter.

Hoffman said the City of Blaine has it in there parks. Butler said he thinks we should move forward with it. Ayshford said some cities require if you are going to place a cache you have to register it with the City. This way we would have some idea where they are. Jefferson said do we pay a fee. Ayshford said no, it is free.

**Butler motioned to move forward with the Geocaching program in the parks with a cost not to exceed \$500.00. Harvey seconded.** Some where along the line we need to discuss guidelines. Ayshford said we can do that once we have it set up. Most of these people have been very good at understanding private property. Hoffman said he would like them in all the parks. Harvey said she would like them in all the parks. Maybe name it "Discover the Parks" It is a new way to get all age groups out into the parks. **All in favor, unanimously approved.**

#### East Bethel Parks Vision and Goals

Members of East Bethel City Council and Park Commission will have an open discussion of their thoughts on the future plans for the East Bethel Park System

Members of the City Council and the Commission will discuss vision. Open the meeting up to the discussion. Davis said he would like to mention we are in the fifth year of the parks, trails and open space plan; it is time to revisit that document, to see if that document actually relates to our situation as it currently exists. We are five years into that and access where we are with it and see if we need to make any changes.

Hoffman said when would you like to do that at the December Park meeting. Davis said if we could look at it in a few winter meetings; have it done by the February Parks meeting. Ayshford said that plan was developed when? Davis said 2007. There have been a lot of changes, some due to the economy. There have been some more changes to what we can realistically hope to do. Part of that plan should have been broken out into years. We need to prioritize things to manageable time segments. Hoffman said if we have a good plan, we might be able to convince Council into doing some of the projects. Davis said it does provide justification and a plan.

Butler said the October 2, 2011 article about Washington County - The Land and Water Legacy program, have we ever thought about trying to get some money from this fund for our trails. There were awards as low as \$2,500 for logging the history of something (arts portion of the funding). They are open to all types of applications for the money. Since we are all paying into this fund and residents of the State of MN, if we wanted to include a developmental plan to approach the Land and Water Legacy program for funding, with a plan that we have to put in trails. With the financials that we have for the City, unless there is huge turn around in the economy we won't have any money coming into support any plan. He wants to know what Council thinks about submitting a proposal. Davis said the City Council would have to approve. Davis said that program is to connect trails, he believes. He said in looking at updating our comprehensive plan, but we could look at other funding sources. Lachinski said who is responsible for writing the grants. She said the Twins Foundation also does funding for baseball funds. Davis said yes that is always a possibility, and staff writes the grant applications.

Jefferson said why did Washington county get it is it because they have the Zephyr. Davis said yes, that is part of it. There are programs out there they need to get thoroughly investigated but most of them are matching programs 60/40. If we are eligible, it is a great way to leverage the money. Lachinski said you need to look for the twist that works for East Bethel. Davis said when we looked in the past, there was one that we were eligible for but it wasn't funded or they didn't have much funding for the whole state. Sometimes getting these sorts of funding is hard. Jefferson said who on the staff that can do grant applications. Davis said we have made application for many of those, but haven't received anything as of yet.

The second thing Butler brought was an article about Burnsville Parks. Their project was funded by a grant from the University of Minnesota and UCARE. We would like to encourage people to use parks. When I was younger, we use to go to each others parks and play baseball. Butler said you remember those days. Hoffman said no, I lived in the country.

Davis said we need to look at and strongly encourage and talking about organized programs that are offered from the City. In order to get these things going, there needs to be a Parks and Recreation program in East Bethel. That would accomplish some of those goals. A lot of time now a days kids need an organization to get them more organized. Lachinski said she is going to meet with the person who organizes the City of Blaine.

Langmade said they are stressing to get kids away from TV and get them outdoors. Davis said unfortunately, kids of today, kids have so many other choices other than being active.

Lachinski said we also need to look at the lighting our parks. Davis said we also need to look at our facilities to allow in door activities. Lachinski said there is also community end with District 15. Moegerle said they are already talking about that with the school district. Lachinski said people are hard to get volunteer. Moegerle said that is part of the vision process with the EDA. That is a lot of the emails she is sharing with Davis today, is how to fund things in the City with recreation.

Butler said the other part of the equation, the East Bethel activity center (Ice Arena), he thinks we should have our Parks meeting over there some time. He has shared his comments about the way the facility is being run we are paying someone \$80,000 a year, to manage it for us. Are we getting the maximum bang for our buck? We aren't setting aside any money to depreciate the building, because it will need to be replaced. Davis said we would love to set aside the money in the budget. But it is set up as an enterprise fund and it does generate enough funds to cash flow. We would have to sell every hour of ice time, but that only accounts for use of the building for five months of the year. Seven months of the year it is non-used. We have tried to rent time in the spring time. We are looking at some indoor soccer time. It used to be leased out for indoor baseball.

The only things we had a gun show and the Lions held a garage sale. Basically that is it. Lachinski said there was a craft show in there. There could be a lot of things that we could do to explore the maximum use of that building for the spring or summer months.

Lachinski asked if there are ice skating lessons. Davis said we have charge \$185.00 per hour for ice time. We have to have those revenues to cover the operation. When we have had open skating, we have had very poor response to it. That could be because we don't have the ability to publicize it. Ideally we sell all the ice time to keep the door open.

Ayshford said we have talked to the management company for more advertisement. Langmade said the building at Whispering Aspen could have more activities going on. The facility is 80 x 40 and it is rented out for six weeks for the DNR. It is underused and we need to find ways to promote it. Here again, these are reasons to investigate and maximize the facilities to their greatest potential.

Butler said someone who has leased the ice arena in the past is not going to lease the arena again because of the way they were treated. The person expressed to them, we could sell a lot more time if there was effort put into it. Davis said they have set more standards for the contractor and they have some goals they have to meet.

Moegerle said her understanding is that we wanted to share some ideas. Langmade said we have some visions, but we want to hear what you want to plan.

Moegerle said she is here as the president of the EDA. That is her strongest role since being on the Council. What is lacking in our comprehensive plan? It is identity. We have nine factors defined and identity is not defined. The EDA has sent out a RFP to help identify us. You as Park Commission, you have a big void, since we don't have an identity. By the year 2015, small cities will be bankrupt; the LMC said small cities will be bankrupt. Money will be short, we need to make very good use of our funds and apply for grants like crazy. She would expect, after the process is done, our rural area is why we are here, our identity. That is unique in the metro area; most people want to be where it is urban and nicely groomed parks and amenities.

In East Bethel, many homes already have the jungle gyms. When you look at what are our wants, needs and what will we use. There are things in my house, that I wanted that I couldn't live without, and I got them, and I don't use them. Everybody wants something and then they don't use. We need to be careful on what we want, if we will use them.

Moegerle wants trails, but she is not going to walk through the mosquito areas, to get there. She wants it as a resident, not as a Council person. Like Hoffman, who just left, she was raised in the country. It is a little bit different now, because there are computers to make fun with. When we have wilderness and wildlife all around us, we should maximize the appeal of that. We see people wanting to go north, to go hunting; people here go hunting around their properties. Before long people won't be able to afford to drive up north to go hunting. Let's make our parks where people can come and see wild life. You can walk these trails, but they are not paved trails.

Moegerle said she still owns a house in Indiana. Her home is a certified wild life habitat. She mows the perimeter, and she mows trails. Where the trails are mowed, you have young green grass and taller. Sadly her realtor said that she needs to mow that. One of the things she found that the neighbor kids like to go and walk and look through the areas. She had a fox nesting in her back yard, we can cultivate that habitat. It is less time for the City for mowing. It is a possibility for our underused parks. If we redefine our parks and trails as nature walks. If we draw people from the cities, we can distinguish ourselves, and draw people here to spend their money. That is an idea. Again how this works is dependent on money, grants and what our city identity is. Boyer was right, we have biological abundance here, and we need to develop that. She is very pleased at how quickly the GeoCashing has been developed.

Lawrence said we have the parks, and the ones we aren't using. We use this sort of a system, where we can attract people to the park. Sometimes people want a short trail. It would invite people to observe different things going on. In most of the parks, there is one things missing. There isn't always a place for people to sit down. If there is no place for the adult to sit, then the kids don't get to go there. He was raised in the city and country so he has experienced nicely groomed parks, and also played in a farm field. We need to have areas for adults to enjoy the parks. We have two forms of trails in the City. The first thing I think of when you say trail is a nature trail.

We don't have any connection to our trails in East Bethel. We need to get our trails connecting. We have small stretches of trails that have no real destination. The parks have to come up with some way to say this is why a trail is necessary. It has to be who are we servicing, how much will it cost and who will use it. People say for safety reasons, he does know how much traffic we do get. There is traffic in the morning and evening. Hard pressed to see anyone in between.

In the Blaine/Spring Lake Park, in Springbrook, that is a trail. Lachinski that is a dedicated nature center. Lawrence said that is what you expect to see in East Bethel.

Moegerle said we don't have a County Park. Butler said we have one at Coon Lake. Moegerle said no, that is in Linwood. Moegerle showed a map. We own the area by the ice arena. You see the beginning of the possibility of a great nature trail in the middle of the City of East Bethel. Davis said the Sand Hill Crane Natural Area the City does own a 27 acre parcel. There is a management group that have met we are trying to reactivate the area, and maybe develop the area here. We are going to meet with them on November 10<sup>th</sup>.

The County has made some proposals in the past. They haven't been able to implement those because of funding. Moegerle said the collaboration is there. We don't have snowmobile trails in the City. People don't like to snowmobile in East Bethel. In the future, Viking Boulevard will be harder to snowmobile on due to zoning changes.

Harvey has to leave.

Langmade said on a weekend, we sit on our patio, you see a number of young people pushing their babies, and riding bikes. There is a lot of activity out there. We use to have a lot of people with ATVs in the area too.

Moegerle said up at Whispering Aspen, what is needed there. Are you suggesting you need trails there? Langmade said we have sidewalks there. Davis and Langmade have talked about it there is no playground equipment. There is no place for the young children to play. Lawrence said there is high density of people there. In other areas of the City people have their own large parks in their back yard. Langmade said the past few mornings there have been deer in our back yard. Moegerle said isn't that invaluable. She said she saw a raccoon coming down the tree, he went back up, and she saw there was another one in the tree.

Langmade said we thank you both for your comments. Moegerle said you get the gist.

Butler said you have put forth a couple of ideas. Because of the nature of the beast here. The last plan was put together when the last survey was done. At the top of the survey there was a fairly good response to it.

Davis said he would think that some of those things have changed. Let's evaluate what we have accomplished, what we need to change, we shouldn't take all the trails and we should just look at our proposals in there. There may not have been enough attention to what the needs are. Also is there a real magnet where all these trails need to lead to.

Butler said if we send out a newsletter, we should put a response card in there. What is your favorite thing about the parks? How often have you used the parks? What would you like to see in the parks? If we have a good parks system here, the word will spread. He would prefer to cater to what the people here want. If the people in the city aren't interested in the parks. Then it will be a narrow focus. He feels like we are operating fairly blindly. We have had issues with snowmobile trails in the past. Lawrence said when you put down trails, they think nature trails. We need to express to the Council how many people will use, how much it costs and where does it go? The City will be behind that sort of stuff.

Butler said the trail he uses most is Cedar Creek. He uses it all year around. It is one of the few areas you can see red headed wood peckers. There are resources that we have here. Lachinski said she knows people who cross country ski in the Fish Lake area. Moegerle said connecting subdivisions with a bituminous trail is a great idea.

Butler said if you look at the traffic on Durant since the improvements were made, the volume of pedestrian traffic has increase five fold since that improvement was made on the Wild Rice segment. That is because you are connecting subdivisions. Moegerle said connecting people is very important and also helps lead to interaction and change.

Butler said the way the cities laws are set up, there has to be green space, if you go into that subdivision on 209<sup>th</sup>. We should rethink that in lieu of this \$60,000, we would prefer to have that in cash. He doesn't know all the ins and outs. Davis that is the policy of the city now, we want the cash now, not the property. We can dictate which ever way we want it – property or funds. We have enough geography; we just need money to develop the properties. The City took the 10 acres there, and they were hoping for a regional park with 10 more acres.

Moegerle said she had a question for Butler, she said she wanted to go back to her illustration of wanting something really bad, and she said how we discern if it is something we really want or if it will be something we will really use. That is where the trick is in all of this. Butler said how we would measure the results. Lachinski said there are people in the parks all the time due to the new trail. Moegerle said how do we know what the results are before we put the funds into the project.

Butler said if we do a survey that keeps track of where the respondents are coming from. Moegerle said with your simple idea, sure if there a trail they will use it. If they are not already walking what is really going to get them out of the house.

Everyone thinks they will be better than they are. Butler said we need to figure out ways, such as they do in Burnsville, so people go out and rediscover the joy out outdoor play. Lachinski said we need to twist so people will want to use it. We are at a disadvantage, because we only have x amount of funds. Moegerle said the geo-caching is an idea; we are going to pull these people in. If we make a destination trail. She is encouraging you to open it up to ideas to attract people in. Money is tight and there is no guarantee. Butler said that is why he is pushing for a survey. As scarce as funds are, we have to actually use them in way that people would really like to use them.

Lawrence said he thinks a survey is a good idea. Then we can also find out what the school house would be used for us.

Moegerle said we can do parks in different ways. Not all the parks have to be identical. Lachinski said that is the way they are now. Moegerle said if you have different interests you go to that specific park.

Davis said there are some wonderful opportunities to explore. Lachinski said that is what we wanted to know from the Council. Hadn't hear what direction we should be headed.

Lawrence said so you will look at doing the survey. Butler and Lachinski will have something pulled together. You can do the survey at the open house and also do a mail out survey. Davis said you will get the best and most accurate response if you mail them out. If you only do it at the open house, you don't get so many people. The website we only have 25% penetration of the public. Lachinski said when the next one will go out. Davis said the next one will go out in December. Ayshford said he is also willing to help out. Jefferson said there was also one done in the past, so that may be a good reference point. Davis said there was one done in 2007, and we can use that as a base.

Adjourn

**Butler made a motion to adjourn the October 12, 2011 meeting at 9:08 p.m.  
Jefferson seconded; all in favor, motion carries.**

Submitted by:  
Jill Teetzel  
Recording Secretary



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

Item 7.0 D.1

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**Agenda Item:**

Road Commission Meeting Minutes for October 11, 2011.

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**Requested Action:**

Information Only

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**Background Information:**

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

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**Fiscal Impact:**

None

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**Recommendation(s):**

Information Only

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:   X

## EAST BETHEL ROAD COMMISSION MEETING

October 11, 2011

The East Bethel Road Commission met on October 11, 2011 at 6:30 PM at the City Hall for their regular monthly meeting.

MEMBERS PRESENT: Al Thunberg Deny Murphy Kathy Paavola Roger Virta Jeff Jensen

MEMBERS EXCUSED: None

ALSO PRESENT: Nate Ayshford, City Public Works Manager  
Robert DeRoche, City Council Member

### **Adopt Agenda**

The October 11, 2011 meeting was called to order by Chairman Jensen at 6:27 PM.

**Thunberg made a motion to adopt the October 11, 2011 agenda. Paavola seconded; all in favor, motion carries.**

### **Approve – July 12, 2011 Meeting Minutes**

Thunberg had a question on the water tower, if it was south of County Road 22. It is actually located north of County Road 22. It is located near a yellow house, with a big pole barn. The footings are in for the water tower. It is a very nice spot for the water tower.

**Thunberg made a motion to approve the July 12, 2011 minutes with said changes on the location of the water tower. Virta seconded; all in favor, motion carries.**

### **Road Financial Information – Roads Capital Funds Summary**

Ayshford said the budget is on pace for the end of the year. Thunberg said provided we don't get hit too hard on snow or equipment repairs. Ayshford said we had a head gasket go out on a truck and some other repairs that were needed on another vehicle.

The street capital budget there will be approximately \$6,000 overlay for Whispering Aspen deducted out of the budget. DeRoche asked about Castle Towers, if the streets were going to be repaired. Ayshford said yes, there are new owners. DeRoche said that being they are privately owned, for emergency vehicles they have to maintain the roads to a certain level. They had not been doing that.

### **Frontage Road Application – 215<sup>th</sup> Ave to County Road 74**

The City of East Bethel has submitted an application to MnDot for municipal agreement funding for the fiscal year 2013. The application requests funding for extending Johnson Street from 215<sup>th</sup> Avenue to County Road 74 along the west side of Trunk Highway 65. The application would also close off the median and access to Trunk Highway 65 at 219<sup>th</sup> Avenue.

The frontage road on the east side has been shut down, due to not being able to get one

owner. DeRoche said the State of Minnesota said we either figure something else out, or we lose the money. Thunberg said at our Roads Commission tour, we were on the east side, now it is on the west side. Murphy asked if the reason it was not done was it would cost too much money for the property. Thunberg said how was it decided to do the west side. DeRoche said it would be a \$575,000 loss. Either way you come from the east or west, you have the same issue. With this solution, you can go down to Sims to get on to Hwy 65.

Thunberg said this project would be completed about the same as the lights at Hwy 65 and 221<sup>st</sup> Avenue. Is there a better place we could use the money? DeRoche said he doesn't think the service road on the west would not be approved. Ayshford said the application has been sent into the State of Minnesota. Murphy said so it may not happen? Ayshford said we haven't heard anything back yet.

Jensen said down by the movie theater would be a better place to spend the money, but down in that area crosses into Ham Lake. But going north of the theater you have to go through the swamp and creek. Ayshford said that is part of our discussions in the next item on the agenda. He said they did look at that same area for a service road, but there is a lot of peat in the area.

Virta said this was talked about late last year. This was going to be a relief road for 221<sup>st</sup> Avenue. Thunberg said the hope was that it would be done by now and of course the light at 221<sup>st</sup> Avenue has been moved up to next year. It was stated that Anoka County hopes for the light at 221<sup>st</sup> Avenue to be completed next year. Jensen said lets move on to the next agenda item. We are sending in an application for the west side and we are dropping the east side. Murphy asked if we were out anything on the east side. Thunberg said engineering costs, but that will be good for the future. At 219<sup>th</sup> Avenue the cul-de-sac would be completely closed off from Hwy 65. Thunberg said it would be reducing access point to Hwy 65. Jensen said it is more of a balance of what is a good roads system, versus getting \$545,000 free.

**Prioritizing  
Future  
Frontage  
Road  
Projects**

Staff is seeking guidance for developing a plan to prioritize future frontage road development. With MnDot seeking to limit access points along Trunk Hwy 65, the need for frontage roads will become increasingly necessary for current property owners and future development. By prioritizing which areas need to be funded on a community level and which projects can be funded by developers; staff can begin to plan for future budgeting concerns.

There is a map included with the packet. There is also an older one that Ayshford showed the group.

Jensen said what about coming from Klondike Road down to County Road 22. DeRoche said they are proposing making County Road 22 into a 4 lane road in the future. They put that before us before we put the pipe in. When the plan was being developed for the pipe that was taken into consideration, so the pipe would not have to be moved in the future. Virta said we have always tried to get the developers to pay for the frontage roads. We don't really know where that development will be in the area. As a general goal, is we want to get as much frontage road parallel with Hwy 65. If you look at cities like Blaine, the residents that live there will do anything they can to avoid Hwy 65, so they go on

frontage roads. DeRoche asked if anyone has looked at the comp plan.

Thunberg asked if there are any ideas on what will be going on. DeRoche said we are working with people on the east side. If it were to come down on this side of Hwy 65, you have U Pull It which takes up a considerable amount of property along Hwy 65.

Jensen said he sees development happening around the Hwy 65 and County Road 22 area. Virta said theoretically that is where it would happen. Jensen said development might call for what is needed. DeRoche said how far are we projecting down the road.

Ayshford reminded the group that a lot of the roads on the map are dreams and probably couldn't happen. Virta said it would be nice to look at these plans and drive around. It gives a good overview of the areas. Jensen said the connector road would be great for the City Center. Thunberg said if you are connecting the road down to the Ham Lake border, it might spur development in that area. If you get a couple of roads done, it might get people interested in developing in the area.

Virta said in a residential area, such as Jackson Street, we owe it to the people that live there to not dump more traffic people on that road. Thunberg said once it is rebuilt, more traffic will end up on the road. Virta said we should make as little impact on the residents as possible. DeRoche said what you would want if it was your own road. Virta said we need to keep that in mind when we are looking at different things. Jensen said that is what the service road would do.

### **Road Tour Maintenance Update**

At the July 12, 2011 Road Commission Meeting, commissioners and staff toured a number of locations within in the city that required immediate maintenance and possibly future corrective action. The following is a summary of those locations and what activities have taken place.

1) Gravel Road and Cul-de-Sac on 197<sup>th</sup> Ave and Naples St

The cul-de-sac on 197<sup>th</sup> Ave has a tendency to become very saturated during the spring melting period. Approximately 100 tons of asphalt millings were added to this area to help alleviate this problem.

2) Collapsed Drainage Culvert on Durant St

The 24" culvert on Durant St collapsed this year due to corrosion of the pipe combined with large flow volumes from heavy rains. The pipe replacement was contracted out and the work completed in late September. The funding for this project came from the Street Capital Project Fund.

3) Collapsed Drainage Pipe on Skylark St

The 15" culvert on the gravel road Skylark Street was replaced by city staff and upgraded to a 24" culvert to allow for higher flow volumes and reduced flow velocity. The project was completed in late August.

4) Failing Section of Road in Whispering Aspen

A 240 foot section of road in Whispering Aspen crumbled apart from water infiltration from what is believed to be a perched water table. The section of road was prepped by city staff and repaved by an asphalt contractor in late September. The funding for this project came from the Street Capital Project Fund. This road really turned out nice.

5) Klondike Drive

Approximately 500 tons of asphalt millings were added to Klondike Drive in two

sections that routinely have maintenance concerns. The millings are designed to fuse together and provide a stronger road surface with less dust than traditional Class V applications. The one section is right near Hwy 65 and the other is down by the first oak tree.

6) Class V to Gravel Roads

Approximately 1900 tons of class V was added to four gravel roads within the city. Jewel St, Kissel St, Palisade St, and Edison St, were all upgraded with the addition of a four inch layer of class V and reshaped to provide better drainage.

More overlays in Whispering Aspen and Coon Lake Beach will also be getting work the next summer. Thunberg asked if the roads have been turned into MSA designation. Ayshford said we haven't heard anything yet. Jensen said it should go through. Thunberg said you should have a County Road connector. Jensen said they like them to be, but they don't have to be. Ayshford also said the population in that area would warrant the designation.

**Council  
Update and  
Other  
Business**

DeRoche didn't have anything to report, other than the County came up last week about the lights at 221<sup>st</sup> Avenue. Jensen asked about the right of way. DeRoche said the County said it would be more expensive to realign the road. Thunberg said the County Commission was at the meeting last night. The main for the acquisition was to ensure the center lines line up and there would be three lanes for approach on each side. Ayshford said the other big issue is the storm water retention ponds. Jensen said they are done with the environmental study. Ayshford said he has the time line. He said they might do a long pond and the County Engineer was going to get creative on the pond due to requests from the property owner and the City. Thunberg said they don't like to take any buildings if they don't have to.

Ayshford asked why there isn't a storm sewer pipe on the west side of Hwy 65. Jensen said that is good question. Ayshford said the two lane crossover, versus three lanes, would decrease the amount of right of way needed. DeRoche asked why the four foot median. Murphy said without a frontage road, the three lanes are a plus for us.

DeRoche said they said it there will be more accidents, according to the County, due to the signals. But they won't be as bad. The two issues for the northeast property owner at Hwy 65 and 221<sup>st</sup> are the right of way taken and the drainage pond. DeRoche also advised when you are looking at the property, there are two sets of stakes, one for the road and then for right of way.

According to the timeline the construction would begin late July or August and be completed by this time next year. Jensen said you hate to see the issues and the problems. The City has been screaming for a change here at the intersection. You really hate to see impact on others and want to accommodate him as much as possible. Jensen said he does a lot of feasibility studies on signage. If you put up a yield sign up, it is safer. There are a few signs that actually help. Thunberg said if the pond could be changed to not affect that property so much that would help. Murphy said that field is a money maker for him though.

Ayshford said there was one other item that came up yesterday that we want to share with the Commissioners.

### **Coon Lake Beach Garden Club Right of Way Project**

A proposal for a right of way improvement has been presented to city staff that would include planting of wildflowers and other flora to improve the aesthetics along Lakeshore Dr and Forest Rd near the Coon Lake Beach Community Center. Installation and maintenance would be the responsibility of the garden club. Other requirements would include;

- 1) Staff approval of planting plan
- 2) Approval of plan by Coon Lake Beach Community Center
- 3) Planting could not interfere with maintenance activities (Snow and Ice control, road repair, etc)
- 4) Planting to include wild flowers, ground cover, and other low growing plants that will not impede visibility
- 5) A 2 to 4 foot strip of maintained turf to remain along road edge

Who would maintain the strip along the road? Paavola said there is a Coon Lake Beach Garden Club out there. Paavola advised the group there have been issues with getting things to grow because the hill is so steep. She stated we did plant something so it would stabilize it. It is just grass but we thought there would be some flowers. There are some steps on each side of the hill, which works fine. She stated we will have to mow it because it doesn't look good. At the community meeting, it was brought up that a neighbor would be willing to plant wild flowers. If we can get something started to take care of the area versus grass that isn't growing and needs to be continually mowed we would like that. We just want to alleviate the issue of it reverting to the way it was, with sand running into the road. Ayshford said as long as Coon Lake Beach is on board with it, the City Staff doesn't have to maintain. Thunberg said it is a great idea. Ayshford has been out to take a look at the location. Jensen said they are just looking for permission to plant in the right of way. Is there any stipulation if there was a bad winter, we wouldn't had to replant. Paavola said it wouldn't go that close to the road. Jensen said the City shouldn't be responsible for damage. Paavola said it is a great idea. She does know some of the ladies that do participate in it. She will be taking it to the next meeting.

**Jensen motioned to approve the Coon Lake Beach Right of Way Project. Murphy seconded; all in favor, motion carries unanimously.**

**Rod Villa, 2540 216<sup>th</sup> Avenue NE** - In the past we have always had to call and get the road graded. He believes all the roads should be graded once a week without having to call. Ayshford stated the problem we had with the road grader, if there isn't any moisture on the streets, you can't grade it. He said both intersections on 216<sup>th</sup> Avenue have become banked and the grader never corrects this. The material is there, but it always gets banked on the corners. On Xylite, the road surface is lower than the ditch. The material is there, but just need to be relocated in the right spot. Additionally the road is not being graded to the edges on 216<sup>th</sup> and the person grading will miss the edge of the road by 4 or 5 feet. Then people start driving on his property. The problem is they don't want to stop and back up. The road is also not being plowed or graded in a straight line. When they get to that intersection, they swing to the left. So now we have snow on the road surface on both

sides of the turn and the road keeps moving over. Sometimes the snow plow misses the road surface by 9-10 feet and it is just because they don't stop and reposition. These low spots are holding ice and water. Xylite has become low in the wet areas and it has been filled in the past few years. In the past you have used some high binder gravel in there, it does seem to limit the speed. But when it is wet, it is like driving in winter slush. You can't wash it off your car or driveway or garage floor. He doesn't know if you can stop using it or less of the odd material in it as it is a mess when it is wet. He always intended to talk to Jack about it, but hasn't. Additionally when dust control is added on top of it, it becomes a mess. The City does a great job at snow plowing, but there is this issue on my road, so the full width is not being done. So you end up with snow bank on Xylite, so he would like to see that changed. If someone comes out and looks at it, he would like to be there. Ayshford said he will come out and look at it. The other problem with the snow plowing is blowing all the gravel off the snow.

Murphy said if you take care of your yard in the spring, you have to rake rocks that have been blown up there. It was solved for a winter or two, because they graded it with the grader, they went through with the plow.

Jensen said there are so many issues with a gravel road. Unfortunately you have a moveable road surface, so many issues with ground temperature, etc. Resident said you could put in shoes on it. Jensen said the shoes dig in more. Another thing would be to do those roads last so the snow is compacted.

Davis arrived and stated he went to the open house. If there was anything he could add on it, he would be willing to discuss it. One of the questions is why there isn't a pond on the west side. Davis said that is because it is closer to the wetlands. You can't discharge directly into the ponds. You have to have a retention area. We have suggested, in order to minimize the impact on the resident is to look at eliminating the north turn lane. Davis said they said it will make the turn lights work better. The foot print of the pond is shown here, but if they could do anything to make the pond longer or more narrow and use the ditch line, to minimize the impact on Mr. Cable's property. There is enough buffer area on the west side for the drainage prior to it getting to a wetland.

The County Engineer said he would do whatever he could to make sure they could do to work with the property owner. The County Commission is also working on the behalf of the residents of East Bethel. The cities portion of the cost would be between 2-5%. Ayshford said the County will be responsible for the maintenance on the lights. The City will be responsible for the electric bills. If we have the same agreement that we have on the other lights.

DeRoche said when they are pulling out of their property (County Road 22/Hwy 65); they will have to cross a few lanes of property. These lanes will split up the traffic more. He will be able to get out quicker now. Jensen asked if they will be lengthening the turn lanes. Davis said, yes they will be. Both turn lanes will be extended to 500 feet. Jensen is just glad they are finally doing this project. Thunberg said it is the cities job to keep the County on track for the project next fall. Davis said the County is really on board with this. This is finally going to be a reality.

**Adjourn Paavola made a motion to adjourn the October 11, 2011 meeting at 8:15 P.M.  
Thunberg seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel  
Recording Secretary



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

8.0 A.1

\*\*\*\*\*

**Agenda Item:**

St. Croix Minimal Impact Design Standards Pilot Project – Pilot Community Application

\*\*\*\*\*

**Requested Action:**

Staff Seeks Direction to Submit Pilot Community Application

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**Background Information:**

On March 19, 2010, the Washington Conservation District (WCD) was awarded a federal 319 grant for a Minimal Impact Designs Standards (MIDS) pilot project in the St. Croix Basin. This project is intended to be complementary to and will be carried out in parallel with the work to develop MIDS technical standards. The project will focus on implementation issues, including:

1. Raising awareness on the part of local decision makers about the negative consequences of conventional development and the environmental and socio-economic benefits of low impact development-type management practices;
2. Supporting local and regional visioning and planning processes that proactively assess the impacts of alternative growth and development scenarios; and
3. Facilitating the development and adoption of local codes and ordinances that remove barriers to low impact development-type management practices and create incentives, as appropriate.

Up to three pilot communities will receive free education, training, and consulting services to update plans, ordinances, codes, and procedures to protect their local water resources and ultimately the St. Croix River.

East Bethel water resources final destination is either the St. Croix River (via Sunrise River Watershed) or the Rum River (Upper Rum River Watershed). Attachment #3 is a map of the basins within East Bethel.

**Attachments:**

1. Pilot Community Application
2. St. Croix Basin Map
3. East Bethel Watershed Map

\*\*\*\*\*

**Fiscal Impact:**

Not Applicable

\*\*\*\*\*

**Recommendation:**

Staff requests direction from City Council to proceed with an application for the St. Croix Minimal Impact Design Standards Pilot Project.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

# ST. CROIX MINIMAL IMPACT DESIGN STANDARDS PILOT PROJECT

## Pilot Community Application

*Applications Due December 31, 2011*

### Free Technical Assistance Available

The St. Croix MIDS Pilot Community Project was established to help St. Croix Basin communities meet state water quality regulatory requirements and provide a real testing ground for the application of the new MIDS performance goals, credits and calculators, and the community assistance package.

The Pilot Community Project involves regional and focused community assistance in the form of education, training, review and consultation services, and tools and resources such as model ordinances; all with the intent to apply the MIDS package. Education and training includes NEMO – Nonpoint source Education for Municipal Officials programming and Stormwater U – technical training for staff and consultants.

Up to three pilot communities will receive free education, training, and consulting services to update plans, ordinances, codes, and procedures to protect their local water resources and ultimately the St. Croix River.

The MIDS Pilot Community Project is funded by a Federal 319 Grant managed through the Washington Conservation District with input from a locally-led Steering Committee.

### Seeking Pilot Communities!

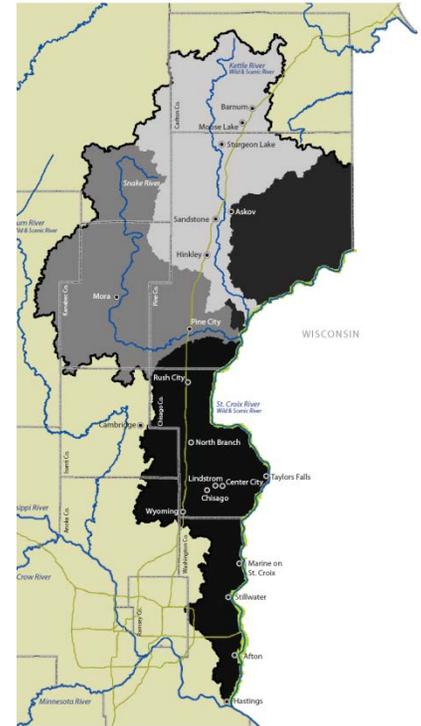
The MIDS 319 St. Croix Pilot Project is now soliciting proposals from cities, towns, and counties interested in and committed to integrating low impact development (LID) into their regulations and development standards. Proposals from cities, towns, and counties located within the Minnesota side of the St. Croix Basin are eligible.

Pilot communities will receive multiple benefits and services by participating including:

- NEMO and Stormwater U education and training programs,
- Review of existing local regulations and development standards,
- Model or revised regulations, ordinances, and other recommendations for local government managers and elected officials to consider for adoption,
- Free assistance to review and update local ordinances and codes, and
- Streamlined compliance with state stormwater regulations.

Assistance to be provided in 2012.

Local government match is not required; however local governments must demonstrate in their proposals a commitment and proposed timeline to integrate LID into their regulations. Pilot communities selected will be expected to designate one key staff to be the liaison with the pilot project consulting team, form a local team of staff from key departments (planning, public works, engineering, and fire and safety, etc),



attend approximately two meetings with the consulting team, direct and provide the consulting team to current regulations, and review and comment on draft materials provided by the consulting team and coordinate local input as needed. Pilot communities selected will be required to provide an annual report describing their progress in adopting code recommendations provided and using LID techniques in projects.

## Submittal Process

Proposals should be **no more than 2 pages in length** (not including support letters) and include:

1. Local government contact information, including staff designated as local liaison.
2. Description of interest in LID and commitment to revising and adopting regulations to allow for, encourage or require LID.
3. Description of the water resources that would be protected or restored if LID were integrated into local regulations.
4. Description of regulations and standards that are anticipated to need review and revision.
5. Summary of any existing LID regulations and practices used in the jurisdiction.
6. Statement that demonstrates staff capacity to work with the consulting team, review draft products, present recommendations to officials for consideration, and implement recommendations once adopted. This should include an estimated timeline for adoption once recommendations are provided.
7. Letters of support from the director of the public works, planning departments, city administrator, and others as appropriate and supportive.
8. Letters of support from the mayor, board chair, or other elected officials that demonstrate intent to adopt and implement recommendations provided by this project are encouraged, and strengthen proposals.
9. Letters of support from development organizations or associations and community groups are also encouraged.

**Proposals should be submitted to Jay Riggs at the Washington Conservation District by December 31, 2011.** Proposals are encouraged to be sent electronically as Word or PDF documents. If you have questions about this request, please contact Jay Riggs (651-275-1136 extension 20 or by email at [jay.riggs@mnwcd.org](mailto:jay.riggs@mnwcd.org)).

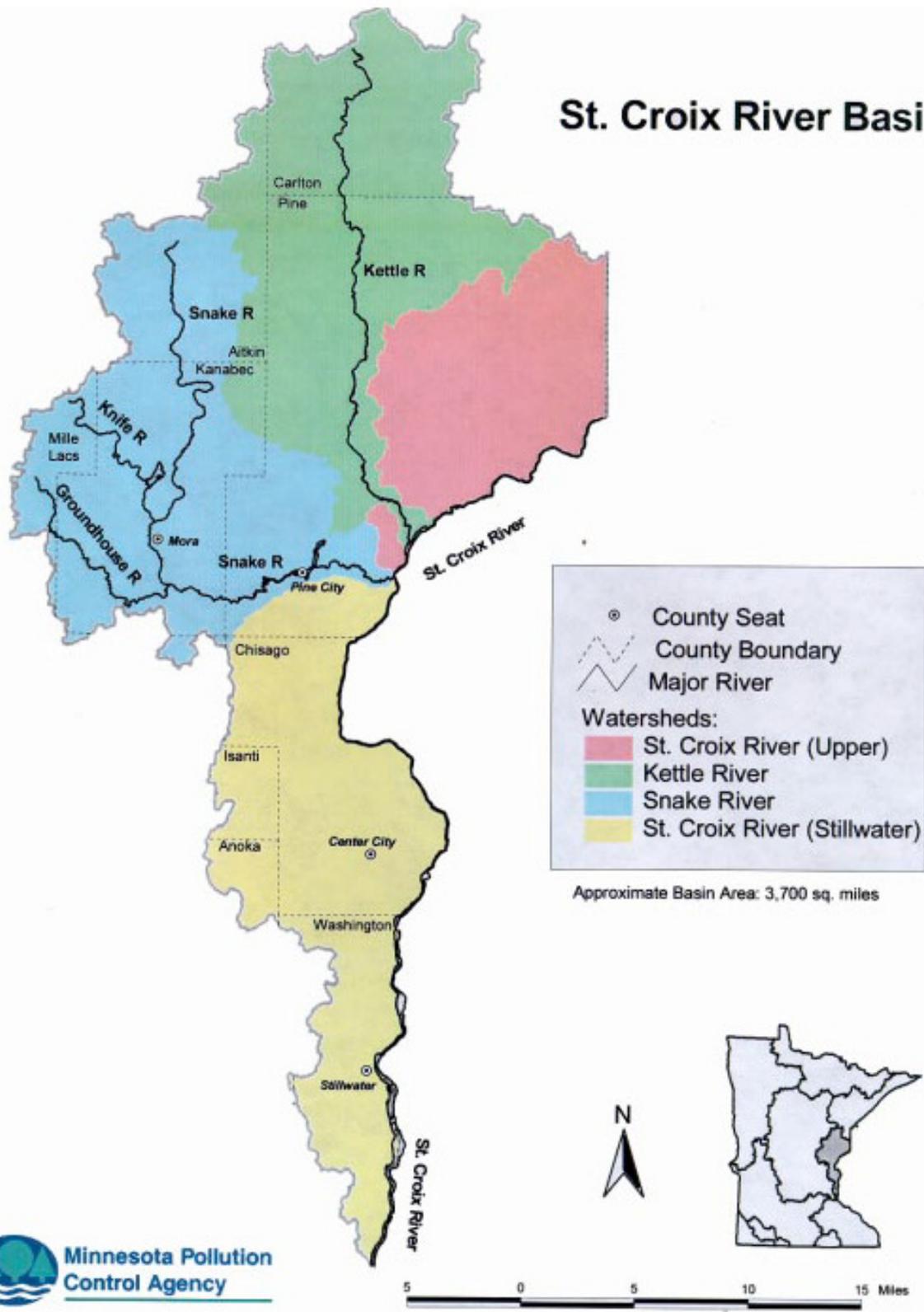
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### Minimal Impact Design Standards (MIDS) will provide:

- A clear stormwater management performance goal to meet state requirements.
- New and efficient methods and credits to standardize the use of stormwater management techniques.
- A model ordinance package to streamline compliance with State regulations.

For more information about the MIDS Project: <http://www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/stormwater-minimal-impact-design-standards-mids.html>

# St. Croix River Basin





# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

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**Agenda Item Number:**

8.0 A.2

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**Agenda Item:**

Interim Use Permit (IUP) Renewal for Home Occupation, Tim Christensen, 1507 205<sup>th</sup> Avenue NE

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**Requested Action:**

Consider Approving Renewal of IUP for a Home Occupation at 1507 205<sup>th</sup> Avenue NE

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**Background Information:**

On November 17, 2010 City Council approved an IUP for an automotive repair business and vehicle dealer's license with conditions. Attachment #3 is the approved City Council minutes from the November 17 meeting. Attachment #2 is the executed IUP Agreement.

On October 24, 2011, staff conducted a site inspection of the property. The property is in conformance with the IUP. Additionally, staff has not received any complaints from neighboring properties regarding the home occupation.

At the November 2, 2011 City Council meeting, council tabled the IUP renewal request and directed Mr. Christensen to apply for an Anoka County Hazardous Waste Generators License and a MN Vehicle Dealer's License. Attachment #5 is a copy of the approved license from Anoka County Environmental Services.

As part of the dealer license submittal, staff must sign the license prior to Mr. Christensen's submittal to the state. The city must provide copies of executed permits, agreements, etc as part of the licensing process. At this time staff cannot sign the license because the proper permits are not in place for Mr. Christensen to operate from the property; therefore, he cannot submit a license to the state. Also, Mr. Christensen does not need the MN Vehicle Dealer's License to operate an automotive repair facility from the property. The license is strictly to sell more than five (5) vehicles from the property, in which he does not plan to sell vehicles at this time. Mr. Christensen is in the process of setting up and organizing the business; therefore he is in the process of completing the required license.

**Attachments:**

1. Application
2. IUP Agreement
3. November 17, 2010 City Council Meeting Minutes
4. Site Plan of Property
5. Approved Anoka County Hazardous Waste Generators License

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**Fiscal Impact:**

NA

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**Recommendations:**

Staff recommends City Council approve the renewal of the IUP/Home Occupation – automotive repair business and a vehicle dealer’s license for Mr.Christensen, for the property known as 1507 205<sup>th</sup> Avenue NE, PIN 17-33-23-43-0010 with the following conditions:

1. Vehicles waiting for repair, vehicles for sale, or vehicles waiting for customer pick up are not allowed to be stored outside in view of the public right-of-way or neighboring properties.
2. Signage must comply with East Bethel City Code, Chapter 54, which states “for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet.” Signs must be placed on the business’ property as directional signs are not allowed.
3. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
4. The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure.
5. The IUP will be reviewed by staff and renewed on a yearly basis by City Council in which City Council may require additional conditions where deemed fit.
6. City staff is allowed on the property to conduct random inspections to ensure compliance. Staff will give at least a two hour notice prior to a site inspection.
7. Structure must be inspected by the Fire Inspector on a yearly basis.
8. Anoka County Environmental Services inspection reports and annual license renewal must be submitted to City Staff within 30 days after the annual renewal. The current license expires January 2012.
9. Mr. Christensen must submit an approved MN Vehicle Dealer License to the City of East Bethel and obtain a City of East Bethel Automobile Dealer License prior to the sales of vehicles from the property. Each license is to be renewed on an annual basis. A copy of the renewed annual MN Vehicle Dealer License is to be submitted to City Staff within 30 days of renewal/issuance. Sale of vehicles cannot occur from the property until the proper licenses have been obtained and submitted to the city.
10. Body work and detailing is not allowed as part of the business.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_



October 26, 2011

**VIA E-MAIL AND U.S. MAIL**

Stephanie Hanson  
East Bethel City Planner  
City of East Bethel  
2241 – 221<sup>st</sup> Avenue Northeast  
East Bethel, Minnesota 55011

Re: Home Operation – Auto Repair Interim Use Permit Renewal  
1507 – 205<sup>th</sup> Avenue Northeast, East Bethel, MN 55011

Dear Ms Hanson,

Please be advised that the above-captioned firm represents Timothy P. Christensen and Torque Diesel Performance, Inc. with respect to the Interim Use Permitting process for the property occupied by Mr. Christensen as his residence at 1507 – 205th Avenue Northeast, East Bethel, MN 55011.

The subject property was purchased by Mr. Christensen on March 11, 2011. This, even though the IUP was requested and granted in the prior year. The time since purchase of the property has been used to organize the business. Part of this organization will be the completion of the Minnesota Automobile Dealer's License application. This Application is in process in our office and will be filed in the very near future. As discussed at the time the IUP was requested, this Dealer's License does not comprehend a traditional "car lot" with vehicles standing about for inspection and sale. Rather the intent of Mr. Christensen is to comply with Minnesota State Law which requires an Automobile Dealer's License to be held by anyone selling more than five automobiles per year. Sales will be accomplished through electronic means. Buyers will visit the site occasionally to inspect or transfer a vehicle.

I therefore request, on behalf of Mr. Christensen, that the above referenced Conditional Use Permit be renewed.

Please contact me if I can be of any assistance.

Very truly yours,

Skjold Parrington, P.A.



Paul G. Christensen  
Attorney at Law

PGC/cab



October 10, 2011

Tim Christiansen  
1507 205<sup>th</sup> Avenue NE  
East Bethel, MN 55011

RE: Home Occupation – Auto Repair Interim Use Permit (IUP) Renewal

Mr. Christiansen:

On November 17, 2010 City Council granted an IUP to allow for an automotive repair facility and vehicle dealer's license located at 1507 205<sup>th</sup> Avenue NE. A condition of the IUP is that it will be reviewed by staff and renewed on a yearly basis by the City Council in which City Council may require additional conditions where deemed fit.

The IUP renewal will be placed on the November 2, 2011 City Council meeting.

In the meantime, staff requests you call to schedule a site inspection which is to be completed no later than October 21, 2011. Also, you will need to complete the enclosed land use application and return it to staff by October 21 as well.

I can be reached at (763) 367-7855 or [stephanie.hanson@ci.east-bethel.mn.us](mailto:stephanie.hanson@ci.east-bethel.mn.us) to schedule a site inspection and to answer your questions.

Sincerely,

Stephanie L. Hanson  
East Bethel City Planner

Enclosure

CITY OF EAST BETHEL  
ANOKA COUNTY, MINNESOTA  
INTERIM USE PERMIT (IUP) AGREEMENT

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Dated: November 23, 2010

Property Owner: Kenneth and Lois Landborg  
1507 205<sup>th</sup> Avenue NE  
East Bethel, MN 55011

Applicant: Tim Christensen  
1431 County Road 6  
Stanchfield, MN 55080

Parcel Location: 1507 205<sup>th</sup> Avenue NE  
Anoka County  
East Bethel, MN 55011

Parcel Number: 17-33-23-43-0010

Present Zoning District: R1 – Single Family Residential

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IUP REQUEST: an IUP request for a home occupation for an automotive repair facility and a vehicle dealer's license, located at 1507 205th Avenue NE, East Bethel.

PLANNING COMMISSION ACTION

A public hearing was held on September 28, 2010 at which all interested parties had the opportunity to be heard. Planning Commission recommended approval of the IUP request.

CITY COUNCIL ACTION

The City Council considered the matter at its meeting on November 17, 2010 and approved the IUP request with conditions.

CONDITIONS AND REQUIREMENTS

1. Vehicles waiting for repair, vehicles for sale, or vehicles waiting for customer pick up are not allowed to be stored outside in view of the public right-of-way or neighboring properties.
2. Signage must comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not

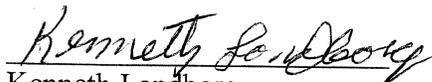
exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed.

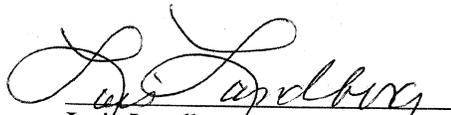
3. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
4. The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure.
5. The IUP will be reviewed by staff and renewed on a yearly basis by City Council in which City Council may require additional conditions where deemed fit.
6. City staff is allowed on the property to conduct random inspections to ensure compliance. Staff will give at least a two hour notice prior to a site inspection.
7. Structure must be inspected by the Fire Inspector on a yearly basis.
8. Site plan with required information must be submitted to the Building Official for review and approval prior to the issuance of the IUP. Building Official will make the final determination of occupancy change and codes to be administered to bring the structure into compliance.
9. Mr. Christensen must submit an approved Hazardous Waste Generator License issued by Anoka County Environmental Services. Inspection reports and annual license renewal must be submitted to City Staff within 30 days after renewal/issuance.
10. Mr. Christensen must submit an approved MN Vehicle Dealer License to the City of East Bethel and obtain a City of East Bethel Automobile Dealer License. Each license is to be renewed on an annual basis. A copy of the renewed annual MN Vehicle Dealer License is to be submitted to City Staff within 30 days of renewal/issuance.
11. Conditions must be met and an IUP Agreement executed no later than January 20, 2011. Failure to comply will result in the null and void of the IUP.
12. Body work and detailing is not allowed as part of the business.

ACCEPTANCE

The undersigned property owners hereby accept the foregoing conditions and agreed to be bound thereby.

PROPERTY OWNERS:

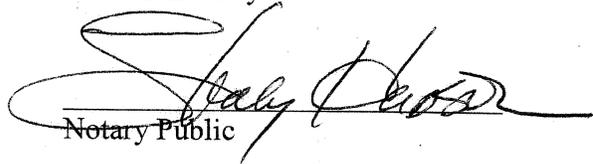
  
Kenneth Landborg

  
Lois Landborg

ARIZONA  
STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF MARICOPA )



On this 7 day of DECEMBER, 2010, before me a notary public, personally appeared Kenneth and Lois Landborg who signed the foregoing instrument and acknowledged said instrument to be the free act and deed of the City.

  
Notary Public

ACCEPTANCE

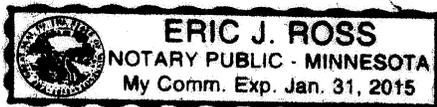
The undersigned applicant hereby accepts the foregoing conditions and agreed to be bound thereby.

APPLICANT:

  
Tim Christensen

STATE OF MINNESOTA )  
 ) ss.  
COUNTY OF Anoka )

On this 20<sup>th</sup> day of January, ~~2010~~<sup>2011</sup>, before me a notary public, personally appeared Tim Christensen who signed the foregoing instrument and acknowledged said instrument to be the free act and deed of the City.



  
Notary Public

THIS INSTRUMENT WAS DRAFTED BY:  
PLANNING DEPARTMENT  
CITY OF EAST BETHEL  
2241 - 221<sup>ST</sup> AVENUE NE  
EAST BETHEL, MN 55011  
763-367-7840

**Boyer made a motion to approve the request of LaVonne Murphy at 2557 225<sup>th</sup> Avenue NE (PIN 043323140026 & 043323140012) for an Interim Use Permit (IUP) to allow no more than 3 cows and 92 chickens with the following conditions:1) An Interim Use Permit Agreement must be signed and executed by the applicants and the City; 2) Applicants must comply with City Code Section 10. Article V. Farm Animals; 3) Permit shall expire when: a. The property is sold, or, b. Non-compliance of IUP conditions; 4) Property owner shall have thirty (30) days to remove approved domestic farm animals upon expiration of the IUP; 5) Property will be inspected and evaluated annually by city staff; 6) Conditions of the IUP must be met no later than December 1, 2010. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Paavola seconded; all in favor, motion carries.**

↓  
 Tim  
 Christensen –  
 IUP/Home  
 Occupation –  
 1507 205<sup>th</sup>  
 Avenue NE

Sell explained that the property owners, Ken and Lois Landborg, and applicant, Tim Christensen, are requesting an IUP for an automotive repair business and a vehicle dealer’s license for the 6.41 acre parcel located at 1507 205<sup>th</sup> Avenue NE. Mr. Christensen has indicated an interest in this property and has made a conditional offer to purchase subject to the granting of an IUP for his home occupation.

The automotive repair business entails the repair of approximately 3-5 vehicles on a daily basis, possibly 5 courier deliveries per week and vehicle storage in the detached accessory structure or in an existing fenced area adjacent to the structure. If approved, all exterior storage must be screened from neighboring properties and the right-of-way.

The Minnesota Vehicle Dealer License is required such the applicant can sell vehicles. Minnesota law requires a Vehicle Dealer License with the sale of more than five vehicles per year. The intention is not to have an inventory of more than five vehicles for sale at any given time. Marketing of the vehicles will be done by internet. It is presumed that some customers will visit the location, however, generally, it will not be open to the public.

The license application form for a Minnesota Dealer’s License and Minnesota Statutes 168.27, subd 1 requires that the business have a commercial building, which means a permanent, enclosed building that is on a permanent foundation and is connected to local sewer and water facilities or otherwise complies with local sanitation codes. Further, the structure is adapted to commercial use and conforms to local government zoning requirements.

The State requirement for sanitary sewer connections and facilities conflicts with East Bethel City Code Appendix A, the Zoning Code. This section of the City Code precludes a detached accessory structure from having sewage treatment facilities. If the request for the Motor Vehicle Dealer License is approved, this particular requirement of the license cannot be met as it would be in violation of city code. The applicant and landowners could submit a variance request, however, the applicant must show that the property in question cannot be put to a reasonable use without the variance.

According to Mr. Christensen, the business will not be open to the public as a commercial entity. There will be no sales of parts, materials, or other services. Customers will only be on site to drop off for repairs and pick up. If the IUP is approved, the IUP will not be issued until all code requirements are met. The Building Official will make the final determination.

At this time Mr. Christensen will be the only employee. However, city code states that no

Attachment #3

more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation. Mr. Christensen would be allowed to have up to two additional employees as long as he lives in the principal structure.

Automotive repair facilities generate hazardous waste. The applicant has not submitted an application for a Hazardous Waste Generator License through Anoka County. If the IUP request is approved, the applicant is required to obtain the appropriate license from Anoka County prior to the issuance of the IUP. In addition, the applicant would be required to submit the license to staff along with yearly inspections reports.

Mr. Christensen's letter states that no road signage is anticipated other than the minimum required by Minnesota Law. Staff does not know the signage requirements by the state, however, Mr. Christensen would be required to comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed.

Staff has received two comment letters from the public regarding concerns of the IUP request. These items were part of the public hearing record at the Planning commission and have been provided to you in your agenda materials.

Planning Commission recommends approval of an IUP for a automotive repair facility and MN Vehicle Dealer License at 1507 205<sup>th</sup> Avenue NE with the conditions noted in your agenda materials.

**Boyer made a motion to approve the request of Tim Christensen at 1507 205<sup>th</sup> Avenue NE (PIN 17 33 23 43 0010) for an Interim Use Permit (IUP) for an Automotive Repair Facility and a Minnesota Vehicle Dealer License in the R-1 – Single Family Residential District with the following conditions: 1) Vehicles waiting for repair, vehicles for sale, or vehicles waiting for customer pick up are not allowed to be stored outside in view of the public right-of-way or neighboring properties; 2) Signage must comply with East Bethel City Code, Chapter 54, which states "for home occupations, one identification sign is permitted, and the sign shall not exceed two square feet." Signs must be placed on the business' property as directional signs are not allowed; 3) No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation; 4) The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure; 5) The IUP will be reviewed by staff and renewed on a yearly basis by City Council in which City Council may require additional conditions where deemed fit; 6) City staff is allowed on the property to conduct random inspections to ensure compliance. Staff will give at least a two hour notice prior to a site inspection; 7) Structure must be inspected by the Fire Inspector on a yearly basis; 8) Site plan with required information must be submitted to the Building Official for review and approval prior to the issuance of the IUP. Building Official will make the final determination of occupancy change and codes to be administered to bring the structure into compliance; 9) Mr. Christensen must submit an approved Hazardous Waste Generator License issued by Anoka County Environmental Services. Inspection reports and annual license renewal must be submitted to City Staff within 30 days after renewal/issuance; 10) Mr. Christensen must submit an approved MN Vehicle Dealer License to the City of East Bethel and obtain a City of East Bethel Automobile Dealer License. Each license is to be renewed on an annual basis. A copy**

**of the renewed annual MN Vehicle Dealer License is to be submitted to City Staff within 30 days of renewal/issuance; 11) Conditions must be met and an IUP Agreement executed no later than January 20, 2011. Failure to comply will result in the null and void of the IUP; 12) Body work and detailing is not allowed as part of the business.**

**Paavola seconded.** Boyer said his motion is conditional on the fact that we are not allowing the sale of vehicles displayed in the yard. Sell said that is correct and that will be a condition of the IUP. Hunter said with the IUP, with this particular business, what is the time frame when it needs to be reapplied for, when it needs to be reviewed. Sell said in one year. Channer said he is all for a business coming into the City, but he is having a problem with this business paying residential taxes and the rest of our businesses having to pay commercial taxes. Hunter said he discussed this with the City Administrator and he said if they have a business even on a residential property, then they will be taxed for it. Channer said it will be in the future though. Hunter said yes, he had a business on his property. He said he doesn't anymore, but he is still paying that higher amount, but it will decrease because he doesn't have the business anymore. Channer asked is there a zoning change planned for this area in the future. Boyer said he doesn't think so. Paavola said they still have to get an Anoka County license. Hunter said yes, for waste generation. He said if you have fluorescent lights you re supposed to have one. **Channer, nay; Boyer, Paavola, and Hunter, aye; motion carries.**

Parks Comm. Minutes Sell explained that the meeting minutes from the October 13, 2010 Parks Commission meeting are provided for your review and information.

Road Comm. Minutes Sell explained that the meeting minutes from the October 12, 2010 Roads Commission meeting are provided for your review and information.

Code Enforcement Report Sell explained that the Code enforcement Report is included for your review and information.

Fire Dept. Minutes Sell explained that the Fire Department reports are provided for your review and information.

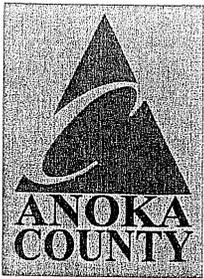
Schoolhouse Task Force Sell explained that earlier this year, the City Council directed the relocation of a historical schoolhouse to Booster East Park. The move was completed on October 21, 2010. It has been suggested that the schoolhouse could be used as a trail head and interpretive center.

The schoolhouse is in reasonable shape. The hardwood flooring is in good shape but will require refinishing. The windows are damaged or missing. Doors in the structure need to be replaced. The electrical is antiquated and will require upgrading to meet current code. Because it was not part of the original schoolhouse structure, the 10' x 14' addition was removed prior to relocating it. As a result, the back of the schoolhouse needs to be framed and siding applied. The siding was salvaged from the 10' x 14' addition and will be used.

It has been suggested that City form a Historical Schoolhouse Renovation Task Force consisting of three to five volunteers. The Task Force would be responsible for determining the next steps for the renovation of the schoolhouse, establishing a renovation budget and draft a timeline for the project.

Staff seeks Council direction to begin the process of seeking volunteers to serve on a Historical Schoolhouse Renovation Task Force.





# COUNTY OF ANOKA

COMMUNITY HEALTH &  
ENVIRONMENTAL SERVICES DEPARTMENT

(763) 422-7063

Government Center  
2100 3<sup>rd</sup> Ave STE 360  
Anoka, MN 55303-5042

Fax (763) 323-6150

January 20, 2011

City of East Bethel  
c/o Mr. Douglas Sell  
2241 221<sup>st</sup> Avenue NE  
Cedar MN 55011

Dear Mr. Sell:

We are currently processing an application from the following business for a hazardous waste generator's license. The indicated wastes are generated during the conduct of their normal business activities:

**Torque Diesel Performance Inc – 1507 205<sup>th</sup> Ave NE**  
Used Oil, 100 gal

I would appreciate receiving any comments or questions you may have concerning this application as soon as possible. You may contact me at (763) 422-7064.

Respectfully,

Chris K. Burns  
Environmental Health Specialist

CKB:kmp

cc: East Bethel Fire Dept. ✓

Attachment #5



Notify Anoka County Community Health and Environmental Services of any change of ownership type of business activity, business name or billing address by calling the Department at 763-422-7063. Failure to notify the Department may result in late fees, license suspension or other enforcement action.  
**LICENSES OR LICENSE FEES ARE NOT TRANSFERABLE**  
Licenses become void on change of ownership New owners must apply and pay for a new License prior to beginning operation or late fees will be assessed

ATTN: TIMOTHY P CHRISTENSEN  
TORQUE DIESEL PERFORMANCE, INC.  
1507 205TH AVE NE  
EAST BETHEL, MN 55011

DETACH FORM HERE AND DISPLAY CONSPICUOUSLY ON THE PREMISES



**Anoka County Community Health & Environmental Services**  
**Anoka County Government Center**  
**2100 Third Ave**  
**Suite 360**  
**Anoka, MN 55303-5042**

REGULATED FACILITY :

**TORQUE DIESEL PERFORMANCE, INC.**  
**1507 205TH AVE NE**  
**EAST BETHEL, MN 55011**

Facility ID: FA0004818  
Account ID: AR0004516  
Issued: 04/06/2011

OWNERS NAME :

**TORQUE DIESEL PERFORMANCE, INC.**

LICENSE # :

**PT0004758**  
**CLASS 1 USED OIL**

Valid From 04/12/2011 To 03/31/2012

Licenses to operate and Annual Fee Payments are NOT TRANSFERABLE The License reference above is valid ONLY for this owner TORQUE DIESEL PERFORMANCE, INC.. Licenses become VOID on change of ownership New owners must apply and pay for a new License PRIOR to beginning operation or late fees will be assessed

**THIS LICENSE MUST BE DISPLAYED CONSPICUOUSLY ON THE PREMISES**



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 A.3

\*\*\*\*\*

**Agenda Item:**

Adoption of Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel by Modifying Sections 14-19, 14-20, 14-21, 14-22 and 14-23.

\*\*\*\*\*

**Requested Action:**

Consider approving the revisions to the Buildings and Building Regulation Ordinance, City Code Chapter 14.

\*\*\*\*\*

**Background Information:**

Staff has revised City Code, Chapter 14 Buildings and Building Regulations to eliminate redundancies and conflicts with other sections of the city ordinances. The revision also provides for appeal processes, permit fee refunds, and the addition of electrical inspections. The revisions to the ordinance are included in the attachments for your review. The City Attorney has reviewed the revisions and forwarded changes. Also attached is the latest redline change of the ordinance. There have also been grammatical and formatting changes in the ordinance since the redline version was completed. The final version was merged into a single ordinance .

**Attachment(s):**

1. Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel by Modifying Sections 14-19, 14-20, 14-21, 14-22 and 14-23.
- 2.) Attachment # 2- Redline change

\*\*\*\*\*

**Fiscal Impact:**

City will issue and collect fees for electrical inspections.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends adoption of Ordinance 32, Second Series Amending Chapter 14 of the Code of Ordinances for the City of East Bethel by Modifying Sections 14-19, 14-20, 14-21, 14-22 and 14-23.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

---

---

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

**ORDINANCE NO. 32, Second Series**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS 14-19, 14-20, 14-21, 14-22, AND 14-23; AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY ADOPTING SECTIONS 14-25, 14-26, 14-27 AND 14-28, ENACTING AN ELECTRICAL CODE; AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY REPEALING SECTIONS 14-52 AND 14-53; AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS 14-80, 14-81 and 14-82; REPEALING SECTIONS 14-184 THROUGH 14-192, AND REPEALING SECTIONS 14-221 THROUGH 14-230 OF CHAPTER 14; AMENDING SUBPART (b) of SECTION 14-271, OF CHAPTER 14**

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Amendment.** Sections 14-19, 14-20, 14-21, 14-22, 14-23 and 14-24 of Chapter 14 of the code of ordinances are hereby amended by deleting same in their entirety and substituting the following therefore:

**Sec. 14-19. Minnesota State Building Code adoption.**

Minn. Stats. § 326B is hereby adopted as the building code for this city. The Code is hereby incorporated in this ordinance as if fully set out herein.

This ordinance: Provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.”

**Sec. 14-20. Application, administration and enforcement.**

- (a) The application, administration, and enforcement of the Code shall be in accordance with Chapter 1300 of the Minnesota Rules. The Code shall be enforced within the extraterritorial limits permitted by Minn. Stats. § 326B.121, subd. 2(d) when so established by this ordinance.
- (b) This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or

structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

- (c) This Code shall be enforced by a building official designated by this city to administer the Code in accordance with Minn. Stats. § 326B.133, subd. 1.

**Sec. 14-21. Building code.**

- (a) The Minnesota State Building Code includes the following chapters of Minnesota Rules:

- (1) 1300, Administration of the Minnesota State Building Code;
- (2) 1301, Building Official Certification;
- (3) 1302, State Building Code Construction Approvals;
- (4) 1303, Minnesota Provisions;
- (5) 1305, Adoption of the 2006 International Building Code;
- (6) 1307, Elevators and Related Devices.
- (7) 1309, Adoption of the 2006 International Residential Code;
- (8) 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
- (9) 1315, Adoption of the 2008 National Electrical Code;
- (10) 1322, Minnesota Residential Energy Code
- (11) 1323, Minnesota Commercial Energy Code
- (12) 1325, Solar Energy Systems;
- (13) 1335, Flood proofing Regulations;
- (14) 1341, Minnesota Accessibility Code;
- (15) 1346, Adoption of the 2006 International Mechanical/Fuel Gas Code;
- (16) 1350, Manufactured Homes;
- (17) 1360, Prefabricated Structures;
- (18) 1361, Industrialized/Modular Buildings;
- (19) 1370, Storm Shelters (Manufactured Home Parks);
- (20) 4715, Minnesota Plumbing Code

- (b) The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this city.

**Sec. 14-22. Permits and fees.**

- (a) The issuance of permits and the collection of fees shall be as authorized in Chapter 1300 of the Minnesota Rules. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule (1997 Uniform Building Code Table No. 1-A.) adopted by the city on January 6, 1999 and fixed fee's adopted by resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn. Stats. § 326B.148.

- (1) Building Permit Fees. The fee for any building permit shall be determined by the fee schedule adopted by city council resolution based on the valuation of

each building project. The building project valuation referred to therein shall be computed using the up-to-date average construction cost per square foot, which is established from time to time by the state building inspector.

Exterior work authorized by a building permit issued in accordance with the state building code must be completed within one hundred eighty (180) days following issuance of the permit.

- (2) Plumbing Permit Fees. Fees shall be calculated according schedule set forth by city council.
  - (3) Mechanical System Permit Fees. Fees shall be paid according to the schedule set forth by city council.
  - (4) Septic System Permit Fees. Fees shall be paid according to the schedule set forth by city council.
  - (5) Fire Alarm Permit Fees. Fees shall be paid according to the schedule set forth by city council.
  - (6) Fire Suppression Permit Fees. Fees shall be paid according to the schedule set forth by city council.
  - (7) Electrical Permit Fees. Fees shall be paid according to the schedule as adopted by the city council.
- (b) Penalties: Double Fee for Work Started Without a Valid Permit. Where work for which a permit is required by the building code is commenced or undertaken before a permit has been obtained, the fees specified above shall be doubled. The payment of the double fee penalty shall not relieve a person from fully complying with requirements of the building code or other city ordinances.
- (c) Fee Refunds. There shall be no refund of any permit fee collected when the fee so collected is one hundred dollars (\$100) or less. For permits which are cancelled after issuance and where no authorized work has begun, a refund of eighty (80%) of the permit fees collected in excess of one hundred dollars (\$100) may be granted. In no case shall the fees retained exceed one hundred fifty dollars (\$150). If any work authorized by the permit has been started, the amount of fees retained, over and above one hundred dollars (\$100) shall be determined by the building official commensurate with the percentage of work completed. Plan check fees are not refundable.

The building official shall not authorize the refund of any fee except upon written application by the original permittee. The application shall include a detailed explanation of the circumstances which are the grounds for the appeal, and shall be submitted to the building official within one hundred eighty (180) calendar days after fee payment.

#### **Sec. 14-23. Local board of appeals**

- (a) In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals.
- (1) The board of appeals shall consist of three (3) members, appointed by the city administrator who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
  - (2) The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.
  - (3) Appeals hearings must occur within ten (10) working days from the date the city receives a properly completed, written application for appeal filed with the city clerk. If an appeal hearing is not held within this time, the applicant may appeal directly to the State Building Code appeals board.
  - (4) Costs of the appeal, if any, shall be paid by the prevailing party. The city may require a reasonable escrow to cover the projected cost.

**Sec. 14-24. Hazardous and substandard buildings.**

All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, may be declared by the city council to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of Minn. Stats. §§ 463.15—463.26.

**SECTION TWO: Amendment.** The Code is hereby amended to adopt an electrical code providing as follows:

**Section 14-25. Adopted by reference; accepted optional chapters.**

Except for the Inspection Fee Schedule set forth in Minn. Stats. § 326B.37, the Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minn. Stats. § 326B and §§ 326B.31—326B.399, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Department of Labor and Industry, is hereby adopted and incorporated by reference as if fully set forth herein.

**Section 14-26. Application, administration and enforcement.**

The application, administration, and enforcement of the Code shall be in accordance with the Minnesota Electrical Act. The Code shall be enforced in accordance with Minn. Stats. §§ 326B.081—326B.085. The building inspections division of the city shall administer the Minnesota Electrical Act and shall be the enforcing agency. The Code shall be enforced by the building official, designated by the city.

**Section 14-27. Permit and inspection fees.**

The issuance of permits and the collection of fees shall be as is authorized in Minn. Stats. § 326B.36, except that the application shall be submitted directly to the city.

Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by resolution annually, or as the city council may deem necessary. In addition, a surcharge fee shall be collected on all permits for work governed by this Code in accordance with Minn. Stats. § 16B.70. All administrative or inspection fees will be payable to the city.

**Section 14-28. Violations and penalties.**

A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16) as provided in section 1-14 of this Code.

**SECTION THREE: Repeal.** The Code is hereby amended to repeal Sections 14-52 and 14-53 of Chapter 14.

**SECTION FOUR: Amendment.** Sections 14-80, 14-81 and 14-82 of Chapter 14 of the Code are hereby amended by deleting same in their entirety and substituting the following therefore:

**Sec. 14-80. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Building* is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, education or recreational purposes.

*Destination site* is any location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this article.

**Sec. 14-81. Compliance with building code.**

- (a) Any building to be moved in the city must comply in all respects with the city building code and other applicable ordinances; provided that the owner of the building to be moved may present to the building official complete and detailed change plans showing modifications which will be made in order to attain compliance with the ordinances. In the event that such changes are proposed, a permit authorizing the moving of the building shall not be issued until the owner has agreed, in writing, to complete the necessary changes within a period of six (6) months, the building official has approved the plans, the building permit fee has been paid, the building permit issued, and a certified check, equal to at least 1 ½ times the cost of the proposed work as estimated by the building official, guaranteeing the completion of the changes a has been posted with the city.
- (b) If, in the judgment of the building official, the building to be moved fails to comply with any or all of the provisions of this article, the building official may deny the application. If in the judgment of the building official, the building to be moved complies with the provisions of this article and the zoning code, then the building official, shall submit the application to the planning commission which shall review and make a recommendation to the city council at the next meeting of the council. The planning commission shall determine whether the proposed structure to be moved conforms to the immediate surrounding community proposed for the relocation. The planning commission shall establish a public meeting of resident owners within a radius of three hundred (300) feet from the destination site to determine adjacent property owners' opinions and concerns of

the proposed application. Following the public meeting the planning commission will make its recommendation to the city council.

- (c) The application must be accompanied by a moving permit fee. When a building is moved within the city limits, the moving permit fee will equal the cost of a building permit fee for the building to be moved, as valued when installed at its destination site. If a building is moved into or out of the city, a moving fee will be assessed that is equal to half of the cost of a building permit for a building as valued at its origination or destination site within the city. This fee shall apply to all applications for building moving permits issued by the city.

**Sec. 14-82. Removal (of wires)**

- (a) When an obstruction, including electrical and support wires, must be removed to allow the building to use an approved route, the owner, operator or controller of such wire or obstruction shall remove and replace it, as far as it is necessary to allow the building to move past the obstruction.
- (b) The permittee shall notify the owner, operator or controller of all obstructions on the approved route that the obstructions must be removed and replaced to allow the building to pass. The permit shall be sufficient authority to require the removal and replacement of obstructions. It shall thereupon be the duty of the owner, operator or controller, within twenty-four (24) hours thereafter, to remove or displace the obstructions sufficiently to allow the passage of the building along the highway
- (c) The permittee shall be responsible for all costs associated with removing and replacing obstructions to the building moving along an approved route.
- (d) The city shall control the route and travel time, as well as safety requirements and details of transport for any building to be moved within the city.

**SECTION SIX: Repeal.** The Code is hereby amended to repeal Sections 14-184 through 14-192 (Licensing and Construction Activities) and Sections 14-221 through 14-230 (Construction Debris) of Chapter 14.

**SECTION SEVEN: Amendment.** Subpart (b) of Sections 14-271 of Chapter 14 of the Code is hereby amended by deleting the same in its entirety and substituting the following therefore:

**ARTICLE VI. PROPERTY MAINTENANCE CODE**

**DIVISION 1. REGULATING PROPERTY MAINTENANCE ACTIVITIES**

- (b) *Section 102.3* “Application of other codes” is amended to read as follows:  
Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (hereinafter "the MSBC"), established pursuant to Minn. Stats. §§ 326B.101—326B.16, as adopted by the city. Nothing in this code shall be construed to cancel, modify or set aside any provision of the MSBC or the city Zoning Code.

**SECTION EIGHT: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Adopted this 16th day of November, 2011 by the City Council of the City of East Bethel.

For the City:

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Richard Lawrence, Mayor

ATTEST:

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Jack Davis, City Administrator

Adopted: November 16, 2011  
Summary Published: November 25, 2011  
Effective: November 25, 2011

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF EAST BETHEL**  
**ANOKA COUNTY MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES  
FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS 14-19, 14-20,  
14-21,14-22, AND 14-23**

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Amendment.** Sections 14-19, 14-20, 14-21, 14-22, 14-23 and 14-24 of Chapter 14 of the code of ordinances are hereby amended by deleting same in their entirety and substituting the following therefore:

**Sec. 14-19. Minnesota State Building Code adoption.**

Minn. Stats. § 326B is hereby adopted as the building code for this city. The Code is hereby incorporated in this ordinance as if fully set out herein.

~~Sec. 14-19. Minnesota State Building Code adopted and incorporated by reference.~~

This ordinance: Provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.”

**Sec. 14-20~~20~~. ApplicationApplication, administration and enforcement.**

- (a) The application, administration, and enforcement of the ~~C~~code shall be in accordance with ~~Minnesota Rule~~ Chapter 1300 ~~of the Minnesota Rules~~. The ~~C~~code shall be enforced within the extraterritorial limits permitted by Minn~~esota~~ Stats~~es~~ § 326B.121, subd. 2(d) when so established by this ordinance.
- (b) This ordinance provides for the application, administration, and enforcement of the Minnesota State Building Code by regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings and/or structures in this municipality; provides for the issuance of permits and collection of fees thereof; provides penalties for violation thereof; repeals all ordinances and parts of ordinances that conflict therewith.

~~The code enforcement agency of this municipality is called the Building Safety Department.~~

- (c) This Code shall be enforced by a building official designated by this Municipality-city to administer the Code in accordance with Minn.esota Statues, § 326B.133, subd.ivision 1.

**Sec. 14-211. Building code.**

- (a) The Minnesota State Building Code includes the following chapters of Minnesota Rules:

- (1) 1300, Administration of the Minnesota State Building Code;
- (2) 1301, Building Official Certification;
- (3) 1302, State Building Code Construction Approvals;
- (4) 1303, Minnesota Provisions;
- (5) 1305, Adoption of the 2006 International Building Code;
- (6) 1307, Elevators and Related Devices.
- (7) 1309, Adoption of the 2006 International Residential Code;
- (8) 1311, Adoption of the 2000 Guidelines for the Rehabilitation of Existing Buildings;
- (9) 1315, Adoption of the 2008 National Electrical Code;
- (10) 1322, Minnesota Residential Energy Code
- (11) 1323, Minnesota Commercial Energy Code
- (12) 1325, Solar Energy Systems;
- (13) 1335, Flood proofing Regulations;
- (14) 1341, Minnesota Accessibility Code;
- (15) 1346, Adoption of the 2006 International Mechanical/Fuel Gas Code;
- (16) 1350, Manufactured Homes;
- (17) 1360, Prefabricated Structures;
- (18) 1361, Industrialized/Modular Buildings;
- (19) 1370, Storm Shelters (Manufactured Home Parks);
- (20) 4715, Minnesota Plumbing Code

- (b) The following optional provisions identified in Section 4, Subp. B and C are hereby adopted and incorporated as part of the building code for this city.

**Sec. 14-222. Permits and fees.**

- (a) The issuance of permits and the collection of fees shall be as authorized in Chapter 1300 of the Minnesota Rules-~~Chapter-1300~~. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule (1997 Uniform Building Code Table No. 1-A.) adopted by the municipality-city on January 6, 1999 and fixed fee's adopted by resolution. In addition, a surcharge fee shall be collected on all permits issued for work governed by this Code in accordance with Minn.esota Statues, § 326B.148.

- (1) Building Permit Fees. The fee for any building permit shall be determined by the fee schedule adopted by city council resolution based on the valuation of each building project. The building project valuation referred to therein shall be computed using the up-to-date average construction cost per square

foot, ~~which is~~ established from time to time by the state building inspector. Exterior work authorized by a building permit issued in accordance with the state building code must be completed within one hundred eighty (180) days following issuance of the permit.

- (2) Plumbing Permit Fees. Fees shall be calculated according schedule set forth by ~~c~~City ~~c~~Council.
  - (3) Mechanical System Permit Fees. Fees shall be paid according to the schedule set forth by ~~c~~City ~~c~~Council.
  - (4) Septic System Permit Fees. Fees shall be paid according to the schedule set forth by ~~c~~City ~~c~~Council.
  - (5) Fire Alarm Permit Fees. Fees shall be paid according to the schedule set forth by ~~c~~City ~~c~~Council.
  - (6) Fire Suppression Permit Fees. Fees shall be paid according to the schedule set forth by ~~c~~City ~~c~~Council.
  - (7) Electrical Permit Fees. Fees shall be paid according to the schedule as adopted by the ~~c~~City ~~c~~Council.
- (b) Penalties: Double Fee for Work Started Without a Valid Permit. Where work for which a permit is required by the building code is commenced or undertaken before a permit has been obtained, the fees ~~specified above~~ ~~above specified~~ shall be doubled. ~~The payment of the double ; but the payment of such double fee penalty~~ shall not relieve a person from fully complying with requirements of the building code or other city ordinances.
- (c) Fee Refunds. There shall be no refund of any permit fee collected when the fee so collected is one hundred dollars (\$100) or less. For permits which are cancelled after issuance, ~~and~~ where no authorized work has ~~been done~~ begun, a refund of eighty (80%) of the permit fees collected in excess of one hundred dollars (\$100) may be granted. ~~In no case shall the fees retained exceed one hundred fifty dollars (\$150). ; in no case shall the fees retained exceed~~ If any work authorized by the permit has been started, the amount of fees retained, over and above ~~the one hundred dollars~~ (\$100) ~~maximum~~, shall be determined by the bBuilding official commensurate with the percentage of work completed. Plan check fees are not refundable.

~~The building official shall not authorize the refund of any fee except upon written application. All claims for refunds shall be made in writing by the original permittee. The application shall include a detailed explanation of the circumstances which are the grounds for the appeal, and shall be e, \_\_\_\_\_ submitted to the b~~Building ~~o~~fficial ~~and shall be made within thirty (30) one hundred eighty (180) calendar days after fee payment, r days from the payment of said fees.~~

~~Appeals for relief from the above refund policy shall:  
-be made in writing by the original permittee on a form provided by the building safety department.  
-be made within thirty (30) calendar days from the payment of said fees.  
-Include a detailed explanation of circumstances which are the grounds for the appeal.~~

**Sec. 14-233. Local board of appeals**

- (a) In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of this Code, there shall be and is hereby created a board of appeals.
- (1) The board of appeals shall consist of three (3) members, appointed by the ~~c~~City ~~a~~Administrator who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
  - (2) The building official shall be an ex officio member of said board but shall have no vote on any matter before the board.
  - (3) Appeals hearings must occur within ten (10) working days from the date the city receives a properly completed, written application for appeal filed with the city clerk. If an appeal hearing is not held within this time, the applicant may appeal directly to the State Building Code appeals board.
  - (4) Costs of the appeal, if any, shall be paid by the prevailing party. The city may require a reasonable escrow to cover the projected cost.

**Sec. 14-244. Hazardous and substandard buildings.**

All buildings which are structurally unsafe, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, may be declared by the ~~c~~City ~~c~~Council to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the provisions of ~~Minnesota State Statutes, Stats. §§ 463.15—463.26.~~

**SECTION TWO: Repeal.** Section 14-24 of Chapter 14 of the ~~code of ordinances for the City of East Bethel~~Code is hereby repealed.

**SECTION THREE: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_ day of ~~August~~September, 2011

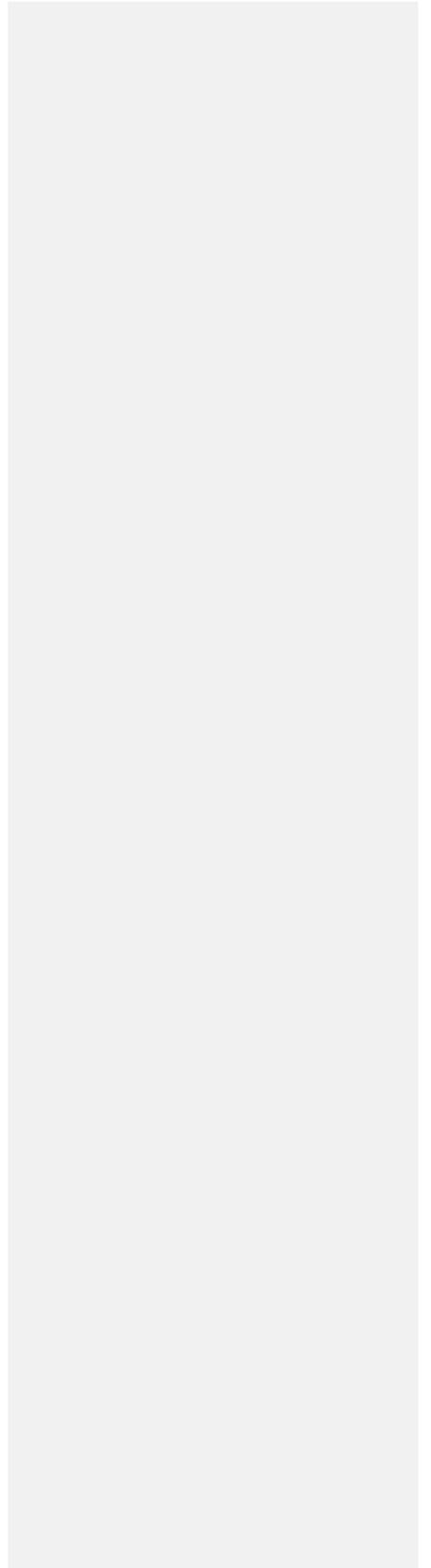
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Richard Lawrence  
Mayor

Attest:

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Jack Davis, City Administrator



**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF EAST BETHEL**  
**ANOKA COUNTY MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES  
FOR THE CITY OF EAST BETHEL BY ADOPTING SECTIONS 14-25, 14-26, 14-  
27 AND 14-28, ENACTING AN ELECTRICAL CODE FOR THE CITY OF EAST  
BETHEL**

The ~~c~~City ~~c~~Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Amendment.** The ~~code of Ordinances for the City of east Bethel~~Code is hereby amended to adopt an electrical code providing as follows:

**~~Section 14-25. Violations and penalties.~~**

~~———— A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16).~~

**Section 14-2~~5~~6. Adopted by reference; accepted optional chapters.**

~~Except for the Inspection Fee Schedule set forth in Minn. Stats. § 326B.37, (The Minnesota Electrical Act, as adopted by the Commissioner of Labor and Industry pursuant to Minn.esota Statutes, §Chapter 326B and, §§Sections 326B.31—326B.399, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Department of Labor and Industry, is hereby adopted and incorporated by reference as if fully set forth herein by reference with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule. The Minnesota Electrical Act is hereby incorporated into this ordinance as if fully set out herein, with the exception of Minnesota Statute, Section 326B.37, Inspection Fee Schedule.~~

**Section 14-2~~6~~7. Application, administration and enforcement.**

The application, administration, and enforcement of the Code shall be in accordance with the Minnesota Electrical Act. The Code shall be enforced in accordance with Minn.esota Stats.utes, §§Sections 326B.081—326B.085, ~~within incorporated limits of the city and the extraterritorial limits permitted by law.~~ The building inspections division of the city shall administer the Minnesota Electrical Act and shall be the enforcing agency. The ~~Ce~~ode shall be enforced by the ~~City of East Bethel~~city's certified building official, designated by the city, ~~to administer.~~

**Section 14-2~~7~~8. Permit ~~and~~, inspection ~~fees and fees.~~**

The issuance of permits and the collection of fees shall be as is authorized in ~~Minnesota~~  
~~Minn. Statutes Stats.~~ § 326B.36, except that the application shall be submitted directly to  
the ~~City of East Bethel~~city.

Permit fees shall be assessed for work governed by this ~~C~~code in accordance with the fee  
schedule adopted by resolution annually, or as the city council may deem necessary. In  
addition, a surcharge fee shall be collected on all permits for work governed by this Code  
in accordance with ~~Minn.~~esota Statute Stats. § 16B.70. All administrative or inspection  
fees will be payable to the ~~City of East Bethel~~city.

**Section 14-28. Violations and penalties.**

A violation of the Minnesota Electrical Act is a misdemeanor (M.S. 326B.082, subd. 16)  
as provided in section 1-14 of this Code.

**SECTION TWO: Effective Date.** This ordinance shall be in full effect from and after its  
passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_\_day of ~~August~~September,  
2011

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Richard Lawrence  
Mayor

Attest:

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Jack Davis, City Administrator

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF EAST BETHEL**  
**ANOKA COUNTY MINNESOTA**

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES  
FOR THE CITY OF EAST BETHEL BY REPEALING SECTIONS 14-52 AND 14-  
53**

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Repeal.** The ~~code of Ordinances for the City of east Bethel~~ Code is hereby amended to repeal Sections 14-52 and 14-53 of Chapter 14 ~~of the code of ordinances for the City of East Bethel.~~

**SECTION TWO: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_\_ day of ~~August~~ September, 2011

\_\_\_\_\_  
Richard Lawrence  
Mayor

Attest:

\_\_\_\_\_  
Jack Davis, City Administrator

ORDINANCE NO. \_\_\_\_\_  
CITY OF EAST BETHEL  
ANOKA COUNTY MINNESOTA

AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES  
FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS ~~14-80~~14-80,  
14-81 and 14-82

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Amendment.** Sections 14-80, 14-81 and 14-82 of Chapter 14 of the ~~Code of ordinances~~ are hereby amended by deleting same in their entirety and substituting the following therefore:

**Sec. 14-80. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional, assembly, education or recreational purposes.

Destination site is any location in the city to which a building may properly be moved and on which such building may properly be located after such moving under the provisions of this article.

**Sec. 14-81. Compliance with building code.**

- (a) Any building to be moved in the city must comply in all respects with the city building code and other applicable ordinances; provided that the owner of ~~said the~~ building to be moved may present to the building official complete and detailed ~~change~~ plans showing ~~changes modifications~~ which will be made in order to attain compliance with ~~said the~~ ordinances. In the event that such changes are proposed, a permit authorizing the moving of ~~said the~~ building shall not be issued until the owner has agreed, in writing, to complete the necessary changes within a period of six (6) months, the building official has approved the plans, the building permit fee has been paid, ~~and~~ the building permit issued, and a certified check, equal to at least 1 ½ times the cost of the proposed work as estimated by the building official, guaranteeing the completion of ~~said the~~ changes ~~and equal to at least 1½ times the cost of said proposed work as estimated by the building official~~ has been posted with the city.
- (b) If, in the judgment of the building official, the building to be moved fails to comply with any or all of the provisions of this article, ~~he the building official~~ may deny the application. ~~;~~ If in the judgment of ~~the building official~~ the building

official, the building to be moved and change plans, ~~if any, therefore~~ comply with the provisions of this article and the zoning code, then the building official, licensee, ~~(?) permittee (?)~~ and the applicant shall submit the application to the planning commission ~~and which will~~ make a recommendation to the city council at the next ~~stated~~ meeting of ~~said the~~ council. The planning commission shall determine whether such application shall conform to the immediate surrounding community. The planning commission, in its discretion, shall call a public meeting of resident owners within a radius of three hundred (300) feet from ~~subject property the destination site~~ to determine adjacent property owners' ~~reviews opinions and concerns~~ of the proposed application. In the event ~~said a~~ public meeting is held, the planning commission will determine the application on its merits and make its recommendation to the city council.

- (c) The application must be accompanied by a moving permit fee. ~~When a building is moved within the city limits, the moving permit fee will equal the cost of a building permit fee for the moved building to be moved, as valued when installed at its destination site. If a building is moved into or out of the city, a moving fee will be assessed that is equal to half of the cost of a building permit for a building as valued at its origination or destination site within the city. This is to be computed on the same basis as a building permit fee for new construction. The value of a building on its new location in its completed condition shall determine the valuation.~~ This fee shall apply to all applications for building moving permits to locate a building within issued by the city. ~~For an application for a moving permit from within the city to areas outside the city, the fee shall be determined from time to time by city council and placed on file in the city clerk treasurer's office.~~

**Sec. 14-82. Removal ~~(and replacement)~~ of wires obstructions.**

- (a) ~~When an obstruction, including electrical and support wires, must be removed to allow the building to use an approved route, the owner, operator or controller of such wire or obstruction shall remove and replace it. In every case in which a permit shall be issued, as herein provided, for the removal of a building, when such removal requires the displacement of any overhead electrical or other wires, it shall be the duty of the person, association, or corporation owning, operating, or controlling such wires to remove or displace the same, so as far as the same it may be necessary to effect the removal of said~~ allow the building to move past the obstruction. ~~the point to which the removal thereof shall be authorized by such permit.~~
- (b) ~~The permittee shall notify the owner, operator or controller of all obstructions on the approved route that the obstructions must be removed and replaced to allow the building to pass. The permit shall be sufficient authority to require the removal and replacement of obstructions. The person to whom said permit shall have been issued shall notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same to facilitate the removal of said building, and shall, at the same time, exhibit to said person, association or corporation the properly issued permit authorizing the removal of said building, and~~ it shall thereupon be the duty of said person, association or

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~~corporation~~the owner, operator or controller, within twenty-four (24) hours thereafter, to remove or displace ~~said wires~~ the obstructions sufficiently to allow the passage of ~~said the~~ building along the highway~~(or approved route.)~~street over which said wires are suspended.

~~(c) Any expense incurred or to be incurred in the moving, removing or displacing of such wires shall be paid for by the person who makes application for said permit. The permittee shall be responsible for all costs associated with removing and replacing obstructions to the building moving along an approved route.~~

~~(e)~~(d) \_\_\_\_ The city shall control the route and; travel times, as well as safety requirements and details of transport for any building to be moved within the city.

**SECTION TWO: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_\_ day of ~~August~~ September, 2011

\_\_\_\_\_  
Richard Lawrence  
Mayor

Attest:

\_\_\_\_\_  
Jack Davis, City Administrator

**ORDINANCE NO. \_\_\_\_  
CITY OF EAST BETHEL  
ANOKA COUNTY MINNESOTA**

**AN ORDINANCE REPEALING SECTIONS 14-184 THROUGH 14-192, AND  
REPEALING SECTIONS 14-221 THROUGH 14-230 OF CHAPTER 14 OF THE  
CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL**

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Repeal.** The ~~code of Ordinances for the City of east Bethel~~Code is hereby amended to repeal Sections 14-184 through 14-192 and Sections 14-221 through 14-230 of Chapter 14 ~~of the code of ordinances for the City of East Bethel.~~

**SECTION TWO: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_day of ~~August~~ September, 2011

\_\_\_\_\_  
Richard Lawrence  
Mayor

Attest:

\_\_\_\_\_  
Jack Davis, City Administrator

**ORDINANCE NO. \_\_\_\_\_**  
**CITY OF EAST BETHEL**  
**ANOKA COUNTY MINNESOTA**

**AN ORDINANCE AMENDING SUBPART (b) of SECTION 14-271, OF  
CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST  
BETHEL**

The City Council for the City of East Bethel does hereby ordain:

**SECTION ONE: Amendment.** Subpart (b) of Sections 14-271 of Chapter 14 of the ~~code of ordinances~~ Code is hereby amended by deleting the same in its entirety and substituting the following therefore:

**ARTICLE VI. PROPERTY MAINTENANCE CODE**

**DIVISION 1. REGULATING PROPERTY MAINTENANCE ACTIVITIES**

- (b) *Section 102.3* Application of other codes is amended to read as follows: Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Minnesota State Building Code (hereinafter "the MSBC"), established pursuant to Minn. Stats. §§ 326B.0101—326B.16, as adopted by the city. Nothing in this code shall be construed to cancel, modify or set aside any provision of the MSBC or the city Zoning Code.

**SECTION TWO: Effective Date.** This ordinance shall be in full effect from and after its passage and publication according to law.

Passed by the City Council for the City of East Bethel this \_\_\_ day of ~~August~~ September, 2011

\_\_\_\_\_  
Richard Lawrence  
Mayor

Attest:

\_\_\_\_\_  
Jack Davis, City Administrator





# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

8.0 A.4

\*\*\*\*\*

**Agenda Item:**

Summary of Ordinance 32, Second Series Chapter 14, Buildings and Building Regulation

\*\*\*\*\*

**Requested Action:**

Adopt Summary of Ordinance 32, Second Series and direct publication.

\*\*\*\*\*

**Background Information:**

This Ordinance Amendment both amends and repeals Sections of Chapter 14 of the Code of Ordinances of the City of East Bethel, relating to building and electrical codes, plumbing codes, maintenance codes, hazardous and substandard buildings, construction standards, construction debris, and property maintenance codes.

**Attachment(s):**

Attachment #1 - Summary for publication

\*\*\*\*\*

**Fiscal Impact:**

Publication Fee

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**Recommendation(s):**

Staff recommends approval of Summary of Ordinance 32, Second Series Chapter 14, Buildings and Building Regulation and direction to publish.

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**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

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Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

## **ORDINANCE NO. 32, Second Series**

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

**NOTICE:** THIS PUBLISHED MATERIAL IS ONLY A SUMMARY OF AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL. THE FULL TEXT OF THE ORDINANCE IS AVAILABLE FOR PUBLIC INSPECTION AT THE CITY OF EAST BETHEL CITY HALL DURING REGULAR BUSINESS HOURS.

**TITLE:** AN ORDINANCE AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS 14-19, 14-20, 14-21, 14-22, 14-23, AND 14-25; ADOPTING SECTIONS 14-25, 14-26, 14-27, 14-28, AND 14-23, THUS ENACTING AN ELECTRICAL CODE FOR THE CITY OF EAST BETHEL; AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY REPEALING SECTIONS 14-52 AND 14-53; AMENDING CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL BY MODIFYING SECTIONS 14-81 AND 14-82; REPEALING SECTIONS 14-184 THROUGH 14-192; AND REPEALING SECTIONS 14-221 THROUGH 14-230 OF CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL; AMENDING SUBPART B OF SECTION 14-271 OF CHAPTER 14 OF THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL.

#### **SUMMARY OF THE ORDINANCE AMENDMENT.**

This Ordinance Amendment both amends and repeals Sections of Chapter 14 of the Code of Ordinances of the City of East Bethel, relating to building and electrical codes, plumbing codes, maintenance codes, hazardous and substandard buildings, construction standards, construction debris, and property maintenance codes.

**MAJOR MODIFICATIONS:** Under this Ordinance Amendment and Repeal, several sections of Chapter 14 have been amended or repealed, and otherwise modified with the changes addressed in the following:

Modifications have been made to the City's adoption of the Building Code within Sections 14-19, as it affects the adoption of the Minnesota State Building Code, and 14-20 as it applies to the application of administration and enforcement of the Building Code adopted by reference, Minnesota Rules Chapter 1300 and Minnesota Statutes §326B.121.

Building Code elective statutory sections have been adopted within Section 14-21 for implementation within the city.

Section 14-23 has been modified and amended to provide for a local Board of Appeals, consisting of three (3) members appointed by the City Administrator who are qualified building officials, to review and rule upon any disputes in interpretation of the Building Code sought to be implemented by the city's building official when requested by a building permit applicant. The cost of any appeal must be paid for by the prevailing party, and the city may require reasonable escrow to cover any projected costs.

Section 14-24 has been modified to require the declaration of hazardous and substandard buildings with findings of the city council before any abatement, repair, or rehabilitation is pursued.

This ordinance adopts Sections 14-25 through 14-28, enacting an Electrical Code for the city, compliant with Minn. Stats. §§ 326B.381—326B.399, also providing for the application, administration and enforcement of same, permits, inspections and fees.

The ordinance repeals Code sections 14-52 and 14-53 of the Code of ordinances of the city, relating to the plumbing code, as the same are outdated and no longer necessary.

The ordinance amends Sections 14-81 and 14-82 of the Code of ordinances relative to the moving of buildings within the city. Requiring a building official to review and approve plans for transportation, routes, travel times, and safety requirements regarding same.

The ordinance repeals Section 14-184 through 14-192 and Sections 14-221 through 14-230, regarding construction standards and construction debris.

The ordinance further amends Subpart B of Section 14-271, affecting the Property Maintenance Codes of the city, to reference Minn. Stat. §§ 326B.01 through 326B.16 of the Minnesota State Building Code.

**THE CITY COUNCIL OF THE CITY OF EAST BETHEL, ANOKA COUNTY, MINNESOTA DOES HEREBY ORDAIN AS FOLLOWS:**

The Amendment and Repeal Sections of Chapter 14 of the Code of Ordinances for the City of East Bethel in pertinent section and also repealing sections as is provided in Ordinance(s) No.32 is hereby adopted and is on file with the City of East Bethel, 2241 – 221<sup>st</sup> Avenue NE, East Bethel, Minnesota 55011 for public viewing.

**PLEASE NOTE: THIS TITLE AND “SUMMARY” OF THE ORDINANCE AMENDING THE CODE OF ORDINANCES FOR THE CITY OF EAST BETHEL, MINNESOTA, AND CHAPTER 14, CONCERNING THE BUILDING CODE AND RELATED SECTIONS, CLEARLY INFORMS THE PUBLIC OF THE INTENT AND AFFECT OF THE ORDINANCES**

**AND CONFORMS WITH MINN. STATS. §412.191.**

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

Adopted this 16th day of November, 2011 by the City Council of the City of East Bethel.

For the City:

---

Richard Lawrence, Mayor

ATTEST:

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Jack Davis, City Administrator

Adopted: November 16, 2011  
Published: November 25, 2011  
Effective: November 25, 2011



# City of East Bethel City Council Agenda Information

\*\*\*\*\*

**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 B.1

\*\*\*\*\*

**Agenda Item:**

221<sup>st</sup> Avenue JPA between East Bethel and Anoka County.

\*\*\*\*\*

**Requested Action:**

Consider approval of the JPA between East Bethel and Anoka County.

\*\*\*\*\*

**Background Information:**

Earlier this evening, representatives from the Anoka County Highway Department updated the Council on the 221<sup>st</sup> Avenue NE and Hwy 65 Signalization Project that is scheduled for 2012. The next step in the process for this project is to execute a Joint Powers Agreement (JPA) with Anoka County to identify construction maintenance and cost responsibilities between the two parties. The draft JPA is attached for your review. Some highlights of the agreement include the following:

**1. Cost Share**

The contract costs of the work, or if the work is not contracted, the cost of all labor, materials, normal engineering costs and equipment rental required to complete the work, shall constitute the “actual construction costs” and shall be so referred to herein. “Estimated construction costs” are good faith projections of the costs, which will be incurred for this project. Actual costs will vary and those will be the costs for which the relevant parties will be responsible.

The estimated construction cost of the total project is \$999,158.87. Federal funds available for the Project are capped at \$1,100,000. The federal funds shall be split based on the ratio of eligible costs incurred by each party to the total eligible project cost. Eligible costs are the costs of items that can participate in federal funding as shown on Exhibit B.

Prior to the application of federal funds available, the total estimated construction cost to the City is \$116,172.29. After the federal funding percentage is applied, the cost to the City for their share of the construction items of the Project is \$11,612.09.

The City participation in construction engineering will be at a rate of eight percent (8%) of their designated construction share of \$116,172.29. The estimated cost to the City for construction engineering is \$9,293.78.

In summary, the total City share of this project is \$20,905.87 which includes construction and construction engineering costs.

**2. Signalization Power**

The City is responsible for the installation of an adequate electrical power source to the service cabinet for the County Road 74/TH 65 traffic control signal system. A separate agreement is being prepared by MnDOT to finalize the responsibilities between the City, the County, and MnDOT.

**3. Maintenance**

Maintenance of the stormwater ponds will be the obligation of the City. Maintenance of street lights and cost of electrical power to the street lights will be the obligation of the City.

Following the construction, the ongoing traffic signal maintenance at the County Road 74 and TH 65 intersection will be shared by MnDOT, the County, and the City. A separate agreement is being prepared by MnDOT to finalize the traffic signal maintenance responsibilities between the City, County, and MnDOT.

**Attachment(s):**

- 1. Joint Powers Agreement between the City of East Bethel and Anoka County.

\*\*\*\*\*

**Fiscal Impact:**

As noted above.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends Council consider approving the Joint Powers Agreement between the City of East Bethel and Anoka County.

\*\*\*\*\*

**City Council Action**

Motion by:\_\_\_\_\_

Second by:\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote Yes:\_\_\_\_\_

Vote No:\_\_\_\_\_

No Action Required:\_\_\_\_\_

**JOINT POWERS AGREEMENT  
FOR THE RECONSTRUCTION OF COUNTY ROAD 74  
(221<sup>ST</sup> AVENUE NE) FROM 2000 FT WEST OF TRUNK HIGHWAY 65 TO 2000 FT EAST OF TRUNK  
HIGHWAY 65  
IN THE CITY OF EAST BETHEL, MN  
(SP 002-596-15)**

THIS AGREEMENT is made and entered into this \_\_\_ day of \_\_\_\_\_, 2011 by and between the County of Anoka, a political subdivision of the State of Minnesota, 2100 Third Avenue, Anoka, Minnesota 55303, hereinafter referred to as "County", and the City of East Bethel, 2241 221<sup>st</sup> Avenue NE, East Bethel, MN 55011, hereinafter referred to as "City".

WITNESSETH

WHEREAS, the parties to this agreement agree it is in the best interest of the traveling public to reconstruct County Road 74 (221<sup>st</sup> Avenue NE) from 2000 ft west of TH 65 to 2000 ft east of TH 65 and,

WHEREAS, said parties mutually agree that County Road 74 from 2000 ft west of TH 65 to 2000 ft east of TH 65 is in need of reconstruction; and,

WHEREAS, the County has prepared preliminary design plans for the reconstruction of County Road 74 from 2000 ft west of TH 65 to 2000 ft east of TH 65 in accordance with Anoka County and the Minnesota Department of Transportation standards to a staff approved layout condition; and,

WHEREAS, Anoka County has jurisdiction over County Road 74 from 2000 west of TH 65 to 2000 ft east of TH 65 and,

WHEREAS, the parties agree that it is in their best interest that the cost of said project be shared; and,

WHEREAS, Minn. Stat. § 471.59 authorizes political subdivisions of the state to enter into joint powers agreements for the joint exercise of powers common to each.

NOW, THEREFORE, IT IS MUTUALLY STIPULATED AND AGREED:

I. PURPOSE AND UNDERSTANDING

The parties have joined together for the purpose of reconstructing the roadway, drainage, and constructing a new traffic control signal system on County Road 74 (221<sup>st</sup> Ave NE) at TH 65; as described in the plans and specifications numbered Anoka County Project S.P. 002-596-15 (hereinafter referred to as "Project") on file in the office of the Anoka County Highway Department. As part of the approval of the Project, the City and County have reached an agreement with regards to other matters which are described below:

The parties to this Joint Powers Agreement (JPA) agree in principle that construction of SP 002-596-15 from 2000 ft west of TH 65 to 2000 ft east of TH 65 is in the best interest of the traveling public and that the Preliminary Layout as shown in Exhibit "A" defines the preliminary design of the Project.

It is agreed that the Exhibit "A" Layout dated November 8, 2011 has been reviewed and accepted by the parties and is suitable for preparation of final construction documents. Any significant changes made hereafter to the design as presented in the Exhibit "A" Layout will require approval by the parties as an amendment to this JPA. These same changes will require a change in the cost share to include any additional design engineering costs that may occur.

#### IMPROVEMENTS:

It is agreed by the parties that in 2012, County Road 74 will be reconstructed to a two-lane section with concrete median to the extent shown in "Exhibit A". Improvements include, but are not limited to: construction of a new traffic signal system at TH 65, right- and left-turn lanes, through lanes, shoulders, concrete curb and gutter, and storm sewer with associated ponding.

#### INTERSECTIONS:

As agreed by the parties, improvements to the following intersections have been incorporated in the Exhibit "A" Layout design:

County Road 74 / TH 65: Full Access Intersection

#### RIGHT OF WAY:

The parties agree that the County will acquire all necessary right-of-way and easements for the Project. Acquisition of any additional right-of-way and/or easements needed for improvements to the City street intersections beyond what is defined in the Exhibit "A" Layout will be the responsibility of the City. It is agreed by the parties that all necessary right of way and easements will be in legal possession of the County prior to acceptance of bids for the project. Any City owned property or easements required for the construction will be conveyed to the County at no cost.

#### TRAFFIC SIGNALS:

The traffic analysis has determined that a traffic signal is warranted at the County Road 74 and TH 65 intersection. The parties agree that a traffic control signal system will be constructed at this intersection with this project pending state and federal approval. The parties agree that the cost of this new traffic signal pending the availability of Federal funding shall be split per the signal agreement with MnDOT; The signal agreement is still being finalized with MnDOT. For this JPA agreement, it is assumed that MnDOT shall pay 100% of the traffic signal costs of the TH 65 legs of the intersection (50% of the traffic signal, \$12,258 after Federal Funds applied). Under standard County cost share, Anoka County and East Bethel are each responsible for paying 50% of the County Rd 74 legs (Anoka County 25% of the traffic signal cost, East Bethel 25% of the traffic signal cost). The City and MnDOT will split the EVP construction cost 50%/50%..

### DRAINAGE:

The City shall pay for a percentage of the cost of the storm sewer system, including the detention basins and their outlet structures. The City portion of the cost is based on contributing flow through the storm sewer system to the detention basin determined by the proportion of contributing flow outside the County right of way to the total contributing flow.

### TRAFFIC CONTROL:

The parties understand and agree that County Road 74 is anticipated to be constructed in stages and may potentially require closure. If the roadway is required to be closed, a signed detour route will be provided. Construction will be coordinated with the MnDOT "Better Roads" Project. Local access to properties within the construction limits will be maintained during all stages of construction. The parties agree and understand the cost share for traffic control for the City shall be a prorated share based on the City project cost divided by the total project cost.

### DRIVEWAYS:

The parties agree that all driveways affected (excluding those identified for removal) by the Project will be reconstructed in kind with the cost of any upgrades requested by the City, including concrete aprons, to be the sole responsibility of the City.

### LANDSCAPING/STREETSCAPING:

The parties agree that if the City wishes to include landscaping or streetscape features in the project, they shall be designed in accordance with Anoka County Highway Department Landscape/Streetscape Guidelines. The City shall supply the signed plan sheets and specifications for the proposed landscape/streetscape. The total cost of the design as well as the construction cost above standard median cost will be at the expense of the requesting City. All construction documents must be submitted to the County by February 15, 2012. Future maintenance of any landscaping/streetscaping will be the sole responsibility of the city.

### UTILITIES:

The parties agree that the Exhibit "A" Layout does not include specific proposed utility locations, as those will be determined during later stages of the design process. The City will be responsible for the design of any sanitary sewer and water main improvements and/or relocations due to road reconstruction, which will be incorporated into the project bid documents. The cost of the design of these features shall be the responsibility of the City. The cost of construction of these features, other than those relocations solely due to roadway reconstruction, shall be the responsibility of the City. The cost of construction of these features solely due to road reconstruction shall be the responsibility of the County.

The City's design of the sanitary sewer and water main utilities are to include signed plans, specifications, and estimated quantities and cost. All construction documents must be submitted to the County by February 15, 2012.

The City shall provide all City utility easement documents to the County upon signature of this agreement.

## PERMITS:

The parties agree that the County will secure all necessary permits for this Project. The City agrees to coordinate with the County in securing the permits required by the Upper Rum River WMO, city permits, as well as any other permits that may be required. The County also requests that the City inform the County of any ordinances or city regulations that affect construction at the time of the signing of this JPA. (e.g. setbacks, tree clearing ordinances, or any other city ordinances.)

## II. METHOD

The County shall cause the construction of Anoka County Project SP 002-596-15, in conformance with proposed engineering plans and specifications.

## III. COSTS

The contract costs of the work, or if the work is not contracted, the cost of all labor, materials, normal engineering costs and equipment rental required to complete the work, shall constitute the "actual construction costs" and shall be so referred to herein. "Estimated construction costs" are good faith projections of the costs, which will be incurred for this project. Actual costs will vary and those will be the costs for which the relevant parties will be responsible.

The estimated construction cost of the total project is \$999,158.87. Federal funds available for the Project are capped at \$1,100,000. The federal funds shall be split based on the ratio of eligible cost incurred by each party to the total eligible project cost. Eligible costs are the costs of items that can participate in federal funding as shown on Exhibit B.

The total estimated construction cost to the City is \$116,172.29. (prior to the application of federal funds available). After federal funding percentage is applied, the cost to the City for their share of the construction items of the Project is \$11,612.09 (\$116,172.29 minus \$104,560.20, the federal funds available to the City).

The City participation in construction engineering will be at a rate of eight percent (8%) of their designated construction share of \$116,172.29. The estimated cost to the City for construction engineering is \$9,293.78. In summary the total City share of this project is \$20,905.87 (includes construction and construction engineering costs). The total cost to the City after federal funds have been applied including construction engineering is **\*\$20,905.87 (see summary below).**

**\* (\$116,172.29 - \$104,560.20 + 9,293.78 = \$20,905.87, note: construction engineering costs are not federally eligible)**

Upon award of the contract, the City shall pay to the County, upon written demand by the County, ninety five percent (95%) of its portion of the cost of the project estimated at \$19,860.58. Prior to billing, this estimate will be updated by the County to reflect the actual bid prices as awarded. An updated cost estimate shall be provided to the City at the time of billing. The City's share of the cost of

the project shall include only construction and construction engineering expense and does not include engineering design and administrative expenses incurred by the County.

Upon final completion of the project, the City's share of the construction cost will be based upon actual construction costs. If necessary, adjustments to the initial ninety five percent (95%) charged will be made in the form of credit or additional charges to the City's share. Also, the remaining five percent (5%) of the City's portion of the construction costs shall be paid.

IV. TERM

This Agreement shall continue until terminated as provided hereinafter.

V. DISBURSEMENT OF FUNDS

All funds disbursed by the County or City pursuant to this Agreement shall be disbursed by each entity pursuant to the method provided by law.

VI. CONTRACTS AND PURCHASES

All contracts let and purchases made pursuant to this Agreement shall be made by the County in conformance to the State laws.

VII. STRICT ACCOUNTABILITY

A strict accounting shall be made of all funds and report of all receipts and shall be made upon request by either party. Prior to city payment to the County, Anoka County shall provide the City a copy of all cost participation documents submitted to MnDOT State Aid to assist the city in their application for MSA funding.

VIII. TERMINATION

This Agreement may be terminated by either party at any time, with or without cause, upon not less than thirty (30) days written notice delivered by mail or in person to the other party. If notice is delivered by mail, it shall be deemed to be received two days after mailing. Such termination shall not be effective with respect to any solicitation of bids or any purchases of services or goods which occurred prior to such notice of termination. The City shall pay its pro rata share of costs which the County incurred prior to such notice of termination.

IX. SIGNALIZATION POWER

The City shall at their sole expense, install and cause the installation of an adequate electrical power source to the service cabinet for the County Road 74/TH 65 traffic control signal system. A separate agreement is being prepared by MnDOT to finalize the responsibilities between the City, the County, and MnDOT.

X. MAINTENANCE

- A. Maintenance of the completed storm sewer (except catch basins and catch basin leads), detention basins (including ponds and their outlet structures) shall be the sole obligation of the City.
- B. Maintenance of streetlights and cost of electrical power to the streetlights shall be the sole obligation of the City.
- C. Following the construction, the ongoing traffic signal maintenance at the County Road 74 and TH 65 intersection will be shared by MnDOT, the County, and the City. A separate agreement is being prepared by MnDOT to finalize the traffic signal maintenance responsibilities between the City, County, and MnDOT.
- D. The traffic control signal system shall be the property of MnDOT.

XI. NOTICE

For purposes of delivery of any notices herein, the notice shall be effective if delivered to the County Administrator of Anoka County, 2100 Third Avenue, Anoka, Minnesota 55303, on behalf of the County, and to the City Administrator of East Bethel, 2241 221<sup>st</sup> Avenue NE, East Bethel, MN 55011, on behalf of the City.

XII. INDEMNIFICATION

The City and County mutually agree to indemnify and hold harmless each other from any claims, losses, costs, expenses or damages resulting from the acts or omissions of the respective officers, agents, or employees relating to activities conducted by either party under this Agreement.

**XIII. ENTIRE AGREEMENT REQUIREMENT OF A WRITING**

It is understood and agreed that the entire agreement of the parties is contained herein and that this Agreement supersedes all oral agreements and all negotiations between the parties relating to the subject matter thereof, as well as any previous agreement presently in effect between the parties to the subject matter thereof. Any alterations, variations, or modifications of the provisions of this Agreement shall be valid only when they have been reduced to writing and duly signed by the parties.

IN WITNESS WHEREOF, the parties to this Agreement have hereunto set their hands on the dates written below.

**COUNTY OF ANOKA**

**CITY OF EAST BETHEL**

By: \_\_\_\_\_  
Rhonda Sivarajah, Chair  
Board of Commissioners

By: \_\_\_\_\_  
Richard Lawrence  
Mayor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**ATTEST**

By: \_\_\_\_\_  
Jerry Soma  
County Administrator

By: \_\_\_\_\_  
Jack Davis  
City Administrator

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**RECOMMENDED FOR APPROVAL**

By: \_\_\_\_\_  
Douglas W. Fischer, P.E.  
County Engineer

By: \_\_\_\_\_  
Craig Jochum, P.E.  
City Engineer

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

**APPROVED AS TO FORM**

By: \_\_\_\_\_  
Dan Klint  
Assistant County Attorney

By: \_\_\_\_\_  
City Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

ITEM	UNIT	UNIT PRICE	QUANTITY	EST. COST
<b>GRADING AND PAVING</b>				
Bituminous Wear	TON	\$70.00	2950	\$206,500.00
Bituminous non-wear	TON	\$65.00	1473	\$95,745.00
Bituminous tack coat	Gallons	\$2.40	1280	\$3,072.00
Common Excavation	C.Y.	\$7.00	2423	\$16,961.00
Common Borrow	C.Y.	\$7.00	2718	\$19,026.00
Subgrade Excavation	C.Y.	\$6.50	4269	\$27,748.50
Select Granular Borrow	C.Y.	\$12.00	1500	\$18,000.00
Concrete Walk	S.F.	\$4.00	1200	\$4,800.00
Concrete Curb & Gutter	L.F.	\$12.00	5010	\$60,120.00
Aggregate Base	C.Y.	\$18.00	2134	\$38,412.00
<b>SUBTOTAL GRADING &amp; PAVING</b>				<b>\$490,384.50</b>
<b>MISCELLANEOUS AND % OF PAVING/GRADING COSTS</b>				
All removals as a % of Paving & Grading (5% AVG)	L.S.	\$24,519.23	1	\$24,519.23
Drainage (20% AVG)	L.S.	\$98,076.90	1	\$98,076.90
Turf Est. & Erosion Control (5% AVG)	L.S.	\$24,519.23	1	\$24,519.23
<b>SUBTOTAL MISCELLANEOUS AND % OF PAVING/GRADING COSTS</b>				<b>\$147,115.35</b>
<b>SIGNAL COSTS</b>				
Permanent Signal Systems	EACH	\$227,000.00	1	\$227,000.00
EVP	EACH	\$5,000.00	1	\$5,000.00
<b>SUBTOTAL SIGNAL COSTS</b>				<b>\$232,000.00</b>
<b>SIGNING AND STRIPING COSTS</b>				
Mainline Signing & Striping (3% of Paving/Grading)	L.S.	\$14,711.54	1	\$14,711.54
<b>SUBTOTAL SIGNING &amp; STRIPING COSTS</b>				<b>\$14,711.54</b>
<b>SUBTOTAL CONSTRUCTION COSTS</b>				<b>\$884,211.39</b>
<b>GENERAL COSTS</b>				
Misc. minor items (5% of total cost)	L.S.	\$44,210.57	1	\$44,210.57
Traffic Control (3% of total cost)	L.S.	\$26,526.34	1	\$26,526.34
Mobilization (5% of total cost)	L.S.	\$44,210.57	1	\$44,210.57
<b>SUBTOTAL GENERAL COSTS</b>				<b>\$114,947.48</b>
<b>GRAND TOTAL</b>				<b>\$999,158.87</b>



**02-596-15 - CR 74 @ TH 65 INTERSECTION IMPROVEMENTS - FUNDING SPLITS**

	PROJECT TOTALS	ANOKA COUNTY TOTALS	ANOKA COUNTY FEDERAL FUNDS	ANOKA COUNTY STATE AID FUNDS	ANOKA COUNTY LOCAL FUNDS	CITY OF EAST BETHEL TOTALS	CITY OF EAST BETHEL FEDERAL FUNDS	CITY OF EAST BETHEL STATE AID FUNDS	CITY OF EAST BETHEL LOCAL FUNDS	MnDOT TOTALS	MnDOT Federal Funds	MnDOT Funds
ROADWAY	\$901,081.97	\$694,409.67	\$624,970.00	\$69,439.67	\$0.00	\$90,672.29	\$81,610.00	\$9,062.29	\$0.00	\$116,000.00	\$104,400.00	\$11,600.00
DRAINAGE (County 74%, City 26%)	\$98,076.90	\$72,576.91	\$65,319.80	\$7,257.11	\$0.00	\$25,499.99	\$22,950.20	\$2,549.79	\$0.00	\$0.00	\$0.00	\$0.00
CONSTRUCTION TOTAL	\$999,158.87	\$766,986.58	\$690,289.80	\$76,696.78	\$0.00	\$116,172.29	\$104,560.20	\$11,612.09	\$0.00	\$116,000.00	\$104,400.00	\$11,600.00
8% CONSTRUCTION ENGINEERING	\$79,932.71	\$61,358.93	\$0.00	\$61,358.93	\$0.00	\$9,293.78	\$0.00	\$9,293.78	\$0.00	\$9,280.00	\$0.00	\$9,280.00
DESIGN ENGINEERING	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
RIGHT OF WAY	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
UTILITY RELOCATION	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
PROJECT TOTAL	\$1,079,091.57	\$828,345.51	\$690,289.80	\$138,055.71	\$0.00	\$125,466.07	\$104,560.20	\$20,905.87	\$0.00	\$125,280.00	\$104,400.00	\$20,880.00

## EXHIBIT "C"

### COST-SHARING AGREEMENT FOR PROJECTS CONSTRUCTED IN ANOKA COUNTY USING COUNTY STATE AID FUNDS OR LOCAL TAX LEVY DOLLARS

<u>ITEMS</u>	<u>COUNTY SHARE</u>	<u>CITY SHARE</u>
Concrete Curb & Gutter	50%	50%
Concrete Curb & Gutter for Median Construction	100%	0%
Concrete Median	100%	0* <sup>1</sup>
Concrete Sidewalk	0%	100%
Concrete Sidewalk Replacement	100%	0%
Bikeways	0%	100%
Bikeway Replacement	100%,	0%
	Unless existing trail not placed at edge of R/W	
Construction or Adjustment of Local Utilities	0%	100%
Grading, Base and Bituminous	100%	0%
Storm Sewer	based on state aid letter* <sup>2</sup>	based on state aid letter* <sup>2</sup>
Driveway Upgrades	100%, in-kind	100%, of up-grades
Traffic Signals, new & replacements (communities larger than 5,000) w/ State Aid approved SJR	½ the cost of its legs of the intersection	the cost of its legs of the intersection plus ½ the cost of the County legs of the intersection
Traffic Signals, new & replacements (communities less than 5,000) w/ State Aid approved SJR	100%	0%
Traffic Signal, w/o State Aid approved SJR	0%	100%
EVP	0%	100%
Engineering Services	* <sup>3</sup>	* <sup>3</sup>
Right-of-Way	100%* <sup>4</sup>	0%
Street Lights	0%	100%
Noise Walls	100%, if not previously notified* <sup>5</sup>	100%, if previously notified* <sup>5</sup>

- \*1 The County pays for 100% of Standard Median Design such as plain concrete. If a local unit of government requests decorative median such as brick, stamped concrete, or landscaping, the local unit will pay the additional cost above the cost of standard median.
- \*2 In the event no State Aid is being used, or in the event the state aid letter does not determine cost split percentages, drainage cost shares will be computed by the proportion of contributing flow outside the County right of way to the total contributing flow.
- \*3 Engineering shall be paid by the Lead Agency except that any participating agency will pay construction engineering in the amount of 8% of the construction costs paid by that agency.
- \*4 In the event that the Township or City requests purchase of right-of-way in excess of those right-of-ways required by County construction, the Township or City participates to the extent an agreement can be reached in these properties. For instance, a Township or City may request a sidewalk be constructed alongside a County roadway which would require additional right-of-way, in which case the Township or City may pay for that portion of the right-of-way. Acquisition of right-of-way for new alignments shall be the responsibility of the Township or City in which the alignment is located. This provision may be waived by agreement with the County Board if the roadway replaces an existing alignment and the local unit of government takes jurisdiction of that existing alignment. In addition, any costs, including right-of-way costs, incurred by the County because a Township or City did not acquire sufficient right-of-way during the platting process or redevelopment process as requested by the County shall be paid by the Township or City.
- \*5 Notification includes any letter to the agency indicating that noise will potentially be an issue in the future, likely received during the Plat Review Process. Maintenance shall be the responsibility of the agency paying for the initial installation. When the County is the responsible agency, it shall pay 100% of Standard Noise Wall Cost. If a local agency requests decorative noise walls, the requesting agency will pay the additional cost above the cost of standard noise wall.



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 G.1

\*\*\*\*\*

**Agenda Item:**

Resolution 2011-26, Modifying the Fee Schedule

\*\*\*\*\*

**Requested Action:**

Consider approving Resolution 2011-26 Modifying the Fee Schedule

\*\*\*\*\*

**Background Information:**

In order to charge for electrical inspections Council needs to amend the 2011 Fee Schedule to include rates for this service. Attached are the proposed rates.

**Attachment(s):**

Resolution 2011-26 Modifying the Fee Schedule

\*\*\*\*\*

**Fiscal Impact:**

To be determined

\*\*\*\*\*

**Recommendation(s):**

Staff recommends approval of Resolution 2011-26 Modifying the Fee Schedule

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

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

**RESOLUTION NO. 2011-26**

**RESOLUTION MODIFYING THE FEES TO BE COLLECTED BY THE CITY OF  
EAST BETHEL IN 2011**

**WHEREAS**, Chapter 14 of the City Code of Ordinances requires the payment of fees for building permits, plumbing permits, mechanical system permits, sewer and water, septic system permits, fire suppression permits, sign permits, building maintenance and reinspections.

**WHEREAS**, Chapter 14 of the City Code of Ordinances further authorizes the setting of various fees by City Council resolution; and

**WHEREAS**, the 2011 Fee Schedule, originally adopted on December 1, 2010 as Resolution 2010-72, did not include Electrical Inspections & Permit Fees.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT:** Resolution 2010-72 Establishing 2011 Fee Schedule is hereby modified with the addition of certain fees as follows:

*Electrical Inspections Fee Schedule*

Minimum Inspection Fees	\$35 Per Trip
Single Family Residential (Up to 200 AMP's and 30 circuits) (New or Remodel)	\$150 Max (For 3 Inspections) No Max if over 200 AMP's Additional Trips @ \$35
Multi Family Units (Service and House Wiring Separate)	\$70/Unit
Swimming Pool (Trip fee plus circuits)	\$35 Per Trip Plus Circuits
Change Out, Upgrade Service or Repair 0-400 AMP Each Additional 100 AMPS	\$50 \$14/Each Plus \$3 per reconnected CB
Each Circuit or Feeder 0-30 AMP Each Circuit or Feeder 31 to 100 AMP Each Additional 100 AMP	\$8/Each \$10/Each Add \$5 per 100 AMP
Street Lights Standard Traffic Signal	\$4/Each \$7/Each
Transformer 0-10 kilovolt-amperes 11-76 kilovolt-amperes Over 76 kilovolt-amperes	\$10 \$40 \$80
Fire Alarm & Energy Management Device	\$10 first 10 openings or fixtures, \$6.50 each additional 10

Lighting Retrofit/Remote Control/Signals	
Investigation Fee	\$100 minimum or double the permit fee.
Canceled Permit Handling Fee	\$35
Reinspection Fee	\$35

**Circuits and Feeders**

The inspection fee for the installation, addition, alteration, or repair of each circuit, feeder, feeder tap, or set of transformer secondary conductors.

Adopted by the City Council for the City of East Bethel, this 16th day of November, 2011.

\_\_\_\_\_  
Richard Lawrence, Mayor

ATTEST:

\_\_\_\_\_  
Jack Davis, City Administrator



# City of East Bethel City Council Agenda Information

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**Date:**

November 16, 2011

\*\*\*\*\*

**Agenda Item Number:**

Item 8.0 G.2

\*\*\*\*\*

**Agenda Item:**

Contract for Electrical Inspection Services

\*\*\*\*\*

**Requested Action:**

Consider approving the contract for electrical inspections with Brian Nelson Electrical Inspection Services

\*\*\*\*\*

**Background Information:**

Staff has revised Chapter 14 Buildings and Building Regulations to include permitting, and inspections of the State Electrical Code. State statute 326B.36 Subdivision 6 allows a political subdivision to provide for inspections within its jurisdiction.

Mr. Brian Nelson with Electrical Inspection Service currently conducts inspections in East Bethel for the state under contract. He currently complies with the license requirements regulated under State Statute 326B.33 subdivision 1.

**Attachment(s):**

- 1. Contract for inspection services with Mr. Brian Nelson

\*\*\*\*\*

**Fiscal Impact:**

City will issue and collect fees for electrical inspections.

\*\*\*\*\*

**Recommendation(s):**

Staff recommends approval of the Contract for Inspection Services with Mr. Brian Nelson.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_

## **City of East Bethel**

### **Electrical Inspection Service Agreement**

This contract is made and entered into between the City of East Bethel, hereinafter identified as “City” and Brian Nelson Inspection Service, Inc., hereinafter identified as “Contractor.”

WHEREAS, the City requires services to be provided for electrical inspection for electrical permits issued in the City: and

WHEREAS, the Contractor desires to and is capable of providing the necessary services according to the terms and conditions stated herein.

#### **1. TERMS**

The Terms of the Contract shall become active \_\_\_\_\_

#### **2. CONTRACTORS OBLIGATIONS**

General Description: The Contractor shall provide the following services:

- a) Provide qualified personnel to perform electrical inspections within two work days after notification by the electrical installer.
- b) Enforce the Minnesota Electrical Act and Rules as adopted and amended by the City and current National Electrical Code.
- c) Submit a report of completed inspections, invoice for completed electrical inspections with the completed permits.
- d) Cooperate with the City Building Official to resolve non-complying or incomplete electrical installations when the installers fail to comply with acceptable standards.
- e) Notify the electrical utility for connection or re-connection of all electrical services installed, replaced or repaired for which an electrical permit is required. Contractors may call for hook-ups on residential installations.

### 3. CITY'S OBLIGATIONS

General Descriptions: The City shall:

- a) Receive and process electrical permits and fees in accordance to its fee schedule.
- b) Assign a permit number.
- c) Forward a copy of the permit to the Contractor.
- d) Receive and process orders for payments and fees collected for fee shortages and extra or special inspections.
- e) Adopt Minnesota Rules.
- f) Adopt the most recent version of the Minnesota Electrical Act.

### 4. PAYMENT

- a) Compensation – The City shall pay the Contractor 75% of the permit fees collected for completed inspections.
- b) Invoices – The Contractor shall submit an invoice and request for payment on an invoice form acceptable to the City.
- c) Time of Payment – The City shall make payments to the Contractor within thirty (30) days from the date of which the invoice is received. If the invoice is incorrect, or otherwise improper, the City shall notify the Contractor within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice from the Contractor, the City will make payment within thirty (3) days.
- d) Payment for Unauthorized Claims – The City may refuse to pay any claim, which is not specifically authorized by the contract. Payment of the claim shall not preclude the City from questioning the propriety of the claim.

### 5. COMPLIANCE WITH LAWS AND STANDARDS

- a) General – The Contractor shall abide by all federal, state and local laws, statutes, ordinances, rules and regulation now in effect of hereafter adopted pertaining to this Contract.

- b) Licenses – The Contractor shall procure, at his own expense, all licenses or other certifications required for the provision of services contemplated by this Contract. The Contractor shall inform the City of any changes in the above-stated laws, standards, requirements, rules, etc., within five (5) days of occurrence.
- c) Minnesota Law to Govern – This Contract shall be governed and constructed in accordance with the substantive and procedural laws of the State of Minnesota, without giving effect to the principles of conflict of laws. All proceeding related to this Contract shall be venued in the State of Minnesota.

## 6. INDEPENDENT CONTRACTOR STATUS

The Contractor is an independent contractor and nothing herein contained shall be construed as to create the relationship of employer and employee between the City and the Contractor. The Contractor shall at all times be free to exercise initiative, judgment and discretion as to how to best perform to services. The Contractor acknowledges and agrees that the Contractor is not entitled to receive any benefits received by City employees and is not eligible for worker's or unemployment compensation benefits. The Contractor also acknowledges and agrees that no withholding or deduction for State or Federal income taxes, FICA, FUTA or otherwise, will be made from payments due the Contractor and that it is the Contractors sole obligation to comply with the applicable provisions of all Federal and State laws.

## 7. INDEMNIFICATION

The Contractor shall indemnify, hold harmless and defend the City, its officers and employees against any and all liability, loss, costs, damages, expenses, claims and actions, including attorney's fees which the City, its officers or employees may hereafter sustain, incur or be required to pay arising out of or by reason of any negligent or willful act or adequately perform the Contractors obligations pursuant to the Contract.

## 8. INSURANCE

- a) Professional Liability Insurance – The Contractor must provide and maintain in force professional liability insurance in form approved by the City with limits of at least \$500,000 per occurrence. \$1,500,000 aggregate for each person performing inspections under this Contract and with the City as additional insured.

- b) Automobile Liability – The Contractor must provide a certificate of automobile insurance meeting the minimal requirements of the State for each person performing inspections under this Contract.
- c) Worker’s Compensation – if applicable, the Contractor shall procure and maintain a policy that at least meets the statutory minimum.
- d) Certificates – Prior to concurrent with execution of the Contract, the Contractor shall file copies with the City.
- e) Failure to Provide Proof of Insurance – The City may withhold payments or immediately terminate this Contract for failure of the “Contractor to furnish proof of insurance coverage or to comply with the insurance requirements as stated above.
- f) Non-Waiver – Nothing in this Contract shall constitute a waiver by the City of any statutory limits or exceptions on liability.

9. SUBCONTRACTING

The Contractor shall not enter into any subcontract for the performance of the services contemplated under this Contract nor assign any interest in the Contract without prior written consent of the City and subject to such conditions and provisions as are deemed necessary. The Contractor may have another qualified inspector fill in for him from time to time or in the case of sickness or while on vacation.

10. TERMINATION

With or Without Cause – This Contract may be terminated with or without cause by either party upon thirty (30) days written notice.

11. CONTRACT RIGHTS/REMEDIES

- a) Rights Cumulative – All remedies available to either party under the terms of the Contract or by law are cumulative and may be exercised concurrently or separately, and the exercise of anyone remedy shall not be deemed an election of such remedy to the exclusion of the other remedies.
- b) Waiver – Waiver for any default shall not be deemed to be a waiver of any subsequent default. Waiver of Breach of any provision of the Contract shall not be construed to be modification for the terms of this Contract, unless stated to be such in writing and signed by authorized representative of the City and the Contractor.

12. DATA PRACTICES.

All data collected, created, received, maintained, or disseminated for any purposes by the activities of Contractor because of this contract is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such act now in force or as adopted, as well as federal regulations on data privacy.

13. RECORDS - AVAILABILITY AND RETENTION.

The Contractor agrees that the City or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Contractor and invoice transactions relating to this Agreement. Contractor agrees to maintain these records for a period of three (3) years from the date of termination of this Agreement.

14. PROCESSING OF PAYMENTS.

Prior to the processing of any and all payments to the Contractor pursuant to this Contract, compliance with East Bethel Finance Department regulations on the completion and filing of W-9 forms and other IRS and Minnesota Department of Revenue taxing forms is required.

The PARTIES hereto executed this Contract as of the year and date listed below:

City of East Bethel

By: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: Brian Nelson Inspection Services Inc.

By: \_\_\_\_\_ Date: \_\_\_\_\_

## **City of East Bethel**

### **Electrical Inspection Service Agreement**

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The PARTIES hereto executed this Contract as of the year and date listed below:

City of East Bethel

By: \_\_\_\_\_ Date: \_\_\_\_\_

Contractor: Brian Nelson Inspection Services Inc.

By: \_\_\_\_\_ Date: \_\_\_\_\_



# City of East Bethel City Council Agenda Information

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**Date:**

February 15, 2012

\*\*\*\*\*

**Agenda Item Number:**

9.0 G.3

\*\*\*\*\*

**Agenda Item:**

Business Location Proposal

\*\*\*\*\*

**Requested Action:**

Consider the extension of an additional 90 days for the conditions of an offer to attract a service based business to the City

\*\*\*\*\*

**Background Information:**

Council approved a proposal for a business prospect to City Council at their November 16, 2011 meeting. This business prospect had indicated that they would make a decision on the location of their facility by the no later than the end of December 2011. Due to the unpredictability of the site selection process the business prospect has been unable to conclude their decision on a location. The developer representing this prospect has requested that the terms approved by City Council be extended an additional 90 days to allow the prospect to complete his final analysis for selection of a location for this business. The existing offer made by City Council will expire on February 16, 2012.

The terms and financial impacts of the approved offer are as listed below:

1.) Park Dedication Fees (5% of the assessed value of the property not to exceed \$4,000/acre. The assessed market value of the 15.02 acre is \$117,000 for 2011. This project will utilize approximately 5 acres of the total site. Therefore, the Park Dedication Fee for a 5 acre site subdivided from this parcel would be \$1,947.40 ( 5/15.02 x 117,000 x 0.05 ). Any change in acreage would result in a different amount for the Park Dedication Fee; and

2.) Building Permit Fees (to be determined upon submission of plans).

It is projected that the facility that will be constructed by the prospect will be a service repair facility of 60,000 SF and initially employ approximately 60 employees. Based on this information and requirements listed in the MCES SAC Manual, this property would assigned 10 SAC(ERU's) units. The total cost for one (1) SAC (ERU) unit is \$17,000. The component costs for the individual SAC (ERU's ) units for 2012 is:

MCES SAC fee	\$3,400
City SAC & WAC fees	\$5,600
Lateral Benefit Assessment	<u>\$8,000</u>
Total per unit SAC(ERU) charge	\$17,000

It is recommended that this facility be granted a reduction of one (1) City SAC and WAC unit thus bring the total to 10 SAC units due for payment to MCES and 9 SAC & WAC units payable to the City of East Bethel upon issuance of a building permit. The costs for the SAC and WAC units would be as follows:

MCES SAC units, 10@ \$3,400	\$34,000
City SAC and WAC units, 9@ \$5,600	<u>\$50,400</u>
Total SAC and WAC fees due upon issuance of a building permit	\$84,400

The other component of the City utility cost (SAC/ERU) is the lateral benefit assessment. Each SAC(ERU)unit is also charged \$8,000 per SAC unit for this cost. The cost to the prospect for this charge would be:

Lateral Benefit Assessment Charge, 9@ \$8,000	\$72,000
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Part of the Lateral Benefit Assessment Charge(LBAC) covers street restoration. The proposal the developer is presenting would require no street restoration as there is currently no paved or developed City street fronting the parcel to be developed for the prospect. The street would be built as part of the development plan to access the site and at the developers expense. The street restoration charge is 27% of the LBAC( total construction cost less the sewer and water trunk main costs of \$2,879,461/\$769,969 of street restoration costs). Therefore since no street restoration costs will be required for this portion of the project, it is proposed that the developer receive a credit of 27% of his total LBAC which would amount to:

Credit for deduct of street restoration costs from the LBAC	<\$19,521>
( <u>\$72,000 X 0.27 = \$19,521</u> )	

The total City Fees for the developer would be as follows:

Park Dedication Fees (as described above)	\$ 1,947.40
MCES SAC units, 10@ \$3,400	\$34,000.00
City SAC and WAC units, 9@ \$5,600	\$50,400.00
Lateral Benefit Assessment Charge, 9@ \$8,000	\$72,000.00
Street restoration cost credit	<\$19,521>
Total City Fees Due (NIC building permit fees)	<u>\$138,826.40</u>

It is also recommended by staff that the type of business proposed by the prospect be permitted and is compatible under the current B-3 Zoning that affects this area.

The developer will have approximately 10 acres remaining for future development. It is recommended by staff that SAC assignments for future developments occurring on this property be completed based on the use of the property according to the MCES SAC Manual and fees for these charges be collected at the issuance of building permits for these developments

**Attachment(s):**

Project Map

October 19, 2011 Work Session Minutes

\*\*\*\*\*

**Fiscal Impact:**

As noted above with the following additions:

- 1.) Based on a minimum valuation of \$2,000,000 this business would pay \$17,000 annually in taxes to the city. The current tax liability on this site is approximately \$200 to the City;
- 2.) This project would provide 10 MCES ERU's that would be approximately 13% of 2013 minimum goal;

- 3.) This project would provide an additional customer that would generate approximately 100,000 gallons of effluent and water use for our new system which is challenged for customers. The addition of new connections is critical to meet our minimum flow requirements and avoid up to a \$150 surcharge on customers if minimum flow requirements can not be attained;
- 4.) This project would have a multiplier effect on local business with the addition of a new employee base that could access services in the City; and
- 5.) The benefits to the City are in excess of the costs the City will forgo in granting SAC relief to the developer.

City Council granted the following to the developer as means to be competitive with the City of Blaine in the recruiting of a new business to East Bethel that will employ 60-75 persons and add a minimum of \$2,000,000 to the tax base:

- 1.) Reduce the current projected SAC(ERU) assignment by 1;
- 2.) Credit \$19,521 to the developer on his lateral benefit assessment;
- 3.) Finance the balance of the lateral benefit assessment over a term of 10 years at an interest rate of 4.5 to 5.5 % through an assessment on the property with the terms and interest rates to be determined by City Council and payment commencing upon completion of the assessment hearing and the tax year to which the assessment is assigned;
- 4.) Consider the use of property as permissible in the B-3 Zone
- 5.) Require no payment of ERU charges on the remaining undeveloped portion of this parcel until such time that it is subdivided and/or developed;
- 6.) Require that Ulysses Street, while built to City standards, only be extended to access the proposed site and the undeveloped lot north of Village Bank at the developers expense; and
- 7.) This offer shall expire in 90 days (February 16, 2012) unless renewed by City Council.

\*\*\*\*\*

**Recommendation(s):**

Staff is recommending a 90 day extension on the offer as listed above to the business prospect. This offer shall expire on May 16, 2012.

\*\*\*\*\*

**City Council Action**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Required: \_\_\_\_\_



## **PUBLIC FORUM SIGN UP SHEET**

November 16, 2011

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.

<b>NAME</b>	<b>ADDRESS</b>	<b>PHONE NUMBER</b>	<b>TOPIC</b>

