

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: November 2, 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 Hearing/Presentations**

- Page 1-2 A. Delinquent Charges Certifications
- Page 3 B. Heidi Moegerle – For Service on Planning Commission
- Page 4-7 C. Used Oil Recycling Program- East Side Oil Company

8:04 PM **5.0 Public Forum**

8:24 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 11-14 A. Approve Bills
- Page 15-35 B. Meeting Minutes, October 19, 2011, Regular Meeting
- Page 36-37 C. Meeting Minutes, October 19, 2011, Work Meeting
- Page 38 D. Resolution 2011-54 Accepting Donation from Patricia Regan
- Page 39 E. Resolution 2011-55 Declaring Surplus Property 1981 Grumman Utility Truck
- Page 40-45 F. Change Order #3, Project 1, Phase 1, Utilities
- Page 46 G. Warranty Letter of Credit (LOC) – Oak Glen Estates
- Page 47-50 H. Resolution 2011-56 Approving Raffle Permit for St. Francis Blue Line Club with No Waiting Period

New Business

7.0 Commission, Association and Task Force Reports

- 8:30 PM A. EDA Commission (**No Report**)
- B. Planning Commission
- Page 51-58 1. Mary Kelly - IUP/Farm Animals – 22051 Durant Street NE
- C. Park Commission (**No Report**)
- D. Road Commission (**No Report**)

8.0 Department Reports

- 8:40 PM A. Community Development
- Page 59-63 1. Mary Hendrikson - Administrative Subdivision/Lot Line Adjustment - 2859 221st Ave. NE
- Page 64-75 2. Tim Christiansen – IUP Renewal/Home Occupation – 1507 205th Ave. NE
- Page 76-77 3. Ordinance 32, Second Series, An Ordinance Amending Chapter 14, Buildings and Buildings Regulations
- Page 78-81 4. Summary of Ordinance 32, Second Series, An Ordinance Amending Chapter 14, Buildings and Buildings Regulations

- 9:10 PM Page 82-90 B. Engineer
1. Pay Estimate #6, Phase 1, Project 1, Utilities
- 9:15 PM Page 91-93 C. Attorney (**No Report**)
D. Finance
1. Auditng RFPs
- 9:25 PM Page 94-96 E. Public Works (**No Report**)
Page 97-102 F. Fire Department (**No Report**)
Page 103-110 G. City Administrator
1. Res. 2011-26 Amending the Fee Schedule
2. Contract for Electrical Inspection Services
3. Sylvan Street Vacation

9.0 Other

- 9:40 PM A. Council Reports
9:50 PM B. Other

10:00 PM **10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 4.0 A

Agenda Item:

Public Hearing – Delinquent Charges

Requested Action:

Conduct a Public Hearing for Delinquent Utility and Emergency Services Charges

Background Information:

East Bethel Code of Ordinances, Chapter 74, Sec. 74-126 (b) provides for the collection of delinquent utility bills through the property tax system. East Bethel Code of Ordinances, Chapter 30, Sec. 30-105 provides for the collection of unpaid 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. The Public Hearing on Wednesday 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 evening. 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).

Delinquent accounts listing:

City of East Bethel
 Past Due Amounts, Period Ending September 23, 2011

PRELIMINARY 2012 CERTIFICATION LIST

Utility Billing Accounts

Address	Name	Balance	Certification Charge	Certification Amount
1024 243rd Ave	Fenton	1,094.56	\$70.00	\$1,164.56
1050 243rd Ave	Tuon	1,423.85	\$70.00	\$1,493.85
1059 243rd Cir	Manthei/Lemma	1,792.86	\$70.00	\$1,862.86
1095 243rd Cir	Jornlin (Cline)	1,215.26	\$70.00	\$1,285.26
1131 Pierce Path	Dahlen	431.65	\$70.00	\$501.65
1142 243rd Ln	Bender	2,016.72	\$70.00	\$2,086.72
1153 Pierce Path	Demarais	540.03	\$70.00	\$610.03
24150 Whispering Cir	Bergstrom	1,482.70	\$70.00	\$1,552.70
24235 Fillmore Cir	Weisbrod	1,428.51	\$70.00	\$1,498.51
		<u>\$11,426.14</u>	<u>\$630.00</u>	<u>\$12,056.14</u>

Emergency Services Amounts

Address	Name	Balance	certification charge	certification amount
1410 Carriage Hills Drive Cambridge, MN 55008	Williams	\$300.00	\$70.00	\$370.00
11824 Dunkirk Circle NE Blaine, MN 55449	Carlson	\$300.00	\$70.00	\$370.00
		<u>\$600.00</u>	<u>\$140.00</u>	<u>\$740.00</u>

Fiscal Impact:

Certification of delinquent charges will improve the City's opportunity to collect these charges.

Recommendation(s):

Staff recommends that the public hearing be conducted on Wednesday, November 2, 2011 to provide an opportunity for citizens to be heard on their delinquent amounts.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 4.0 B

Agenda Item:

Heidi Moegerle - Recognition of Service on Planning Commission

Requested Action:

Recognize Heidi Moegerle for her Service to the City of East Bethel on the Planning Commission.

Background Information:

Ms. Heidi Moegerle served the City of East Bethel as a Planning Commission member in 2010. We will be presenting her with a plaque in honor of her service to the City.

Fiscal Impact:

None at this time.

Recommendation(s):

City staff recommends City Council recognize Ms. Moegerle's service to the City of East Bethel as a Planning Commission Member.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 4.0 C

Agenda Item:

Used Oil Recycling Program – East Side Oil Company

Requested Action:

Consider partnership for used oil recycling program

Background Information:

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.

Attachment(s):

- 1. East Side Oil Lease Agreement

Fiscal Impact:

The prior arrangement for recycled oil with OSI netted the City approximately \$500 per month for the sale of the recycled oil. The proposed arrangement with ESOC would not generate any funds from the sale of the oil but would substantially reduce the City’s risk for the operation of this program and eliminate any future costs for facility improvements.

Recommendation(s):

Staff recommends approval of the lease and operational agreement with East Side Oil Company for the used oil recycling program.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

East Side Oil Company
Equipment Lease Agreement

This equipment lease agreement is made this ____ day of _____, in the year of 2011 between East Side Oil Company, (ESOC) of St. Cloud, Minnesota and City of East Bethel (Lessee) of East Bethel, Minnesota.

1. **Lease of the Equipment.** ESOC leases to Lessee, for installation and use upon the premises located at 2761 Viking Blvd NE, East Bethel, MN 55011, now occupied by Lessee, the equipment set forth below:

Permanent ID/Serial # stamped on tank is _____

1- 1990 Gallon double wall UL tank	\$ 16,235.75
- Signage	\$ 1,417.86
- Vents and Gages	\$ 279.70
- Cover & assembly parts	\$ 2,300

**Note: This is replacement value if equipment were to be damaged, lost or stolen:
\$20,233.31**

2. **Rent.** Lessee need not pay rent for the equipment so long as Lessee continues to recycle oil with ESOC.
3. **Disclaimer of Warranties.** ESOC hereby expressly disclaims any warranties or representations, express or implied of merchantability or fitness for a particular purpose.
4. **Repair and Maintenance.** At its expense, ESOC shall maintain the equipment in good working order and repair. All equipment shall be maintained to quality and compliance levels established by the Minnesota Pollution Control Agency.
5. **Title to the Equipment.** Title to the equipment shall at all times remain in ESOC. The equipment is and shall remain personal property, irrespective of its use or manner of attachment to realty and Lessee agrees that it will not permit the equipment to be permanently attached to the realty without ESOC's prior written consent.
6. **Risk of Loss of Equipment.** ESOC shall insure its equipment for loss or damage from any and all causes. Lessee shall not be liable to ESOC for any loss or damage to ESOC Equipment or its contents. ESOC is allowed and expected to inspect and access its equipment on Lessee's business site at reasonable times. All materials stored or kept within the storage tank shall be the property of ESOC. ESOC shall indemnify and hold Lessee harmless on the handling, transportation and disposition of all such materials by ESOC.
7. **Insurance.** ESOC shall maintain at Lessee's business offices during the term of this agreement a current certificate of liability insurance to the minimum specification of Minn. Stat 466.04 and naming the lessee as an additional insured
8. **Liens; Assignments; Claims.** Lessee shall:
 - Keep the equipment free and clear of all liens, encumbrances and security interests and shall not remove it from the premises described in paragraph 1 of this lease agreement or do or permit anything to be done which might operate to prejudice ESOC's title;
 - Not transfer, deliver or sublet the equipment to any other person or corporation without prior written consent of ESOC;

- Not assign any rights hereunder to any other person or corporation without prior written consent of ESOC;
- Subject to the provisions of paragraph 4 above, comply with all laws, ordinances and regulations applicable to the equipment and the use thereof;

9. **Interstitial Space.** Lessee will monitor the interstitial space reading; keep proper documentation in accordance with the Minnesota Statutes and the Minnesota Pollution Control Agency. A copy of such readings must be faxed or mailed to ESOC on a monthly basis.

10. **Inspection.** Lessee shall permit ESOC's agents to enter upon lessee's premises to inspect the equipment at all reasonable times.

11. **Term and Termination.**

- a. The term of the lease shall commence immediately and shall continue on effect until either party gives 30 days notice of termination to the other party, unless terminated pursuant to sub-paragraph (b) of the paragraph 9.ESOC at its sole option, terminate this lease agreement, effective immediately upon the occurrence of one or more of the following events:
 - Lessee breaches any of its covenants in this lease agreement;
 - Insolvency or bankruptcy of the Lessee;
 - The making by Lessee of any assignment for the benefit of creditors;
 - Appointment of a trustee or receiver for Lessee or for a substantial part of its property, with or without its consent; or
 - Institution by or against Lessee of bankruptcy, reorganization, arrangement or insolvency proceeding of which Lessee is the subject.
- b. Upon the termination of this lease agreement, Lessee shall immediately allow pick up of the equipment with all parts and attachments thereto ESOC. If Lessee should fail to allow pick up of the equipment upon termination of this lease, ESOC shall have the right to reasonably enter upon the property of Lessee at any time and remove the equipment therefrom and without liability for trespass or damage in connection thereof.

12. **Entire Agreement.** This lease agreement constitutes the entire agreement of the parties. Lessee acknowledges that no representations or warranties have been made by ESOC except as set forth herein. No modifications of this lease agreement shall be binding upon the parties unless in writing and signed by the parties to be charged.

13. **Construction.** This lease agreement shall be construed in accordance with the laws of the State of Minnesota.

Lessor:
East Side Oil Company

By: _____ Date: _____

Lessee:
City of East Bethel

(Signature) Date: _____



Payments for Council Approval November 2, 2011

Bills to be Approved for Payment	\$641,049.77
Electronic Payments	\$22,619.59
Payroll City Council - October 27, 2011	\$1,461.07
Payroll City Staff - October 27, 2011	\$32,123.45
Total to be Approved for Payment	\$697,253.88

City of East Bethel

November 2, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Gas Utilities	300767056	Xcel Energy	615	49851	370.44
Arena Operations	Refuse Removal	1518502	Walters Recycling, Inc.	615	49851	29.15
Arena Operations	Refuse Removal	1518499	Walters Recycling, Inc.	615	49851	162.06
Arena Operations	Repairs/Maint Machinery/Equip	W023878	Herc-U-Lift	615	49851	130.00
Building Inspection	Motor Fuels	1965744	Lubricant Technologies, Inc.	101	42410	280.63
Building Inspection	Telephone	332373310-119	Nextel Communications	101	42410	17.49
Central Services/Supplies	Legal Notices	IQ 01790721	ECM Publishers, Inc.	101	48150	328.00
Central Services/Supplies	Office Supplies	10452	Norseman Awards	101	48150	46.86
Central Services/Supplies	Office Supplies	582140013001	Office Depot	101	48150	49.29
Central Services/Supplies	Office Supplies	583002469001	Office Depot	101	48150	35.32
Central Services/Supplies	Office Supplies	582554637001	Office Depot	101	48150	42.71
Central Services/Supplies	Office Supplies	582554696001	Office Depot	101	48150	14.86
Central Services/Supplies	Office Supplies	581618914001	Office Depot	101	48150	19.11
Central Services/Supplies	Postage/Delivery	102611	Reserve Account	101	48150	1,000.00
Central Services/Supplies	Telephone	8896970	Integra Telecom	101	48150	223.37
City Administration	Travel Expenses	102511	Jack Davis	101	41320	82.14
Economic Development Authority	Dues and Subscriptions	101911	Finance and Commerce	232	23200	229.00
Fire Department	Gas Utilities	300767056	Xcel Energy	101	42210	102.44
Fire Department	General Operating Supplies	333062	Ham Lake Hardware	101	42210	160.29
Fire Department	Motor Fuels	1965743	Lubricant Technologies, Inc.	101	42210	412.80
Fire Department	Motor Fuels	1965744	Lubricant Technologies, Inc.	101	42210	446.43
Fire Department	Motor Vehicles Parts	141308	Clarey's Safety Equipment Inc.	101	42210	594.44
Fire Department	Motor Vehicles Parts	1921-369083	O'Reilly Auto Parts	101	42210	8.53
Fire Department	Motor Vehicles Parts	1921-367950	O'Reilly Auto Parts	101	42210	122.40
Fire Department	Office Supplies	583061778001	Office Depot	101	42210	79.22
Fire Department	Personnel Advertising	4235425	Positive Promotions, Inc.	231	42210	854.17
Fire Department	Personnel Advertising	3250	Print Plus, Inc.	231	42210	74.97
Fire Department	Personnel Advertising	1038631544	Soderquist's Market	231	42210	29.94
Fire Department	Professional Services Fees	101211	City of East Bethel	231	42210	1,666.67
Fire Department	Refuse Removal	1518498	Walters Recycling, Inc.	101	42210	39.14
Fire Department	Safety Supplies	110014869	Allina Health System	101	42210	582.61
Fire Department	Telephone	8896970	Integra Telecom	101	42210	139.63
Fire Department	Telephone	332373310-119	Nextel Communications	101	42210	103.47
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470725218	Cintas Corporation #470	101	41940	20.82
General Govt Buildings/Plant	Gas Utilities	300767056	Xcel Energy	101	41940	80.79
General Govt Buildings/Plant	Refuse Removal	1518503	Walters Recycling, Inc.	101	41940	27.63
Mayor/City Council	Conferences/Meetings	100019032	Soderquist's Market	101	41110	37.51
Mayor/City Council	Professional Services Fees	-615858	North Suburban Access Corp	101	41110	120.00
Park Maintenance	Bldg/Facility Repair Supplies	333311	Ham Lake Hardware	101	43201	51.14
Park Maintenance	Bldgs/Facilities Repair/Maint	84813	Menards Cambridge	101	43201	107.47
Park Maintenance	Chemicals and Chem Products	300037	Federated Co-ops	101	43201	170.98
Park Maintenance	Clothing & Personal Equipment	470721876	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Clothing & Personal Equipment	470718510	Cintas Corporation #470	101	43201	53.28
Park Maintenance	Conferences/Meetings	101711	MN Fall Expo	101	43201	175.00
Park Maintenance	Motor Fuels	1965744	Lubricant Technologies, Inc.	101	43201	382.65
Park Maintenance	Motor Fuels	1965743	Lubricant Technologies, Inc.	101	43201	793.84
Park Maintenance	Motor Vehicles Parts	03 3054417	Isanti County Equipment	101	43201	196.78
Park Maintenance	Motor Vehicles Parts	03 3054079	Isanti County Equipment	101	43201	419.23
Park Maintenance	Motor Vehicles Parts	03 3055899	Isanti County Equipment	101	43201	282.74
Park Maintenance	Motor Vehicles Parts	235441	S & S Industrial Supply	101	43201	20.40
Park Maintenance	Repairs/Maint Machinery/Equip	167282	Lehmann's Power Equipment	101	43201	46.28
Park Maintenance	Telephone	8896970	Integra Telecom	101	43201	51.18

City of East Bethel

November 2, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Telephone	332373310-119	Nextel Communications	101	43201	69.96
Payroll	Insurance Premium	4711526	Delta Dental	101		784.45
Payroll	Insurance Premium	40848	Fort Dearborn Life Insurance	101		1,031.59
Payroll	Insurance Premium	40848	Medica Health Plans	101		9,325.60
Planning and Zoning	Legal Notices	IQ 01790452	ECM Publishers, Inc.	101	41910	46.13
Planning and Zoning	Office Supplies	582083785001	Office Depot	101	41910	45.66
Planning and Zoning	Telephone	332373310-119	Nextel Communications	101	41910	17.49
Recycling Operations	Gas Utilities	300767056	Xcel Energy	226	43235	26.72
Recycling Operations	Professional Services Fees	40817	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Refuse Removal	1518501	Walters Recycling, Inc.	226	43235	266.04
Sewer Utility Capital Projects	Due from Other Govt's	Pay Est #6	S.R. Weidema Inc.	434		297,549.01
Sewer Utility Capital Projects	Due from Other Govt's	Pay Est #6	TCF Bank	434		15,660.47
Sewer Utility Capital Projects	Improvements Other Than Bldgs	Pay Est #6	S.R. Weidema Inc.	434	49455	181,701.39
Sewer Utility Capital Projects	Improvements Other Than Bldgs	Pay Est #6	TCF Bank	434	49455	9,580.95
Street Maintenance	Bldg/Facility Repair Supplies	1539-103840	O'Reilly Auto Parts	101	43220	7.03
Street Maintenance	Bldgs/Facilities Repair/Maint	470721876	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470718510	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Clothing & Personal Equipment	470718510	Cintas Corporation #470	101	43220	65.85
Street Maintenance	Clothing & Personal Equipment	470721876	Cintas Corporation #470	101	43220	47.45
Street Maintenance	Equipment Parts	568265	Boyer Truck Parts	101	43220	51.94
Street Maintenance	Equipment Parts	1539-103919	O'Reilly Auto Parts	101	43220	46.62
Street Maintenance	Gas Utilities	300767056	Xcel Energy	101	43220	21.89
Street Maintenance	Lubricants and Additives	1539-492861	O'Reilly Auto Parts	101	43220	97.05
Street Maintenance	Lubricants and Additives	235097	S & S Industrial Supply	101	43220	17.43
Street Maintenance	Motor Fuels	1965744	Lubricant Technologies, Inc.	101	43220	165.81
Street Maintenance	Motor Fuels	1965743	Lubricant Technologies, Inc.	101	43220	1,968.75
Street Maintenance	Motor Vehicles Parts	77027	Central Truck Service, Inc	101	43220	32.86
Street Maintenance	Motor Vehicles Parts	329941	Ham Lake Hardware	101	43220	21.60
Street Maintenance	Motor Vehicles Parts	1539-497685	O'Reilly Auto Parts	101	43220	126.19
Street Maintenance	Motor Vehicles Parts	1539-499290	O'Reilly Auto Parts	101	43220	7.89
Street Maintenance	Motor Vehicles Parts	1539-497694	O'Reilly Auto Parts	101	43220	131.45
Street Maintenance	Motor Vehicles Parts	1539-491825	O'Reilly Auto Parts	101	43220	69.46
Street Maintenance	Motor Vehicles Parts	1539-497918	O'Reilly Auto Parts	101	43220	-109.03
Street Maintenance	Motor Vehicles Parts	1539-497512	O'Reilly Auto Parts	101	43220	107.82
Street Maintenance	Motor Vehicles Parts	1539-497511	O'Reilly Auto Parts	101	43220	78.59
Street Maintenance	Motor Vehicles Parts	1539-497550	O'Reilly Auto Parts	101	43220	11.73
Street Maintenance	Motor Vehicles Parts	1539-491172	O'Reilly Auto Parts	101	43220	102.53
Street Maintenance	Motor Vehicles Parts	1539-497952	O'Reilly Auto Parts	101	43220	228.56
Street Maintenance	Motor Vehicles Parts	1539-498751	O'Reilly Auto Parts	101	43220	5.65
Street Maintenance	Motor Vehicles Parts	1539-498750	O'Reilly Auto Parts	101	43220	11.73
Street Maintenance	Motor Vehicles Parts	1539-499354	O'Reilly Auto Parts	101	43220	3.80
Street Maintenance	Refuse Removal	1518500	Walters Recycling, Inc.	101	43220	266.04
Street Maintenance	Street Maint Materials	4298	Barton Sand & Gravel Co	101	43220	342.59
Street Maintenance	Telephone	8896970	Integra Telecom	101	43220	51.18
Street Maintenance	Telephone	332373310-119	Nextel Communications	101	43220	136.70
Water Utility Capital Projects	Improvements Other Than Bldgs	Pay Est #6	S.R. Weidema Inc.	433	49405	102,733.31
Water Utility Capital Projects	Improvements Other Than Bldgs	Pay Est #6	TCF Bank	433	49405	5,389.29
Water Utility Operations	Gas Utilities	101711	CenterPoint Energy	601	49401	22.53
Water Utility Operations	Utility Maint Supplies	S01333887.001	Ferguson Waterworks	601	49401	65.71
						\$641,049.77

City of East Bethel

November 2, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments					
	PERA					\$5,449.99
	Federal Withholding					\$4,981.68
	Medicare Withholding					\$1,417.78
	FICA Tax Withholding					\$5,084.44
	State Withholding					\$1,989.79
	MSRS					\$3,695.91
						\$22,619.59



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 6.0 A-H

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, October 19, 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 19, 2011 Work Meeting

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

Item D

Resolution 2011-54 Accepting Donation from Patricia Regan

Patricia Regan has donated two antique desks to the City of East Bethel for possible use in the school house located in Booseter East Park. Patricia is a resident of East Bethel and heard that the City was looking for ideas for the school house. The desks were designed for elementary age students and are in really nice condition.

Staff recommends that City Council adopt Resolution 2011-54 Accepting the Donation from Patricia Regan.

Item E

Resolution 2011-55 Declaring Surplus Property 1981 Grumman Utility Truck

The City has received delivery of the Utility Pick Up Truck for the Fire Department. The new pick up truck is now in service and being used. This truck, as defined in the capital equipment plan, is the replacement of the 1981 Grumman Van that had been in use. Staff seeks direction to sell the 1981 Grumman Van on the Minnesota State on-line auction and declare the 1981 Grumman Van surplus.

Item F

Change Order No. 3 to S.R. Weidema for the construction of the Phase 1 Project 1 Utility Improvements

A design modification was made on the MCES forcemain which allowed the elimination of one air release manhole. The parts for this manhole were already on site; therefore the MCES will purchase the parts from the Contractor and use them on next year's project. The net change in price for this change order is a deduction of \$9,078.08 to the MCES. The revised contract price as summarized on the change order is \$12,045,875.65.

Staff recommends approval of Change Order No. 3 which deducts \$9,078.08 from the total contract price for the Phase 1 Project 1 Utility Improvements.

Item G

Warranty Letter of Credit (LOC) – Oak Glen Estates

Oak Glen Estates public improvements were accepted per City Resolution 2009-101 subject to warranty provisions contained in the developer's agreement. The developer has requested that the LOC for warranty work be released or allowed to expire. The LOC is set to expire on November 18, 2011.

Staff sent a letter to Jeff Wieden, the developer, advising that certain conditions require correction prior to release of the LOC. If he fails to make the necessary corrections, the City would contract with an outside contractor to make the necessary corrections. We have advised the developer that he has until November 11, 2011 to make the corrections or the City would exercise its option to contract the work. The letter to Jeff Wieden is attached.

Staff recommends that the LOC for warranty work on Oak Glen Estates be allowed to expire only upon the successful completion of all warranty work identified in the letter from the City Engineer to Jeff Wieden dated October 26, 2011 .

Item H

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

St. Francis Blue Line Club has submitted an application to conduct a raffle at Hunters Inn on January 1, 2012. Staff recommends City Council approves Resolution 2011-56 Approving Raffle Permit for St. Francis Blue Line Club with No Waiting Period

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by:_____

Second by:_____

Vote Yes: _____

Vote No: _____

No Action Required: _____

EAST BETHEL CITY COUNCIL WORK MEETING

October 19, 2011

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

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

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

Call to Order The October 19, 2011 City Council work meeting was called to order by Mayor Lawrence at 9:20 PM.

Adopt Agenda **Voss made a motion to adopt the October 19, 2011 City Council Work Meeting Agenda. Moegerle seconded; all in favor, motion carries.**

Davis said he sent you information on an industrial business prospect is interested in relocated to East Bethel. This firm wants to consolidate their space and needs 65,000 square feet of space. They have been talking to a property owner in East Bethel about purchasing just over five acres. He said he has assembled the basic costs to locate on this property, City taxes, WAC and SAC charges, park dedication and building permit fees. Davis said if Council is interested in dealing with the prospect and it meets zoning restrictions, he would recommend only requiring the street be extended 300 feet and then the street could be extended some point in the future. That would reduce some of the costs and would help in making the presentation to this firm. He would also suggest we eliminate the street improvement cost, lateral benefit assessment on that 250 feet of street that we would be constructing as part of this right-of-way (ROW). Davis said property is currently zoned B3 and he thinks we could make a case either way whether it should be permitted there.

He is asking for some guidance from Council for consent to extend some incentives to this property owner to attract them to East Bethel. Boyer asked what is their water usage. Davis said they sent me their current usage which is 100,000 gallons a year, which is a very low usage. Lawrence asked how many ERUs they would be. Davis said Met Council estimated 9, but that is a rough estimate. Office square footage and others have not been made, so he would feel more comfortable leaving this a 10 at the current time. Boyer said he is okay with street and water incentives. He said but this points out that the park dedication fees point out a problem with the Park Dedication ordinance when you are building a \$2,000,000 building and \$2,000 estimated in park dedication fees as somewhat ridiculous even though the impact on the plant and parks might be somewhat negligible and giving up 5 acres. Davis said the way the fee schedule reads is either 5% of the acreage or 5% of the market value of the property. Parcel is valued at \$117,000.

Moegerle asked if they would have any retail out of this building. Davis said they would have some. If you have checked their website this is a very first class operation and the building they proposed reflects that. With the position of this lot, it probably won't be as attractive to retail as some of the other lots on the other side of 65 unless some type of service road can be constructed. Boyer said he agrees and a lot of his concerns could be addressed with buffering and landscaping.

Voss asked what are you asking Council. Davis asked are you interested in this project and

if you are, are you interested in offering a few incentives. Voss said he thinks you can go forward with discussions with them. Boyer said these types of decisions are not usually made on financials, some can even be done for amenities. Voss said we pretty much made these same concessions to Village Bank on the road extension. He said the reason we granted it is we knew the properties to the north would build it. So, if we do it again, at what time will this road get built? If we follow the progression, it will be the property to the east and they would have to pick up the entire cost. Davis said we can work this out. DeRoche said talk to them, throw it out there, go fishing.

Adjourn

Boyer made a motion to adjourn at 9:48 PM. Voss seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

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

RESOLUTION NO. 2011-54

**RESOLUTION ACKNOWLEDGING THE DONATION FROM
PATRICIA REGAN**

WHEREAS, the City of East Bethel has received a donation of two antique desks from Patricia Regan to be used in conjunction with the Booster East School House.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council of the City of East Bethel acknowledges and accepts the donation of two antique desks from Patricia Regan.

BE IT FURTHER RESOLVED THAT: the City Council of the City of East Bethel expresses its thanks and appreciation to Patricia Regan for her donation to the City of East Bethel

Adopted this 2nd day of November, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

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

RESOLUTION NO. 2011-55

RESOLUTION DESIGNATING SURPLUS PROPERTY

WHEREAS, the City of East Bethel owns and operates a fleet of Fire Trucks and equipment for the purposes of emergency response; and

WHEREAS, the City of East Bethel has adopted a plan for the replacement of Fire Trucks and equipment; and

WHEREAS, the 1981 Grumman Utility Truck has come to the end of its useful service life as a reliable and dependable piece of equipment; and

WHEREAS, the City Council of East Bethel has approved the purchase of a replacement piece of equipment; and

WHEREAS, the City of East Bethel will sell the 1981 Grumman Utility Truck on State Auction;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the 1989 Ford Rescue Truck is hereby declared as surplus property and approved for auction sale.

Adopted this 2ndth day of November, 2011 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

SECTION 00991 – CHANGE ORDER

(Instructions on reverse side)

No. 3

PROJECT: Phase I Project 1 Utility Improvements & East Bethel Gravity Interceptor & Discharge, MCES Project No. 801621

DATE OF ISSUANCE: 8/19/11

EFFECTIVE DATE: 8/19/11

OWNER: City of East Bethel

ENGINEER'S Project No.: C12.100028

CONTRACTOR: S.R. Weidema, Inc.

ENGINEER: John K. Swanson, P.E.

You are directed to make the following changes in the Contract Documents.

Description:

The following is a summary of Contract adjustments related to revisions made on the discharge piping located on Ulysses Street between +/- Sta. 410+50 and 419+00.

Deductions:

Item No.	Description	Bid Price	Qty	Total Deduct
119	Reduce MH1 Height	\$ 3,100.00/LF	1.5	\$ 4,650.00
120	Eliminate AR 2	\$25,365.00/EA	1	\$25,365.00
121	Eliminate 72" Buoyancy Collar	\$ 1,520.00/EA	1	<u>\$ 1,520.00</u>
Total Deductions:				\$31,535.00

Additions:

Item No.	Description	Bid Price	Qty	Total Addition
N/A	MCES Buy MH Parts / Equip. not Used on Proj.	\$17,420.92/LS	1	\$17,420.92
N/A	Install Cost for Purchased Parts Included in MH1 Hgt.	\$ 3,286.00/LS	1	\$ 3,286.00
N/A	Reinstall Top Sections MH1	\$ 1,750.00/LS	1	<u>\$ 1,750.00</u>
Total Additions:				\$22,456.92

Total Change Order #3 Contract Adjustment: (-\$31,535.00) + \$22,456.92 = (-\$9,078.08) Deduction

Reason for Change Order:

Revisions to discharge piping design based on installed pipe elevations.

Attachments: (List documents supporting change)

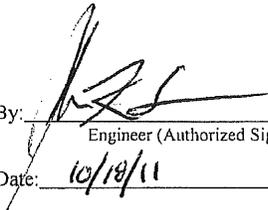
PCM #1

Revised Plan Sheets C8 and C9

Cost documentation from Contractor (on file)

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price	Original Contract Times
<u>\$11,686,468.20</u>	Completion Date : <u>7/31/12</u> days or dates Ready for final payment : _____ days or dates
Net changes from previous Change Orders No. <u>1</u> to No. <u>2</u>	Net changes from previous Change Orders No. ___ to No. ___
<u>\$368,485.53</u>	<u>N/A</u> days
Contract Price Prior to this Change Order	Contract Times prior to this Change Order
<u>\$12,054,953.73</u>	Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates
Net Increase (Increase/Decrease/No Change) of this Change Order	Net (Increase/Decrease/No Change) of this Change Order
<u>\$(-9,078.08)</u>	<u>0</u> days
Contract Price with all approved Change Orders	Contract Times with all approved Change Orders
<u>\$12,045,875.65</u>	Substantial Completion : _____ days or dates Ready for final payment : _____ days or dates

RECOMMENDED:

By:  _____
Engineer (Authorized Signature)

Date: 10/18/11 _____

APPROVED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
Contractor (Authorized Signature)

Date: _____

ACCEPTED:

By: _____
MCES (Authorized Signature)

Date: _____

EJCDC No. 1910C8-B (1990 Edition)

Prepared by the Engineers Joint Contract Documents Committee and endorsed by The Associated General Contractors of America.

**East Bethel – MCEs Gravity Interceptor and Discharge
Project No. 801621 Agreement 101027**

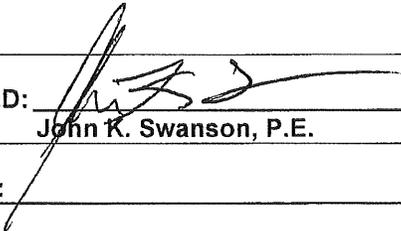
PROPOSED CONTRACT MODIFICATION			
PCM #:	1		
SUBJECT:	Ulysses Street Discharge Piping Modification		
LOCATION:	Ulysses Street Between AR 1 and MH 2 (+/- Sta. 403+50 to +/- Sta. 419+00)		
ROUTING:		INSTRUCTIONS:	
DRAWING NO.	C8 and C9	SPEC SECTION:	02535
RFI#: N/A	Property Owner Request	OTHER:	
DESCRIPTION OF WORK TO BE DONE			

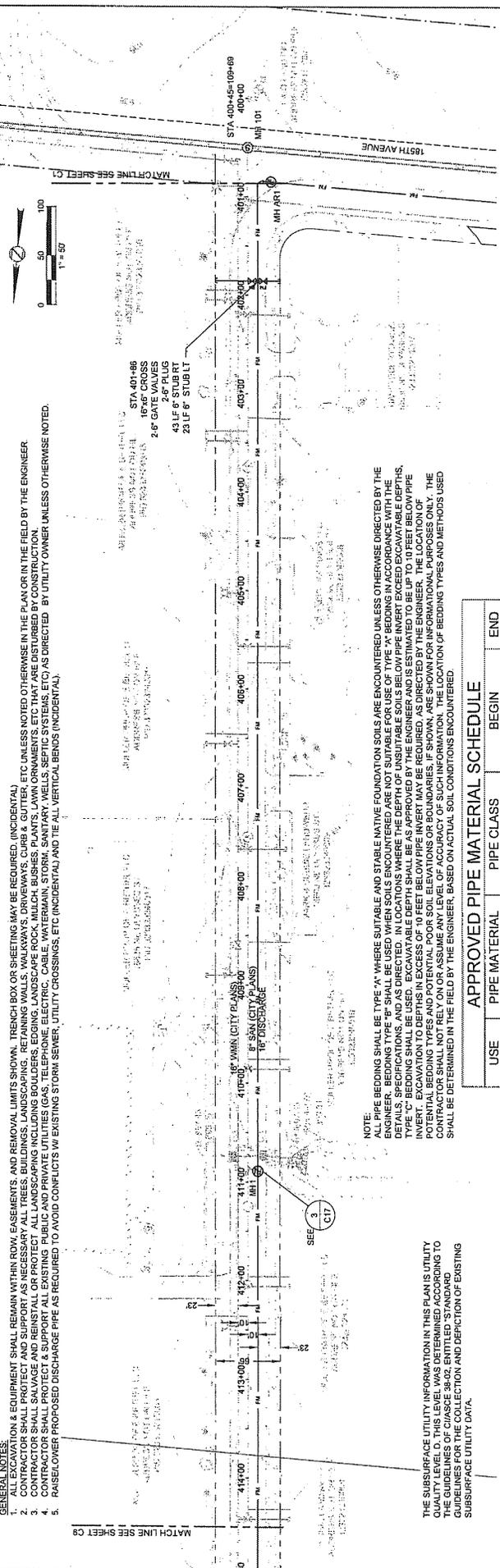
Reclaimed water discharge piping was installed at a slightly flatter slope than shown on the plan between AR 1 and just north of MH 1. The installed pipe elevations result in a shorter build for MH 1 and the potential for eliminating AR 2. The proposed plan modifications include replacing the upper section of MH 1 with shorter sections to accommodate the shallower build, eliminating AR 2, and revising the discharge piping slope slightly to continue a down slope to the north through AR 2 to a point where it vertically aligns again with the elevations shown on the plan (at +/- Sta. 419+00). These revisions result in the elimination of an air release manhole (AR 2), shortening the build height of MH 1, and a continuous slope from high point to low point (AR 1 to MH 2). There is no significant additional depth or lack of cover on the discharge pipe associated with this revision. Based on the design and operation intent of the system as a whole, compared to the remainder of the system, the proposed revisions do not adversely impact the system as a whole.

The proposed modifications include the use of materials and equipment already manufactured or delivered on other portions of the project to the extent practicable. In addition, internal piping, manhole sections, etc. that are not useable on this project are being acquired and stored at the WWRF site for use on the "East Bethel Reclaimed Water Distribution System" project to the extent practicable. The following is a partial summary of the items used on the project and stored for use on the "East Bethel Reclaimed Water Distribution System" project:

- 1) Original top MH 1 section will be used on MH 3 located at Viking Blvd.
- 2) Original middle AR2 manhole section will be used on City MH 501.
- 3) AR2 top and base sections, and internal piping and equipment will be stored and used on the future project.

The "East Bethel Reclaimed Water Distribution System" project connects to, and extends, this projects discharge piping to the RIB sites located north of Viking Boulevard. This project is scheduled to begin construction in the spring of 2012.

SIGNED:  John K. Swanson, P.E.	DATED: 10/18/11
MCES:	DATED:
ATTACHMENTS	
Revised Sheets C8 and C9	

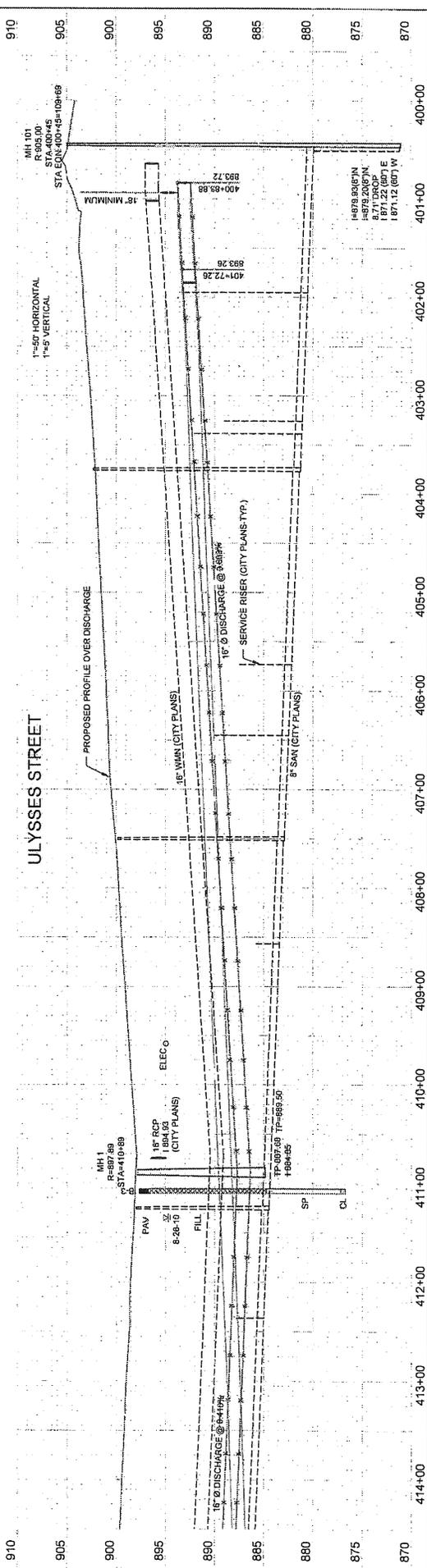


GENERAL NOTES:
 1. ALL EXCAVATION & EQUIPMENT SHALL REMAIN WITHIN ROW EASEMENTS, AND REMOVAL LIMITS SHOWN. TRENCH BOX OR SHEETING MAY BE REQUIRED. (INCIDENTAL)
 2. CONTRACTOR SHALL PROTECT AND SUPPORT ALL TREES, BUILDINGS, LANDSCAPING, RETAINING WALLS, WALKWAYS, DRIVEWAYS, CURB & GUTTER, ETC UNLESS NOTED OTHERWISE IN THE PLAN OR IN THE FIELD BY THE ENGINEER.
 3. CONTRACTOR SHALL SALVAGE AND REINSTALL OR PROTECT ALL LANDSCAPING INCLUDING Boulders, EDGING, LANDSCAPE ROCK, MULCH, BUSHES, PLANTS, LAWN ORNAMENTS, ETC THAT ARE DISTURBED BY CONSTRUCTION.
 4. CONTRACTOR SHALL PROTECT & SUPPORT ALL EXISTING PUBLIC AND PRIVATE UTILITIES (GAS, TELEPHONE, ELECTRIC, CABLE, WATERMAIN, STORM, SANITARY, WELLS, SEPTIC SYSTEMS, ETC) AS DIRECTED BY UTILITY OWNER UNLESS OTHERWISE NOTED.
 5. RAISE/LOWER PROPOSED DISCHARGE PIPE AS REQUIRED TO AVOID CONFLICTS W/ EXISTING STORM SEWER, UTILITY CROSSINGS, ETC (INCIDENTAL) AND THE ALL VERTICAL BENDS (INCIDENTAL).

NOTE:
 ALL PIPE BEDDING SHALL BE TYPE "A" WHERE SUITABLE AND STABLE NATIVE FOUNDATION SOILS ARE ENCOUNTERED UNLESS OTHERWISE DIRECTED BY THE ENGINEER. BEDDING TYPE "B" SHALL BE USED WHEN SOILS ENCOUNTERED ARE NOT SUITABLE FOR USE OF TYPE "A" BEDDING IN ACCORDANCE WITH THE DETAILS, SPECIFICATIONS, AND AS DIRECTED. IN LOCATIONS WHERE THE DEPTH OF UNSUITABLE SOILS BELOW PIPE INVERT EXCEEDS EXCAVATABLE DEPTHS, BEDDING TYPE "B" SHALL BE USED. EXCAVATION TO DEPTHS IN EXCESS OF 10 FEET BELOW PIPE INVERT MAY BE REQUIRED, AS DIRECTED BY THE ENGINEER. THE LOCATION OF POTENTIAL BEDDING TYPES AND POTENTIAL POOR SOIL BOUNDARIES, IF SHOWN, ARE SHOWN FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL NOT RELY ON OR ASSUME ANY LEVEL OF ACCURACY OF SUCH INFORMATION. THE LOCATION OF BEDDING TYPES AND METHODS USED SHALL BE DETERMINED IN THE FIELD BY THE ENGINEER, BASED ON ACTUAL SOIL CONDITIONS ENCOUNTERED.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL OF THIS LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA.

USE	PIPE MATERIAL	PIPE CLASS	BEGIN	END
DISCHARGE	PVC	C505 DR14	400+83.88	414+50



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October 26, 2011

Jeff Wieden
6901 78th Ave. N.
Brooklyn Park, MN 55455

RE: Project Review – Oak Glen Estates

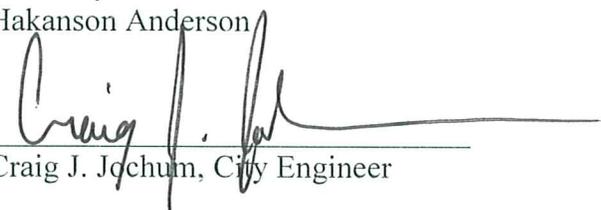
Dear Mr. Wieden:

We have completed a review of the Oak Glen Estates subdivision. We have the following comments that need to be addressed prior to the release of the Letter of Credit:

1. Saw and seal cracked curb. There are five areas that have to be repaired. The areas are marked with white paint in the street.
2. Remove the silt fence from around the stormwater pond.
3. Repair the erosion around the riprap near FES A. Seed and blanket all disturbed areas. Two photos showing the erosion are attached.
4. Mill and patch the depression in the bituminous at approximately station 1+00 right. The area is marked with white paint. A photo showing the depression is attached.
5. Remove sediment from gutter west of CB 101 (see attached photo). Verify that the curb has not settled in this area.

The Letter of Credit is scheduled to expire on November 18, 2011. This work shall be completed prior to November 11, 2011 and all outstanding invoices shall be paid or the City will pull the Letter of Credit and exercise their option to contract the work. If you have any questions please call me at 763-852-0485.

Sincerely,
Hakanson Anderson



Craig J. Jochum, City Engineer

CJJ:tae

cc: Jack Davis, City Administrator
Stephanie Hanson, City Planner
Nate Ayshford, Public Works Manager
Mark Vierling, City Attorney

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

RESOLUTION 2011-56

**RESOLUTION APPROVING APPLICATION FOR A RAFFLE PERMIT WITH
NO WAITING PERIOD FOR ST. FRANCIS BLUE LINE CLUB AT
HUNTERS INN**

WHEREAS, St. Francis Blue Line Club has made application for a gambling permit for a raffle to be held on January 1, 2012 at Hunters Inn, 20454 Highway 65 NE, East Bethel, MN 55011.

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA that the gambling permit application for the St. Francis Blue Line Club for a raffle to be held on January 1, 2012 at Hunters Inn, 20454 Highway 65 NE, East Bethel, MN 55011 is approved with no waiting period.

Adopted by the East Bethel City Council on this 2nd day of November, 2011.

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

LG220 Application for Exempt Permit

An exempt permit may be issued to a nonprofit organization that:

- conducts lawful gambling on five or fewer days, and
- awards less than \$50,000 in prizes during a calendar year.

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

ORGANIZATION INFORMATION

Check # _____ \$ _____

Organization name: ST. FRANCIS BLUE LINE CLUB Previous gambling permit number: _____

Minnesota tax ID number, if any: 80-0412454 Federal employer ID number, if any: _____

Type of nonprofit organization. Check one.
 Fraternal Religious Veterans Other nonprofit organization

Mailing address: P.O. BOX 153 City: ST. FRANCIS State: MN Zip Code: 55070 County: ANOKA

Name of chief executive officer (CEO): Brad Kachler Daytime phone number: 612-599-6395 Email address: KACHLERBRAD@CONCAST.NET

Attach a copy of ONE of the following for proof of nonprofit status.

Do not attach a sales tax exempt status or federal employer ID number as they are not proof of nonprofit status.

Nonprofit Articles of Incorporation OR a current Certificate of Good Standing .
 Don't have a copy? This certificate must be obtained each year from:
 Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155
 Phone: 651-296-2803

IRS income tax exemption [501(c)] letter in your organization's name.
 Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.

IRS - Affiliate of national, statewide, or international parent nonprofit organization (charter)
 If your organization falls under a parent organization, attach copies of both of the following:
 a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and
 b. the charter or letter from your parent organization recognizing your organization as a subordinate.

GAMBLING PREMISES INFORMATION

Name of premises where the gambling event will be conducted. For raffles, list the site where the drawing will take place.
HUNTERS INN 20454 Highway 65 Cedar, MN 55011-9405

Address (do not use PO box) City or township Zip Code County

JAN 1, 2012 2PM

Date(s) of activity (for raffles, indicate the date of the drawing)

Check the box or boxes that indicate the type of gambling activity your organization will conduct:
 Bingo* **Raffles** Paddlewheels* Pull-Tabs* Tipboards*

* **Gambling equipment** for pull-tabs, bingo paper, tipboards, and paddlewheels must be obtained from a distributor licensed by the Gambling Control Board. EXCEPTION: Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo.

To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors, or call 651-629-4000

LOCAL UNIT OF GOVERNMENT ACKNOWLEDGMENT

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

___ The application is acknowledged with no waiting period.

___ The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days (60 days for a 1st class city).

___ The application is denied.

Print city name _____

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

Title _____ Date _____

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

___ The application is acknowledged with no waiting period.

___ The application is acknowledged with a 30 day waiting period, and allows the Board to issue a permit after 30 days.

___ The application is denied.

Print county name _____

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

Title _____ Date _____

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

Print township name _____

Signature of township official acknowledging application

Title _____ Date _____

CHIEF EXECUTIVE OFFICER'S SIGNATURE

Print form and have CEO sign

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

Chief executive officer's signature B.L. Kaehl Date 10-26-2011

Complete a separate application for each gambling event:

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

Send application with:

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

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

Financial report and recordkeeping required

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

Questions?

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

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

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

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

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

Reset Form

[Home \(/\)](#)[Search \(/Business/Search\)](#)[Filings \(/Business/Filings\)](#)

Search » Business Filings

[« Back to Search Results](#)**Business Record Details »**

Minnesota Business Name

St. Francis Blue Line Club

Business Type

Nonprofit Corporation (Domestic)

MN Statute

317A

File Number

3341503-2

Home Jurisdiction

Minnesota

Filing Date

5/20/2009

Status

Active / In Good Standing

Renewal Due Date:

12/31/2012

Registered Office Address

**2451 179th Ave NW
Andover MN 55304
USA**

Registered Agent(s)

(Optional) None provided

President

**Brad Kaehler
p.o.box 153
St. Francis MN 55070
USA**

Filing History

Renewal History

Filing History

5/20/2009

Original Filing - Nonprofit Corporation (Domestic)

[File Amendment or Renewal \(/Business/Amendments/3341503-2?status=Active&itemType=Nonprofit%20Corporation%20\(Domestic\)\)](#)



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

Interim Use Permit (IUP) for Domestic Farm Animals in the RR – Rural Residential District

Requested Action:

Consider granting an IUP for Mary Beth and John Kelly for Domestic Farm Animals in the RR – Rural Residential District.

Background Information:

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 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.

Attachments

- 1. Site Location
- 2. Application
- 3. Site Plan

Fiscal Impact:

Not Applicable

Recommendation:

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 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.

City Council Action

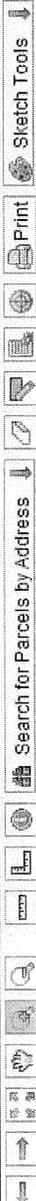
Motion by: _____ Second by: _____

Vote Yes: _____ Vote No: _____

No Action Required: _____

East Bethel On-Line Mapping

Basemap Public Works



Search for Parcels by Address

Print

Sketch Tools

Zoom To



PARCEL INFO

PIN: 123323220003

Acres: 20.2812

TAXPAYER INFO

Name: HENDERSON G D & M L

Address: PO BOX 170

CEDAR, MN 55011-0000

SITE INFO

Address: 22051 DURANT ST NE

EAST BETHEL, MN 55011-4754

UNPLATTED VILLAGE OF EAST BETHEL THE N1/2 OF NW1/4 OF NW1/4 OF SEC 12-33-23 ANOKA

Legal: CNTY, MN(SUBJ TO EASE FOR PUBLIC ROADWAY OVER THE W 33 FT THEREOF)

PLANNING INFO

Zoning: RR

Zoom to Parcel

PRINT REPORT



X,Y: 527819.30946, 222050.70005 Lat, Lon: 45.370, -93.159 USNG: 15TVJ 9756124050 Scale: 1:7567

City of East Bethel designed by GIS RANGERS



LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	10/3/11
By	[Signature]
Fee \$	150
CK#	3849

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

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

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

LOCATION: PID 12-33-23-22-0003 Legal: Lot _____ Block _____ Subdivision _____

PROPERTY ADDRESS: 22051 DURANT ST NE PRESENT ZONING: _____

PROPERTY OWNER SALE IS SCHEDULED TO CLOSE 10/19/2011

CONTACT NAME JOHN KELLY AND MARY BETH KELLY PHONE (C) 612-600-2324

ADDRESS 22051 DURANT ST NE FAX (H) 651-464-4354

CITY/STATE/ZIP EAST BETHEL MN 55011 E-MAIL mb-kelly@hotmail.com

APPLICANT JOHN AND MARY BETH KELLY

CONTACT NAME KELLY PHONE SEE ABOVE

ADDRESS 22051 DURANT ST NE FAX _____

CITY/STATE/ZIP EAST BETHEL MN 55011 E-MAIL ↓

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

<u>[Signature]</u> Property Owner's Signature	<u>JOHN T KELLY</u> Printed Name	<u>10.1.2011</u> Date
<u>[Signature]</u>	<u>MARY BETH KELLY</u>	<u>10.1.2011</u>

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	_____	_____	
Planning Commission	<u>10/25/11</u>	_____	
City Council	<u>11/2/11</u>	_____	
<u>12/2/11</u> 60 Day _____ 120 Day _____			

Attachment #2

City of East Bethel
Land Use Application - IUP
Supplemental Page
10/01/2011

Mary Beth Kelly
22051 Durant St NE
East Bethel, MN 55011

Application is hereby made for:

The keeping of domestic farm animals in accordance with the equivalents defined in the Code of Ordinances; Chapter 10 – Animals; Article V. – Farm Animals.

The property at 22051 Durant St NE, is 20 acres with approximately ten acres of available pasture with a pole barn adjacent to the pasture. We would like to be approved to keep a combination of equines, goats or sheep and chickens or pheasant/quail.

We currently own one equine and we intend to adopt or purchase one or two more. Also, in the past I have fostered horses for the Minnesota Hooved Animal Rescue. I would like to foster horses again for either the MHAR or another equine rescue, if I do foster for a rescue I would not foster more than two horses at a time.



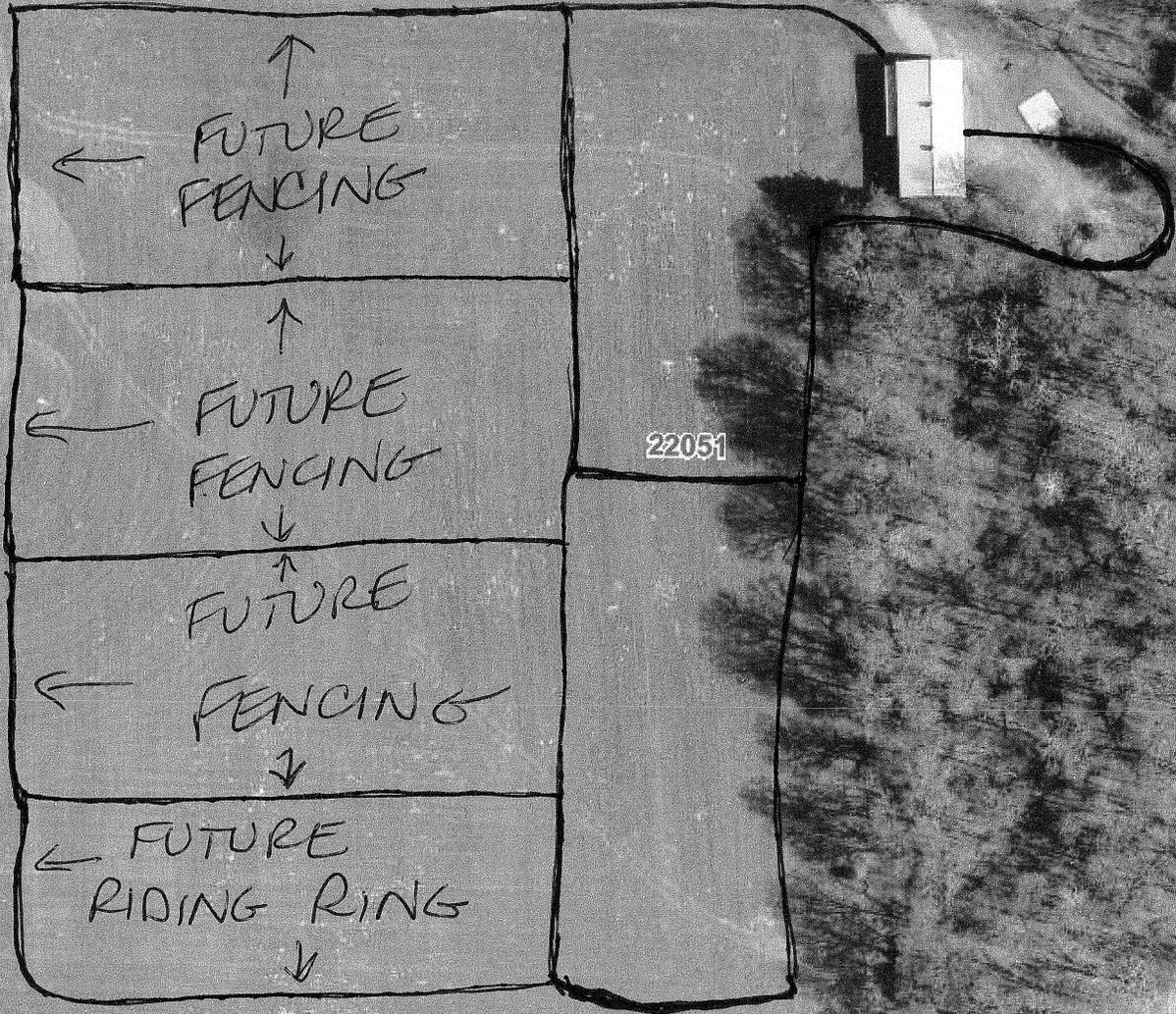
22051 DURANT ST NE



THE FIELD AREA IS APPROXIMATELY TEN ACRES

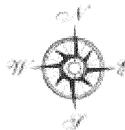


22051 DURANT ST NE



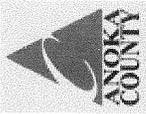
Scale 1:1200

Aerial Photo: Flown Spring 2008



Anoka County GIS
 Department Disclaimer:
 This is a compilation of records as they appear in the Anoka County Offices affecting the area shown. This drawing is to be used for reference purposes only and the County is not responsible for any inaccuracies contained herein.

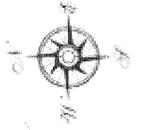




22051 DURANT ST NE



Scale: 1:600



Aerial Photo: Flown Spring 2008



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Administrative Subdivision – Lot Line Adjustment for Mary Henrikson

Requested Action:

Consider an Administrative Subdivision for a Lot Line Adjustment in the RR – Rural Residential District

Background Information:

Property Owner:

Mary Henrikson
2859 – 221 Ave. NE
East Bethel, MN 55011
PIN 033323340004

Applicant:

Kenneth Henrikson
22309 Bataan St. NE
East Bethel, MN 55011
PIN 033323310002

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.

Attachments:

- 1. Location Map
- 2. City Application
- 3. Proposed Administrative Subdivision

Fiscal Impact:

None at this time

Recommendation:

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 following:

- 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.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



LAND USE APPLICATION

OFFICE USE ONLY
 Date Rec'd 9/23/11
 By Shang
 Fee \$ 300 App fee
\$1,000 escrow
\$55 filing fee

Check appropriate box: VARIANCE CUP IUP FINAL PLAT

BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER ADMIN. SUBDIVISION

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

Application is hereby made for due property (provide narrative below describing proposed use).
line adjustment.

LOCATION: PID 03 33 23 34 0004 Legal: Lot _____ Block _____ Subdivision _____

PROPERTY ADDRESS: 2859 221st Ave NE PRESENT ZONING: RR

PROPERTY OWNER

CONTACT NAME Mary A Henrikson PHONE 763-434-5274
 ADDRESS 2859-221 Ave. NE. FAX _____
 CITY/STATE/ZIP E. Bethel, MN. 55011 E-MAIL _____

APPLICANT

CONTACT NAME Kenneth Henrikson PHONE 763-434-3302
PIN 03 33 33 31 0002 Cell - 763-300-4355
 ADDRESS 22309 Bataan St NE FAX _____
 CITY/STATE/ZIP E. Bethel, Minn. 55011 E-MAIL _____

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

Mary A Henrikson
 Property Owner's Signature

Mary A. Henrikson
 Printed Name

9-19-11
 Date

OFFICE USE ONLY - DO NOT COMPLETE

	Received	Approved/Denied	Notes
Community Dvlp.	_____	_____	
Planning Commission	<u>NA</u>	_____	
City Council	<u>11/2/11</u>	_____	
	<u>11/22/11</u> 60 Day _____ 120 Day		

Attachment #2

1 pm

PROPOSED MINOR SUBDIVISION ~for~ Henrikson Family

EXISTING PROPERTY DESCRIPTION (#2859 - 221ST AVE. N.E.)

The Southeast Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, EXCEPT the easterly 300.00 feet thereof, also EXCEPT that part of said Southeast Quarter of the Southwest Quarter described as follows:

Beginning at a point on the south line of said Southeast Quarter of the Southwest Quarter 317.5 feet east of the southwest corner thereof; thence easterly along said south line 200.00 feet; thence northerly at right angles 653.4 feet; thence westerly parallel with said south line 200.00 feet; thence south at right angles 653.4 feet to the point of beginning,

Description per abbreviated tax description per county online records.
Existing Property Identification Number: 03-33-23-34-0004

EXISTING PROPERTY DESCRIPTION (#22309 Bataan St. N.E.)

That part of the Northeast Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Commencing at the southwest corner of the Northeast Quarter of the Southwest Quarter; thence easterly along the south of said Northeast Quarter of the Southwest Quarter a distance of 208.73; thence north and parallel with the west line of said Northeast Quarter of the Southwest Quarter 208.73 feet; thence west and parallel with the first course a distance of 208.73 feet more or less, to a point where said line intersects the west line of said Northeast Quarter of the Southwest Quarter; thence southerly along said west line to the point of beginning.

Description per abbreviated tax description per county online records.
Existing Property Identification Number: 03-33-23-31-0002

PROPOSED "PARCEL A" PROPERTY DESCRIPTION

That part of the Northeast Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Commencing at the southwest corner of the Northeast Quarter of the Southwest Quarter; thence easterly along the south of said Northeast Quarter of the Southwest Quarter a distance of 208.73; thence north and parallel with the west line of said Northeast Quarter of the Southwest Quarter 208.73 feet; thence west and parallel with the first course a distance of 208.73 feet more or less, to a point where said line intersects the west line of said Northeast Quarter of the Southwest Quarter; thence southerly along said west line to the point of beginning.

and

That part of the Southeast Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

Beginning at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 58 minutes 54 seconds East (assumed bearing) along the south line of said Southeast Quarter of the Southwest Quarter 317.50 feet; thence northerly at right angles at a bearing of North 00 degrees 01 minute 06 seconds West 653.40 feet; thence North 89 degrees 58 minutes 54 seconds East, parallel with the south line of said Southeast Quarter of the Southwest Quarter a distance of 200.00 feet; thence North 52 degrees 53 minutes 23 seconds East 272.04 feet; thence North 89 degrees 44 minutes 32 seconds East 358.67 feet to the west line of the east 300.00 feet of said Southeast Quarter of the Southwest Quarter; thence North 05 degrees 08 minutes 37 seconds East along said east line 511.60 feet to the north line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 38 minutes 43 seconds West along said north line 1019.43 feet to the northwest corner of said Southeast Quarter of the Southwest Quarter; thence South 05 degrees 09 minutes 25 seconds West along the west line of said Southeast Quarter of the Southwest Quarter 1536.65 feet to the point of beginning.

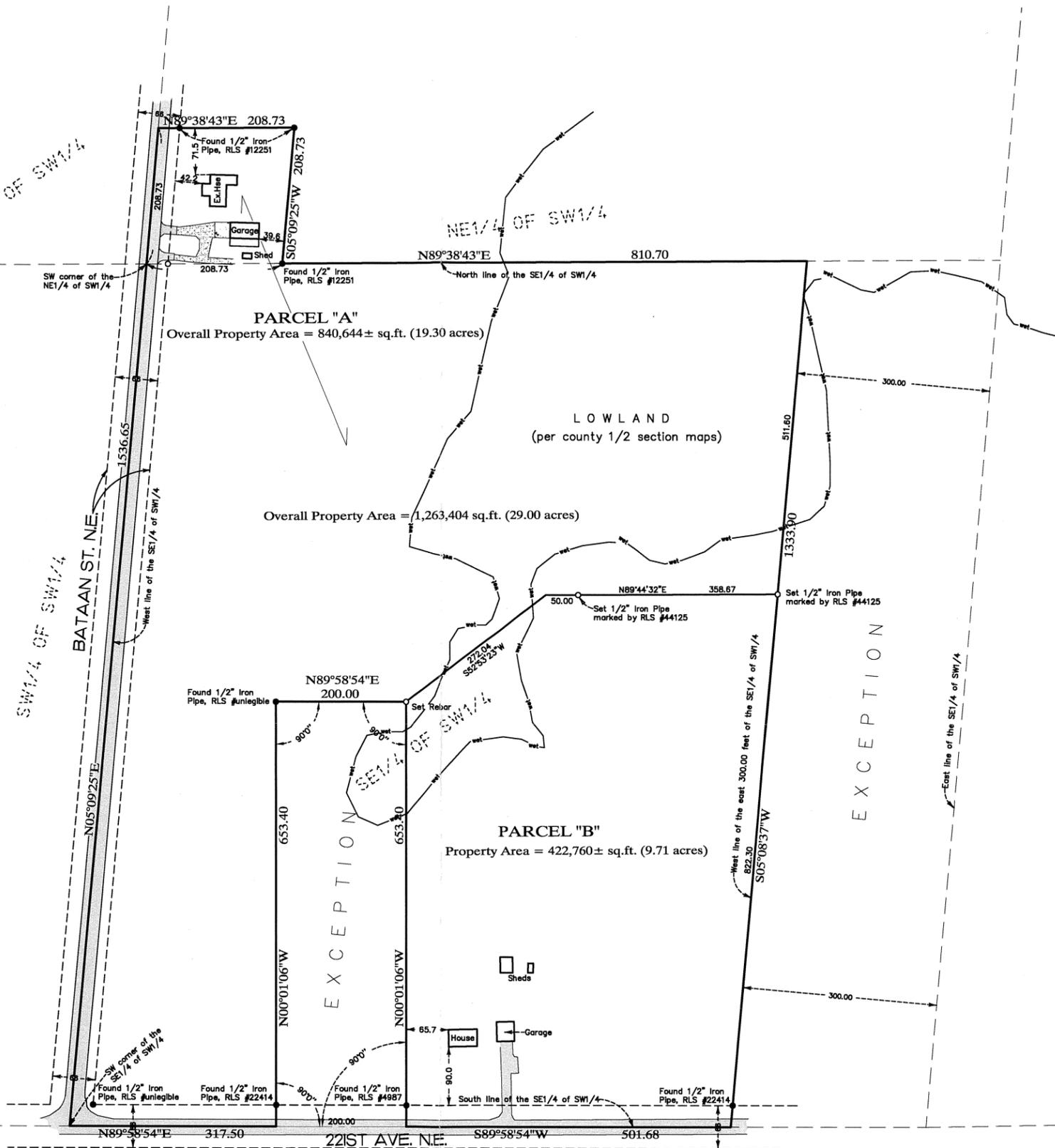
Subject to roadways and any easement or valid restrictions of record.

PROPOSED "PARCEL B" PROPERTY DESCRIPTION

That part of the Southeast Quarter of the Southwest Quarter of Section 3, Township 33, Range 23, Anoka County, Minnesota, described as follows:

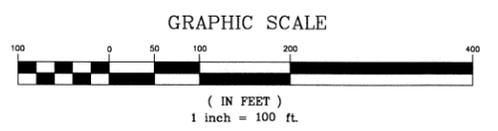
Commencing at the southwest corner of said Southeast Quarter of the Southwest Quarter; thence North 89 degrees 58 minutes 54 seconds East (assumed bearing) along the south line of said Southeast Quarter of the Southwest Quarter 517.50 feet to the point of beginning of the land to be described; thence northerly at right angles at a bearing of North 00 degrees 01 minute 06 seconds West 653.40 feet; thence North 52 degrees 53 minutes 23 seconds East 272.04 feet; thence North 89 degrees 44 minutes 32 seconds East 358.67 feet to the west line of the east 300.00 feet of said Southeast Quarter of the Southwest Quarter; thence South 05 degrees 08 minutes 37 seconds West 822.30 feet to the south line of said Southeast Quarter of the Southwest Quarter; thence South 89 degrees 58 minutes 54 seconds West along said south line 501.68 feet to the point of beginning.

Subject to roadways and any easement or valid restrictions of record.



- LEGEND**
- DENOTES IRON MONUMENT FOUND
 - DENOTES IRON MONUMENT SET
 - ▨ DENOTES GRAVEL
 - ▩ DENOTES CONCRETE
 - ▧ DENOTES BITUMINOUS

- NOTES**
- Bearings shown are on assumed datum.
 - Field survey conducted on 09/14/2011.
 - No titework furnished to surveyor.



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

ERIC R. VICKARYOUS Date: Sept. 22nd, 2011 Reg. No. 44125



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

8.0 A.2

Agenda Item:

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

Requested Action:

Consider Approving Renewal of IUP for a Home Occupation at 1507 205th Avenue NE

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.

As part of the conditions of the IUP, Mr. Christensen is to submit an approved MN Vehicle Dealer License and obtain a license from the city. Mr. Christensen has been in the process of setting up and organizing the business; therefore, he is in the process of completing the required licenses.

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.

Attachments:

1. Application
2. IUP Agreement
3. November 17, 2010 City Council Meeting Minutes
4. Site Plan of Property

Fiscal Impact:

NA

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 205th 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. 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.
10. Body work and detailing is not allowed as part of the business.

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 – 221st Avenue Northeast
East Bethel, Minnesota 55011

Re: Home Operation – Auto Repair Interim Use Permit Renewal
1507 – 205th 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 205th 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 205th 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 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

Dated: November 23, 2010

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

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

Parcel Location: 1507 205th Avenue NE
Anoka County
East Bethel, MN 55011

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

Present Zoning District: R1 – Single Family Residential

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

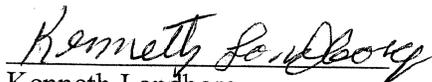
exceed two square feet.” Signs must be placed on the business’ property as directional signs are not allowed.

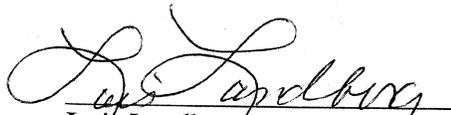
3. No more than three persons, at least one of whom shall reside within the principal dwelling, shall be employed by the home occupation.
4. The automotive repair/home occupation will be limited to occupy 4800 square feet of the detached accessory structure and no more than 50% of the principal structure.
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:

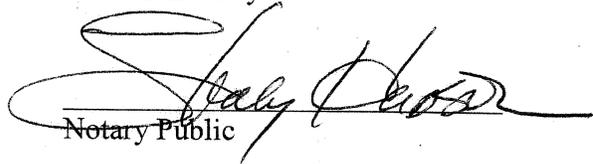

Kenneth Landborg


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

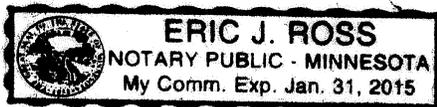
The undersigned applicant hereby accepts the foregoing conditions and agreed to be bound thereby.

APPLICANT:


Tim Christensen

STATE OF MINNESOTA)
) ss.
COUNTY OF Anoka)

On this 20th day of January, ~~2010~~²⁰¹¹, 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 - 221ST AVENUE NE
EAST BETHEL, MN 55011
763-367-7840

Boyer made a motion to approve the request of LaVonne Murphy at 2557 225th 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 205th
 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 205th 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 205th Avenue NE with the conditions noted in your agenda materials.

Boyer made a motion to approve the request of Tim Christensen at 1507 205th 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.

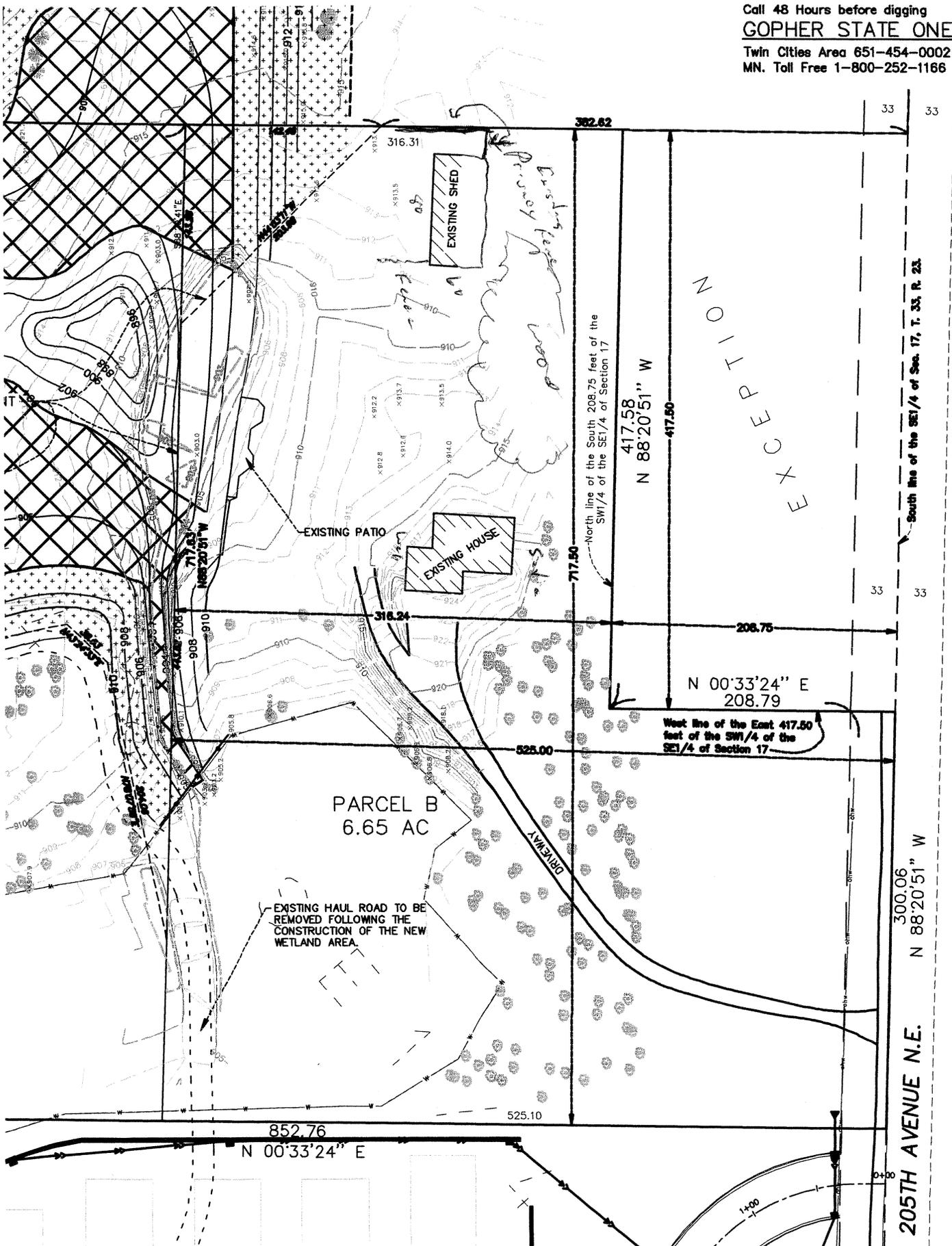
Schoolhouse Task Force Sell explained that earlier this year, the City Council directed the relocation of a historical schoolhouse to Booster East Park. The move was completed on October 21, 2010. It has been suggested that the schoolhouse could be used as a trail head and interpretive center.

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.

Call 48 Hours before digging
GOPHER STATE ONE
 Twin Cities Area 651-454-0002
 MN. Toll Free 1-800-252-1166



Attachment #4



City of East Bethel City Council Agenda Information

Date:

November 2, 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.

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.

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 2nd day of November, 2011 by the City Council of the City of East Bethel.

For the City:

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

Adopted: November 2, 2011
Summary Published: November 11, 2011
Effective: November 11, 2011



City of East Bethel City Council Agenda Information

Date:

November 2, 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

Recommendation(s):

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

City Council Action

Motion by: _____

Second by: _____

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. _____ is hereby adopted and is on file with the City of East Bethel, 2241 – 221st 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 2nd day of November, 2011 by the City Council of the City of East Bethel.

For the City:

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator

Adopted: November 2, 2011
Published: November 11, 2011
Effective: November 11, 2011

**ORDINANCE NO. 32, SECOND SERIES. AN ORDINANCE AMENDING
CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS.**

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, REPEALLING OR ADOPTING SECTIONS 14-1 THROUGH 14-271.

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:

This ordinance adopts section 14-1, which establishes minimum requirements.

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 14-22 has been modified and amended to provide for permit fee refunds.

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 an Electrical Code for the City of East Bethel, compliant with Minn. Stat. §326B.381 to §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 of East Bethel, 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 of East Bethel. Requiring a Building Official to review and approve plans for transportation, routes, travel times, and safety requirements regarding same.

The Ordinance repeals Section 14-185 through 14-191 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 of East Bethel, 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 of the 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. 31, Second Series, An Ordinance Amending Chapter 14, Buildings and Building Regulations is hereby adopted and is on file with the City of East Bethel, 2241 – 221st 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 MINNESOTA STATUTES §412.191.

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

Adopted by the City Council of the City of East Bethel on this 2nd day of November, 2011.

For the City:

ATTEST:

Richard Lawrence, Mayor

Jack Davis, City Administrator

Adopted: November 2, 2011
Published: November 11, 2011

CONTRACTOR'S PAY REQUEST		DISTRIBUTION:
East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project		CONTRACTOR (1)
CITY OF EAST BETHEL, MN		OWNER (1)
PROJECT NO. C12.100028		ENGINEER (1)
Pay Estimate No. 6		BONDING CO. (1)
TOTAL AMOUNT BID		\$11,686,468.20
CHANGE ORDER NO. 1 (REVISED)		\$324,949.43
CHANGE ORDER NO. 2		\$43,536.10
EXTRA WORK		\$2,492.00
TOTAL AMOUNT BID PLUS APPROVED CHANGE ORDERS		\$12,057,445.73
MCES STORED MATERIALS TO DATE		\$1,010,333.55
EAST BETHEL STORED MATERIALS TO DATE		\$365,431.25
TOTAL, STORED MATERIALS TO DATE		\$1,375,764.80
DEDUCTION FOR MCES STORED MATERIALS USED IN WORK COMPLETED		\$623,396.55
DEDUCTION FOR EAST BETHEL STORED MATERIALS USED IN WORK COMPLETED		\$173,694.19
TOTAL DEDUCTION FOR STORED MATERIALS USED IN WORK COMPLETED		\$797,090.74
TOTAL DUE MCES STORED MATERIALS TO DATE		\$386,937.00
TOTAL DUE EAST BETHEL STORED MATERIALS TO DATE		\$191,737.06
TOTAL DUE, STORED MATERIALS TO DATE		\$578,674.06
TOTAL, MCES COMPLETED WORK TO DATE		\$2,275,430.42
TOTAL, EAST BETHEL COMPLETED WORK TO DATE		\$1,898,714.02
TOTAL, COMPLETED WORK TO DATE		\$4,174,144.44
TOTAL, COMPLETED MCES WORK & STORED MATERIALS		\$2,662,367.42
TOTAL, COMPLETED EAST BETHEL WORK & STORED MATERIALS		\$2,090,451.08
TOTAL, COMPLETED WORK & STORED MATERIALS		\$4,752,818.50
MCES RETAINED PERCENTAGE (5%)		\$133,118.37
EAST BETHEL RETAINED PERCENTAGE (5%)		\$104,522.55
TOTAL RETAINED PERCENTAGE (5%)		\$237,640.93
TOTAL EARNED LESS RETAINAGE MCES TO DATE		\$2,529,249.05
TOTAL EARNED LESS RETAINAGE EAST BETHEL TO DATE		\$1,985,928.53
TOTAL EARNED LESS RETAINAGE TO DATE		\$4,515,177.58
TOTAL, MCES AMOUNT PAID ON PREVIOUS ESTIMATES		\$2,231,700.04
TOTAL EAST BETHEL AMOUNT PAID ON PREVIOUS ESTIMATES		\$1,701,493.83
TOTAL AMOUNT PAID ON PREVIOUS ESTIMATES		\$3,933,193.87
MCES THIS ESTIMATE		\$297,549.01
EAST BETHEL THIS ESTIMATE		\$284,434.70
PAY CONTRACTOR AS ESTIMATE NO. 6		\$581,983.71

Certificate for Partial Payment

I hereby certify that, to the best of my knowledge and belief, all items quantities and prices of work and material shown on this Estimate are correct and that all work has been performed in full accordance with the terms and conditions of the Contract for this project between the Owner and the undersigned Contractor, and as amended by any

authorized changes, and that the foregoing is a true and correct statement of the contract amount for the period covered by this Estimate.

Contractor: S.R. Weidema, Inc.
17600 113th Avenue North
Maple Grove, MN 55369

By [Signature] Name Tal Title

Date 10/26/11

CHECKED AND APPROVED AS TO QUANTITIES AND AMOUNT:

ENGINEER: BOLTON & MENK, INC., 2638 SHADOW LANE SUITE 200 CHASKA, MN 55318

By [Signature], PROJECT ENGINEER

Date 10/26/11

APPROVED FOR PAYMENT:

OWNER:

By _____
Name Title Date

And _____
Name Title Date

CITY BOND SPLIT CALCULATIONS

SECTION	SUBTOTALS	SEWER	WATER	DESCRIPTION	CHECK TOTALS
MOBILIZATION	\$83,180.09	\$47,875.11	\$35,304.98	Apportioned	
REMOVALS	\$22,343.95	\$12,860.28	\$9,483.67	Apportioned	
DISCHARGE PIPING	\$0.00	\$0.00	\$0.00	Apportioned	
STREET & STORM SEWER	\$211,878.96	\$121,949.00	\$89,929.96	Apportioned	
EROSION CONTROL & RESTORATION	\$31,404.73	\$18,075.30	\$13,329.43	Apportioned	
OPTION 1 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
OPTION 2 PILING	\$0.00	\$0.00	\$0.00	Apportioned	
CHANGE ORDERS	\$237,866.97	\$118,933.48	\$118,933.48	50%	
STORED MATERIALS	\$191,737.06	\$ 70,015.41	\$121,721.65	By Type	
	\$ -				
SANITARY SEWER	\$755,157.01	\$755,157.01			
WATERMAIN	\$556,882.30		\$556,882.30		\$191,737.06
TOTALS		\$1,144,865.60	\$945,585.48		\$1,898,714.02
Total - Retainage		\$1,087,622.32	\$898,306.21		\$1,985,928.53
PREVIOUS ESTIMATE 1		\$69,994.94	\$50,473.59		\$120,468.53
PREVIOUS ESTIMATE 2		\$286,687.28	\$276,737.92		\$563,425.20
PREVIOUS ESTIMATE 3		\$44,077.24	\$84,713.16		\$128,790.40
PREVIOUS ESTIMATE 4		\$191,282.62	\$235,041.58		\$426,324.20
PREVIOUS ESTIMATE 5		\$313,878.85	\$148,606.65		\$462,485.49
THIS ESTIMATE		\$181,701.39	\$102,733.31		\$284,434.70
		Sewer Total	Water Total		Check Total

Partial Pay Estimate No.:

East Bethel Gravity Interceptor & Discharge & Utility Infrastructure Project

CITY OF EAST BETHEL, MN

PROJECT NO. C12.100028

METROPOLITAN COUNCIL, ENVIRONMENTAL SERVICES Project No. 801602

WORK ORDER NO. THROUGH OCTOBER 30, 2011

LINE NO.	DESCRIPTION	UNIT	PREVIOUS ESTIMATE NO. 22			PREVIOUS ESTIMATE NO. 23			PREVIOUS ESTIMATE NO. 24			PREVIOUS ESTIMATE NO. 25			PREVIOUS ESTIMATE NO. 26			PREVIOUS ESTIMATE NO. 27			
			QUANTITY	UNIT	AMOUNT	QUANTITY	UNIT	AMOUNT	QUANTITY	UNIT	AMOUNT	QUANTITY	UNIT	AMOUNT	QUANTITY	UNIT	AMOUNT	QUANTITY	UNIT	AMOUNT	
223	02530 GRAVITY SEWER PILING CONCRETE - PILE CAP, GRADE BEAM, MH BASE	\$498.92																			
224	02530 GRAVITY SEWER PILING STEEL - PILE CAP, GRADE BEAM, MH BASE	\$122.60																			
225	02531 TEST PILE (12 3/4")	\$160,606.66	1.00	EACH	\$160,606.66	1.00	EACH	\$160,606.66													
226	CHANGE ORDER NO. 1 - FUEL COSTS	\$13.90																			
227	114 - 21.6" O.D. HDPE DR7	\$7.83																			
228	137 - 19.5" O.D. HDPE DR 11	\$16.69																			
229	138 - 32" O.D. HDPE DR 11	\$16.18	8.00	EACH	\$129.44	8.00	EACH	\$129.44													
230	101 - Sanitary Sewer Casting	\$90.84																			
231	102 - Watertight Casting	\$26.13	6.00	EACH	\$156.78	6.00	EACH	\$156.78													
232	196 - Catch Basin Casting	\$15.03																			
233	223 - Gravity Sewer Piling Concrete	\$0.20																			
234	224 - Gravity Sewer Piling Steel	\$6.61	7,386.00	LF	\$48,821.46	5,524.67	LF	\$36,518.05	1,861.33	LF	\$12,303.41										
235	2770 B616 CONCRETE CURB AND GUTTER - COST SPLITS (11.75 LF)	\$5.74	7,386.00	LF	\$37,964.04	7,386.00	LF	\$37,964.04													
236	2770 B616 CONCRETE CURB AND GUTTER - CITY PORTION (11.75 LF)	\$59.80																			
237	2740 2" TYPE LV4 WEARING COURSE MIXTURE B - STREETS	\$6.80																			
238	2740 2" TYPE LV4 WEARING COURSE MIXTURE B - STREETS	\$1.55																			
239	2770 B616 CONCRETE CURB AND GUTTER	\$12.50																			
241	MH 500 & 50' Inverts	\$1,012.00	1.00	LS	\$1,012.00	1.00	LS	\$1,012.00													
242	Modify Storm Structures on Ulysses & Buchanan	\$1,480.00	1.00	LS	\$1,480.00	1.00	LS	\$1,480.00													
243																					
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272																					
273																					
274																					
275																					
TOTAL AMOUNT:					\$1,593,946.65			\$2,102,156.43			\$305,188.37			\$173,274.00			\$4,174,144.44			\$1,898,714.02	\$2,275,430.42



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Pay Estimate #6 for the Phase 1, Project 1 Utility Improvements

Requested Action:

Consider approval of Pay Estimate #6

Background Information:

Attached is a copy of Pay Estimate #6 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include removals, sanitary sewer, discharge piping, and watermain construction on Ulysses Street north of 187th Avenue, restoration on Ulysses Street south of 187th 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:

Contractor Payment Summary			
	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
Escrow Payment Summary			
	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

Attachments:

1. Pay Estimate #6

Fiscal Impact:

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.

Recommendation(s):

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

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

Auditing RFP

Requested Action:

Consider awarding Auditing Services and approving a letter of engagement for Abdo, Eick and Meyers, LLP.

Background Information:

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.

Attachments:

Audit Quotes

Fiscal Impact:

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

Recommendation(s):

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

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

East Bethel Audit RFP

Firm	3 Year Quote
<u>HLB Tautges Redpath, LTD</u>	<u>\$70,500</u>
<u>Conway, Deuth & Schmiesing, PLLP</u>	<u>\$69,075</u>
<u>Malloy, Montague, Karnowski, Radosevich</u>	<u>\$68,925</u>
<u>Kern, DeWenter, Viere, LTD</u>	<u>\$65,400</u>
<u>LarsonAllen LLP</u>	<u>\$64,630</u>
<u>Goldestsky Etling PA</u>	<u>\$63,685</u>
<u>Smith Schafer & Associates, LTD</u>	<u>\$58,440</u>
<u>ABDO, EICK & MEYERS, LLP</u>	<u>\$57,765</u>



City of East Bethel City Council Agenda Information

Date:

November 2, 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 2nd day of November, 2011.

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 8.0 G.4

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,~~50~~00,000 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.

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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.

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b) 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.

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The PARTIES hereto executed this Contract as of the year and date listed below:

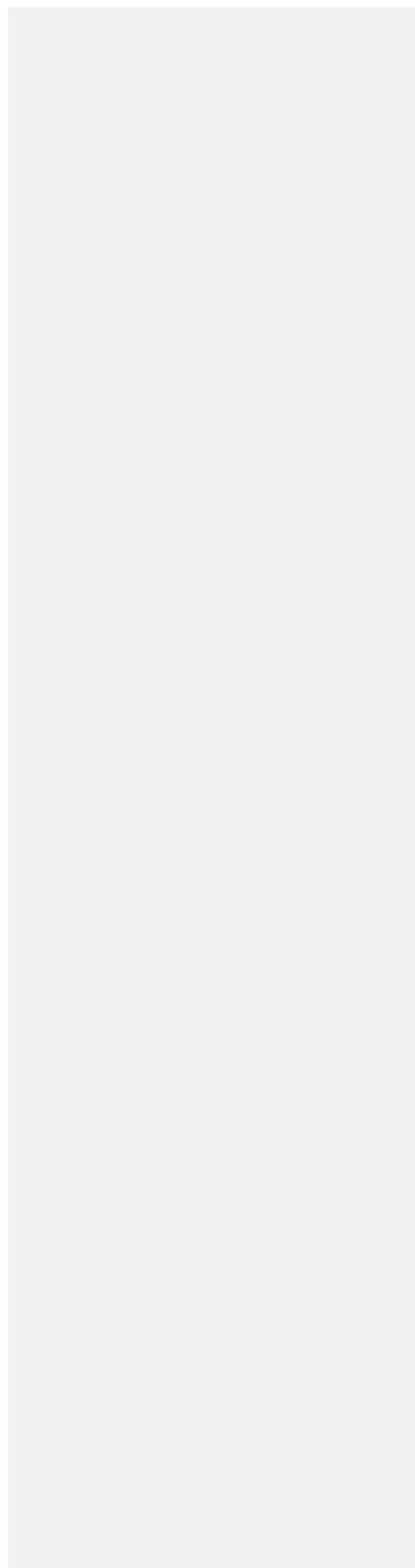
City of East Bethel

By: _____ Date: _____

Contractor: Brian Nelson Inspection Services Inc.

By: _____ Date: _____

|





City of East Bethel City Council Agenda Information

Date:

November 2, 2011

Agenda Item Number:

Item 8.0 G.3

Agenda Item:

Street Vacation Petition

Requested Action:

Consider a request for vacating Sylvan Street

Background Information:

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.

The two residents that adjoin Sylvan Street, Andrew Nelson and Richard Roback, have submitted a petition to have this street vacated. One of the residents, Andy Nelson, was given a license by the City to utilize half the right of way to remediate septic system and well issues. The residents have been advised that since these are platted City streets they must follow the requirements of State Statute 412.851 as follows:

412.851 VACATION OF STREETS.

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

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

- (1) the proposed vacation and the public benefits to do so;
- (2) the present and potential use of the land for access to public waters; and
- (3) how the vacation would impact conservation of natural resources.

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

The petitioners for this street vacation have been advised that the City can not sell this property but they can be charged the City's cost for expenses for this vacation.

At the September 7, 2011 City Council meeting, Council unanimously approve to proceed with process of vacation of Sylvan Street per requirements of 412.851 and upon completion of the requirements this will be presented to Council for final consideration.

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.

Attachment(s):

- Location Map
- Letters Petitioning Vacation
- DNR Response letter

Fiscal Impact:

To be determined

Recommendation(s):

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.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

August 9, 2011

To: Mayor of East Bethel

Regarding: Petition to vacate Sylvan Street to adjacent landholders

The current landowners on either side of Sylvan Street on East Front Blvd. (4640 East Front Blvd., Andrew Nelson and 4636 East Front Blvd., Richard Roback) herein request the City of East Bethel to vacate Sylvan Street equally to the adjacent landholders. We are requesting this action in the interests of the public and due to the challenges of laying out and installing septic systems and wells for adjoining properties at 4640 and 4644 as well as the privacy and security of our homes. We understand that we will be responsible for the reasonable administrative costs incurred by the City to process and finalize this request. We appreciate your consideration as we are currently attempting to mediate the septic and well situation during this 2011 construction season.

A handwritten signature in black ink, appearing to be a cursive combination of the names Richard Roback and Andrew Nelson. The signature is written over a large, faint circular stamp or watermark.

Richard Roback and Andrew Nelson

Printed:

Wed 10 August 2011, 15:37:36 (CDT)

Subject: Final version of vacation petition, fax to Jack David, City Administrator 763 434 9578

From: Andy Nelson <andrewnelson.mmi@earthlink.net>

Date: Tue, 9 Aug 2011 18:04:48 -0500 (GMT-05:00)

To: Richard J Roback <robac003@tc.unn.edu>

CC: andrewnelson.mmi@earthlink.com <andrewnelson.mmi@earthlink.com>

August 9, 2011

To: Mayor of East Bethel

Regarding: Petition to vacate Sylvan Street to adjacent landholders

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Richard Roback and Andrew Nelson

fax to Jack David, City Administrator 763 434 9578

CITY OF EAST BETHEL
CivicSight Map



MAP LEGEND:

- WATER
- PARKS
- PARCELS

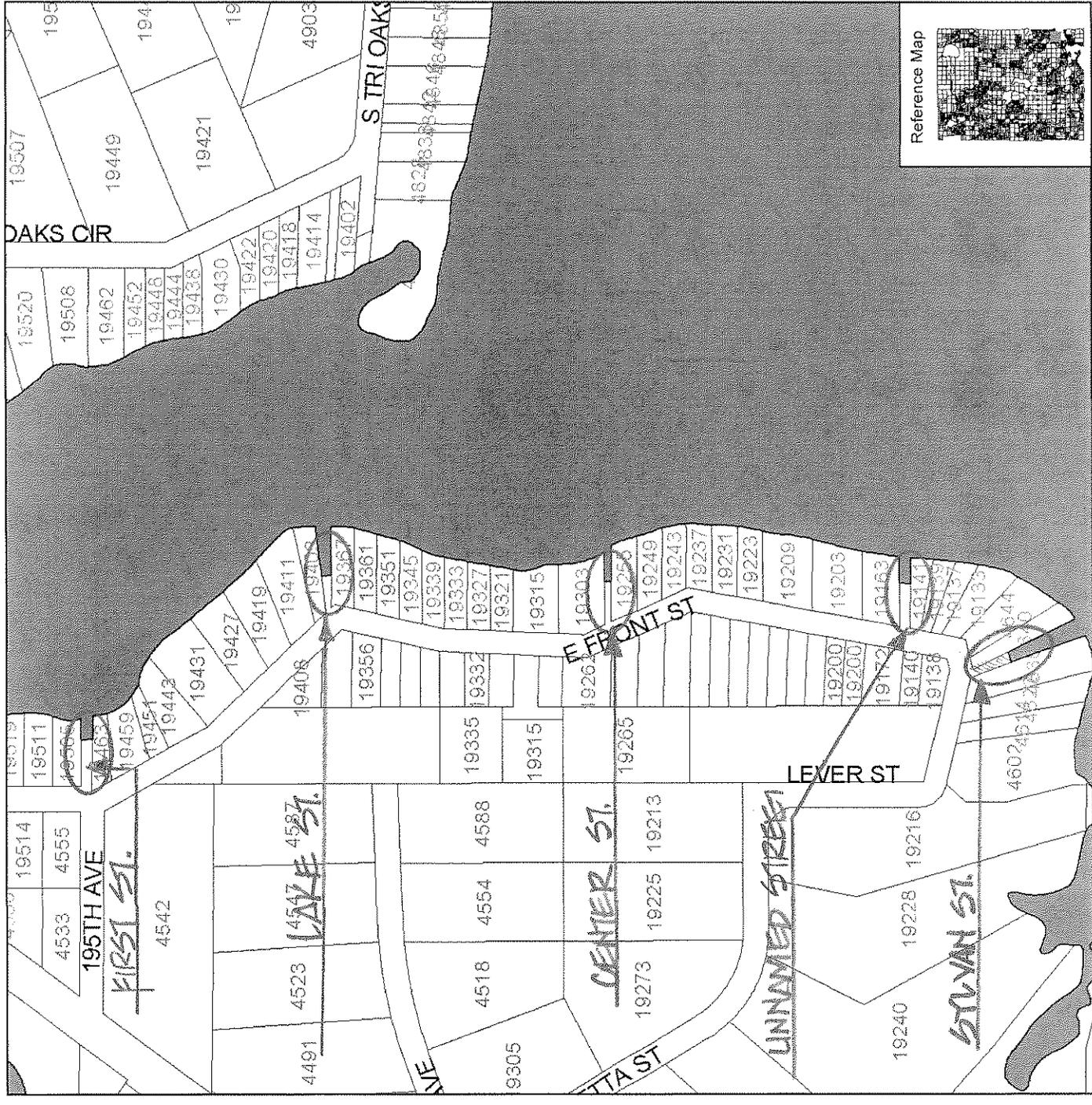
LOCATION MAP



Map Scale: 1 inch = 390 feet
Map Date: 8/12/2011
Data Date: June 24, 2011

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
Enter Map Disclaimer: Here



Minnesota Department of Natural Resources

Division of Lands & Minerals
1200 Warner Road
St. Paul, MN 55106



October 6, 2011

Jack Davies
City Administrator
City of East Bethel
2241 – 221st Avenue NE
East Bethel, MN 55011

RE: Proposed Vacation of Sylvan Street

Dear Mr. Davies:

Thank you for your letter regarding the proposed street vacation in advance of the City/Township/Counties consideration of this request. Your letter was forwarded to me for review and comment, as required by M.S. 412.851.

The City street vacation was described in your letter as follows:

“Sylvan Street, a platted but undeveloped City street in the City of East Bethel”

The Department of Natural Resources has reviewed the proposed action and we oppose the proposed street vacation for the following reasons:

DNR staff have reviewed the proposed vacation of Sylvan Street abutting Coon Lake in the City of East Bethel, Anoka County. Information supplied by the city indicates the privately maintained, unvacated road right of way has approximately 57' frontage on Coon Lake. The proposed vacation area is located a little more than a half mile northeast of the DNR boat launch on Coon Lake, and about a mile across the lake from the county operated boat launch in Coon Lake Park. Coon Lake is a high quality metro area gamefish lake.

In their petition to vacate, the adjoining landowners cited the need to install new septic systems, and privacy and security of their homes as in the interests of the public. Riparian areas of Coon Lake do have many aging septic systems that could potentially degrade water quality in the lake. However, in discussions with the city, staff learned that the adjoining property owners have received a license from the city to install septic in the unvacated

right of way. Vacating this right of way will add no benefit to water quality in Coon Lake. The petition does not specify in what way the vacation would benefit privacy and security or how this would be to the public benefit.

In the assessment of DNR staff, the vacation as proposed is not in the public interest, and would provide no public benefits to match the value of the current public resource.

The unvacated right of way clearly has both present and potential use for access to public waters. We do not advocate any kind of development or 'improvement' of the site, but as it stands, it has potential for passive recreation, walk in canoe or kayak access, shorefishing, and walk on winter access. We cannot precisely anticipate future needs for access on Coon Lake, but once this valuable land leaves public ownership, it is likely gone for good. The mere fact of its proximity to currently managed boat launches (and other unvacated rights of way) on Coon Lake does not cancel this parcel's significant value for current and future access. Were the shoreline allowed to return to an undisturbed state, it would also better support clean water and fisheries habitat goals for the lake. DNR staff would be available to consult with the adjacent owners and the city in shoreline restoration practices.

These DNR comments do not in any way preclude the City of East Bethel from proceeding with the proposed street vacation.

The DNR appreciates the opportunity to comment on the proposed vacation in East Bethel. The DNR does not plan to attend the public hearing. If you would please send the results of the City Council action, it would be appreciated. If you have any questions, please contact Benjamin Schaefer at 651-259-5792 or by email at benjamin.schaefer@state.mn.us. Thank you.

Sincerely,



Keith Parker
Central Region Director

cc: Benjamin Schaefer, DNR
Gloria Johnson, DNR



PUBLIC FORUM SIGN UP SHEET

November 2, 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.

NAME	ADDRESS	PHONE NUMBER	TOPIC

