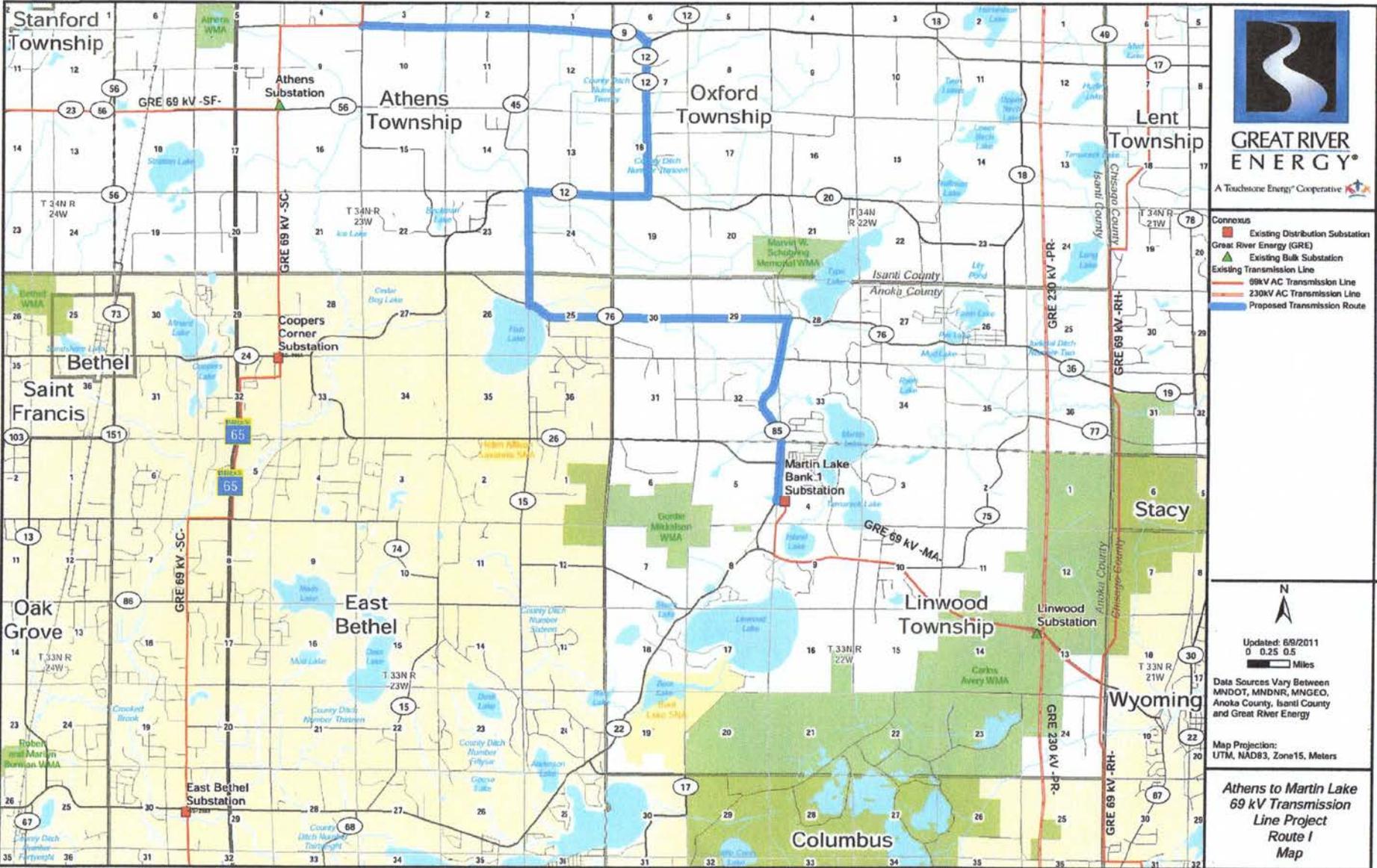


10.0 Other

- 10:00 PM A. Council Reports
- 10:10 PM B. Other
- 10:15 PM Page 119 C. Closed Meeting – Industrial Prospect

10:30 PM 11.0 Adjourn

ROUTE I



GREAT RIVER ENERGY
A Touchstone Energy Cooperative

- Legend**
- Existing Distribution Substation
 - Great River Energy (GRE)
 - Existing Bulk Substation
 - Existing Transmission Line
 - 69kV AC Transmission Line
 - 230kV AC Transmission Line
 - Proposed Transmission Route

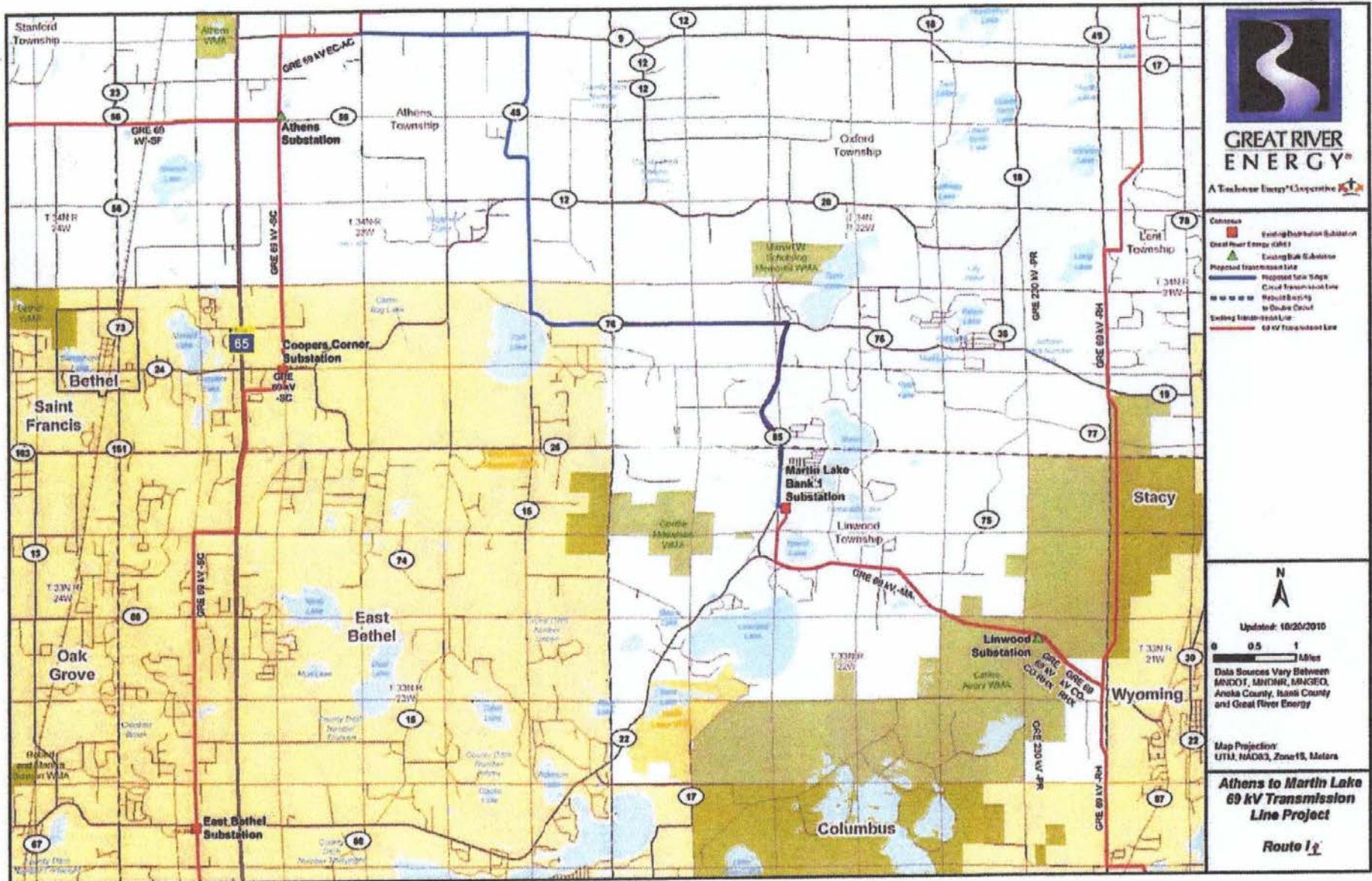
Updated: 6/9/2011
0 0.25 0.5 Miles

Data Sources Vary Between MNDOT, MNDNR, MNGEO, Anoka County, Isanti County and Great River Energy

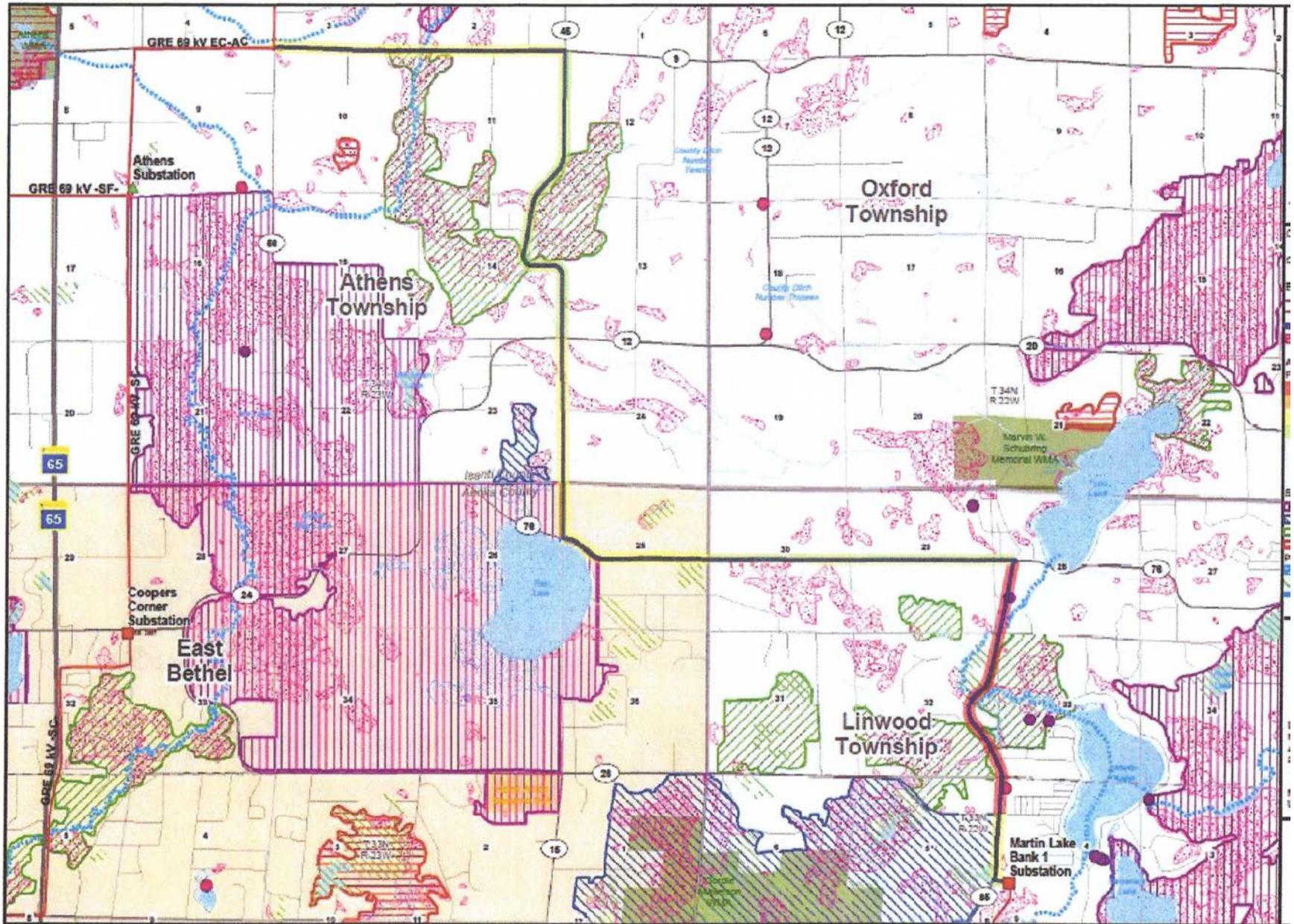
Map Projection: UTM, NAD83, Zone15, Meters

Athens to Martin Lake 69 kV Transmission Line Project Route I Map

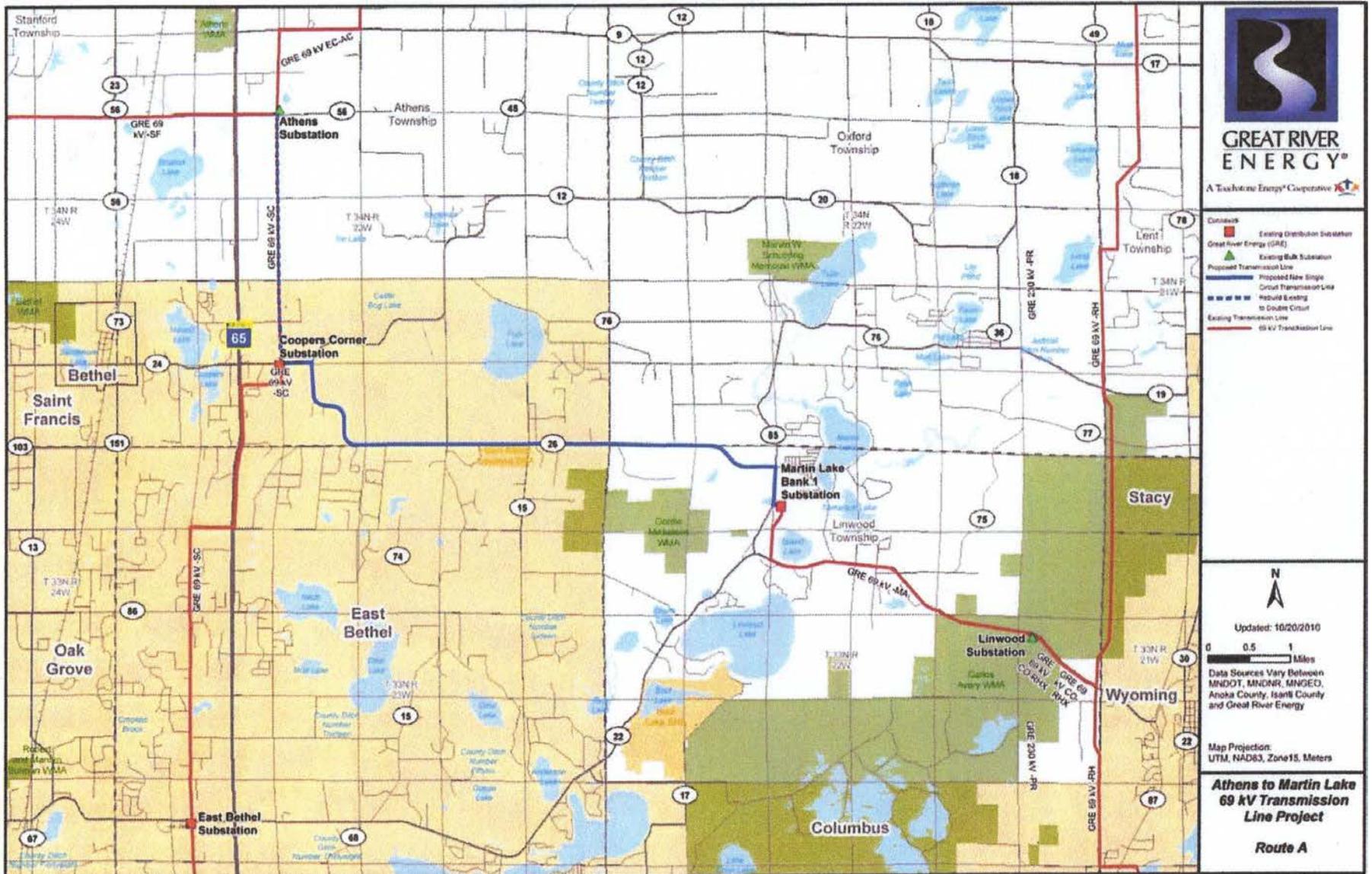
ROUTE 11



ROUTE I1 Environmental



ROUTE A



GREAT RIVER ENERGY[®]

A Taxpayers Energy[®] Cooperative

- CONVENTIONS**
- Existing Distribution Substation
 - Great River Energy (GRE)
 - ▲ Existing Bulk Substation
 - Proposed Transmission Line
 - Proposed 69 kV Single Circuit Transmission Line
 - Existing 69 kV Double Circuit Transmission Line
 - Existing Transmission Line
 - 69 kV Transmission Line



Updated: 10/20/2010



Data Sources Vary Between MNDOT, MNDNR, MNGED, Anoka County, Isanti County and Great River Energy

Map Projection: UTM, NAD83, Zone 15, Meters

Athens to Martin Lake 69 kV Transmission Line Project

Route A



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 4.0 A

Agenda Item:

Monthly Sheriff's Report

Requested Action:

Information Only

Background Information:

Lieutenant Orlando will review the monthly statistics and report on activities for the month of September, 2011.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

CITY OF EAST BETHEL – SEPTEMBER 2011

ITEM	SEPTEMBER	AUGUST	YTD 2011	SEPTEMBER YTD 2010
Radio Calls	416	479	3,649	3,680
Incident Reports	354	440	3,262	3,418
Burglaries	4	10	39	39
Thefts	22	29	176	181
Crim.Sex Cond.	0	0	4	7
Assault	0	4	23	24
Dam to Prop.	4	10	64	86
Harr. Comm.	6	6	33	24
Felony Arrests	2	1	44	33
Gross Mis.	1	1	6	4
Misd. Arrests	9	5	75	139
DUI Arrests	5	7	47	60
Domestic Arr.	5	5	24	25
Warrant Arr.	1	3	40	50
Traffic Arr.	102	105	748	695

**CITY OF EAST BETHEL – SEPTEMBER 2011
COMMUNITY SERVICE OFFICERS**

ITEM	SEPTEMBER	AUGUST	YTD 2011	SEPTEMBER YTD 2010
Radio Calls	21	15	130	114
Incident Reports	23	14	140	117
Accident Assist	1	2	15	7
Veh. Lock Out	1	4	57	12
Extra Patrol	58	48	326	279
House Check	0	1	15	1
Bus. Check	46	57	266	130
Animal Compl.	16	7	63	61
Traffic Assist	3	3	36	36
Aids: Agency	44	58	472	591
Aids: Public	28	21	281	218
Paper Service	17	1	49	20
Inspections	0	0	0	0
Ordinance Viol.	0	0	1	4



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

5.0

Agenda Item:

Public Hearing – Great River Energy (GRE) Conditional Use Permit (CUP)

Requested Action:

Consider Amending Previous Action by Granting a CUP to GRE for Route I1 and the Adoption of Resolution 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1

Background Information:

The City of East Bethel received a CUP application submitted by GRE on March 4, 2011 requesting the City provide CUP approval for a 69 kV Transmission line to be constructed through the City of East Bethel along a Route identified as Route A (attachment #3).

The City of East Bethel, prior to GRE filing for an application for a CUP for Route A, adopted an Ordinance requiring a CUP process for certain lower voltage transmission lines to be located within the City of East Bethel. Pursuant to the Ordinance, the City formed a work group who participated with GRE in reviewing the application and proposed project alternatives at several locations, with GRE supplying analysis to the work group as specified in the Ordinance.

On June 22, 2011, City Council passed Resolution 2011-20 denying GRE’s request for the CUP for Route A. City Council did not select an alternative route to Route A because GRE’s application was for Route A only. No public notices were sent to property owners along routes other than Route A, preventing the selection of an alternative route on June 22, 2011. Adopted Resolution No. 2011-20 has been attached to the report as attachment #5.

Among the alternatives routes most thoroughly reviewed during the CUP process by GRE and the City through its work group, Planning Commission and independent, City-retained expert, Larry Schedin P.E., was Route I and its modification shortening the transmission line length, Route I1. The City has now notified property owners along Route I1 (attachment #3) and adjacent jurisdictions of the public hearing to be held this evening at which City Council will consider the alternative route for the transmission line and amending its June 22, 2011 decision denying the request for the CUP for Route A.

City Ordinance section 2-60 provides in pertinent part: Parliamentary Proceedings Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code.” Roberts Rules allows the City Council to “amend something previously adopted”,

which applies to the City's adoption of Resolution No. 2011-20 with this hearing and Council consideration of Route I1.

During the CUP process and as allowed by Ordinance, the City retained independent technical expert, LLS Resources, LLC, represented by Larry Schedin P.E. and Robert Hoerauf P.E. They concluded during the CUP process that Route I1 is an acceptable alternative to Route A. Attachment #1 is a supplemental report from Mr. Schedin dated October 7, 2011, confirming and providing additional criteria for his opinion supporting Route I1. Mr. Schedin's report from June 17, 2011 is also included as attachment #2.

Attachment #4 is proposed Resolution 2011-52, A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1. Resolution 2011-52 lists the attributes for each route option, and supports Route I1 as an appropriate route for the placement of the GRE transmission line in the City.

GRE favored Route A and rejected Route I1 for reasons it presented during the CUP process. Mr. Schedin, however, considers both Route A and Route I1 to be satisfactory for placement of the 69kV GRE transmission line. Therefore staff recommends that the City Council hold a public hearing and consider the adoption of Resolution 2011-52.

Attachments:

1. Supplemental Report by Larry Schedin, LLS Resources LLC Dated October 7, 2011
2. Report by Larry Schedin, LLS Resources, LLC Dated June 17, 2011
3. Maps of Route A and Route I1
4. Draft Resolution 2011-52, A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1
5. Adopted Resolution 2011-20 Denying GRE Request for a CUP for Route A

Fiscal Impact:

Undetermined

Recommendations:

Staff requests City Council hold a public hearing at which time all persons interested are given an opportunity to be heard.

Once the public hearing is closed, staff requests City Council consider amending its prior Resolution No. 2011-20 adopted June 22, 2011 to provide, in addition to the denial of Route A, that Route I1 be granted as the route for the 69kV GRE transmission line within the City between the Athens and Martin Lake substations and that a Conditional Use Permit be issued with the adoption of Resolution 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1. Staff recommends approval be contingent on the following conditions to be met:

1. That GRE will submit a construction plan prior to commencing the construction of the 69kv line along Route I1, establishing both a construction timetable and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers; and shall submit a plan the provides for undergrounding of facilities in the public right-of-way or other public ground and GRE requests and reasons for exceptions to undergrounding pursuant to Ordinance No. 31.

2. That GRE shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That GRE and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at road crossings along Route I1 within the city of East Bethel, and assure that the relocation of distribution facilities result in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.
4. That GRE execute Conditional Use Permits and Agreements as prepared by City Staff.
5. That pursuant to ordinance Sec 74-214(h): "The applicant may notify the City and request the selection of a different alternative after the City Council's action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location."

The City expects that GRE make a substantive and good faith effort to secure route approval for Route I1 from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel
Athens to Martin Lake 69 KV Line
October 7, 2011 Supplement to Route Selection Report
Dated June 15, 2011 , Revised June 17, 2011

I. Purpose

The LLS Resources, LLC report dated June 17, 2011 (Final Report) recommends two route alternatives for GRE's proposed 69 KV transmission line connecting its Athens and Martin Lake substations. The two routes are called Route A and Route I1. Route A travels through the City mostly in an east-west direction alongside CSAH 26 which borders the south edge of the Cedar Creek Preserve, a significant scientific nature study area owned by the University of Minnesota. Route I1 travels through a northeast section of the City after initially proceeding in an east-west direction alongside CSAH 9 north of the Cedar Creek Preserve. The routes are described in more detail in the Final Report.

This report supplement is prepared at the City's request for its October 19, 2011 consideration of granting a CUP to GRE for Route I1. Route I1 a satisfactory alternate to Route A.

II. Line Routing Criteria

The following line routing criteria are applied and discussed in various sections of the Final Report and apply to the two recommended route alternatives connecting GRE's Athens and Martin Lake Substations. The recommended routes must allow:

1. Adequate voltage (69 KV) and structure size to accommodate conductor size weight and sag to carry design power capacity.
2. Minimum practicable route length so as to minimize losses, voltage drop and cost.
3. Construction to meet National Electric Safety Code (NESC) requirements.
4. Meeting mandatory reliability requirements of the Midwest Reliability Organization (MRO), the regional enforcer for the National Electric Reliability Corporation (NERC) which requires minimum exposure to hazards and other reliability criteria.
5. Adequate access for maintenance including regular vegetation trimming and repair of storm and other damage.
6. Following to the extent practicable, existing rights of way such as roads and existing transmission lines.
7. Service to planned future distribution substations in the area.
8. Avoidance of important environmentally sensitive areas such as Cedar Creek Preserve, local state and national parks, archeological and historic areas and other similar areas unless access

is granted by the appropriate governing authority. The City provided a map of those critical areas which should be avoided.

These foregoing criteria are generally consistent with route selection criteria which the Minnesota Public Utilities Commission (MPUC) would apply in a route selection proceeding for transmission lines rated 115 KV and above.

III. Conclusion

My review of Route I1 leads me to believe that it is consistent with the MPUC criteria for routing transmission lines rated 115 KV and above. As concluded in the Final Report, based on my personal observation of the route alternatives, information provided by GRE, and application of the foregoing criteria, that both Route A and Route I1 are satisfactory alternatives while recognizing that minor changes in alignment may be necessary for either route when the actual final design is completed. As a viable alternate to Route A, Route I1 also minimizes new construction along CSAH Highway 9 (which GRE seeks to avoid because of highway upgrading) and Typo Creek Drive (because of unspecified archeological sites) along with total line length, which are added factors over which GRE expressed concern regarding Route I1. GRE presented the following comparison at the June 22 City Council meeting showing only a small cost differential between the two subject options mainly because Route I1 avoids double circuit rebuild of a three mile, single-circuit line section south of Athens Substation.

	<u>Total Distance</u>	<u>Estimated Cost</u>
Route I1	11.3 mi	\$3.905 million
Route A	10.4 mi	\$3.678 million
Difference	0.9 mi	\$0.227 million

Route I1 is also well positioned to supply a new distribution substation earlier planned for south Isanti County (which GRE subsequently cancelled), the need for which may re-emerge depending on population growth. Route I1, in my opinion, is therefore a suitable alternate to Route A.

Larry L Schedin PE
10-07-11

**CITY OF EAST BETHEL
ATHENS TO MARTIN LAKE 69 KV LINE
ROUTE SELECTION REPORT**

**Prepared by LLS Resources , LLC
For presentation June 15, 2011
Revised June 17, 2011**

I. Introduction

The following report presents the technical and engineering recommendations of LLS Resources, LLC, a Minneapolis based consulting firm, regarding the need for and routing of a 69 KV line connecting an eastern portion to a western portion of Great River Energy's (GRE's) area 69 KV transmission system. This project has been called the Athens to Martin Lake 69 KV Project. Results are based on a detailed examination of background materials provided by the City, several meetings and telecons with GRE technical representatives (including updates), several meetings with the City's GRE Work Group, and on-site field inspections of the routes and substations involved by LLS Resources principals. The work at LLS Resources, LLC was conducted by Larry L Schedin and Rob Hoerauf, both registered professional electrical engineers (PE's) in Minnesota. Separate routes both within and outside the City are evaluated along with recommended routes in both areas.

II. Electric Power Supply to City of East Bethel

A. Bulk Transmission and Subtransmission

Great River Energy (GRE), a generation and transmission cooperative headquartered in Maple Grove, owns the transmission lines supplying electricity to East Bethel. GRE's facilities supply wholesale electricity to Connexus which in turn distributes the electricity at retail to East Bethel homes and businesses.

Electric supply occurs at three successive levels in the following order: 1) bulk transmission, 230,000 volts (230 KV), 2) subtransmission, 69,000 volts (69 KV) , and 3) distribution, 12,500 volts (12.5 KV). The 230 KV bulk transmission system supplies GRE's 69 KV system in the north metro area. It originates at Rush City, MN and heads south roughly parallel to highway I35W to a point near Hugo where it turns west through Blaine toward Bunker Lake where it again turns north to Andover. At Andover, it again turns west toward Elk River and Monticello. Over this north metro path, the 230 KV system supplies the 69 KV system via 230 KV-69 KV substations located at Linwood, Blaine, Bunker Lake, and Elk River. However, as the north metro area grows, it is positioned to further supply GRE's 69 KV system via new 230 KV-69KV substations at locations such as Johnsville and Andover.

B. Distribution System

1. Existing Distribution Supply

The 69 KV subtransmission system presently supplies five distribution substations at 12.5 KV, portions of which directly serve East Bethel homes and businesses via distribution lines called feeders. These distribution substations are:

- a. Cooper's Corner (at 237th Ave and Hastings about 1 mile east of Hwy 65)
- b. East Bethel (at Viking Blvd about 1 mile west of Hwy 65)
- c. Martin Lake (at Typo Creek Drive near Island Lake in Linwood Township)
- d. Soderville (at Hwy 65 and Crosstown Blvd in Soderville)
- e. Forest Lake (at Forest Lake just off Hwy I35W)

According to GRE, peak demands on each distribution substation and the percentage of these peak demands supplying homes and businesses in East Bethel are as follows:

<u>Substation</u>	<u>Peak Demand (MW)</u>	<u>% E. Bethel</u>
Coopers Corner	7.8 MW	63%
East Bethel	10.8 MW	76%
Martin Lake	9.0 MW	14%
Forest Lake	16.6 MW	2%
Soderville	14.0 MW	6%

It is important to note that except for Martin Lake, each of the foregoing distribution substations is supplied by two or more 69 KV lines. Therefore, if one 69 KV source is out of service, it is backed up by one or more remaining 69 KV sources. However, Martin Lake has no such backup supply. It is supplied by only one 69 KV line from Linwood Substation near Hwy I35W. This line is called a radial feed, and its loss can be replaced only via a complicated switching procedure on the 12.5 KV distribution system typically causing lengthy outages. The foregoing tabulation and subsequent discussion shows that improving reliability to Martin Lake Substation provides direct benefits to residential and business users in East Bethel as well as improving 69 KV grid area reliability.

2. Future Distribution Supply

Any new area 69 KV line should recognize the possible need to supply new distribution substations located on or near alternate routes. We presented this possibility to GRE, and it asked Connexus for plans for new distribution substations within East Bethel. Connexus stated

that the existing substations are adequate for the near term future, so no new distribution substations are planned at this time.

III. Project Need (No Build)

GRE's maps and diagrams show that 69 KV supply to the East Bethel area is via three 69 KV lines. Power flow studies simulate operation of these 69 KV lines and show resulting problems if any are taken out of service because of weather and other potential problems. Typical 69 KV system design requires that loss of a single 69 KV line in a local power grid should not disrupt or degrade electric service within the grid. We have reviewed some of the output of these power flow studies with GRE personnel. The studies show that outages of any one of these lines at the supply end of each causes severe low voltages in the East Bethel area along with high thermal loadings at the supply ends of the two lines remaining in service.

The supply lines and critical line sections are as follows:

<u>Supply Source</u>	<u>Critical 69 KV Line Segment</u>
Cambridge	Cambridge-Cambridge Industrial Park
Elk River	Elk River-St Francis
Soderville	Soderville-East Bethel

Information provided by GRE engineers shows that repair and/or replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-\$5 million cost of an Athens-Martin Lake 69 KV line. Additionally, such upgrades would not provide 2-way service to Martin Lake Substation, an important goal of the project. Two-way service to Martin Lake would otherwise be provided by a second 69 KV line from Hwy I35W corridor or the installation of expensive diesel generators, both further adding substantially to the cost of alternatives.

In summary, addition of an Athens-Martin Lake 69 KV line avoids the expensive upgrade of three other critical 69 KV line segments in the local power grid and provides two-way 69 KV supply to Martin Lake Substation. The upgrade avoidance may also be considered a deferral depending on future growth in the State Hwy 65 corridor which may eventually require conversion to 115 KV. However, based on our limited review of studies conducted by GRE and our own observations, we feel that addition of the Athens-Martin Lake 69 KV line is a cost effective solution eliminating the two-way service problem to Martin Lake and deferring three other 69 KV upgrades. As part of this review, we determined that no 69 KV lines owned by other utilities (such as Xcel Energy) were available to supply the study area. Open access requirements allow joint use if such lines were available.

We therefore agree that Athens and Martin Lake are reasonable termination points for a new 69 KV line, but with many routing options between these two points. This eliminates a "no-build" alternative.

IV. Potential Operation at 115 KV

GRE representatives have explained that GRE wishes to secure a total right-of-way (R/W) width of 70 ft for a single circuit 69 KV line with 38 ft of R/W taken via private easements along a roadway and the remaining 32 ft taken within the roadway. During our discussions with East Bethel groups, concern was raised regarding future upgrade to 115 KV. Our meeting with GRE's transmission line designer indicates that the line will not be designed so that it can simply be reconnected to operate at 115 KV. Such flexibility would not only require a design change but would also require a state siting permit as required for new 115 KV lines exceeding 1500 ft in length.

V. Environmental and Archeological Considerations

A base map showing environmentally sensitive areas was prepared by GRE, and the City provided this map (included in the handouts) as the official guide for route selection. Additionally, Cedar Creek Reserve spokesperson, Mr Jeff Corney attended task force meetings and provided special guidance regarding the Cedar Creek Reserve. Additionally, GRE retained a consultant to locate potentially sensitive archeological and historical areas, some of which are shown on the map of environmentally sensitive areas.

VI. Routing Options

In addition to the "no-build" option, we were given 15 route options to consider with option titles shown as follows and grouped with the routes listed in order from north to south and sublisted by critical corridor. Within the far north and medium north groups, the critical corridors considered utilize Sunset Road and Typo Creek Drive. In addition to evaluating previously prepared route information, the routes and related termination substations were all visually inspected by two representatives of LLS Resources. Maps of the routing options are included in the handouts.

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S

Route I1: Far North, Road 9E to Durant St (45S) to edge of Fish Lake to Fawn Drive (76E) then to Typo Creek Dr S

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

VII. Route Attributes

A. Environmental and Archeological Considerations

A base map showing environmentally sensitive areas was prepared by GRE, and the City provided this map (included in the handouts) as the official environmental guide for route selection. Additionally, Cedar Creek Reserve spokesperson, Mr Jeff Corney attended task force meetings and provided special guidance regarding the Cedar Creek Reserve. Additionally, GRE retained a consultant to locate potentially sensitive archeological and historical areas, some of which are shown on the map of environmentally sensitive areas.

B. Electrical Performance

Important electrical performance factors include:

1. Resistance which impacts electrical losses meaning lost energy simply heating the air
2. Impedance which negatively impacts voltage drop and causes low voltage problems
3. Maintenance access and costs such as vegetation control
4. Exposure to weather
5. Exposure to other hazards such as road accidents
6. Structure design and static wire which mitigates exposure to lighting and other failures.

Foregoing items No. 1-6 are directly related to line length. Shorter line distances therefore enhance these factors as well as cost, so distance is considered an important attribute. Also, double circuit construction is considered to be less reliable than single circuit construction because with double circuit construction, a single event can cause an outage of both circuits.

The horizontal insulator, single 69 KV wood pole structure design proposed by GRE, is reasonable, but requires unsightly guy wires at corners, angles and deadends (some which must cross roadways). The City may therefore wish to require steel poles at deadends, corners, and angles and possibly for tangent structures, especially in certain higher density neighborhoods. Laminated wood structures also reduce the need for guy wires, but laminated wood is not as effective as steel in reducing unsightly guy wires.

C. Other Route Attributes

Many other attributes can be attached to each route option. However, following are ones which we have selected as most important with respect to making a recommendation. The attributes for each route option included the attached Route Matrix are:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed deadends, corner and angle structures)
8. Distance to homes from centerline:

- a) 0-100 ft
- b) 0-200 ft
- c) 0-300 ft
- 9. Forested wetlands, miles
- 10. Non-forested wetlands, miles
- 11. Wetlands, acres
- 12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route
 - e) No. of PWI lakes within ROW
 - f) No. of PWI wetlands within ROW.

The route titles and attributes are all included in the attached matrix, parts 1 and 2

VIII. Route Recommendation Within East Bethel

The consulting Agreement between the City and LLS Resources, LLC specifically states that LLS Resources is to provide "... a technical expert opinion regarding the routing of a GRE 69 KV line through the City of East Bethel (City)." (emphasis added).

A. Route Options Within the City

With the former specific task in mind, we note the following routes fall largely within the City:

Routes: A, B, B1, C, C1, D

Routes B & B1 were eliminated by the Work Group at the outset because these travel through the center or near center of the Cedar Creek Reserve and were clearly rejected by Cedar Creek Reserve representative, Mr Jeff Corney. Route D was eliminated by the Work Group because of its extreme length and circuitous path thereby leaving Routes A, C and C1 as the remaining "in City" candidate routes. We agree with these eliminations.

B. Route Recommendation

A review of the route attributes shows that Route A (mostly following Road 26) is the most direct route with significantly less new ROW (7.4 miles total) and less new construction (10.4 miles total) and less cost than all the other candidate routes within the City. The other attributes of Route A compared to all the other route options (inside or outside the City) are all favorable. We therefore recommend Route A as the best route option within the City while keeping in mind certain concerns and possible disadvantages.

C. Route A Concerns and Disadvantages

Route A would also accommodate rebuild and relocation of a 3-phase main feeder line as underbuild running almost the entire length of the new line. GRE proposes to build the new 69 KV line mostly along the north side of Hwy 26, whereas the 3-phase feeder is mostly on the south side of Road 26. Unless Connexus agrees to install underground service drop crossings of Road 26 without added cost, the relocation of distribution facilities to the north side of Road 26 would result in a number of unsightly service drops which now do not exist. Also, GRE should confirm that to avoid power lines on both sides of Road 26, the distribution line transfer will occur at the same time as the new 69 KV construction.

In addition to construction along the north border of the Allison Savannah, Route A also requires construction along the entire south border of Cedar Creek Reserve, a major ecosystem science reserve. However, the Reserve Work Group representative has stated that construction along the south border is preferable to construction along the north border. Additionally, GRE has been working to avoid a school forest on the west side of Typo Creek Drive just south of the intersection with Road 26.

IX. Route Recommendation Outside East Bethel

A. Route Options Outside the City

The far north and medium north route sub groupings listed in the previous route options section are mostly outside of the City and were specifically aimed at problem areas going south from the far north and medium north routes in order to reach Martin Lake Substation. The two potential problem areas are Typo Creek Drive (north of Road 26) and Sunset Drive. After observing the number of properties close to the roadway and pinch points along Sunset Drive, we concur with the Work Group's concerns that Sunset Drive should be eliminated from further consideration and that Typo Creek Drive would be the preferred alternate for getting from the north and far north route options to Martin Lake Substation. This leaves Routes G, H, H1 and I as the remaining outside-of-City options using Typo Creek Drive and not using Sunset Drive.

Typo Creek Drive includes several pinch points regarding homes, a park, a fire station, a town hall, and a cemetery. In addition, a report commissioned by GRE identifies potential significant archeological sites and historic preservation uncertainties. We therefore recommend that its use should be minimized. Minimum use of Typo Creek Drive is certainly not a characteristic of either Route G or H1. Also, Route H follows the north edge of the Cedar Creek Reserve, a less desirable path than others according to Mr Corney.

B. Route Recommendation

Elimination of the foregoing leaves Route I as the remaining route which avoids the foregoing disadvantages. Route I utilizes about 2 miles of 69 KV deenergized line running north and east of Athens substation apparently built by GRE for future specific use.

However, Route I could be significantly shortened by utilizing Durant Street (as with Route F) rather than Route 12 when heading south off Route 9. We estimate that using this modification the distance could be shortened appreciably from 13.7 miles making the new construction distance close to that required for Route A. According to GRE, Hwy 9 is scheduled for rebuild and widening in 4-5 years, so this modification of Plan I minimizes the length of line on Hwy 9 (about two miles) exposed to rebuild or relocation. We therefore recommend this modification of Route I as the best route outside the City. We subsequently refer to this modification of Route I as Route I1

Route I1 data provided by GRE on 06/17/2011 is now included as a line item in the attached comparison matrix. It shows a total line length of 11.3 miles at a cost of \$3.905 million which is close to the \$3.678 million cost of Route A but with significantly more (11.3 miles vs 7.4 miles) of new ROW acquisition.

Prepared by Larry L Schedin PE and Rob Hoerauf PE
Revised 06-17-11

6/17/2011 EAST BETHEL PROJECT ROUTE MATRIX 1

Route ID	Route Location	Route Description	Construction Notes	Cost (MM)	Tree Clearing (acres)	New Easements (acres)	Public Land (miles)	Private Land (miles)	Special Structures Req'r.	Homes Route CL (0-100 ft)	Homes Route CL (0-200 ft)	Homes Route CL (0-300 ft)
E	Far North	Road 9E to Xylite S to Road 56E to north edge of Cedar Creek. Uses Sunset Road (76).	10.5 mi new construction.	\$ 3.953	18	49	0.8	9.7	24	4	58	96
F	Far North	Road 9E to 45 S. Uses Sunset Road (76) to Road 26E.	10.9 mi new construction.	\$ 3.977	19	50	0	10.9	21	6	60	94
F1	Far North	Road 9E to 12S. Uses Sunset Road (76) to Road 26.	13.4 mi new construction.	\$ 4.785	17	62	0	13.4	22	4	62	102
G	Far North	Road 9E to 12S to Road 20. Uses Typo (85S).	11.2 mi new construction.	\$ 4.040	17	52	0.6	10.6	21	3	49	76
G1	Far North	Road 9E to 12S to Road 20. Uses Sunset Road (76) to Road 26.	15.0 mi new construction.	\$ 5.245	17	69	0.6	14.4	21	4	72	116
H2	Far North	Road 56 to Xylite S. Uses Sunset Road (76).	11.0 mi new construction.	\$ 4.449	15.4	93.45	Note A	Note A	20	3	44	80
H	Far North	Road 9E to 18S to 36 to 76. Uses Typo (85S).	16.85 mi new construction.	\$ 5.437	44.1	143.59	0.6	16.2	26	7	96	150
H1	Far North	Road 9E to 18S Road 20. Uses Typo (85S).	17.34 mi new construction.	\$ 5.606	32	147.72	0.6	16.7	24	3	65	95
I	Far North	Road 9E to 12S. Uses Typo (85S). Road 9E to 12S to Road 76.	13.7 mi new construction.	\$ 5.119	14.57	117.5	0	13.7	28	4	55	95
I1	Far North	Road 9E to 45. South on 45 to the edge of Fish Lake, then east on 76 to Typo Dr.	11.3 mi new construction.	\$ 3.905	20.45	Note A	Note A	Note A	20	6	52	86
E1	Med North	Road 56E to Xylite S. Uses Sunset Road (76) to Road 26.	10.5 mi new construction.	\$ 3.927	18	49	0.8	9.8	20	4	53	89
B	Central Cut	Road 24E to 76E to Road 26. Uses Sunset Road S.	3.0 mi new dbl ckt. Plus 9.0 mi new const. = 12.0 mi.	\$ 4.298	17	42	Note A	Note A	13	4	39	68

6/17/2011 EAST BETHEL PROJECT ROUTE MATRIX 1

Route ID	Route Location	Route Description	Construction Notes	Cost (MM)	Tree Clearing (acres)	New Easements (acres)	Public Land Easements (miles)	Private Land Easements (miles)	Special Structures Req'r.	Homes Route CL (0-100 ft)	Homes Route CL (0-200 ft)	Homes Route CL (0-300 ft)
B1	Central Cut	Routes along the north of Fish Lake. Uses Sunset Road S to Road 26.	2.0 mi new dbl ckt. Plus 8.3 mi new const. = 10.3 mi.	\$ 3.696	31	54	Note A	Note A	13	4	38	62
A	Med South	Road 26E to Road 26. Avoids Sunset Rd and Typo.	3.0 mi new dbl ckt. Plus 7.4 mi new const. = 10.4 mi.	\$ 3.678	14	35	3.3	4.1	10	0	43	84
C1	Med South	Road 24 to 26 to 15S to Road 22. Avoids Sunset Rd and Typo.	3.0 mi new dbl ckt. Plus 9.4 mi new const. = 12.4 mi.	\$ 4.323	19	44	3.3	6.1	13	2	54	99
C	South	Hwy 65 to Road 74. Avoids Sunset Rd and Typo.	5.4 mi new dbl ckt. Plus 8.9 mi new const. = 14.3 mi.	\$ 5.140	20	42	0	8.9	15	7	82	121
D	Far South	Hwy 65 route south to Road 68 and Road 22.	9.5 mi new dbl ckt. Plus 9.5 mi new const. = 19.0 mi.	\$ 7.173	15	45	Note A	Note A	23	14	182	271

Note A - GRE did not provide.

6/17/2011

EAST BETHEL PROJECT ROUTE MATRIX 2

Route ID	Route Location	Route Description	Forested Wetlands		Non-Forested Wetlands		Wetlands (acres)		PWI Waters (Note 1)		PWI Waters (Note 2)		PWI Waters (Note 3)		PWI Waters (Note 4)		PWI Waters (Note 5)		PWI Waters (Note 6)		
			(miles)	(miles)	(miles)	(miles)	(Note 1)	(Note 2)	(Note 3)	(Note 4)	(Note 5)	(Note 6)									
E	Far North	Road 9E to Xylite S to Road 56E to north edge of Cedar Creek. Uses Sunset Road (76).	0.4	1.0	1.8	2	2	1	1	1	1	1	1	1	1	1	1	1	2	2	
F	Far North	Road 9E to 45.S. Uses Sunset Road (76) to Road 26E.	0.6	1.1	1.9	4	2	1	1	1	1	1	1	1	1	1	1	1	2	2	
F1	Far North	Road 9E to 12S. Uses Sunset Road (76) to Road 26.	0.5	1.3	2.2	5	4	1	1	1	1	1	1	1	1	1	1	1	2	2	
G	Far North	Road 9E to 12S to Road 20. Uses Typo (85S).	0.4	0.9	2.1	6	3	3	1	3	3	1	0	0	1	0	0	0	1	1	
G1	Far North	Road 9E to 12S to Road 20. Uses Sunset Road (76) to Road 26.	0.5	1.5	2.4	6	3	1	1	1	1	1	0	0	2	0	0	0	2	2	
H2	Far North	Road 56 to Xylite S. Uses Sunset Road (76).	0.02	0.32	2.73	2	2	2	2	2	2	1	0	0	2	0	0	0	2	2	
H	Far North	Road 9E to 18S to 36 to 76. Uses Typo (85S).	0.06	0.21	3.8	3	6	3	3	3	3	3	3	3	3	3	3	3	3	3	
H1	Far North	Road 9E to 18S Road 20. Uses Typo (85S).	0.08	0.22	4.48	5	8	3	3	3	3	3	2	2	3	2	2	2	3	3	
I	Far North	Road 9E to 12S. Uses Typo (85S). Road 9E to 12S to Road 76.	0.07	0.25	3.11	4	5	4	4	4	4	2	1	1	2	1	1	1	2	2	
I1	Far North	Road 9E to 45. South on 45 to the edge of Fish Lake, then east on 76 to Typo Dr.	Note A	Note A	2.84	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	2	3	3
E1	Med North	Road 56E to Xylite S.. Uses Sunset Road (76) to Road 26.	0.4	1.1	2.0	3	2	2	2	2	2	1	1	1	1	1	1	1	2	2	

6/17/2011

EAST BETHEL PROJECT ROUTE MATRIX 2

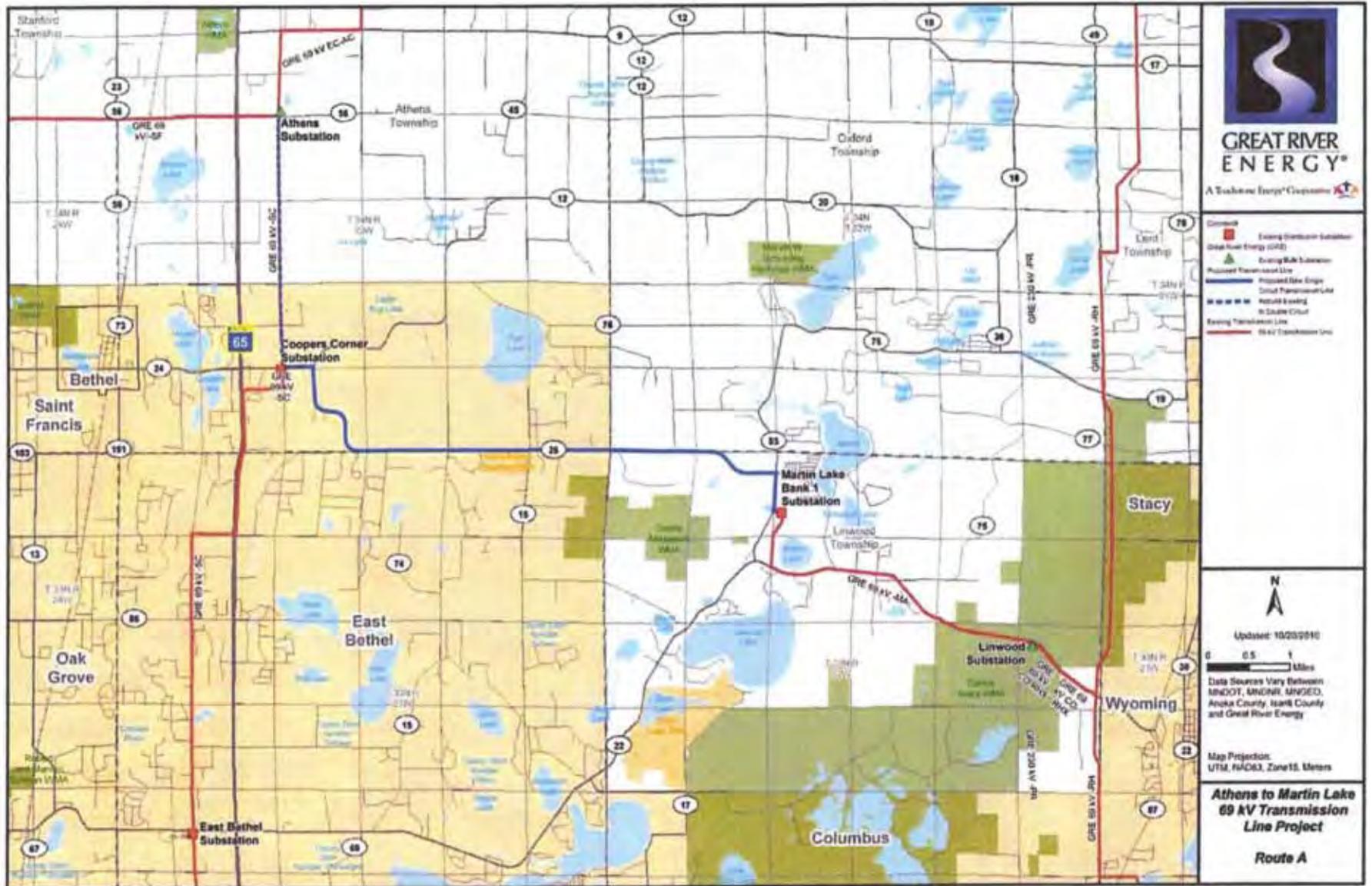
Route ID	Route Location	Route Description	Forested Wetlands		Non-Forested Wetlands		PWI Waters (Note 1)		PWI Waters (Note 2)		PWI Waters (Note 3)		PWI Waters (Note 4)		PWI Waters (Note 5)		PWI Waters (Note 6)	
			(miles)	(miles)	(miles)	(acres)	(Note 1)	(Note 2)	(Note 3)	(Note 4)	(Note 5)	(Note 6)						
B	Central Cut	Road 24E to 76E to Road 26. Uses Sunset Road S.	0.1	1.3	6.8	2	3	1	1	1	1	1	1	1	1	2	2	
B1	Central Cut	Routes along the north of Fish Lake. Uses Sunset Road S to Road 26.	0.8	1.3	7.3	2	2	1	1	1	1	1	1	1	1	2	2	
A	Med South	Road 26E to Road 26. Avoids Sunset Rd and Typo.	0.1	0.8	5.8	2	1	1	1	1	1	1	0	0	1	1	1	
C1	Med South	Road 24 to 26 to 15S to Road 22. Avoids Sunset Rd and Typo.	0.3	0.8	6.3	2	1	1	1	1	2	2	0	0	2	2	2	
C	South	Hwy 65 to Road 74. Avoids Sunset Rd and Typo.	0.4	1.2	9.1	3	3	1	3	3	1	3	1	1	4	4	4	
D	Far South	Hwy 65 route south to Road 68 and Road 22.	0.7	1.1	9.9	6	3	1	3	2	2	2	1	1	3	3	3	

Notes to Public Water Inventory (PWI) Categories

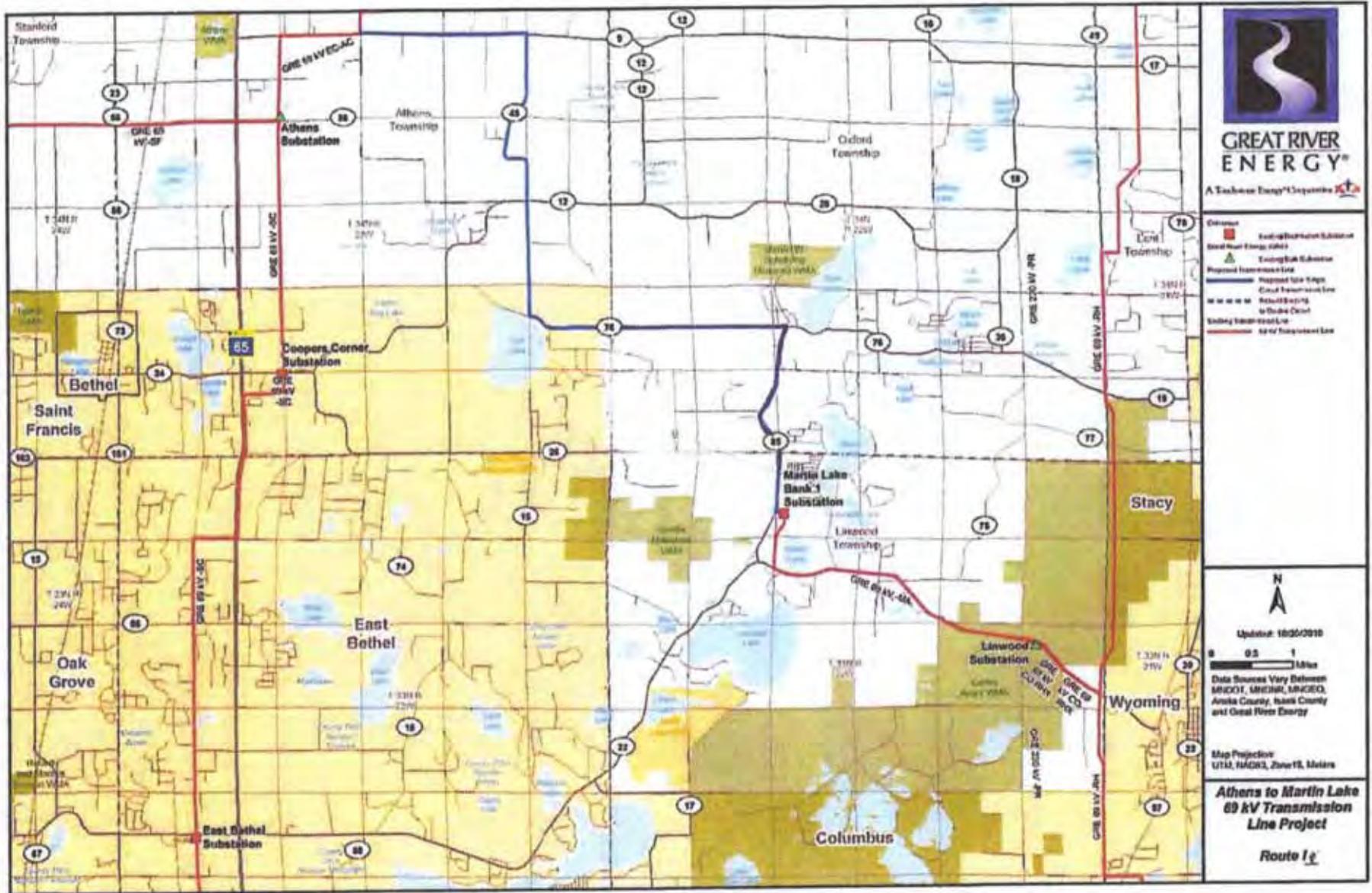
- Note 1 Number of Perennial Streams and Rivers crossed by Intended Centerline.
 Note 2 Number of Intermittent Streams and Rivers crossed by Intended Centerline.
 Note 3 Number of PWI Streams Crossed by Intended CL.
 Note 4 Number of Wetlands within Route.
 Note 5 Number of PWI Lakes within ROW.
 Note 6 Number of PWI Wetlands within ROW.

Note A GRE did not provide.

ROUTE A



ROUTE 11



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

RESOLUTION NO. 2011-52

**A RESOLUTION AMENDING A PREVIOUS ACTION BY GRANTING A
CONDITIONAL USE PERMIT TO GREAT RIVER ENERGY FOR ROUTE II
(ROUTE II-APPROVAL)**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposed the located of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230 volts (230kv);
- 2.) subtransmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood, Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radical feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and upgrade to 115kv line, which would be a regulated service under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would follow existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S (See Consultant report for modified Route I1)

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrix prepared, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles

11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route
 - e) No. of PWI lakes within ROW
 - f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route I1 is an effective and efficient route with new right-of-way comparable to Route A, and have the opportunity to use existing 2 plus miles of 69 KV line along County Highway 9, and reasonable cost and right of way acquisition when compared to other routes. Route I1 also better plans for future upgrades to 115KV systems and transmission lines and impacts less densely populated areas of the affected communities. The other attributes of Route I1 compared to all the other route options (inside and outside the city) are all favorable in the opinion of the consultants, and Route I1 has been recommended to the City as a preferred route option for the city, yet recognizing that there are concerns and mitigation points and disadvantages that needed to be accommodated; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve, but have stated that construction along the south border is preferable to construction along their far more ecologically sensitive north border; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route I1 be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route I1, as currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,

significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,

to maintain and enhance the natural amenities of the city for future generations to enjoy, and

to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, the City of East Bethel finds that a no-build alternate is not reasonable given the existing needs as expressed by the Applicant and the growth for electrical service presently and anticipated to occur within the area; and,

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, but Route 11 appears to be the route that has the least impact in those areas as to other routes within the city of East Bethel; and,

WHEREAS, Route 11 has minimal interference with public use and public property; and,

WHEREAS, Route 11 can serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the traffic impacts are less pronounced with Route 11 as opposed to other options as proposed within the city; and,

WHEREAS, the City's consultants have reviewed possibly routes being located predominately outside the city of East Bethel to also serve the Athens Martin Lake substations, and provide the same economic/electrical services benefits that would be secured through the use of other routes; and,

WHEREAS, the far north and medium north sub-grouping routes which were previously reviewed, are mostly outside of the city in which are specifically aimed at the problem areas going south from the far north and medium north routes in order to reach the Martin Lake substation. The two potential problem areas were the Typo Creek Drive (north of County Road 26) and Sunset Drive. The City's consulting engineers opined and concurred with the workgroup's concerns that the Sunset Drive options should be eliminated from further consideration, and that Typo Creek Drive would be a preferred alternative for getting from the north and far north options to the Martin Lake substation; and,

WHEREAS, Typo Creek Drive includes several pinch points regarding residential properties and homes, a park, fire station, the Town Hall, and a cemetery. In addition, the report commissioned by the Applicant identifies possible archeological sites and historical preservation uncertainties which were not defined or fully substantiated; and,

WHEREAS, Route I, as examined, could be significantly shorted by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A. Further, Route 9 is

also scheduled for a rebuild and widening in 4 to 5 years by Anoka County, so that modification of Plan I would minimize the length of line on Highway 9 to be exposed to a rebuild or relocation. It is also established that there exists 2 miles of 69kv line currently located on Highway 9 which could be utilized for this modification of Route 9; and,

WHEREAS, this modification to Route I, now designated Route II, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route II would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as II impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route II would impact a lesser densely populated area than Route A
- D. Route II is consistent with MPUC criteria for routing transmission lines rated 115 KV and above
- E. Route II minimizes new construction along CSAH 9
- F. Route II avoids double circuit rebuild of a three mile single circuit line section south of Athen Substation
- G. Route II is well positioned to supply a new distribution substation earlier than planned for South Isanti County
- H.

WHEREAS, The applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection; and,

WHEREAS, the applicants statement that Route II in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the area of the Route II; and,

WHEREAS, Route A would result in significant Tree loss (8.5 ac vs. 1.79 ac within East Bethel for Route II) along CSAH 26 impacting residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route II

will not impair or preclude widening and upgrades to CSAH 9 in the future should Anoka County desire to do so.

WHEREAS, the City Council took action on the applicants request for Route A approval at its June 22 2011 meeting; and

WHEREAS, the City Council on June 22, 2011 did not have the opportunity to review and award alternate routes as no public notices to property owners along alternate routes had been mailed or published as a result of the applicants application being limited to it's Route A request; and

WHEREAS, The City has now notified property owners along Route II of its consideration of that route alternative; and

WHEREAS, Route II along with Route A were considered by the City's consultants as the two most feasible Routes for selection; and,

WHEREAS, Route II is derived from Route I which was the applicants first proposed Route for selection in the earlier reviews of route alternatives examined; and

WHEREAS, City Ordinance section 2-60 provides in part:
"Parliamentary Proceedings. Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code"; and

WHEREAS, Roberts Rules provides for the opportunity to "amend something previoulusly adopted" and allows for the opportunity for the city council to amend the June 22nd denial of Route A approval by adding a grant of approval of Route II.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel does hereby amend its prior Resolution No. 2011-20 previously adopted June 22, 2011 to provide that the Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the city of East Bethel is hereby approved, with Route II being selected, subject to the imposition of the following mitigation measures and conditions:

1. That Great River Energy (GRE) will submit a construction plan prior to commencing the construction of the 69kv line, establishing both a construction time table and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers.
2. That Great River Energy shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That Great River Energy and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at crossings of County Road 26 and other municipal roads within the city of East Bethel without added cost to the residents and utility users and assure that the relocation of distribution facilities to the north side of County Road 26

results in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.

4. That Great River Energy execute Conditional use Permits and Agreements as prepared by City Staff.
5. That pursuant to ordinance Sec 74-214(h):
“The applicant may notify the City and request the selection of a different alternative after the City Council’s action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location.”

The City expects that GRE make a substantive and good faith effort to secure route approval for Route I1 from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and reconsider Route A for permitting.

Adopted this 19th day of October, 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
ANOKA COUNTY, MINNESOTA**

RESOLUTION NO. 2011-20

**A RESOLUTION MAKING FINDINGS OF FACT AND DENYING A CONDITIONAL
USE PERMIT FOR GREAT RIVER ENERGY FOR ROUTE A**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposes the located of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230,000 volts (230kv);
- 2.) sub transmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood,

Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radial feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points both within and outside of the City of East Bethel; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and upgrade to 115kv line, which would be a regulated service permit under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would favor following existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S

on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, the Cedar Creek Ecosystem and Scientific Reserve is listed as a National Natural Landmark by the National Park Service and is a significant environmental asset within the community of East Bethel; and

WHEREAS, the Cedar Creek Ecosystem and Scientific Reserve is proposed to be in the pathway of proposed "Route A" advocated by the applicant; and,

WHEREAS, The University of Minnesota manages the Cedar Creek Ecosystem and Scientific Reserve and has stated in response to their position on proposed "Route A":

"Cedar Creek Ecosystem Science Reserve owned and operated by the University of Minnesota, will support the decision of the City of East Bethel's City Council in regards to Great River Energy's request for a Conditional Use Permit to construct transmission lines through the City. However, the University will not support any option that would require routing the transmission line through any part of the University property other than along the perimeter of the Reserve.

Specifically, if the council decides to deny a permit for "Route A" then Cedar Creek will stand by that decision by officially rejecting GRE's request to build a transmission line on University property along that or any other route specifically precluded by the council"

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrices prepared by Applicant, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles
11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed

- b) Intermittent streams and rivers crossed
- c) PWI streams crossed
- d) No. of wetlands within route
- e) No. of PWI lakes within ROW
- f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route A (mostly following County Road 26) is the most direct route with significantly less new right-of-way (7.4 miles total to be acquired) and less new construction (10.4 miles total), and less cost than all of the other candidate routes within the city; and,

WHEREAS, Route A would also accommodate a rebuild and relocation of a 3-phase main feeder line as under build running most of the entire length of the new line with the 3-phase feeder line being mostly on the south side of County Road 26. The City's consultants have opined that unless Connexus agrees to install underground service drops, crossings, for County Road 26 without added costs, the relocation of distribution facilities to the north side of County Road 26 will result in a number of unsightly service drops which now do not exist. Additionally, the City's consultants have opined that GRE should confirm that to avoid power lines on both sides of County Road 26, the distribution line transfer, should Route A be selected, will occur at the same time as the new 69kv construction; and,

WHEREAS, in addition to the construction along the north border of the Allison Savannah, Route A will also require construction along the entire south border of Cedar Creek Reserve, a major ecosystem/science reserve; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route A be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route A territory, is currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

- a) low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,
- b) significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,
- c) to maintain and enhance the natural amenities of the city for future generations to enjoy, and

- d) to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, Route I1, as examined, could be significantly shortened by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A; and,

WHEREAS, this modification to former Route I, designated Route I1, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route I1 would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as I1 impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route I1 would impact a lesser densely populated area than Route A
- D. Route I1 would have no impact upon the Cedar Creek Ecosystem Science Reserve

WHEREAS, The Applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. projected pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection appearing to skew the results between the various options and Route A; and,

WHEREAS, the Applicant's matrices missed important data such as the number of easements and right of way acquisitions needed for each route; and

WHEREAS, the Applicant's statement that Route I1 in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the pathway of Route I1; and,

WHEREAS, Route A would result in significant tree and canopy loss (8.5 ac vs. 1.79 ac within East Bethel for Route I1) along CSAH 26 impacting many residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route I1 will not impair or preclude widening and upgrades to CSAH 9 in the future should Isanti County desire to do so.

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, Route A appears to be the route that has one of the most impacts to Cedar Creek Ecosystem Science Reserve, the environment and number of residents as a whole as opposed to other several other routes within the City of East Bethel; and,

WHEREAS, Routes other than Route A have significantly less interference with public use and public property; and,

WHEREAS, Routes other than Route A would serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the significant impact and risk to Cedar Creek Ecosystem Science Reserve outweighs any possible economic benefit to the use of Route A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the Application for Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the City of East Bethel along Route A is hereby denied

Adopted this 22nd day of June, 2011 by the City Council of the City of East Bethel.



Richard Lawrence, Mayor

ATTEST:



Jack Davis
City Administrator

NOTICE OF PUBLIC HEARING

CITY OF EAST BETHEL PLANNING
COMMISSION
COUNTY OF ANOKA
STATE OF MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of East Bethel will hold a public hearing on Wednesday, October 19, 2011, 7:30 p.m. at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The public hearing relates to the City Council's consideration of granting a Conditional Use Permit to Great River Energy along a route known as "Route I1" for a 69kv transmission line. Route I1 has been identified in a report by the City's consultant LLS Resources, LLC and addressed by Great River Energy. LLS Resources first presented this route on June 15, 2011 and again on June 20 and 22, 2011.

The hearing of this request is not limited to those receiving copies of this notice. If you know of any neighbor or interested property owner who for any reason has not received a copy, it would be appreciated if you would inform them of this public hearing.

A copy of the LLS Resources, LLC report on the proposed placement of the transmission line for Route I1 and related materials are available for the public to preview at City Hall during regular business hours (Monday-Friday, 8 am to 4 pm).

Subscribed and sworn to me this 5th day of October 2011.

Stephanie L. Hanson
City Planner

Joan D. Steffen-Baker
Notary Public

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Published in Anoka County Union
Oct. 7, 2011



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

5.0

Agenda Item:

Public Hearing – Great River Energy (GRE) Conditional Use Permit (CUP)

Requested Action:

Consider Amending Previous Action by Granting a CUP to GRE for Route I1 and the Adoption of Resolution 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route I1

Background Information:

The City of East Bethel received a CUP application submitted by GRE on March 4, 2011 requesting the City provide CUP approval for a 69 kV Transmission line to be constructed through the City of East Bethel along a Route identified as Route A (attachment #3).

The City of East Bethel, prior to GRE filing for an application for a CUP for Route A, adopted an Ordinance requiring a CUP process for certain lower voltage transmission lines to be located within the City of East Bethel. Pursuant to the Ordinance, the City formed a work group who participated with GRE in reviewing the application and proposed project alternatives at several locations, with GRE supplying analysis to the work group as specified in the Ordinance.

On June 22, 2011, City Council passed Resolution 2011-20 denying GRE’s request for the CUP for Route A. City Council did not select an alternative route to Route A because GRE’s application was for Route A only. No public notices were sent to property owners along routes other than Route A, preventing the selection of an alternative route on June 22, 2011. Adopted Resolution No. 2011-20 has been attached to the report as attachment #5.

Among the alternatives routes most thoroughly reviewed during the CUP process by GRE and the City through its work group, Planning Commission and independent, City-retained expert, Larry Schedin P.E., was Route I and its modification shortening the transmission line length, Route I1. The City has now notified property owners along Route I1 (attachment #3) and adjacent jurisdictions of the public hearing to be held this evening at which City Council will consider the alternative route for the transmission line and amending its June 22, 2011 decision denying the request for the CUP for Route A.

City Ordinance section 2-60 provides in pertinent part: Parliamentary Proceedings Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code.” Roberts Rules allows the City Council to “amend something previously adopted”,

which applies to the City's adoption of Resolution No. 2011-20 with this hearing and Council consideration of Route II.

During the CUP process and as allowed by Ordinance, the City retained independent technical expert, LLS Resources, LLC, represented by Larry Schedin P.E. and Robert Hoerauf P.E. They concluded during the CUP process that Route II is an acceptable alternative to Route A. Attachment #1 is a supplemental report from Mr. Schedin dated October 7, 2011, confirming and providing additional criteria for his opinion supporting Route II. Mr. Schedin's report from June 17, 2011 is also included as attachment #2.

Attachment #4 is proposed Resolution 2011-52, A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route II. Resolution 2011-52 lists the attributes for each route option, and supports Route II as an appropriate route for the placement of the GRE transmission line in the City.

GRE favored Route A and rejected Route II for reasons it presented during the CUP process. Mr. Schedin, however, considers both Route A and Route II to be satisfactory for placement of the 69kV GRE transmission line. Therefore staff recommends that the City Council hold a public hearing and consider the adoption of Resolution 2011-52.

Attachments:

1. Supplemental Report by Larry Schedin, LLS Resources LLC Dated October 7, 2011
2. Report by Larry Schedin, LLS Resources, LLC Dated June 17, 2011
3. Maps of Route A and Route II
4. Draft Resolution 2011-52, A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route II
5. Adopted Resolution 2011-20 Denying GRE Request for a CUP for Route A

Fiscal Impact:

Undetermined

Recommendations:

Staff requests City Council hold a public hearing at which time all persons interested are given an opportunity to be heard.

Once the public hearing is closed, staff requests City Council consider amending its prior Resolution No. 2011-20 adopted June 22, 2011 to provide, in addition to the denial of Route A, that Route II be granted as the route for the 69kV GRE transmission line within the City between the Athens and Martin Lake substations and that a Conditional Use Permit be issued with the adoption of Resolution 2011-52 A Resolution Amending a Previous Action by Granting a Conditional Use Permit to Great River Energy for Route II.

Staff recommends approval be contingent on the following conditions to be met:

1. That GRE will submit a construction plan prior to commencing the construction of the 69kv line along Route II, establishing both a construction timetable and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers; and shall submit a plan the provides for undergrounding of facilities in the public right-of-way or other public ground and GRE requests and reasons for exceptions to undergrounding pursuant to Ordinance No. 31.

2. That GRE shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That GRE and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at road crossings along Route II within the city of East Bethel, and assure that the relocation of distribution facilities result in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.
4. That GRE execute Conditional Use Permits and Agreements as prepared by City Staff.
5. That pursuant to ordinance Sec 74-214(h): "The applicant may notify the City and request the selection of a different alternative after the City Council's action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location."

The City expects that GRE make a substantive and good faith effort to secure route approval for Route II from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

City of East Bethel
Athens to Martin Lake 69 KV Line
October 7, 2011 Supplement to Route Selection Report
Dated June 15, 2011 , Revised June 17, 2011

I. Purpose

The LLS Resources, LLC report dated June 17, 2011 (Final Report) recommends two route alternatives for GRE's proposed 69 KV transmission line connecting its Athens and Martin Lake substations. The two routes are called Route A and Route II. Route A travels through the City mostly in an east-west direction alongside CSAH 26 which borders the south edge of the Cedar Creek Preserve, a significant scientific nature study area owned by the University of Minnesota. Route II travels through a northeast section of the City after initially proceeding in an east-west direction alongside CSAH 9 north of the Cedar Creek Preserve. The routes are described in more detail in the Final Report.

This report supplement is prepared at the City's request for its October 19, 2011 consideration of granting a CUP to GRE for Route II. Route II a satisfactory alternate to Route A.

II. Line Routing Criteria

The following line routing criteria are applied and discussed in various sections of the Final Report and apply to the two recommended route alternatives connecting GRE's Athens and Martin Lake Substations. The recommended routes must allow:

1. Adequate voltage (69 KV) and structure size to accommodate conductor size weight and sag to carry design power capacity.
2. Minimum practicable route length so as to minimize losses, voltage drop and cost.
3. Construction to meet National Electric Safety Code (NESC) requirements.
4. Meeting mandatory reliability requirements of the Midwest Reliability Organization (MRO), the regional enforcer for the National Electric Reliability Corporation (NERC) which requires minimum exposure to hazards and other reliability criteria.
5. Adequate access for maintenance including regular vegetation trimming and repair of storm and other damage.
6. Following to the extent practicable, existing rights of way such as roads and existing transmission lines.
7. Service to planned future distribution substations in the area.
8. Avoidance of important environmentally sensitive areas such as Cedar Creek Preserve, local state and national parks, archeological and historic areas and other similar areas unless access

is granted by the appropriate governing authority. The City provided a map of those critical areas which should be avoided.

These foregoing criteria are generally consistent with route selection criteria which the Minnesota Public Utilities Commission (MPUC) would apply in a route selection proceeding for transmission lines rated 115 KV and above.

III. Conclusion

My review of Route I1 leads me to believe that it is consistent with the MPUC criteria for routing transmission lines rated 115 KV and above. As concluded in the Final Report, based on my personal observation of the route alternatives, information provided by GRE, and application of the foregoing criteria, that both Route A and Route I1 are satisfactory alternatives while recognizing that minor changes in alignment may be necessary for either route when the actual final design is completed. As a viable alternate to Route A, Route I1 also minimizes new construction along CSAH Highway 9 (which GRE seeks to avoid because of highway upgrading) and Typo Creek Drive (because of unspecified archeological sites) along with total line length, which are added factors over which GRE expressed concern regarding Route I1. GRE presented the following comparison at the June 22 City Council meeting showing only a small cost differential between the two subject options mainly because Route I1 avoids double circuit rebuild of a three mile, single-circuit line section south of Athens Substation.

	<u>Total Distance</u>	<u>Estimated Cost</u>
Route I1	11.3 mi	\$3.905 million
Route A	10.4 mi	\$3.678 million
Difference	0.9 mi	\$0.227 million

Route I1 is also well positioned to supply a new distribution substation earlier planned for south Isanti County (which GRE subsequently cancelled), the need for which may re-emerge depending on population growth. Route I1, in my opinion, is therefore a suitable alternate to Route A.

Larry L Schedin PE
10-07-11

**CITY OF EAST BETHEL
ATHENS TO MARTIN LAKE 69 KV LINE
ROUTE SELECTION REPORT**

**Prepared by LLS Resources , LLC
For presentation June 15, 2011
Revised June 17, 2011**

I. Introduction

The following report presents the technical and engineering recommendations of LLS Resources, LLC, a Minneapolis based consulting firm, regarding the need for and routing of a 69 KV line connecting an eastern portion to a western portion of Great River Energy's (GRE's) area 69 KV transmission system. This project has been called the Athens to Martin Lake 69 KV Project. Results are based on a detailed examination of background materials provided by the City, several meetings and telecons with GRE technical representatives (including updates), several meetings with the City's GRE Work Group, and on-site field inspections of the routes and substations involved by LLS Resources principals. The work at LLS Resources, LLC was conducted by Larry L Schedin and Rob Hoerauf, both registered professional electrical engineers (PE's) in Minnesota. Separate routes both within and outside the City are evaluated along with recommended routes in both areas.

II. Electric Power Supply to City of East Bethel

A. Bulk Transmission and Subtransmission

Great River Energy (GRE), a generation and transmission cooperative headquartered in Maple Grove, owns the transmission lines supplying electricity to East Bethel. GRE's facilities supply wholesale electricity to Connexus which in turn distributes the electricity at retail to East Bethel homes and businesses.

Electric supply occurs at three successive levels in the following order: 1) bulk transmission, 230,000 volts (230 KV), 2) subtransmission, 69,000 volts (69 KV) , and 3) distribution, 12,500 volts (12.5 KV). The 230 KV bulk transmission system supplies GRE's 69 KV system in the north metro area. It originates at Rush City, MN and heads south roughly parallel to highway I35W to a point near Hugo where it turns west through Blaine toward Bunker Lake where it again turns north to Andover. At Andover, it again turns west toward Elk River and Monticello. Over this north metro path, the 230 KV system supplies the 69 KV system via 230 KV-69 KV substations located at Linwood, Blaine, Bunker Lake, and Elk River. However, as the north metro area grows, it is positioned to further supply GRE's 69 KV system via new 230 KV-69KV substations at locations such as Johnsville and Andover.

B. Distribution System

1. Existing Distribution Supply

The 69 KV subtransmission system presently supplies five distribution substations at 12.5 KV, portions of which directly serve East Bethel homes and businesses via distribution lines called feeders. These distribution substations are:

- a. Cooper's Corner (at 237th Ave and Hastings about 1 mile east of Hwy 65)
- b. East Bethel (at Viking Blvd about 1 mile west of Hwy 65)
- c. Martin Lake (at Typo Creek Drive near Island Lake in Linwood Township)
- d. Soderville (at Hwy 65 and Crosstown Blvd in Soderville)
- e. Forest Lake (at Forest Lake just off Hwy I35W)

According to GRE, peak demands on each distribution substation and the percentage of these peak demands supplying homes and businesses in East Bethel are as follows:

<u>Substation</u>	<u>Peak Demand (MW)</u>	<u>% E. Bethel</u>
Coopers Corner	7.8 MW	63%
East Bethel	10.8 MW	76%
Martin Lake	9.0 MW	14%
Forest Lake	16.6 MW	2%
Soderville	14.0 MW	6%

It is important to note that except for Martin Lake, each of the foregoing distribution substations is supplied by two or more 69 KV lines. Therefore, if one 69 KV source is out of service, it is backed up by one or more remaining 69 KV sources. However, Martin Lake has no such backup supply. It is supplied by only one 69 KV line from Linwood Substation near Hwy I35W. This line is called a radial feed, and its loss can be replaced only via a complicated switching procedure on the 12.5 KV distribution system typically causing lengthy outages. The foregoing tabulation and subsequent discussion shows that improving reliability to Martin Lake Substation provides direct benefits to residential and business users in East Bethel as well as improving 69 KV grid area reliability.

2. Future Distribution Supply

Any new area 69 KV line should recognize the possible need to supply new distribution substations located on or near alternate routes. We presented this possibility to GRE, and it asked Connexus for plans for new distribution substations within East Bethel. Connexus stated

that the existing substations are adequate for the near term future, so no new distribution substations are planned at this time.

III. Project Need (No Build)

GRE's maps and diagrams show that 69 KV supply to the East Bethel area is via three 69 KV lines. Power flow studies simulate operation of these 69 KV lines and show resulting problems if any are taken out of service because of weather and other potential problems. Typical 69 KV system design requires that loss of a single 69 KV line in a local power grid should not disrupt or degrade electric service within the grid. We have reviewed some of the output of these power flow studies with GRE personnel. The studies show that outages of any one of these lines at the supply end of each causes severe low voltages in the East Bethel area along with high thermal loadings at the supply ends of the two lines remaining in service.

The supply lines and critical line sections are as follows:

<u>Supply Source</u>	<u>Critical 69 KV Line Segment</u>
Cambridge	Cambridge-Cambridge Industrial Park
Elk River	Elk River-St Francis
Soderville	Soderville-East Bethel

Information provided by GRE engineers shows that repair and/or replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-\$5 million cost of an Athens-Martin Lake 69 KV line. Additionally, such upgrades would not provide 2-way service to Martin Lake Substation, an important goal of the project. Two-way service to Martin Lake would otherwise be provided by a second 69 KV line from Hwy I35W corridor or the installation of expensive diesel generators, both further adding substantially to the cost of alternatives.

In summary, addition of an Athens-Martin Lake 69 KV line avoids the expensive upgrade of three other critical 69 KV line segments in the local power grid and provides two-way 69 KV supply to Martin Lake Substation. The upgrade avoidance may also be considered a deferral depending on future growth in the State Hwy 65 corridor which may eventually require conversion to 115 KV. However, based on our limited review of studies conducted by GRE and our own observations, we feel that addition of the Athens-Martin Lake 69 KV line is a cost effective solution eliminating the two-way service problem to Martin Lake and deferring three other 69 KV upgrades. As part of this review, we determined that no 69 KV lines owned by other utilities (such as Xcel Energy) were available to supply the study area. Open access requirements allow joint use if such lines were available.

We therefore agree that Athens and Martin Lake are reasonable termination points for a new 69 KV line, but with many routing options between these two points. This eliminates a "no-build" alternative.

IV. Potential Operation at 115 KV

GRE representatives have explained that GRE wishes to secure a total right-of-way (R/W) width of 70 ft for a single circuit 69 KV line with 38 ft of R/W taken via private easements along a roadway and the remaining 32 ft taken within the roadway. During our discussions with East Bethel groups, concern was raised regarding future upgrade to 115 KV. Our meeting with GRE's transmission line designer indicates that the line will not be designed so that it can simply be reconnected to operate at 115 KV. Such flexibility would not only require a design change but would also require a state siting permit as required for new 115 KV lines exceeding 1500 ft in length.

V. Environmental and Archeological Considerations

A base map showing environmentally sensitive areas was prepared by GRE, and the City provided this map (included in the handouts) as the official guide for route selection. Additionally, Cedar Creek Reserve spokesperson, Mr Jeff Corney attended task force meetings and provided special guidance regarding the Cedar Creek Reserve. Additionally, GRE retained a consultant to locate potentially sensitive archeological and historical areas, some of which are shown on the map of environmentally sensitive areas.

VI. Routing Options

In addition to the "no-build" option, we were given 15 route options to consider with option titles shown as follows and grouped with the routes listed in order from north to south and sublisted by critical corridor. Within the far north and medium north groups, the critical corridors considered utilize Sunset Road and Typo Creek Drive. In addition to evaluating previously prepared route information, the routes and related termination substations were all visually inspected by two representatives of LLS Resources. Maps of the routing options are included in the handouts.

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S

Route I1: Far North, Road 9E to Durant St (45S) to edge of Fish Lake to Fawn Drive (76E) then to Typo Creek Dr S

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

VII. Route Attributes

A. Environmental and Archeological Considerations

A base map showing environmentally sensitive areas was prepared by GRE, and the City provided this map (included in the handouts) as the official environmental guide for route selection. Additionally, Cedar Creek Reserve spokesperson, Mr Jeff Corney attended task force meetings and provided special guidance regarding the Cedar Creek Reserve. Additionally, GRE retained a consultant to locate potentially sensitive archeological and historical areas, some of which are shown on the map of environmentally sensitive areas.

B. Electrical Performance

Important electrical performance factors include:

1. Resistance which impacts electrical losses meaning lost energy simply heating the air
2. Impedance which negatively impacts voltage drop and causes low voltage problems
3. Maintenance access and costs such as vegetation control
4. Exposure to weather
5. Exposure to other hazards such as road accidents
6. Structure design and static wire which mitigates exposure to lighting and other failures.

Foregoing items No. 1-6 are directly related to line length. Shorter line distances therefore enhance these factors as well as cost, so distance is considered an important attribute. Also, double circuit construction is considered to be less reliable than single circuit construction because with double circuit construction, a single event can cause an outage of both circuits.

The horizontal insulator, single 69 KV wood pole structure design proposed by GRE, is reasonable, but requires unsightly guy wires at corners, angles and deadends (some which must cross roadways). The City may therefore wish to require steel poles at deadends, corners, and angles and possibly for tangent structures, especially in certain higher density neighborhoods. Laminated wood structures also reduce the need for guy wires, but laminated wood is not as effective as steel in reducing unsightly guy wires.

C. Other Route Attributes

Many other attributes can be attached to each route option. However, following are ones which we have selected as most important with respect to making a recommendation. The attributes for each route option included the attached Route Matrix are:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed deadends, corner and angle structures)
8. Distance to homes from centerline:

- a) 0-100 ft
- b) 0-200 ft
- c) 0-300 ft
- 9. Forested wetlands, miles
- 10. Non-forested wetlands, miles
- 11. Wetlands, acres
- 12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route
 - e) No. of PWI lakes within ROW
 - f) No. of PWI wetlands within ROW.

The route titles and attributes are all included in the attached matrix, parts 1 and 2

VIII. Route Recommendation Within East Bethel

The consulting Agreement between the City and LLS Resources, LLC specifically states that LLS Resources is to provide "... a technical expert opinion regarding the routing of a GRE 69 KV line through the City of East Bethel (City)." (emphasis added).

A. Route Options Within the City

With the former specific task in mind, we note the following routes fall largely within the City:

Routes: A, B, B1, C, C1, D

Routes B & B1 were eliminated by the Work Group at the outset because these travel through the center or near center of the Cedar Creek Reserve and were clearly rejected by Cedar Creek Reserve representative, Mr Jeff Corney. Route D was eliminated by the Work Group because of its extreme length and circuitous path thereby leaving Routes A, C and C1 as the remaining "in City" candidate routes. We agree with these eliminations.

B. Route Recommendation

A review of the route attributes shows that Route A (mostly following Road 26) is the most direct route with significantly less new ROW (7.4 miles total) and less new construction (10.4 miles total) and less cost than all the other candidate routes within the City. The other attributes of Route A compared to all the other route options (inside or outside the City) are all favorable. We therefore recommend Route A as the best route option within the City while keeping in mind certain concerns and possible disadvantages.

C. Route A Concerns and Disadvantages

Route A would also accommodate rebuild and relocation of a 3-phase main feeder line as underbuild running almost the entire length of the new line. GRE proposes to build the new 69 KV line mostly along the north side of Hwy 26, whereas the 3-phase feeder is mostly on the south side of Road 26. Unless Connexus agrees to install underground service drop crossings of Road 26 without added cost, the relocation of distribution facilities to the north side of Road 26 would result in a number of unsightly service drops which now do not exist. Also, GRE should confirm that to avoid power lines on both sides of Road 26, the distribution line transfer will occur at the same time as the new 69 KV construction.

In addition to construction along the north border of the Allison Savannah, Route A also requires construction along the entire south border of Cedar Creek Reserve, a major ecosystem science reserve. However, the Reserve Work Group representative has stated that construction along the south border is preferable to construction along the north border. Additionally, GRE has been working to avoid a school forest on the west side of Typo Creek Drive just south of the intersection with Road 26.

IX. Route Recommendation Outside East Bethel

A. Route Options Outside the City

The far north and medium north route sub groupings listed in the previous route options section are mostly outside of the City and were specifically aimed at problem areas going south from the far north and medium north routes in order to reach Martin Lake Substation. The two potential problem areas are Typo Creek Drive (north of Road 26) and Sunset Drive. After observing the number of properties close to the roadway and pinch points along Sunset Drive, we concur with the Work Group's concerns that Sunset Drive should be eliminated from further consideration and that Typo Creek Drive would be the preferred alternate for getting from the north and far north route options to Martin Lake Substation. This leaves Routes G, H, H1 and I as the remaining outside-of-City options using Typo Creek Drive and not using Sunset Drive.

Typo Creek Drive includes several pinch points regarding homes, a park, a fire station, a town hall, and a cemetery. In addition, a report commissioned by GRE identifies potential significant archeological sites and historic preservation uncertainties. We therefore recommend that its use should be minimized. Minimum use of Typo Creek Drive is certainly not a characteristic of either Route G or H1. Also, Route H follows the north edge of the Cedar Creek Reserve, a less desirable path than others according to Mr Corney.

B. Route Recommendation

Elimination of the foregoing leaves Route I as the remaining route which avoids the foregoing disadvantages. Route I utilizes about 2 miles of 69 KV deenergized line running north and east of Athens substation apparently built by GRE for future specific use.

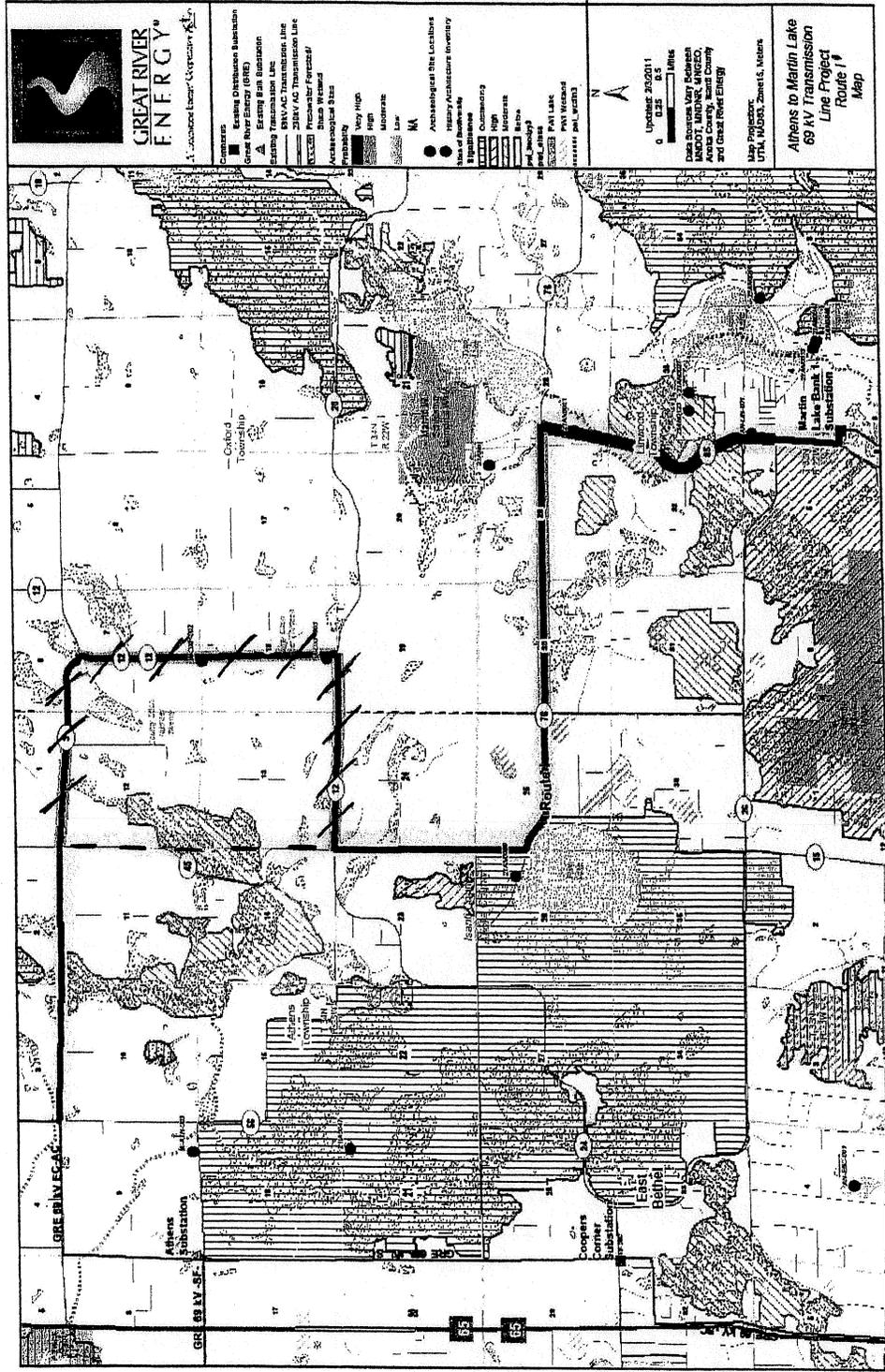
However, Route I could be significantly shortened by utilizing Durant Street (as with Route F) rather than Route 12 when heading south off Route 9. We estimate that using this modification the distance could be shortened appreciably from 13.7 miles making the new construction distance close to that required for Route A. According to GRE, Hwy 9 is scheduled for rebuild and widening in 4-5 years, so this modification of Plan I minimizes the length of line on Hwy 9 (about two miles) exposed to rebuild or relocation. We therefore recommend this modification of Route I as the best route outside the City. We subsequently refer to this modification of Route I as Route I1

Route I1 data provided by GRE on 06/17/2011 is now included as a line item in the attached comparison matrix. It shows a total line length of 11.3 miles at a cost of \$3.905 million which is close to the \$3.678 million cost of Route A but with significantly more (11.3 miles vs 7.4 miles) of new ROW acquisition.

Prepared by Larry L Schedin PE and Rob Hoerauf PE
Revised 06-17-11

Route 1'

Utilize Durant St. to shortened
Route distance from 13.7 miles
to 10.9 miles



6/17/2011 EAST BETHEL PROJECT ROUTE MATRIX 1

Route ID	Route Location	Route Description	Construction Notes	Cost (MM)	Tree Clearing (acres)	New Easements (acres)	Public Land Easements (miles)	Private Land Easements (miles)	Special Structures Req'r.	Homes Route CL (0-100 ft)	Homes Route CL (0-200 ft)	Homes Route CL (0-300 ft)
E	Far North	Road 9E to Xylite S to Road 56E to north edge of Cedar Creek. Uses Sunset Road (76).	10.5 mi new construction.	\$ 3.953	18	49	0.8	9.7	24	4	58	96
F	Far North	Road 9E to 45 S. Uses Sunset Road (76) to Road 26E.	10.9 mi new construction.	\$ 3.977	19	50	0	10.9	21	6	60	94
F1	Far North	Road 9E to 12S. Uses Sunset Road (76) to Road 26.	13.4 mi new construction.	\$ 4.785	17	62	0	13.4	22	4	62	102
G	Far North	Road 9E to 12S to Road 20. Uses Typo (85S).	11.2 mi new construction.	\$ 4.040	17	52	0.6	10.6	21	3	49	76
G1	Far North	Road 9E to 12S to Road 20. Uses Sunset Road (76) to Road 26.	15.0 mi new construction.	\$ 5.245	17	69	0.6	14.4	21	4	72	116
H2	Far North	Road 56 to Xylite S. Uses Sunset Road (76).	11.0 mi new construction.	\$ 4.449	15.4	93.45	Note A	Note A	20	3	44	80
H	Far North	Road 9E to 18S to 36 to 76. Uses Typo (85S).	16.85 mi new construction.	\$ 5.437	44.1	143.59	0.6	16.2	26	7	96	150
H1	Far North	Road 9E to 18S Road 20. Uses Typo (85S).	17.34 mi new construction.	\$ 5.606	32	147.72	0.6	16.7	24	3	65	95
I	Far North	Road 9E to 12S. Uses Typo (85S). Road 9E to 12S to Road 76.	13.7 mi new construction.	\$ 5.119	14.57	117.5	0	13.7	28	4	55	95
I1	Far North	Road 9E to 45. South on 45 to the edge of Fish Lake, then east on 76 to Typo Dr.	11.3 mi new construction.	\$ 3.905	20.45	Note A	Note A	Note A	20	6	52	86
E1	Med North	Road 56E to Xylite S. Uses Sunset Road (76) to Road 26.	10.5 mi new construction.	\$ 3.927	18	49	0.8	9.8	20	4	53	89
B	Central Cut	Road 24E to 76E to Road 26. Uses Sunset Road S.	3.0 mi new dbl ckt. Plus 9.0 mi new const. = 12.0 mi.	\$ 4.298	17	42	Note A	Note A	13	4	39	68

6/17/2011 EAST BETHEL PROJECT ROUTE MATRIX 1

Route ID	Route Location	Route Description	Construction Notes	Cost (MM)	Tree Clearing (acres)	New Easements (acres)	Public Land Easements (miles)	Private Land Easements (miles)	Special Structures Req'r.	Homes Route CL (0-100 ft)	Homes Route CL (0-200 ft)	Homes Route CL (0-300 ft)
B1	Central Cut	Routes along the north of Fish Lake. Uses Sunset Road S to Road 26.	2.0 mi new dbl ckt. Plus 8.3 mi new const. = 10.3 mi.	\$ 3.696	31	54	Note A	Note A	13	4	38	62
A	Med South	Road 26E to Road 26. Avoids Sunset Rd and Typo.	3.0 mi new dbl ckt. Plus 7.4 mi new const. = 10.4 mi.	\$ 3.678	14	35	3.3	4.1	10	0	43	84
C1	Med South	Road 24 to 26 to 15S to Road 22. Avoids Sunset Rd and Typo.	3.0 mi new dbl ckt. Plus 9.4 mi new const. = 12.4 mi.	\$ 4.323	19	44	3.3	6.1	13	2	54	99
C	South	Hwy 65 to Road 74. Avoids Sunset Rd and Typo.	5.4 mi new dbl ckt. Plus 8.9 mi new const. = 14.3 mi.	\$ 5.140	20	42	0	8.9	15	7	82	121
D	Far South	Hwy 65 route south to Road 68 and Road 22.	9.5 mi new dbl ckt. Plus 9.5 mi new const. = 19.0 mi.	\$ 7.173	15	45	Note A	Note A	23	14	182	271

Note A - GRE did not provide.

6/17/2011 EAST BETHEL PROJECT ROUTE MATRIX 2

Route ID	Route Location	Route Description	Forested Wetlands		Non-Forested Wetlands		Wetlands (acres)		PWI Waters (Note 1)		PWI Waters (Note 2)		PWI Waters (Note 3)		PWI Waters (Note 4)		PWI Waters (Note 5)		PWI Waters (Note 6)		
			(miles)	(miles)	(miles)	(miles)	(acres)	(Note 1)	(Note 2)	(Note 3)	(Note 4)	(Note 5)	(Note 6)								
E	Far North	Road 9E to Xylite S to Road 56E to north edge of Cedar Creek. Uses Sunset Road (76).	0.4	1.0	1.8	2	2	1	1	1	1	1	1	1	1	1	1	1	2	2	
F	Far North	Road 9E to 45.S. Uses Sunset Road (76) to Road 26E.	0.6	1.1	1.9	4	2	1	1	1	1	1	1	1	1	1	1	1	2	2	
F1	Far North	Road 9E to 12S. Uses Sunset Road (76) to Road 26.	0.5	1.3	2.2	5	4	1	1	1	1	1	1	1	1	1	1	1	2	2	
G	Far North	Road 9E to 12S to Road 20. Uses Typo (85S).	0.4	0.9	2.1	6	3	3	1	3	3	1	0	0	0	0	0	0	1	1	
G1	Far North	Road 9E to 12S to Road 20. Uses Sunset Road (76) to Road 26.	0.5	1.5	2.4	6	3	1	1	1	1	1	0	0	0	0	0	0	2	2	
H2	Far North	Road 56 to Xylite S. Uses Sunset Road (76).	0.02	0.32	2.73	2	2	2	2	2	2	1	0	0	0	0	0	0	2	2	
H	Far North	Road 9E to 18S to 36 to 76. Uses Typo (85S).	0.06	0.21	3.8	3	6	3	3	3	3	3	3	3	3	3	3	3	3	3	
H1	Far North	Road 9E to 18S Road 20. Uses Typo (85S).	0.08	0.22	4.48	5	8	3	3	3	3	2	2	2	2	2	2	2	3	3	
I	Far North	Road 9E to 12S. Uses Typo (85S). Road 9E to 12S to Road 76.	0.07	0.25	3.11	4	5	4	4	4	4	1	1	1	1	1	1	1	2	2	
I1	Far North	Road 9E to 45. South on 45 to the edge of Fish Lake, then east on 76 to Typo Dr.	Note A	Note A	2.84	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	Note A	2	3	3
E1	Med North	Road 56E to Xylite S.. Uses Sunset Road (76) to Road 26.	0.4	1.1	2.0	3	2	2	2	2	2	1	1	1	1	1	1	1	2	2	

6/17/2011

EAST BETHEL PROJECT ROUTE MATRIX 2

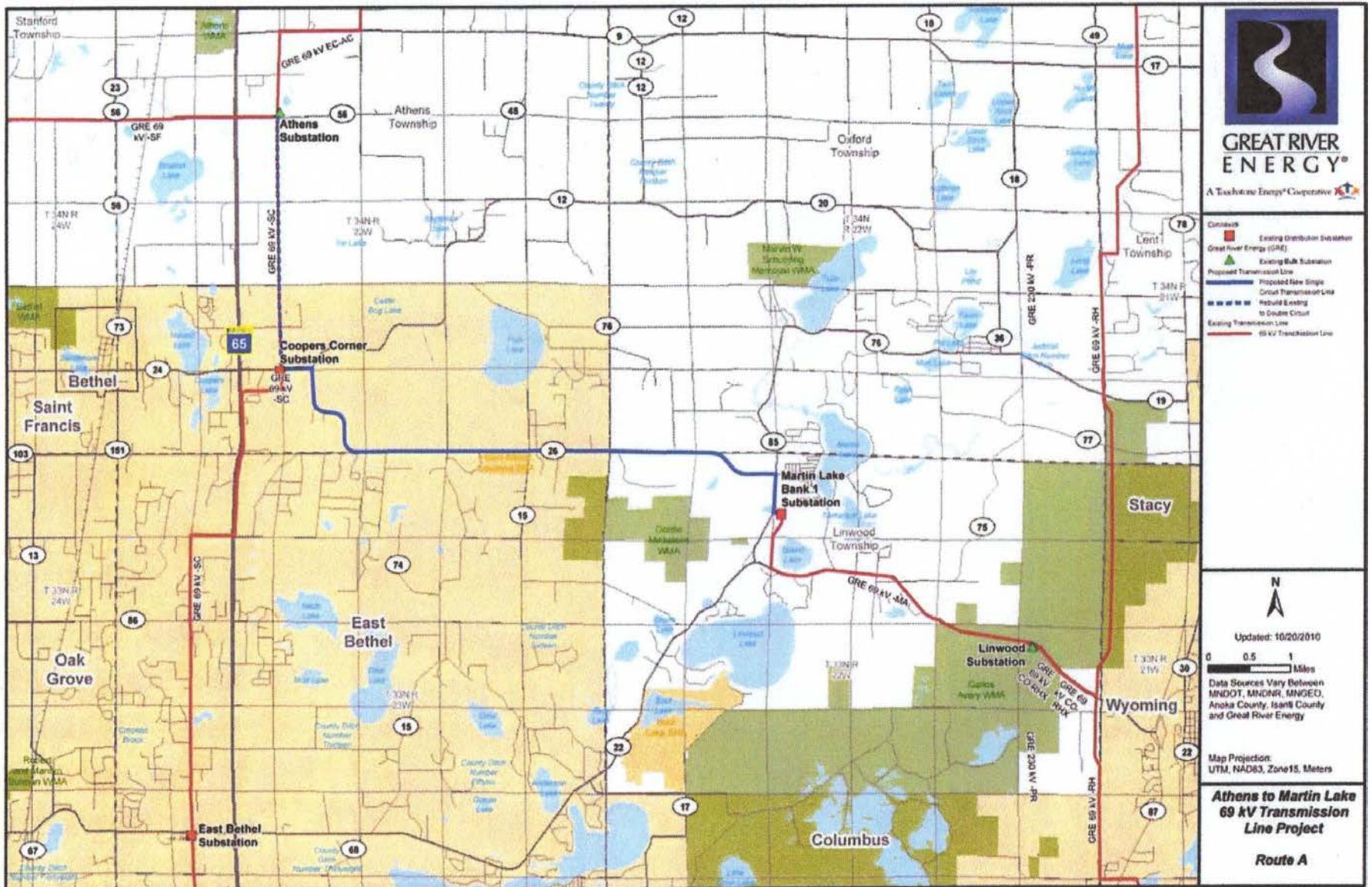
Route ID	Route Location	Route Description	Forested Wetlands		Non-Forested Wetlands		PWI Waters (Note 1)		PWI Waters (Note 2)		PWI Waters (Note 3)		PWI Waters (Note 4)		PWI Waters (Note 5)		PWI Waters (Note 6)	
			(miles)	(miles)	(miles)	(acres)												
B	Central Cut	Road 24E to 76E to Road 26. Uses Sunset Road S.	0.1	1.3	6.8	2	3	1	1	1	1	1	1	1	1	1	2	2
B1	Central Cut	Routes along the north of Fish Lake. Uses Sunset Road S to Road 26.	0.8	1.3	7.3	2	2	1	1	1	1	1	1	1	1	1	2	2
A	Med South	Road 26E to Road 26. Avoids Sunset Rd and Typo.	0.1	0.8	5.8	2	1	1	1	1	1	1	1	0	0	1	1	1
C1	Med South	Road 24 to 26 to 15S to Road 22. Avoids Sunset Rd and Typo.	0.3	0.8	6.3	2	1	1	1	1	1	2	2	0	0	2	2	2
C	South	Hwy 65 to Road 74. Avoids Sunset Rd and Typo.	0.4	1.2	9.1	3	3	1	1	3	3	1	3	1	1	4	4	4
D	Far South	Hwy 65 route south to Road 68 and Road 22.	0.7	1.1	9.9	6	3	1	1	3	1	2	2	1	1	3	3	3

Notes to Public Water Inventory (PWI) Categories

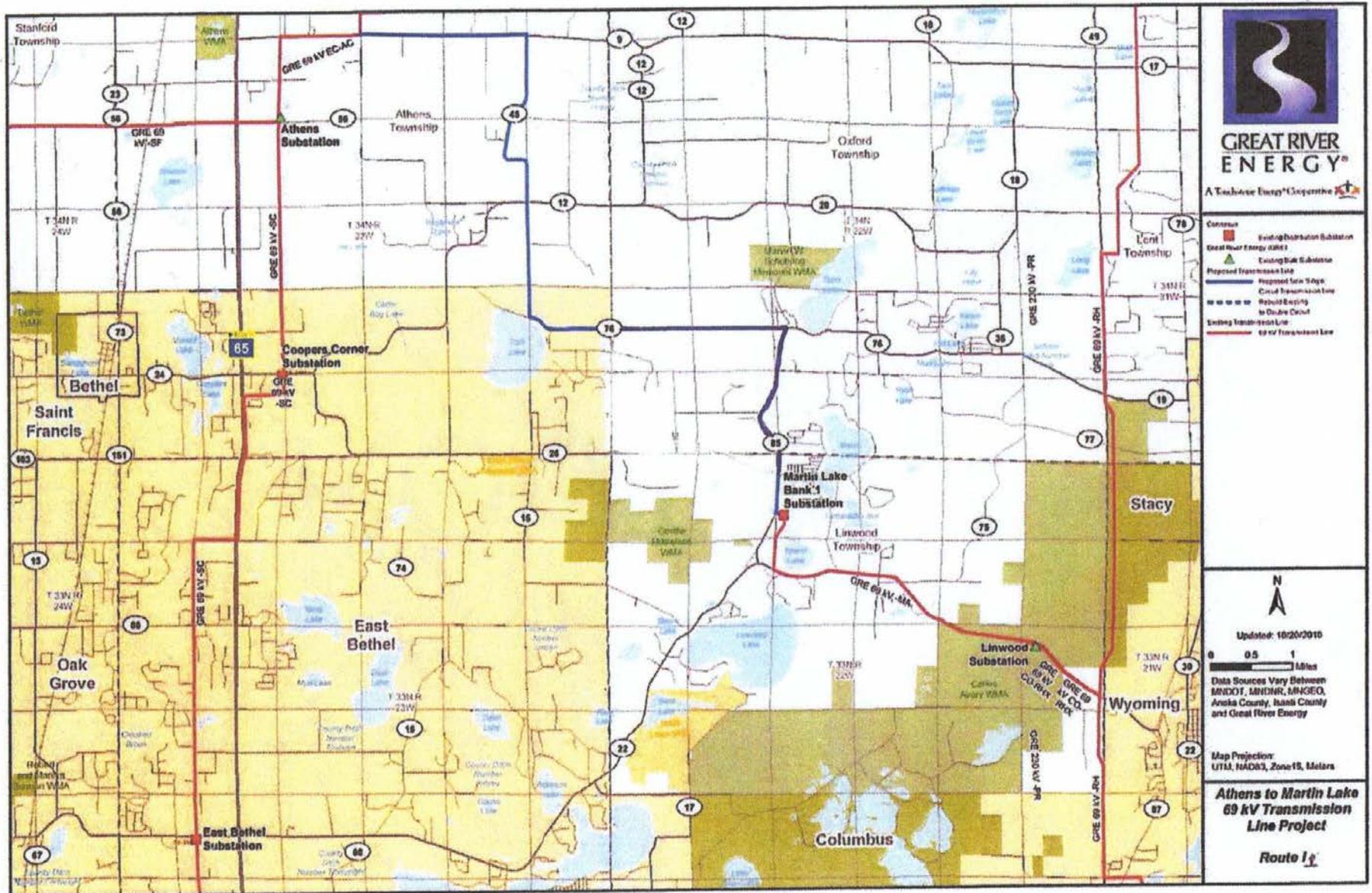
- Note 1 Number of Perennial Streams and Rivers crossed by Intended Centerline.
 Note 2 Number of Intermittent Streams and Rivers crossed by Intended Centerline.
 Note 3 Number of PWI Streams Crossed by Intended CL.
 Note 4 Number of Wetlands within Route.
 Note 5 Number of PWI Lakes within ROW.
 Note 6 Number of PWI Wetlands within ROW.

Note A GRE did not provide.

ROUTE A



ROUTE 11



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

RESOLUTION NO. 2011-52

**A RESOLUTION AMENDING A PREVIOUS ACTION BY GRANTING A
CONDITIONAL USE PERMIT TO GREAT RIVER ENERGY FOR ROUTE II
(ROUTE II-APPROVAL)**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposed the location of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230 volts (230kv);
- 2.) subtransmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood, Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radical feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and upgrade to 115kv line, which would be a regulated service under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would follow existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Lake Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Lake Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Lake Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Lake Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Lake Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Lake Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Lake Drive (76E) then to Typo Creek Dr S (See Consultant report for modified Route I1)

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Lake Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Lake Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrix prepared, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles
11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:

- a) Perennial streams and rivers crossed
- b) Intermittent streams and rivers crossed
- c) PWI streams crossed
- d) No. of wetlands within route
- e) No. of PWI lakes within ROW
- f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route II is an effective and efficient route with new right-of-way comparable to Route A, and have the opportunity to use existing 2 plus miles of 69 KV line along County Highway 9, and reasonable cost and right of way acquisition when compared to other routes. Route II also better plans for future upgrades to 115KV systems and transmission lines and impacts less densely populated areas of the affected communities. The other attributes of Route II compared to all the other route options (inside and outside the city) are all favorable in the opinion of the consultants, and Route II has been recommended to the City as a preferred route option for the city, yet recognizing that there are concerns and mitigation points and disadvantages that needed to be accommodated; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve, but have stated that construction along the south border is preferable to construction along their far more ecologically sensitive north border; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route II be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route II, as currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,

significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,

to maintain and enhance the natural amenities of the city for future generations to enjoy, and

to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural

habitat areas, and groundwater recharge.

WHEREAS, the City of East Bethel finds that a no-build alternate is not reasonable given the existing needs as expressed by the Applicant and the growth for electrical service presently and anticipated to occur within the area; and,

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, but Route II appears to be the route that has the least impact in those areas as to other routes within the city of East Bethel; and,

WHEREAS, Route II has minimal interference with public use and public property; and,

WHEREAS, Route II can serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the traffic impacts are less pronounced with Route II as opposed to other options as proposed within the city; and,

WHEREAS, the City's consultants have reviewed possible routes being located predominately outside the city of East Bethel to also serve the Athens Martin Lake substations, and provide the same economic/electrical services benefits that would be secured through the use of other routes; and,

WHEREAS, the far north and medium north sub-grouping routes which were previously reviewed, are mostly outside of the city in which are specifically aimed at the problem areas going south from the far north and medium north routes in order to reach the Martin Lake substation. The two potential problem areas were the Typo Creek Drive (north of County Road 26) and Sunset Drive. The City's consulting engineers opined and concurred with the workgroup's concerns that the Sunset Drive options should be eliminated from further consideration, and that Typo Creek Drive would be a preferred alternative for getting from the north and far north options to the Martin Lake substation; and,

WHEREAS, Typo Creek Drive includes several pinch points regarding residential properties and homes, a park, fire station, the Town Hall, and a cemetery. In addition, the report commissioned by the Applicant identifies possible archeological sites and historical preservation uncertainties which were not defined or fully substantiated; and,

WHEREAS, Route I, as examined, could be significantly shortened by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A. Further, Route 9 is also scheduled for a rebuild and widening in 4 to 5 years by Isanti County, so that modification of Plan I would minimize the length of line on Highway 9 to be exposed to a rebuild or relocation. It is also established that there exists 2 miles of 69kv line currently located on Highway 9 which could be utilized for this modification of Route 9; and,

WHEREAS, this modification to Route I, now designated Route II, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route II would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as II impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route II would impact a lesser densely populated area than Route A
- D. Route II is consistent with MPUC criteria for routing transmission lines rated 115 KV and above
- E. Route II minimizes new construction along CSAH 9
- F. Route II avoids double circuit rebuild of a three mile single circuit line section south of Athen Substation
- G. Route II is well positioned to supply a new distribution substation earlier than planned for South Isanti County

WHEREAS, The applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection; and,

WHEREAS, the applicants statement that Route II in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the area of the Route II; and,

WHEREAS, Route A would result in significant Tree loss (8.5 ac vs. 1.79 ac within East Bethel for Route II) along CSAH 26 impacting residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route II will not impair or preclude widening and upgrades to CSAH 9 in the future should Isanti County desire to do so.

WHEREAS, the City Council took action on the applicants request for Route A approval at its June 22, 2011 meeting; and,

WHEREAS, the City Council on June 22, 2011, did not have the opportunity to review and award alternate routes as no public notices to property owners along alternate routes had been mailed or published as a result of the applicants application being limited to it's Route A request; and,

WHEREAS, The City has now notified property owners along Route II of its consideration of that route alternative; and,

WHEREAS, Route II along with Route A were considered by the City's consultants as the two most feasible Routes for selection; and,

WHEREAS, Route II is derived from Route I which was the applicants first proposed Route for selection in the earlier reviews of route alternatives examined; and,

WHEREAS, City Ordinance section 2-60 provides in part:

“Parliamentary Proceedings. Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code”; and,

WHEREAS, Roberts Rules provides for the opportunity to “amend previously adopted” and allows for the opportunity for the city council to amend the June 22nd denial of Route A approval by adding a grant of approval of Route II.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel does hereby amend its prior Resolution No. 2011-20 previously adopted June 22, 2011 to provide that the Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the city of East Bethel is hereby approved, with Route II being selected, subject to the imposition of the following mitigation measures and conditions:

1. That Great River Energy (GRE) will submit a construction plan prior to commencing the construction of the 69kv line, establishing both a construction time table and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers.
2. That Great River Energy shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That Great River Energy and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at crossings of County Road 76 (Fawn Lake Drive) and other municipal roads within the city of East Bethel without added cost to the residents and utility users and assure that the relocation of distribution facilities to the north side of County Road 76 (Fawn Lake Drive) results in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.
4. That Great River Energy execute Conditional use Permits and Agreements as prepared by City Staff.

5. That pursuant to ordinance Sec 74-214(h):
“The applicant may notify the City and request the selection of a different alternative after the City Council’s action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location.”

The City expects that GRE make a substantive and good faith effort to secure route approval for Route II from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

Adopted this 19th day of October, 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. 2011-52

**A RESOLUTION AMENDING A PREVIOUS ACTION BY GRANTING A
CONDITIONAL USE PERMIT TO GREAT RIVER ENERGY FOR ROUTE I1
(ROUTE I1-APPROVAL)**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposed the location of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230,000 volts (230kv);
- 2.) subtransmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood, Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radial feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and be upgraded to 115kv line, which would be a regulated service under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would follow existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Lake Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Lake Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Lake Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Lake Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Lake Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Lake Drive (76E) then to Typo Creek Dr S (See Consultant report for modified Route I1)

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Lake Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Lake Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrix prepared, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles
11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route

- e) No. of PWI lakes within ROW
- f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route II is an effective and efficient route with new right-of-way comparable to Route A, and have the opportunity to use existing 2 plus miles of 69 KV line along County Highway 9, and reasonable cost and right of way acquisition when compared to other routes. Route II also better plans for future upgrades to 115KV systems and transmission lines and impacts less densely populated areas of the affected communities. The other attributes of Route II compared to all the other route options (inside and outside the city) are all favorable in the opinion of the consultants, and Route II has been recommended to the City as a preferred route option for the city, yet recognizing that there are concerns and mitigation points and disadvantages that needed to be accommodated; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve, but have stated that construction along the south border is preferable to construction along their far more ecologically sensitive north border; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route II be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route II, is currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,

significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,

to maintain and enhance the natural amenities of the city for future generations to enjoy, and

to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, the City of East Bethel finds that a no-build alternate is not reasonable given the existing needs as expressed by the Applicant and the growth for electrical service

presently and anticipated to occur within the area; and,

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, but Route II appears to be the route that has the least impact in those areas as to other routes within the city of East Bethel; and,

WHEREAS, Route II has minimal interference with public use and public property; and,

WHEREAS, Route II can serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the traffic impacts are less pronounced with Route II as opposed to other options as proposed within the city; and,

WHEREAS, the City's consultants have reviewed possible routes being located predominately outside the city of East Bethel to also serve the Athens Martin Lake substations, and provide the same economic/electrical services benefits that would be secured through the use of other routes; and,

WHEREAS, the far north and medium north sub-grouping routes which were previously reviewed, are mostly outside of the city in which are specifically aimed at the problem areas going south from the far north and medium north routes in order to reach the Martin Lake substation. The two potential problem areas were the Typo Creek Drive (north of County Road 26) and Sunset Drive. The City's consulting engineers opined and concurred with the workgroup's concerns that the Sunset Drive options should be eliminated from further consideration, and that Typo Creek Drive would be a preferred alternative for getting from the north and far north options to the Martin Lake substation; and,

WHEREAS, Typo Creek Drive includes several pinch points regarding residential properties and homes, a park, fire station, the Town Hall, and a cemetery. In addition, the report commissioned by the Applicant identifies possible archeological sites and historical preservation uncertainties which were not defined or fully substantiated; and,

WHEREAS, Route I, as examined, could be significantly shortened by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A. Further, Route 9 is also scheduled for a rebuild and widening in 4 to 5 years by Isanti County, so that modification of Plan I would minimize the length of line on Highway 9 to be exposed to a rebuild or relocation. It is also established that there exists 2 miles of 69kv line currently located on Highway 9 which could be utilized for this modification of Route 9; and,

WHEREAS, this modification to Route I, now designated Route II, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles).

Notwithstanding same, Route I1 would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as I1 impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route I1 would impact a lesser densely populated area than Route A
- D. Route I1 is consistent with MPUC criteria for routing transmission lines rated 115 KV and above
- E. Route I1 minimizes new construction along CSAH 9
- F. Route I1 avoids double circuit rebuild of a three mile single circuit line section south of Athen Substation
- G. Route I1 is well positioned to supply a new distribution substation earlier than planned for South Isanti County

WHEREAS, The applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection; and,

WHEREAS, the applicants statement that Route I1 in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the area of the Route I1; and,

WHEREAS, Route A would result in significant Tree loss (8.5 ac vs. 1.79 ac within East Bethel for Route I1) along CSAH 26 impacting residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route I1 will not impair or preclude widening and upgrades to CSAH 9 in the future should Isanti County desire to do so.

WHEREAS, the City Council took action on the applicants request for Route A approval at its June 22, 2011 meeting; and,

WHEREAS, the City Council on June 22, 2011, did not have the opportunity to review and award alternate routes as no public notices to property owners along alternate routes had been mailed or published as a result of the applicants application being limited to it's Route A

request; and,

WHEREAS, The City has now notified property owners along Route II of its consideration of that route alternative; and,

WHEREAS, Route II along with Route A were considered by the City's consultants as the two most feasible Routes for selection; and,

WHEREAS, Route II is derived from Route I which was the applicants first proposed Route for selection in the earlier reviews of route alternatives examined; and,

WHEREAS, City Ordinance section 2-60 provides in part:

“Parliamentary Proceedings. Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code”; and,

WHEREAS, Roberts Rules provides for the opportunity to “amend previously adopted” and allows for the opportunity for the city council to amend the June 22nd denial of Route A approval by adding a grant of approval of Route II.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel does hereby amend its prior Resolution No. 2011-20 previously adopted June 22, 2011 to provide that the Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the city of East Bethel is hereby approved, with Route II being selected, subject to the imposition of the following mitigation measures and conditions:

1. That Great River Energy (GRE) will submit a construction plan prior to commencing the construction of the 69kv line, establishing both a construction time table and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers.
2. That Great River Energy shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That Great River Energy and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at crossings of County Road 76 (Fawn Lake Drive) and other municipal roads within the city of East Bethel without added cost to the residents and utility users and assure that the relocation of distribution facilities to the north side of County Road 76 (Fawn Lake Drive) results in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.
4. That Great River Energy execute Conditional use Permits and Agreements as prepared by City Staff.

5. That pursuant to ordinance Sec 74-214(h):
“The applicant may notify the City and request the selection of a different alternative after the City Council’s action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location.”

The City expects that GRE make a substantive and good faith effort to secure route approval for Route II from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

Adopted this 19th day of October, 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. 2011-52

**A RESOLUTION AMENDING A PREVIOUS ACTION BY GRANTING A
CONDITIONAL USE PERMIT TO GREAT RIVER ENERGY FOR ROUTE I1
(ROUTE I1-APPROVAL)**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposed the located of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230 volts (230kv);
- 2.) subtransmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood, Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radical feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and upgrade to 115kv line, which would be a regulated service under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would follow existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S (See Consultant report for modified Route I1)

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrix prepared, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles

11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed
 - b) Intermittent streams and rivers crossed
 - c) PWI streams crossed
 - d) No. of wetlands within route
 - e) No. of PWI lakes within ROW
 - f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route II is an effective and efficient route with new right-of-way comparable to Route A, and have the opportunity to use existing 2 plus miles of 69 KV line along County Highway 9, and reasonable cost and right of way acquisition when compared to other routes. Route II also better plans for future upgrades to 115KV systems and transmission lines and impacts less densely populated areas of the affected communities. The other attributes of Route II compared to all the other route options (inside and outside the city) are all favorable in the opinion of the consultants, and Route II has been recommended to the City as a preferred route option for the city, yet recognizing that there are concerns and mitigation points and disadvantages that needed to be accommodated; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve, but have stated that construction along the south border is preferable to construction along their far more ecologically sensitive north border; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route II be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route II, as currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,

significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,

to maintain and enhance the natural amenities of the city for future generations to enjoy, and

to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, the City of East Bethel finds that a no-build alternate is not reasonable given the existing needs as expressed by the Applicant and the growth for electrical service presently and anticipated to occur within the area; and,

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, but Route II appears to be the route that has the least impact in those areas as to other routes within the city of East Bethel; and,

WHEREAS, Route II has minimal interference with public use and public property; and,

WHEREAS, Route II can serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the traffic impacts are less pronounced with Route II as opposed to other options as proposed within the city; and,

WHEREAS, the City's consultants have reviewed possibly routes being located predominately outside the city of East Bethel to also serve the Athens Martin Lake substations, and provide the same economic/electrical services benefits that would be secured through the use of other routes; and,

WHEREAS, the far north and medium north sub-grouping routes which were previously reviewed, are mostly outside of the city in which are specifically aimed at the problem areas going south from the far north and medium north routes in order to reach the Martin Lake substation. The two potential problem areas were the Typo Creek Drive (north of County Road 26) and Sunset Drive. The City's consulting engineers opined and concurred with the workgroup's concerns that the Sunset Drive options should be eliminated from further consideration, and that Typo Creek Drive would be a preferred alternative for getting from the north and far north options to the Martin Lake substation; and,

WHEREAS, Typo Creek Drive includes several pinch points regarding residential properties and homes, a park, fire station, the Town Hall, and a cemetery. In addition, the report commissioned by the Applicant identifies possible archeological sites and historical preservation uncertainties which were not defined or fully substantiated; and,

WHEREAS, Route I, as examined, could be significantly shorted by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A. Further, Route 9 is

also scheduled for a rebuild and widening in 4 to 5 years by Anoka County, so that modification of Plan I would minimize the length of line on Highway 9 to be exposed to a rebuild or relocation. It is also established that there exists 2 miles of 69kv line currently located on Highway 9 which could be utilized for this modification of Route 9; and,

WHEREAS, this modification to Route I, now designated Route II, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route II would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as II impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route II would impact a lesser densely populated area than Route A
- D. Route II is consistent with MPUC criteria for routing transmission lines rated 115 KV and above
- E. Route II minimizes new construction along CSAH 9
- F. Route II avoids double circuit rebuild of a three mile single circuit line section south of Athen Substation
- G. Route II is well positioned to supply a new distribution substation earlier than planned for South Isanti County
- H.

WHEREAS, The applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection; and,

WHEREAS, the applicants statement that Route II in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the area of the Route II; and,

WHEREAS, Route A would result in significant Tree loss (8.5 ac vs. 1.79 ac within East Bethel for Route II) along CSAH 26 impacting residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route II

will not impair or preclude widening and upgrades to CSAH 9 in the future should Anoka County desire to do so.

WHEREAS, the City Council took action on the applicants request for Route A approval at its June 22 2011 meeting; and

WHEREAS, the City Council on June 22, 2011 did not have the opportunity to review and award alternate routes as no public notices to property owners along alternate routes had been mailed or published as a result of the applicants application being limited to it's Route A request; and

WHEREAS, The City has now notified property owners along Route II of its consideration of that route alternative; and

WHEREAS, Route II along with Route A were considered by the City's consultants as the two most feasible Routes for selection; and,

WHEREAS, Route II is derived from Route I which was the applicants first proposed Route for selection in the earlier reviews of route alternatives examined; and

WHEREAS, City Ordinance section 2-60 provides in part:

“Parliamentary Proceedings. Roberts Rules of Order (Newly Revised) shall govern all city council meetings as to procedural matters not in the code”; and

WHEREAS, Roberts Rules provides for the opportunity to “amend something previously adopted” and allows for the opportunity for the city council to amend the June 22nd denial of Route A approval by adding a grant of approval of Route II.

NOW, THEREFORE, BE IT RESOLVED, by the City Council for the City of East Bethel does hereby amend its prior Resolution No. 2011-20 previously adopted June 22, 2011 to provide that the Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the city of East Bethel is hereby approved, with Route II being selected, subject to the imposition of the following mitigation measures and conditions:

1. That Great River Energy (GRE) will submit a construction plan prior to commencing the construction of the 69kv line, establishing both a construction time table and a progression of construction that shall be reviewed and have to meet the approval of the City's consulting engineers.
2. That Great River Energy shall minimize the need for any unsightly guide wires at corners, angles and dead ends, and utilize steel poles at dead ends, corners, angles and in certain high density neighborhoods designated by the City's consulting engineers as part of this project.
3. That Great River Energy and/or its subsidiaries or other utility users that utilize its services shall install underground service drops at crossings of County Road 26 and other municipal roads within the city of East Bethel without added cost to the residents and utility users and assure that the relocation of distribution facilities to the north side of County Road 26

results in a minimum replacement of service drops, and wherever possible all service drops must be undergrounded.

4. That Great River Energy execute Conditional use Permits and Agreements as prepared by City Staff.
5. That pursuant to ordinance Sec 74-214(h):
“The applicant may notify the City and request the selection of a different alternative after the City Council’s action if the applicant believes that it cannot use the selected alternative because of a reason that was beyond its own control and not apparent during the selection process. The City Council may approve a different alternative that has been subject to phase one requirements if it finds that the applicant is prevented from using the selected location.”

The City expects that GRE make a substantive and good faith effort to secure route approval for Route I1 from any and all permitting authorities but in the event it cannot the City reserves the right to review other routes for selection and permitting.

Adopted this 19th day of October, 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
ANOKA COUNTY, MINNESOTA**

RESOLUTION NO. 2011-20

**A RESOLUTION MAKING FINDINGS OF FACT AND DENYING A CONDITIONAL
USE PERMIT FOR GREAT RIVER ENERGY FOR ROUTE A**

THE CITY OF EAST BETHEL HEREBY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of East Bethel received a CUP application submitted by Great River Energy on March 4, 2011, requesting that the City provide Conditional Use Permit approval for a 69KV Transmission Line to be constructed through the city of East Bethel; and,

WHEREAS, the City of East Bethel, prior to the filing of the Conditional Use Permit, established by Ordinance, a Conditional Use Permit process for transmission lines to be constructed or located within the city of East Bethel; and,

WHEREAS, the City of East Bethel formed a workgroup who participated with the Applicant in reviewing the application and proposed project alternatives at several locations, with the Applicant supplying analysis to the workgroup in a manner that was specified within the Ordinance; and,

WHEREAS, the City of East Bethel did retain an independent technical expert, being LLS Resources, LLC, with technical representatives Larry L. Schedin and Robert Hoerauf, both registered professional electrical engineers in the State of Minnesota, to examine the several routes both within and outside of the city, being evaluated for the proposed routes to serve the transmission line to be located; and,

WHEREAS, Great River Energy is a generation transmission cooperative headquartered in Maple Grove, owning transmission lines supplying energy to East Bethel and surrounding territories. GRE facilities supply wholesale electricity to Connexus, which in turn distributes electricity at retail to East Bethel homes, businesses and neighboring communities; and,

WHEREAS, GRE proposes the located of a 69 Kilovolt line, denominated the Athens to Martin Lake 69KV Project; and,

WHEREAS, current electric supply occurs at 3 successive levels in the following order:

- 1.) bulk transmission: 230,000 volts (230kv);
- 2.) sub transmission: 69,000 volts (69kv); and
- 3.) distribution: 12,500 volts (12.5kv).

The 230kv bulk transmission system supplies GRE's 69kv system in the north metro area originating at Rush City heading south, roughly parallel to Highway I-35W to a point near Hugo where it turns west through Blaine through Bunker Lake, where again it turns north through Andover. At Andover, it again turns west towards Elk River and Monticello. Over this north metro path, the 230kv system supplies the 69kv system via 230kv-69kv substations located at Linwood,

Blaine, Bunker Lake, and Elk River; however, as the north metro area grows, it is positioned to further supply GRE's 69kv system via a new 230kv-69kv substation at locations such as Johnsville and Andover. The existing KV subtransmission system presently supplies five (5) distribution substations at 12.5kv, portions of which directly serve East Bethel homes and businesses via distribution lines called "feeders". Distribution substations are currently located at Cooper's Corner, East Bethel, Martin Lake, Soderville, and Forest Lake; and,

WHEREAS, with the exception of the Martin Lake substation, each of the foregoing distribution substations are supplied by two or more 69kv lines. Therefore, if one 69kv source is out of service, it is backed up by one or more remaining KV sources, however, in the Martin Lake substation has no such back up supply; it is supplied only by one (1) 69kv line from Linwood substation near Highway I-35. This line is called a "radial feed" and its loss can be replaced only via complicated switching procedures on the 12.5kv distribution system, typically causing lengthy outages; and,

WHEREAS, the addition of an Athens Martin Lake 69KV line would avoid expensive upgrades of three other critical 69kv line segments in the local power grid and provides a two-way 69kv supply to the Martin Lake substation; and,

WHEREAS, information provided by the Applicant's engineer shows that the repair and replacement of these critical line segments supplemented by a capacitor bank could cost in the range of 4 to 5 times the \$4-5 Million cost of an Athens to Martin Lake 69KV line, and additionally, such upgrades would not provide two-way service to the Martin Lake substation, and important goal of the project; and,

WHEREAS, the City of East Bethel does find that the Athens and Martin Lake substations are reasonable termination points for a new 69kv line, but there are many routing options between these two points both within and outside of the City of East Bethel; and,

WHEREAS, GRE representatives and Applicant have represented that the 69kv line would not be designed so that it could be simply reconnected to operate and upgrade to 115kv line, which would be a regulated service permit under the Public Utilities Commission; however, it is reasonable to project that future upgrades to electric service lines would favor following existing paths established under the current protocols; and,

WHEREAS, the City, its workgroups, Planning Commission, in addition to the Applicant, have examined 16 route options to consider for the routing of the proposed 69kv line to connect the Athens and Martin Lake substations; and,

WHEREAS, the lines examined are set forth as follows:

A. Far North and Medium North Groups

1. Sunset Road sub-group

Route E: Far North, Road 9E to Xylite S, to Road 56E along north edge of Cedar Creek Reserve turning S on Durant St to Fawn Drive (76E) then Sunset Rd S to Road 26E to Typo Creek Dr S

Route F: Far North, Road 9E to Durant St (45S) to Fawn Drive (76E) to S

on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route F1: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) to S on Sunset Rd to Road 26E, then to Typo Creek Dr S

Route E1, Far North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

Route E1, Med North: Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to Fawn Drive (76E), to Sunset Rd S to 26E to Typo Creek Dr S.

2. Typo Creek Drive sub-group

Route G: Far North, Road 9E to 12S to 20E to Typo Creek Dr S.

Route H : Med North, Road 56E to Xylite (56S) (both on north edge of Cedar Creek Reserve) to 12E to Durant St (45S) to Fawn Drive (76E), then to Typo Creek Dr S

Route H1: Far North, Road 9E to 18S to 20W (north of Typo Lake) then to Typo Creek Dr S

Route I: Far North, Road 9E to Road 12S&W to Durant St (45S) to Fawn Drive (76E) then to Typo Creek Dr S

3. Typo Creek Drive and Sunset sub-group

Route G1: Far North, Road 9E to 12S to 20E to Typo Creek Dr S to 29W to Sunset Rd S to 26E to Typo Creek Dr S.

B. Central Cut Group

Route B: Central Cut, Road 24E from Coopers Corner to Fawn Drive (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

Route B1: Central Cut, S from Athens Sub to Route 25 cutting directly across Cedar Creek Reserve to Fawn Dr (76E) to Sunset Rd S to 26E to Typo Creek Dr S.

C. Medium South, South and Far South Group

Route A: Med South, 237th Ave E (Rd 24) to Road 26E to Typo Creek Drive S

Route C1: Med South, 237th Ave E (Rd 24) to Road 26E to 15S to Road 22N

Route C: South, Hwy 65 S to Road 74E to Rd 22N

Route D: Far South, Hwy 65 to Viking Blvd (Rd 68E to 22N)

WHEREAS, as part of the evaluation of the various routes, the Applicant and the City have considered environmental issues specific to Cedar Creek Reserve and potentially sensitive archeological and historic areas, only some of which have been shown on the mapping of environmentally sensitive areas depicted on maps provided by the Applicant; and,

WHEREAS, the Cedar Creek Ecosystem and Scientific Reserve is listed as a National Natural Landmark by the National Park Service and is a significant environmental asset within the community of East Bethel; and

WHEREAS, the Cedar Creek Ecosystem and Scientific Reserve is proposed to be in the pathway of proposed "Route A" advocated by the applicant; and,

WHEREAS, The University of Minnesota manages the Cedar Creek Ecosystem and Scientific Reserve and has stated in response to their position on proposed "Route A":

"Cedar Creek Ecosystem Science Reserve owned and operated by the University of Minnesota, will support the decision of the City of East Bethel's City Council in regards to Great River Energy's request for a Conditional Use Permit to construct transmission lines through the City. However, the University will not support any option that would require routing the transmission line through any part of the University property other than along the perimeter of the Reserve.

Specifically, if the council decides to deny a permit for "Route A" then Cedar Creek will stand by that decision by officially rejecting GRE's request to build a transmission line on University property along that or any other route specifically precluded by the council"

WHEREAS, in the evaluation of the various routes, the City has considered attributes for each route option, included within a route matrices prepared by Applicant, which attributes are as follows:

1. New construction miles
2. Construction cost (\$ millions)
3. Tree clearing, acres
4. New easements, acres
5. Public land easements, miles
6. Private land easements, miles
7. Special transmission structures (reinforced or guyed dead ends, corner and angle structures)
8. Distance to homes from centerline:
 - a) 0-100 ft
 - b) 0-200 ft
 - c) 0-300 ft
9. Forested wetlands, miles
10. Non-forested wetlands, miles
11. Wetlands, acres
12. Six types of Public Water Inventory (PWI) categories:
 - a) Perennial streams and rivers crossed

- b) Intermittent streams and rivers crossed
- c) PWI streams crossed
- d) No. of wetlands within route
- e) No. of PWI lakes within ROW
- f) No. of PWI wetlands within ROW.

WHEREAS, the City's consultants have reviewed the various routes option proposed to be located within the city, and have determined that from the various route attributes, only Route A (mostly following County Road 26) is the most direct route with significantly less new right-of-way (7.4 miles total to be acquired) and less new construction (10.4 miles total), and less cost than all of the other candidate routes within the city; and,

WHEREAS, Route A would also accommodate a rebuild and relocation of a 3-phase main feeder line as under build running most of the entire length of the new line with the 3-phase feeder line being mostly on the south side of County Road 26. The City's consultants have opined that unless Connexus agrees to install underground service drops, crossings, for County Road 26 without added costs, the relocation of distribution facilities to the north side of County Road 26 will result in a number of unsightly service drops which now do not exist. Additionally, the City's consultants have opined that GRE should confirm that to avoid power lines on both sides of County Road 26, the distribution line transfer, should Route A be selected, will occur at the same time as the new 69kv construction; and,

WHEREAS, in addition to the construction along the north border of the Allison Savannah, Route A will also require construction along the entire south border of Cedar Creek Reserve, a major ecosystem/science reserve; and,

WHEREAS, the representatives of Cedar Creek Reserve do not concur with the construction in proximity to Cedar Creek Reserve; and,

WHEREAS, it is reasonable for the City to consider the imposition of obtaining the necessary commitments from Great River Energy with regard to the timing of the construction of the various facilities comprising the 69kv line, should Route A be granted so that the community is not burdened by piece meal construction of that facility over an unreasonable length of time; and,

WHEREAS, the construction of any route should utilize steel poles at dead ends, corners and angles, and within certain high-density neighborhoods so as to reduce the need for guide wires and wood structures, as wood is not as effective as steel in reducing unsightly guide wires and for stability; and,

WHEREAS, Route A territory, is currently guided by the City's comprehensive plan for the following land uses and environmental and natural resources goals:

- a) low density residential land use which consists of detached single family homes on a variety of lot sizes with a minimum gross density of one (1) unit per ten (10) acres; as the lots are difficult to serve with municipal services and will be in the foreseeable future,
- b) significant natural area known as Cedar Creek Ecosystem and Scientific Reserve, owned and operated by the University of Minnesota,
- c) to maintain and enhance the natural amenities of the city for future generations to enjoy, and

- d) to protect the surface waters and wetland areas of the city to promote aesthetic qualities, natural habitat areas, and groundwater recharge.

WHEREAS, Route I1, as examined, could be significantly shortened by using Durant Street, rather than Route 12 when heading south off of Route 9. The City's consultants estimated that in using this modification the distance could be shortened from 13.10 miles to 10.9 miles, making the new construction distance comparable to that required by Route A; and,

WHEREAS, this modification to former Route I, designated Route I1, shows a total length of 11.3 miles at a projected cost of \$3.905 million, which is close to the projected \$3.678 million of Route A, but with more new right-of-way acquisition (11.3 miles vs. 7.4 miles). Notwithstanding same, Route I1 would have the following significant benefits:

- A. From a planning standpoint, given the possibility that the route selected presently for the upgrade to the 69kv line might someday in the future be proposed to be served by an upgrade to a 115kv line (Route ROW widths are the same for a 69 KV line vs. a 115 KV line as designed by GRE), the route designated as I1 impacts fewer residents and involves right-of-way over more open and vacant land.
- B. The route would already utilize 2 miles of existing 69kv line now in place and controlled by GRE.
- C. The Route I1 would impact a lesser densely populated area than Route A
- D. Route I1 would have no impact upon the Cedar Creek Ecosystem Science Reserve

WHEREAS, The Applicant has prepared matrices and reports based on the various routes and differences with aspects and elements of impacts (i.e. projected pinch points, easements to be acquired and right of way to be secured) but has acknowledged at the public hearing conducted before the planning commission on June 20, 2011 that its matrices are projected upon estimates and not gathered from any surface study or design data and thus are inherently generalized as based on projection appearing to skew the results between the various options and Route A; and,

WHEREAS, the Applicant's matrices missed important data such as the number of easements and right of way acquisitions needed for each route; and

WHEREAS, the Applicant's statement that Route I1 in the vicinity of Typo Drive would encounter possible historic or archeological features that could impact the route designation is speculative and uncertain given that no specific historic or archeological site has been evidenced within any report nor any existing historic or archeological feature has been demonstrated to exist in the pathway of Route I1; and,

WHEREAS, Route A would result in significant tree and canopy loss (8.5 ac vs. 1.79 ac within East Bethel for Route I1) along CSAH 26 impacting many residents on the north side of that proposed line; and

WHEREAS, there is no evidence that location of the 69 KV line along Route I1 will not impair or preclude widening and upgrades to CSAH 9 in the future should Isanti County desire to do so.

WHEREAS, all routes have a negative impact relative to economic/environmental social and/or health and safety impacts, Route A appears to be the route that has one of the most impacts to Cedar Creek Ecosystem Science Reserve, the environment and number of residents as a whole as opposed to other several other routes within the City of East Bethel; and,

WHEREAS, Routes other than Route A have significantly less interference with public use and public property; and,

WHEREAS, Routes other than Route A would serve the Applicant's need to adequately and reliably service customers within the relevant service area now and in the foreseeable future; and,

WHEREAS, the significant impact and risk to Cedar Creek Ecosystem Science Reserve outweighs any possible economic benefit to the use of Route A.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the Application for Conditional Use Permit requested by Great River Energy to locate 69kv line between the Athens and Martin Lake substations going through the City of East Bethel along Route A is hereby denied

Adopted this 22nd day of June, 2011 by the City Council of the City of East Bethel.



Richard Lawrence, Mayor

ATTEST:



Jack Davis
City Administrator



Payments for Council Approval October 19, 2011

Bills to be Approved for Payment	\$163,802.24
Electronic Payments	\$23,066.93
Payroll City Staff - October 13, 2011	\$31,741.77
Payroll Fire Dept - October 14, 2011	\$6,554.25
Total to be Approved for Payment	\$225,165.19

City of East Bethel

October 19, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
215-221st East 65 Service Rd	Architect/Engineering Fees	28486	Hakanson Anderson Assoc. Inc.	402	43125	1,107.55
Arena Operations	Bldg/Facility Repair Supplies	88506	Class C Components	615	49851	751.67
Arena Operations	Bldg/Facility Repair Supplies	4860	Smith Bros. Decorating Co	615	49851	173.93
Arena Operations	Bldgs/Facilities Repair/Maint	21181678	Trane U.S. Inc.	615	49851	875.00
Arena Operations	Concession for Resale	107171	Al's Coffee	615	49851	388.50
Arena Operations	Concession for Resale	148279811	Coca-Cola Refreshments	615	49851	930.64
Arena Operations	Concession for Resale	109557906	Coca-Cola Refreshments	615	49851	656.56
Arena Operations	Concession for Resale	803986	The Watson Co, Inc.	615	49851	581.96
Arena Operations	Motor Fuels	1047229176	Ferrellgas	615	49851	341.22
Arena Operations	Professional Services Fees	38	Gibson's Management Company	615	49851	7,854.09
Arena Operations	Telephone	92811	CenturyLink	615	49851	110.74
Assessing	Professional Services Fees	3rd Qtr 2012	Kenneth A. Tolzmann	101	41550	11,364.00
Central Services/Supplies	Cleaning Supplies	581019055001	Office Depot	101	48150	60.57
Central Services/Supplies	Information Systems	215222	City of Roseville	101	48150	2,009.58
Central Services/Supplies	Information Systems	40817	Midcontinent Communications	101	48150	1,280.81
Central Services/Supplies	Office Equipment Rental	187163175	Loffler Companies, Inc.	101	48150	495.97
Central Services/Supplies	Office Supplies	581019158001	Office Depot	101	48150	17.25
Central Services/Supplies	Office Supplies	580650249001	Office Depot	101	48150	37.21
Central Services/Supplies	Postage/Delivery	75870	Catalyst Graphics, Inc.	101	48150	669.05
Central Services/Supplies	Printing and Duplicating	75870	Catalyst Graphics, Inc.	101	48150	1,280.72
Central Services/Supplies	Telephone	92811	CenturyLink	101	48150	231.76
Engineering	Architect/Engineering Fees	28491	Hakanson Anderson Assoc. Inc.	101	43110	3,511.00
Fire Department	Fire Pension Contrib.-State	93011	East Bethel Fire Relief	101	42210	39,383.00
Fire Department	Other Advertising	5314243Y	NFPA	231	42210	431.95
Fire Department	Personnel Advertising	112317	Aspen Mills, Inc.	231	42210	195.32
Fire Department	Personnel Advertising	112316	Aspen Mills, Inc.	231	42210	195.32
Fire Department	Personnel Advertising	112315	Aspen Mills, Inc.	231	42210	219.32
Fire Department	Personnel Advertising	112318	Aspen Mills, Inc.	231	42210	195.32
Fire Department	Personnel Advertising	37046	The Courier	101	42210	35.00
Fire Department	Personnel Advertising	37046	The Courier	231	42210	138.00
Fire Department	Repairs/Maint Machinery/Equip	32829	Emedded Systems, Inc.	101	42210	300.00
Fire Department	Telephone	92811	CenturyLink	101	42210	411.05
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	40817	Orkin Commercial Services	101	41940	79.30
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	9769	Betz Mechanical, Inc.	101	41940	321.29
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470711832	Cintas Corporation #470	101	41940	20.82
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14767	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-09-11	Premium Waters, Inc.	101	41940	29.21
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	117650	Robert B. Hill Company	101	41940	19.24
Housing & Redevelopment Autho	Legal Fees	114836	Eckberg, Lammers, Briggs,	230	23000	55.00
Human Resources	Unemploy Benefit Payments	3rd Qtr 11	MN Dept of Employment and	101	41810	2,096.00
Legal	Legal Fees	114836	Eckberg, Lammers, Briggs,	101	41610	3,391.00
Legal	Legal Fees	40787	Eckberg, Lammers, Briggs,	101	41610	7,430.27
Park Capital Projects	Park/Landscaping Materials	17453	Central Wood Products	407	40700	1,635.19
Park Maintenance	Bldg/Facility Repair Supplies	79675	Menards Cambridge	101	43201	182.95
Park Maintenance	Clothing & Personal Equipment	470711833	Cintas Corporation #470	101	43201	47.58
Park Maintenance	Clothing & Personal Equipment	470715158	Cintas Corporation #470	101	43201	48.03
Park Maintenance	Other Equipment Rentals	49252	Jimmy's Johnnys, Inc.	101	43201	793.48
Park Maintenance	Park/Landscaping Materials	13345	Bjorklund Trucking	101	43201	314.21
Park Maintenance	Park/Landscaping Materials	13323	Bjorklund Trucking	101	43201	396.51
Park Maintenance	Park/Landscaping Materials	44702	Hoffman Bros. Sod, Inc	101	43201	107.41
Park Maintenance	Park/Landscaping Materials	44619	Hoffman Bros. Sod, Inc	101	43201	6.02
Park Maintenance	Park/Landscaping Materials	44620	Hoffman Bros. Sod, Inc	101	43201	6.02

City of East Bethel

October 19, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Payroll	Insurance Premium	40817	NCPERS Minnesota	101		128.00
Payroll	Union Dues	40817	MN Teamsters No. 320	101		553.35
Planning and Zoning	Architect/Engineering Fees	28483	Hakanson Anderson Assoc. Inc.	847		42.50
Planning and Zoning	Architect/Engineering Fees	28484	Hakanson Anderson Assoc. Inc.	929		639.56
Planning and Zoning	Legal Fees	114836	Eckberg, Lammers, Briggs,	932		110.00
Planning and Zoning	Legal Fees	114836	Eckberg, Lammers, Briggs,	434		385.00
Planning and Zoning	Legal Notices	IQ 01790213	ECM Publishers, Inc.	101	41910	56.38
Planning and Zoning	Office Supplies	579443339001	Office Depot	101	41910	48.02
Planning and Zoning	Professional Services Fees	448	GIS Rangers	101	41910	926.44
Police	Professional Services Fees	19006	Gopher State One-Call	101	42110	1.45
Police	Professional Services Fees	40787	Gratitude Farms	101	42110	1,128.13
Recycling Operations	Hazardous Waste Disposal	2034488	OSI Environmental, Inc.	226	43235	60.00
Recycling Operations	Other Equipment Rentals	49252	Jimmy's Johnnys, Inc.	226	43235	55.58
Sewer Operations	Bldg/Facility Repair Supplies	3266860 RI	Hawkins, Inc	602	49451	954.45
Sewer Operations	Chemicals and Chem Products	3269083 RI	Hawkins, Inc	602	49451	2,909.67
Sewer Operations	Chemicals and Chem Products	3266816 RI	Hawkins, Inc	602	49451	711.77
Sewer Operations	Legal Fees	114836	Eckberg, Lammers, Briggs,	602	49451	40.00
Sewer Operations	Professional Services Fees	79274	Utility Consultants, Inc.	602	49451	492.50
Sewer Utility Capital Projects	Architect/Engineering Fees	28489	Hakanson Anderson Assoc. Inc.	434	49455	1,611.18
Sewer Utility Capital Projects	Architect/Engineering Fees	28490	Hakanson Anderson Assoc. Inc.	434	49455	199.92
Street Capital Projects	Street Maint Services	13004	Classic Construction	406	40600	9,800.00
Street Maintenance	Bldgs/Facilities Repair/Maint	470715158	Cintas Corporation #470	101	43220	26.49
Street Maintenance	Bldgs/Facilities Repair/Maint	470711833	Cintas Corporation #470	101	43220	27.38
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-09-11	Premium Waters, Inc.	101	43220	29.21
Street Maintenance	Chemicals and Chem Products	20746757-00	New Pig Corporation	101	43220	83.12
Street Maintenance	Clothing & Personal Equipment	470715158	Cintas Corporation #470	101	43220	49.20
Street Maintenance	Clothing & Personal Equipment	470711833	Cintas Corporation #470	101	43220	47.01
Street Maintenance	Office Supplies	58009	MN Trucking Assoc	101	43220	18.17
Street Maintenance	Street Maint Materials	120315	City of St. Paul	101	43220	131.20
Street Maintenance	Street Maint Materials	22232	Commercial Asphalt Co.	101	43220	112.22
Street Maintenance	Telephone	92811	CenturyLink	101	43220	67.81
Water Utility Capital Projects	Architect/Engineering Fees	28508	Hakanson Anderson Assoc. Inc.	433	49405	38,581.33
Water Utility Capital Projects	Architect/Engineering Fees	28489	Hakanson Anderson Assoc. Inc.	433	49405	1,611.18
Water Utility Capital Projects	Architect/Engineering Fees	28487	Hakanson Anderson Assoc. Inc.	433	49405	7,500.40
Water Utility Capital Projects	Legal Notices	60001	SGC Horizon LLC	433	49405	133.00
Water Utility Operations	Telephone	92811	CenturyLink	601	49401	108.31
	Deposit Refun	101111	St. Francis Fastpitch	101		40.00
	Unclaimed Property	100711	MN Department of Commerce	804		800.00
						\$163,802.24

City of East Bethel

October 19, 2011

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments					
	PERA					\$5,464.73
	Federal Withholding					\$4,976.60
	Medicare Withholding					\$1,578.08
	FICA Tax Withholding					\$5,659.30
	State Withholding					\$2,050.25
	MSRS					\$3,337.97
						\$23,066.93



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 7.0 A-F

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, October 5, 2011 Regular City Council

Meeting minutes from the October 5, 2011 Regular City Council Meeting are attached for your review and approval.

Item C

Purchase of Playground Equipment for Norseland Manor Park

As part of the 2011-2015 Parks Capital Improvement Plan, the playground equipment located at Norseland Manor Park is scheduled for replacement. Based on the age and ongoing city inspections of playground equipment, staff has determined the replacement of this playground is necessary and consistent with the schedule developed for playground replacement. The funding for this purchase has been budgeted for in the Park Capital Fund. A total of \$50,000 has been allocated for equipment, site amenities, and site upgrades.

Staff has received three proposals from playground manufactures. Bidders were encouraged to maximize value and creativity while staying within our budgeted amount. We realize the selection process is quite subjective and are basing our recommendation on greatest benefit as well as past experience with the available products.

The Park Commission and city staff have selected the Minnesota/Wisconsin Playground proposal as the appropriate equipment for this park. The proposal from Minnesota/Wisconsin Playground and their GameTime product meets our guidelines and has proven to be a durable, low maintenance playground system that has been used in recent playground upgrades. The purchase will be made through U.S. Communities, a national joint powers cooperative purchasing group of which the City is a member. This group allows communities to purchase items at discounted prices based on competitive bidding processes enabling those member communities to maximize purchasing power.

Installation of the equipment and site upgrades will be performed by Public Works staff.

Staff recommends purchase of the playground equipment for Norseland Park from Minnesota/Wisconsin Playgrounds for the bid sum of \$49,143.41 which includes tax and freight.

Item D

Appointment of Receptionist

The position of Receptionist was advertised on the City's web site; the LMC web site and in the Anoka Union. One hundred and forty applications were received and twelve applicants were invited for an interview. Jack Davis and Wendy Warren screened the applications and conducted the interviews.

The top candidate, Ms. Carrie Frost, based on the application and interview, has the skills and abilities that will meet or exceed our requirements and has significant experience as a receptionist.

Staff is recommending that Council authorize an offer of employment for the Receptionist position to Ms. Carrie Frost at Pay Grade 3, Step A, \$15.92/hr. The employee must also complete a six month probationary period to be eligible for full time employment.

Funding for this position will be provided for in the 2011 and 2012 Budget under City Administration.

Item E

East Front Blvd. Water Quality Project

Staff requested three quotes for the proposed project. Only two responsible quotes were submitted and are summarized as follows:

Dirtworks, Inc	\$4,800
County Line Excavating	\$7,984

Staff recommends approving the quote from Dirtworks, Inc in the amount not to exceed \$4,800 for the water quality improvements along East Front Boulevard as show on the attached plan sheets. This project will be 100 percent funded by the Coon Lake Improvement Association. The Quotation Forms are also attached. The plan was also reviewed by Nate Zwonitzer form Anoka Conservation District. Nate had suggested that the City consider the Rain Guardian for the sediment trap in lieu of the sump manhole. The conservation district's comments are attached. Anoka Conservation district recently bid 3 Rain Guardians in Linwood Township. The Rain Guardians were \$2,250 each. The sediment trap as designed was quoted at \$1,378. Also the sediment trap as designed is concrete and expected to have a longer design life then the composite material Rain Guardian. All work for this project must be completed on or before November 11, 2011.

Item F

Resolution 2011-53 Proclaiming November Homelessness Awareness Month

The Anoka County Board of Commissioners will be proclaiming November as Homeless Awareness Month. They are requesting every City in Anoka County to join the effort to promote public awareness of homelessness and have their City proclaim November as Homelessness Awareness Month.

Staff recommends Council adopt Resolution 2011-53 Proclaiming November Homeless Awareness Month.

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: _____

Item F

East Front Blvd. Water Quality Project

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

EAST BETHEL CITY COUNCIL MEETING

October 5, 2011

The East Bethel City Council met on October 5, 2011 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bob DeRoche Richard Lawrence Heidi Moegerle

MEMBERS EXCUSED: Bill Boyer Steve Voss

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

Call to Order **The October 5, 2011 City Council meeting was called to order by Mayor Lawrence at 7:30 PM.**

Adopt Agenda **Moegerle made a motion to adopt the October 5, 2011 City Council Agenda. DeRoche seconded; all in favor, motion carries.**

Presentation – Jason Orcutt introduced himself; he is the design supervisor for Anoka County. He said he brought along an engineer as well as the assistant engineer, Andrew Witter. Orcutt said what we are here to talk about tonight is the signalization and safety project at 221st Avenue and Hwy. Department Highway 65, just to go over some basic components of the project and then he will open it up for questions. He said the first thing he would like to stress is we really minimized the Signalization design on this project to try to make the least amount of impact to the most amount of Project – 221st people. Orcutt said with our design we will have a left turn lane, a through lane and a right Avenue NE & turn lane, both on the east and west side of County Road 74 or 221st Avenue. He said the as Hwy. 65 well as a new signal system will be installed and facilities for a pedestrian crossing. Orcutt said when we were looking at the design we go through a pretty extensive process of deciding where the road should be and in relation to the existing ROW (right-of-way) that we have and the impact to the surrounding properties as well and to make the best financial and least amount of impact to the most amount of people.

Orcutt said where we are right now, we looked at three options. He said a north shift, a shift to the south or a center along the existing ROW. The north option appears to be floating to the top. Orcutt said there is impact to many of the property owners, some more than others, but overall it seems to be a good fit for the design. He said when looking at the design, a few things to note, there are a few small pieces of median but these will not block off anyone's access. Orcutt said other notes of concern were during construction would property owners have access to their homes, will fire and safety vehicles be able to get to my place. He said and the answer is yes, you will always have 24 hour access in and out of your homes. Everyone has a different situation and we will make sure that is accessible 24 hours a day. Orcutt said there is one small drainage pond that is required from a regulatory standard point, right now it is in the northeast end of the project, and we have made it as small as we can to stay within the requirements to allow overflow into the wetland that is on the south side of 74. He said the estimated cost we are at right now is right around \$1,000,000 for the construction, signal and road costs. Orcutt said that is the overview.

Orcutt said MnDOT will be doing what is called a white top project on Trunk Hwy. 65 and

that is going to be putting a 9" layer of concrete on both lanes so they will be shifting people over and paving each side at a time, so there will be some disruption with this project. He said this project was scheduled for 2014, but with different requests it has been brought to our request to bring this project forward sooner. We are looking at delivering this project in 2012, with the city's approval and going through the process. He said we do have a public meeting, open house format, scheduled for Monday, October 10th, we sent out postcards within a half mile and we would encourage anyone that knows anyone that is interested to come, and hear more, we would like to see you there.

Davis said there are some people that will probably speak during the open forum on Mr. Kable's behalf, but can you explain what the stakes in his yard are, he thinks there might be some misconceptions over what they represent and describe the extent of the widening of the road on his property. Orcutt said what it comes down to on who we stake the road, is there are three types of ROW we purchase. Temporary easement which is like renting the property used during construction, used to slope in, and when we are done we put it back to the way it was before construction. Permanent easement for purpose which the county would acquire, whether it is for drainage, roadway, sloping or trail. Orcutt said and there is permanent ROW. He said on Mr. Kable's property we are looking at an area of permanent easement, so when you look at his property right now the first stake out there is permanent easement, second stake is temporary easement, that goes back to the property owner at the end of construction, it will just be put back to the condition it was in before construction, sloped back in and planted with grass, back to its condition when we came. He said our designers worked hard to keep that down.

Nick Dobda, designer of project said the permanent easement is set at the edge of the clear zone and if he did the math right, and that is the minimum we need to acquire to maintain as a clear zone for safety purposes. He said the standard set that at 30 feet from the edge of travel lane, so about 42 feet from centerline. And from the edge of the proposed turn lane about 17 feet. Davis asked them to comment on how much the actual road will be widened and paved in front of Mr. Kable's property and if there will be any widening on the south side of his property. Orcutt said there will be widening on the north, on the south we will be paving the shoulder. He said there was various reasons we looked at that to the south, one of course if the old Lambert site there, as well as when you cross on the west side there is a large wooded slope on the south side and when you widen on that side you start chasing that slope you have significant impact and lots of tree loss that way too. Orcutt said so if you were to shift that to the south have you would have financial impact, environmental impacts, wetlands on that side, there are many other issues that weigh into this effect, some that which we are looking at this as the best investment of the taxpayers dollars who is responsible for the cost of the project as well.

Lawrence said Mr. Kable's property is probably the most heavily impacted on this plan, and we talked about his fencing he has currently, you are just going to move back for him. Orcutt said what we would do is we would give him options, if that fence would work during construction, we could move it back at our expense. He said a lot of times the contractors will just put different fence in, rather than trying to salvage a fence. Orcutt said but we have discussed this right from the beginning, at no time will there be a time that he will not be fenced in, that is a concern of Mr. Kable's and we take this very seriously. He said we have done this for numerous property owners, we move the fences back prior to the construction and then when construction is finished we move the fence back where it was. Orcutt said so during construction his fence might be in further, but there will always be a fence there and then it will come back to the final spot after construction is complete.

Lawrence said we had discussed the pond issue, there is already a little creek there, and you had mentioned that this is not possible because MN Statute requires, this is more like holding water, allowing the sediments, salts and oils from cars to settle down and then the water would runoff to the pond to the south, is that correct? Orcutt said that is correct. He said what is required now on a project this size, is you have to size your pond to accommodate your improvement. Orcutt said so once you touch the road you have to bring it up to current standard. He said that is a natural low spot there. Orcutt said there probably won't be water in that pond very often. He said when a rain even happens, it will get to a certain level and if it gets to high it will overflow and go out to the wetland. Orcutt said you are exactly correct, it is frowned upon to put ponds inside wetlands, that is a decision the county can't make, we would be overridden on that option. He said they happen from time to time, when there is no other option. Orcutt said but in this case, they would say you can't put it in the wetland. He said it is something we have dealt with, a continuing issue of water quality that is outside of the control of cities and counties.

DeRoche asked what is going to prevent this water, say we get rains like we did this spring, what is going to prevent that from overflowing and going down on his fields. Orcutt said when we design this; we model it for 100 year storms and large events like you said. He said when the water comes in, we have a basin and the pipe is below and there is an emergency overflow pipe that is at an elevation set below his field and that will go out across the road to a wetland then. Orcutt said then water can come in, sediment can come down and overflow can go to the wetlands on the other side. DeRoche asked what is the difference that it is okay for the water to run there in an emergency situation, why isn't it okay to just run now. Orcutt said that is a good question. He said you design a pond so that many times the overflow doesn't get used, it has high infiltration rates, and there most likely won't be water in that pond other than in the early spring. Orcutt said you are bringing the water in and there is enough volume that the sediment falls down.

Moegerle asked Orcutt to explain what options they looked at for this intersection. Orcutt said originally when the funding was applied for (competitive bidding application) they look at what types of modifications can be made, what proven crash data, fatalities, those types of things. He said there was some research money about a sign to have sensors on either end to allow driver to pull up and it would tell you if there is a gap. Orcutt said so right now you are watching for your own gap and there are lots of things going on at that intersection and those are going to be tried in certain areas. This intersection being that it is on a crest of a hill, you are coming from many signalized intersections, it is quite different from what you have just come through and quite difficult to cross. He said this is a complicated intersection when there is a lot of traffic, and traffic is so one directional that it is hard to find those gaps. Orcutt said those are not proven technologies, this is proven technology and this will reduce crashes.

DeRoche asked nothing is going to be done for the rise heading southbound, correct? Orcutt said by shifting the road to the north a little bit you are bringing that down hill just a little bit, and that little will help too. He said right now you are centered and if you shift to the north, it will be helped, it is not be being cut down significantly because it meets site distance requirements. Orcutt said when you have that signal pole it will be up nice and high and you will be able to see it nice and clearly. DeRoche said he has to think studies have been done, signalization of an intersection isn't foolproof correct? He said because now you are going to be adding the factor that people are going to be trying to run the stoplight. DeRoche said and with that rise being where it is at, you are still not going to be

able to see other than at night, so what is going to change on Highway 65, is there going to be an acceleration lane? Orcutt said there will not be an acceleration lanes with this project, because there will be a stopped point to turn. He said so if I was going eastbound, would come up to stoplight in turn lane, southbound traffic would stop and I could turn. Orcutt said there would be rights on red as well.

DeRoche said he plays the Devils advocate because if you are stopped and you are going to make a left and you are legally able to do that, someone that is new to that intersection or is used to just going through there, they come flying down the highway, what are they going to do. Orcutt said when we turn lights on (on county roads) we bring the sheriff's out before someone walks away. He said there is always that risk that you are going to have those. He said the benefit of the signal is it reduces the severity of the crashes. Orcutt said you have a car turning right and a car turning left at 20 mph, instead of a car coming through at 40 or 50 mph from a side street and then it is catastrophic. He said there is no foolproof answer; everything has its pluses and minuses. Orcutt said in this case this scored very high on the benefit cost ratio because the type of crashes we are seeing here are right angle crashes, not the side swipes or rear ends. He said it is very clear that it is right angle crashes and it is due to drivers pulling out and somebody hitting them, so it is driver error. Orcutt said with signals you try to do them very consistent, very consistent way of designing them so they look the same; everything acts the same, try to make all those match from intersection to intersection.

DeRoche asked what if any adverse effects do you think this will have on Mr. Kable's property. Orcutt said he understands with every property, that is their castle; he understands that and takes it very seriously. He said with this instance, being his home is set further back, while it doesn't take away the impact, it is less than if his house was 30 feet from the road. Orcutt said he thinks here a lot of the road is going to be what is ditched and put back. He thinks when the project is done you will think it was a good project. Orcutt said the impact sometimes seems larger, until it is built and then when you see it, it makes sense. He said we work very hard, we do a lot of design work and we have had a lot of projects when we are done that people are very happy with them. Orcutt said to answer the question about his impact, think he is going to have permanent easement that will be required for clear zone, that we will have easement over, as well as drainage and sloping.

Moegerle asked on projects like this, with as similar circumstances as you can come up with, how have the traffic incidents statistics changed. From the concerns about the recent fatality in February/March, how are we going to decrease fatalities at this intersection as a goal? Her question is what can we expect to have substituted, low impact property damage/collisions. Moegerle said the reason she asks that is it creates a demand on our first responders, sheriff and fire department that responds to those, so this is a burden that will be borne by all the taxpayers who are not here tonight. She said so if you can explain what statistics will change for that intersection, she would greatly appreciate it. Orcutt said when you do an application like this there is a value put on crash costs, cost to society and the issues there. He said when you put a signal in like this you will see an increase in some low speed rear-ending; you may have side-swipes, those types of lesser impact crashes. Orcutt said if make the wrong decision and you pull out here and get hit, that is a big crash. He said with a signal system, you are going to have more of a gap. Orcutt said obviously we have all seen people run through signals, if the arrow is green and it turns to red, two more cars sneak through, so we work with MnDOT. He said they will run this signal and design the signal such that it gives a lot of green time down Highway 65 and talks to the other signals down the line. Orcutt said overall you will see a potential increase in rear-end type

crashes, inattentive driving, because you are coming to a stop.

Moegerle said but overall you have no statistics of what we can expect, are we going to triple the number of collisions there, because we need to prepare for that because we have police and fire persons that need to respond. Orcutt said he doesn't have that information with him, he doesn't want this to seem like he is giving you the runaround. He said we do have a traffic department that can get you this. Orcutt said you don't see signals pulled out, very, very rarely. He said the crashes you are mentioning, the benefits outweigh the smaller crashes. Moegerle said she would definitely like to receive this information.

Moegerle said one resident contacted me and complained about sitting at the westbound on 221st waiting to cross and said he waited at least three minutes. She said last week she had the misfortune of being southbound on Highway 65 down in Blaine and promise you she sat for at least three minutes trying to turn left off of that. Moegerle said so for the people that are saying at least it will get me out on Highway 65 faster, will it? She said she thinks this is a real concern. Moegerle said and in the short term it seems "Oh, I will get out on Highway 65 faster." She said but you have just said that we are going to give more time to 65 for cross traffic and you explained to me earlier that the signals would talk to each other. Moegerle asked so what is the end result of that application, what can our residents expect about how long they will sit at that light compared to how long they sit there at the stop sign. Orcutt said if you go there at night time, and no one is around, it will trip quickly. He said but if you go there during the day, it might take three minutes, but you will be crossing safely. Orcutt said you will have a green arrow, or green ball to cross the road safely. Moegerle said provided someone doesn't run the light.

DeRoche said he got stuck at Sims Road going eastbound, apparently that light does not recognize motorcycles, he spent about ten minutes, got frustrated, turned around and went up to Polk Street, which is ½ mile west and light still hadn't changed. He asked what happens if that goes on here. DeRoche asked how do these trip, is it a sensory, is it in the ground. Orcutt said it is in the ground, there are systems that will pick up visually also. He said but generally they are called a loop detector, magnetic field. Orcutt said a lot of the old ones have only one and if you get in the lane and get in front of the detector it won't set the light off. He said but a lot of the new ones have two, one in the front and one in the back. Orcutt said they also pick up the magnetic field; they are a more advanced system. DeRoche said he couldn't even go straight across the highway. Orcutt said he can look into this and if there is an issue, we can look into it. He said MnDOT is responsive, there was an issue at Bunker Lake and 65 and they fixed it. Orcutt said they will come out and look at things and will re-time them.

Lawrence asked in the winter time there is quite a grade coming up that the hill and if we are going to be stopping all those cars at this light, will we have problems with acceleration with that grade after coming to a stop at that light. Orcutt said no, those meets the grades for a cold climate which we are, so if you get above 6% or 7% and you worry about slipping and taking off. He said it also meets the standard for the slope. Orcutt said we have had this on other projects as well, is this going to work now, will this meet the slope. He said while this seems large, he points you to like Duluth, those are much steeper. Lawrence said he just wants to make sure we aren't going to get stuck there. Orcutt said these are all very good questions, he appreciates them.

DeRoche said naturally in the winter, you plow and put salt and chemicals down. He said he doesn't know if this has been a factor with this gentlemen's property, but is this going to

become a problem? DeRoche said you have made the road bigger, going to be using more chemicals, going to be dumping more stuff off to the side, and is it going to do anything to his fields? Orcutt said we don't have those issues on other four lane roads where we have done this, there is some salt burn out on grass, in the spring you might see some brown spots but you can only put so much of the salts and chlorides out. He doesn't see this as being a major concern. Orcutt said this is just a two lane road like normal until we get to the turn lane, 300 feet for turn lane. DeRoche said the reason he asks, he doesn't live there, but we sit up here representing the people and he knows he wouldn't want his property having something happening to it.

Andrew Witter, assistant engineer for Anoka County said with our clear road policy we do use an awful lot of salt; think everybody knows that, one of the benefits of living in Anoka County. He said but with this project all drainage off this roadway is going to be directionalized to that new pond. Witter said there will be a ditch on the north side with a back berm so all the water from the roadway will be channelized to that pond area, treated in that pond, either infiltrated into the ground or should a large event larger than a 100 year event occur would then overflow into that wetland in the south. He said the majority of the rains, runoff, everything like that will be treated within that new ponding area. Witter said and that is partially why we need to do it. Lawrence asked is that soil along the drainage ditch all sand. Witter said to the best of our knowledge it is, based on soil borings. Lawrence said so you are going to log infiltration before you even get to the pond. Witter said right.

Witter said if he can respond to the question on safety and what it will do. He said when we put together our funding application there is very specific spreadsheet we have to go through and like Orcutt explained earlier, it is through MnDOT. Witter said there are calculations on the type of crashes that occurred during the study period that we have to use, as well as the type of improvements and how the types of crashes are going to decrease because of the because of the improvement we are making. He said in here, just generalizing, crash reductions left turn lane 40% reduction, angle injury crashes a 55% reduction, property damage right angle crashes 60% reduction. Witter said these range between with some of the smaller crashes from 15% reduction and go all the way up to a 60% reduction in the more severe crashes. Moegerle said she appreciates this, we just went through a long issue with sewer and water and there were lots of projections there that are fairy tales. So, your projections are as good as the people that projected them. She said she is not casting aspersions, but she comes from a point of being very skeptical about your projections. Moegerle said so if you could provide some more meat on the bones of those projects by giving statistics on the actual intersection, that would be more persuasive to her and perhaps to her colleagues up here. Again, it is history; you got to learn from it. She said we are not beating up on you, we have just learned that we have to parse this very, very carefully. DeRoche said we ask everybody a lot of questions.

Moegerle asked and this is being funded by federal dollars specifically for this intersection. Is that your understanding or is that a MnDOT issue. Orcutt said you are correct; this was applied for specifically for this intersection. Witter said yes, this is 90% federal fund, 10% local match. He said there is a cap on those dollars, but right now we are not anticipating to be above that cap. Moegerle said but the 90% is still taxpayer's dollars somewhere along the line. Witter said if it is not coming to our project, it is going to another project in another area, maybe not even in Minnesota. Orcutt said it is taxpayer's dollars, that is why we went through the reiterations to move the road the way we did, because that is the best value.

LaVonne Murphy said she appreciates the opportunity to ask questions tonight. She said she would like to know why this intersection is being widened when there are three other very busy intersection that have a school on them, churches, and a gas station that only have two. Murphy said to her this doesn't make sense, she knows that very occasionally there is baseball that shows up at this intersection, and fire, but also that is on 22. She said so to her this seems like it is road kill with the three lanes. Orcutt said the purpose of the three lanes is the operation of the signal. So the signal knows who wants to turn left, who wants to go straight and who wants to turn right. He said that is the best operation for the signal. Orcutt said we can design them differently, but how many times have you been stuck behind someone that wants to turn right. He said what this does is gets drivers in their designated lanes to where they want to go. Murphy said it seems like it is overkill, since there are three other busy intersections that can handle the traffic and we have seen it in the past.

Murphy said she wants to know what the square footage of the pond on Mr. Kable's property is. Orcutt said we may have to get back to you on some of these. Witter said it might be 1000 square feet. Orcutt said we are going to minimize it to make it as small as we can. He said it has not been fully designed yet. Orcutt said he does not see it getting significantly larger. Murphy asked how much land are you planning on permanently acquiring, what square footage is it, half an acre. Orcutt asked on that individual's property. Murphy said yes, on Mr. Kable's property. Orcutt said we have met with everybody at their homes; we have separate sheets that we provide them at their homes. He said that is something he could get to her. Murphy said she is questioning because Mr. Kable farms on his property and she is wondering not only about the loss of his land, which is property, but also potential income. She asked do you compensate them for that. Orcutt said yes we do. He said how the ROW process works is don't appraise our own property, we hire an independent appraiser, and there is a secondary appraiser that reviews the first appraisal, and we give the individual an offer, if there are crops, trees, etc., all those things are factored into it, by an independent party, we make the offer and if they don't like the offer we will pay for them to get their own appraisal.

Murphy asked so for the compensation of income, how many years do you go into. Orcutt said he doesn't have the specific number; we have a ROW department that works on this. He said it is so technical, but he can get that information. Orcutt said generally we get this information to the property owner. Murphy said but we are the public, so we should know too. Orcutt said you can know, but these are specifics for one individual. Murphy said but that sets a tone, if everybody knows, then we are on the same page. Orcutt said he is not sure how many years out they do it. Murphy said maybe at the public forum you could get these answers. Orcutt said we will have staff there that will know this information.

Murphy asked how would the run off of the pond affect Mr. Kable's water supply. She said because that is infiltrating soils. Orcutt said his well is significantly back from the road so it won't affect this. Murphy said but it will go into the pond and then down and then spread out. Orcutt said it will go into the pond and then across the road. Murphy said she thought it infiltrated in the pond, you are talking about the runoff part, she is talking about where it goes when it goes down, does it stay there or spread out. Witter said it shouldn't affect his well at all. He said the good news is, with the sand in this area, and the water movement, the sand is an excellent filter. Murphy said she understands that, but if it is moving, it could be moving to his well area.

Murphy asked what will be done to make sure Mr. Kable and his mother are safe and private as far as exiting his property and entering it. Witter said he will have access just as he does

right now. Murphy said won't there be three lanes there. She asked if he wanted to go southbound would he be pulling out into two or three lanes there. Orcutt asked to show Murphy on the map how this would work. Witter said he would like to address an earlier question Murphy asked, why we need three lanes there. He said on the occasion that car on 221st gets a green light we want to separate those movements so the person going straight doesn't have to stop, those going right can turn, those going left can turn, and not potentially have to slow down or stop for those making the turns, those cars can keep moving. Murphy said she understands that, but she is looking at the other three and thinking about the money that is being spent, and how this is being funded. She said if this is a \$1,000,000 project, where is the other 10% coming from. Witter said this is a federal aid project, so it will qualify for state aid funds. Murphy said she thinks this is overkill for that area; we are not like down in Blaine we are still a little bit rural. Orcutt said that is a good point, that you are still rural, but this needs to last, to allow for growth and development. Murphy said but that is her concern, growth and development seems to have gone down, as far as what she sees.

Dan Murphy asked the land that you are talking about on Dick Kable's property are you taking the whole strip to the pond. Orcutt said no we are not. Murphy said so you are taking two chunks. He said the piece in front of driveway to the corner and then the more than a 100 x 100 by the time you fence it to put a pond. Orcutt said a good way to look at this is as the road tapers out to get to the intersection, the ROW follows that. We took the absolute minimum we had to. Orcutt said we didn't do the standard, just draw a line, we followed the ROW of the road. Murphy said he understands that, he is just wondering if you are taking the entire strip to include the pond, or a piece in front and then a piece for the pond and then re-fencing all that. Witter said there is a wider strip by the highway and a narrower strip by the pond. Murphy said the other thought you have to think about, is when there are large activities here, soccer games, etc. Dick can't get out of his property if there is three lanes of traffic sitting in front of him. Witter said this might make it easier for him. Murphy said he hopes so. Witter said it will depend on which direction the traffic is going, right turn, etc. Murphy said if you come out of here after a tournament, you can wait for a long, long time up there. Witter said and that is just a single lane now. We will have three lanes up there now. Murphy said he just wants to make sure he can get out with his mom if he needs to. Orcutt said when we talked about the intelligent signal, when it sees a heavy flow of traffic like that, it will give more time, so what now takes 15 minutes to clear out, will only take 6 minutes.

Orcutt said he wants everyone to know, feel free to contact us; we will come out and meet with you. We will answer any questions you have.

Moegerle asked them to announce the date and time and place of the meeting on October 10th. Nick Dobda, Anoka County Highway Department, said we are holding an open house this Monday at West Bethel Methodist Church, west end of this project, starts at 4:30 p.m. and will run to at least 6:30 p.m. and we will hang around and answer questions as long as it takes. Orcutt said it is an open house format.

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

Davis said Mr. Kable (1439 – 221st Avenue NE) wanted to be here tonight, but he couldn't attend. He sent a letter that he asked Davis to read on his behalf.

To the City of East Bethel Council, Mayor, Manager and Others,

Thank you for letting me express my feelings and concerns with the road project affecting our property which we have lived on and farmed for 64 ½ years.

I have told county personnel, city personnel and others I am not opposed to a stoplight on the corner of 221st and Highway 65.

My concerns are as follows:

1. That I have to give up all the land necessary for construction, both in permanent and temporary easement, while on the south side of 221st Avenue they are giving up nothing.
2. I am willing to give up land with a 50/50 split of land acquisition off the existing centerline of 221st.
3. I am totally opposed to a storm water pond on my property. There has never been standing water in the city ditch. We have never been able to drive in the field in the 64 years since we have farmed it. I challenge anyone to tell me they have seen the field with water in it from a storm event. The only time I have ever seen water is sometimes in the early spring and if the ground freezes prior to a snowfall. I have five areas on our land when the water for these reasons, one being our front yard.
4. I am very concerned about our fencing and keeping people off our property. I want a permanent fence installed before any of the existing fence is taken down. Our yard becomes a turnaround for many cars at night and people drive behind our buildings before we started utilizing a locked gate. We are fenced on all four sides to keep snowmobiles and four-wheelers from ruining our crops.
5. I need 24/7, 365 day access for my 90 year old mother in case of emergency, who I provide 24 hour care for. Most people would have moved her to an assisted living place; I will never do that as long as I can care for her. This is similar as to what Randy Burns our neighbor does for his Mother. I have expressed my concerns to many people. I have two signs in my front yard trying to tell people how we are being treated. I have not talked to one person who disagrees with me.
6. I have no attorney active on my behalf at this time. I hope that you can understand my concerns and helps us through this difficult time. Every inch of this land is precious to us. I trap gophers to maintain our fields and try to keep our farm neat and respectful in appearance. In closing I hope you can appreciate our concerns. I am sorry I could not tell you this in person, for this has taken a major toll on my physical well being, I am unable to sleep and I have lost 10 pounds in the last 2 months, my nerves are shot and I need to be here.

Again I am not opposed to the stop light and road improvement, and as I have stated I can live with a reasonable approach to dealing with problems at this intersection. There have been five fatal and several serious accidents at this corner, all were avoidable if people would just pay attention. I have driven since I was 15 and not had a single accident. I do not drink, do not do drugs or have a cell phone. I am not interested in selling this property for development, this has been my home for going on 65 years and I plan on living here until my death.

Thank you.

Richard Kable

Lawrence thanked Dick Kable for his letter. He said it was very well done. Lawrence said he talked to Commissioner Andy Westerberg on behalf of Mr. Kable about this issue, about the land taking and he said the only way they could do this, the way Mr. Kable would prefer the 50/50 split to the south, it would cost an additional \$300,000 in funds. He said this is because of the additional easement taking and fill required. Lawrence said so that is what they are up against. He said but we appreciate Mr. Kable for his letter and his thoughts.

Karen Zenvas said she here representing the group Standing Together for the Horses. She said she was also in attendance two weeks ago. Zenvas said the group has started a petition asking for the Interim Use Permit (IUP) to be revoked for Lowell Friday. She said she knows that since we went in and did our sit-in on August 29th, 19 of his horses have been removed from the property, whether bought or given up. Zenvas said but since that time, we have been informed that he has bought 13-16 new horses. She said on September 29th we were informed at least 10 horses had escaped his fences and the sheriff had to be contacted, and we have pictures.

Zenvas said getting back to the petition we have a total of 1,274 signatures asking for the IUP to be revoked. She said of those 993 signatures are from Minnesota residents, 667 were in the printed form, 607 were online in electronic format. Zenvas said there seems to be a lot of support in the community to get this IUP revoked. Moegerle asked how many people are from East Bethel, do you know. Zenvas said she didn't count those. She said she was going to do this, it was hard counting all the signatures, she can do that. Zenvas said the attorney will be getting copies of these petitions. Lawrence said right now we are still waiting. He asked have we heard anything from the county on this. Vierling said the matter is still with the county attorney. He said so the city doesn't have any detail in front of it at the present time, we have to wait for the county attorney to complete its work in this matter. Lawrence said so we are kind of stuck waiting for the county to do their work and then we can do that.

Moegerle said a resident contacted me and said as of last week there are about 31 horses, is that the count you have. Zenvas said she volunteered for him for a year and a half and then there was a good 76. She said and then they removed 19 and then he added 13, so about back to the original 76. Moegerle said this person also worked there and said 31; this person closed the gate at night, before the horses were out, and he has a different explanation why the horses got out. Zenvas said she was there on August 5th taking pictures and there were 76, just like when Keith and Dr. Jeff Johnson were there. Moegerle asked when is the inspection due for the IUP, biannual inspection, October inspection. Davis said he doesn't have a specific date, but we will probably send him a notice out next week that his semi-annual inspection that is due in the fall. Zenvas said the concern with that is when we were out there in August we know of at least one horse that was missed, concern is, is it thorough enough? She asked do they go through enough of the property? Moegerle said after your involvement her guess is that it is going to be very thorough.

Jody Galvin said she was also there that day as well. She said the concern about the missed horses also pertains to when Mr. Streff and Dr. Johnson are not allowed to enter certain parts of the property. Galvin said there is a particular horse in question that was missed that day that has a body score of a low 2. She said that actually now is on her property from a second party. Galvin said so that is where the concern comes in about the horses being shifted or missed, the "game" keeps getting played. Moegerle asked do you think these are being shifted to the Ham Lake portion of the property that we don't inspect. Zenvas said partially it is, also there is a round area in his barns, and she believes that this is where this

horse was, in between the garage area and the stall area. She said that area is closed off and very overgrown, so unless you know that area is there, you are going to miss it, there are several areas like this. Moegerle said those kind of things will be important when we do the inspection, so if you can get that to the city administrator that would be helpful. Davis said as Council Member Moegerle said, he hopes this inspection will be very thorough in light of the situation.

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

Consent
Agenda

Moegerle made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, September 21, 2011, Regular Meeting; C) Purchase of Used F-150's; D) Resolution 2011-48 Declaring Surplus Property S-10; E) Resolution 2011-49 Declaring Surplus Property Olympian Generator); F) Resolution 2011-50 Declaring Surplus Property Playground Equipment; G) Resolution 2011-51 – Accepting Donations for Schoolhouse Project. Moegerle said she would specifically like to commend staff for coming up with the way to replace the S-10 with surplus from MnDOT and finding the generator to put on surplus and using the surplus property to pay for the playground equipment. She said this was very creative and resourceful and she really appreciates them finding a way to do this. **DeRoche seconded; all in favor, motion carries.**

Dale Johnson
– Interim Use
Permit- Horse
– 24282
Skylark Drive
NE

Davis explained that the applicant, Mr. Dale Johnson is requesting an IUP for the keeping of two (2) horses at his residence.

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. The 10-acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Two horses requires 2 acres of pastureland. 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 owner is in the process of fencing pasture land for the horses and constructing a lean-to type structure. The fencing and structure must be completed prior to the horses occupying the property.

The property is located in the shoreland overlay district. The pastureland is located approximately 75 feet from the edge of the wetlands surrounding Minard Lake. Staff contacted Anoka Conservation District (ACD) regarding grazing horses in the shoreland overlay district. ACD stated no special plans or permits are required since the horses will not be grazed in the wetlands.

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

Planning Commission recommends approval to the City Council of an IUP for the keeping of two (2) horses for Dale A. Johnson, located at 24282 Skylark Drive NE, East Bethel, PIN 30-34-23-12-0002 with the listed conditions.

Lawrence asked has the city has reviewed this and it is all in compliance. Davis said that is correct, they meet all the requirements for the IUP.

Lawrence made a motion to approve the Interim Use Permit (IUP) for the keeping of two horses for Dale A. Johnson to be located at 24282 Skylark Drive NE, East Bethel (PIN 30 34 23 12 0002) with the following conditions: 1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City; 2. Property owner shall provide shelter and have a minimum of two (2) acres of pasture land for the horses; 3. Property owner must comply with City Code Section 10. Article V. Farm Animals; 4. Permit shall expire when: a. The property is sold, or b. Non-compliance of IUP conditions; 5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP; 6. Property will be inspected and evaluated annually by city staff; 7. Conditions of the IUP must be met no later than December 5, 2011. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP. Moegerle seconded.

DeRoche said he understands that the applicants loves animals, but he also understands what has gone on with Mr. Friday and he would like to see something in place to where someone can go out there and take a look at the horses to make sure we are not back in that same scenario. He asked if this is possible. DeRoche asked is there a mechanism in place where we could periodically check on these horses to make sure they are not having issues. Davis said that was a special condition for Mr. Friday only and that was because of past history and some issues. He said in this situation right here where there is no evidence of any issues he wouldn't recommend that. Lawrence asked how long is the IUP good for. Davis said the IUPs are either good for a specific stated time or indefinite. Hanson said with these types of IUPs, with conditions on them, staff goes out and inspects them a couple times a year anyways. She said we do annual inspections. Moegerle said it is a part of the ordinance. Hanson said yes. She said and if we see issues it would be a red flag for us and we would take the steps we would need to take.

DeRoche said and not to beat up on these people, they are probably really good to their animals, but we don't want history to repeat itself. Davis said what he was getting at was staff does an annual check on these. He said but this isn't what we would want to require a vet to come look at for a number of reasons. DeRoche said he is not saying to be as stringent as it is on the other one, but there should be some mechanism to check. Davis said that would be our own internal process where we go out and do the IUP inspections. DeRoche asked you guys wouldn't have a problem with this would you. Applicant said if you need to come out, come out. DeRoche said it is not going to be an intrusive come out and tear your house apart. He said unfortunately your predecessors have had issues and so now everyone that wants to do this are going to be scrutinized the same way. **All in favor, motion carries.**

Alista &
Patrick
Schroeder –
Interim Use
Permit –
Kennel
License –
22525 Durant
St. NE

Davis explained that Mr. and Mrs. Schroeder are requesting an IUP for a private kennel license for the keeping of five (5) dogs on the 9.91 acre parcel they have owned since 1996. Currently, they have four (4) golden retrievers and one (1) Jack Russell terrier. The dogs are not kenneled outdoors; rather they are housed in the home. There is a large fenced area where the dogs are kept when they are outdoors alone; otherwise, the property owners are typically outside with the animals. The Schroeder's breed the golden retrievers to have two (2) litters of pups each year.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on

any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

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

Planning Commission recommends approval to the City Council of an IUP/Private Kennel License for no more than five (5) dogs for Mr. & Mrs. Schroeder, located at 22525 Durant Street NE, East Bethel, PIN 01-33-23-23-0005 with the listed conditions.

Moegerle said she was contacted by a resident in regards to this IUP, she doesn't know if anyone is present for this. Davis said he thinks the people that spoke to you work in the evenings and there is a letter attached in the packet expressing their concerns as well. Moegerle said she has that letter as well. She said she just wanted to ask some questions of the applicants. Moegerle said if they are going to breed and sell puppies do they have to have a home occupations as well. She said we don't want puppy mills. Hanson said it hasn't been practiced in the past of people getting IUPs for home occupations for breeding pups since she has been here. Moegerle said she can understand for a kennel license, but the purpose here is to breed the pups. That is how she understood it. Hanson said yes, they are going to breed pups. She said she knows they are more family pets for them; they are not specifically for breeding. Moegerle said the letters said we breed to have two litters a year and sell them at 8 weeks of age, so it sounds like a home based occupation. Hanson said again just it's never been practiced in the past for this being a home occupation.

Lawrence asked so they are anticipating two litters of labs a year. Hanson said yes, that is all they have been doing. DeRoche asked is there any particular reason why they didn't come tonight to answer questions. Hanson said that she doesn't know. Davis said he received no notification from them. Davis said it is a common practice that sometimes applicants don't attend these functions. Hanson said they are always at the public hearing, but sometimes they just don't come to council. DeRoche said he was also contacted with concerns regarding this, and it is something he would have liked to have brought up with the applicant. Lawrence said a notice went to everyone in the area. Hanson said yes. Moegerle said there seems to be a neighbor problem here and with this many dogs seems this could just exerbate the situation. She said if we go ahead and pass this without them being here, she would like to caution them in that area in all of this. Lawrence asked are these dogs primarily held inside the house. Moegerle said and that is required by the kennel license. Hanson said it is not required, they are more family pets, they remain in the house.

DeRoche said apparently at some point they have been out, because they have created issues at someone else property. Hanson said they haven't created issues on anyone else's property, are you talking about the letter? She said staff never heard any complaints about the dogs, all we heard was the letter that was part of the packet, and that had to do with bow-hunting on the property 12, 13, 14 years ago, it had nothing to do with the dogs. DeRoche said the complaint he had heard is where they come out of the kennel, where it exits onto this person property. This is why he would prefer someone be here. Hanson said they don't have kennels; the dogs are in their house. The way the house is situated it is not close to any property lines. Hanson said so when the dogs are let out it wouldn't be right on someone's property. Lawrence said we could table this and ask them to come in. Davis said if you have issues and wish to speak with them, that would be best. Moegerle asked do we have to do this within a certain time specification. Davis said it could be tabled until the next meeting.

DeRoche made a motion to table the Interim Use Permit (IUP) for a Private Kennel for Alista & Patrick Schroeder at 22525 Durant St. NE until the next City Council meeting. Moegerle seconded; all in favor, motion carries. Davis said we will notify them that this was tabled and that there are questions that Council would request their presence so they can discuss these questions with them at the next meeting.

Gordon Hoppe
– Variance –
Building
Expansion
Existing
Business –
1861 Viking
Blvd. NE

Davis explained that Mr. Hoppe is requesting variances for two (2) building expansions at his existing business and a possible side yard setback variance for the business known as Gordy's Custom Cabinets. He also has a snow removal and excavation business operating from the property. Commercial vehicles and equipment for the cabinet and snow removal businesses are stored within the existing structures. However, Mr. Hoppe would also like to store the commercial vehicles for the excavation business on site as well.

The property is zoned residential and the existing use is commercial, therefore it is considered a legal nonconforming use; meaning the existing use was lawful when established but which no longer meets all ordinance requirements. City Code Appendix A, Zoning, Section 05.1 states that nonconforming uses may be expanded only after city approval of a variance.

Mr. Hoppe would like to continue operating his businesses in the City of East Bethel. However, the businesses are in need of additional storage for the commercial vehicles. A site plan of the proposed additions has been attached for your review as attachment #3. The first 20' x 50' (1,000 square feet) addition would be part of the existing principal building located on the northwestern corner of the building. The area would be additional storage space of materials needed to continue with the cabinet aspect of the business.

The second would be a 30' x 40' (1,200 square feet) addition to an existing detached structure on the western side of the property. This building is used for the storage of commercial vehicles.

Mr. Hoppe is proposing an addition to the northern side of the building (known as B) or to the western side of the building (known as A) abutting Isanti Street; however, he prefers an addition on the western side of the building. Mr. Hoppe has included a letter with his intentions as part of the application and is attachment #2.

Staff has evaluated proposed additions A and B. Addition A would make the best use of the land by being located the furthest away from the residential property to the north, it would require the least amount of vegetation removal, and it would not require additional hard surfaced driveway. However, addition A would require an additional variance for a side yard setback to a city street to be reduced from forty (40) feet to nineteen (19) feet. The addition would sit approximately 20 feet behind the existing fence.

Addition B would be located closer to the residential property to the north. More vegetation would need to be removed, thus the addition would be more visible to the neighboring property owner. Also, addition B would require Mr. Hoppe to expand the hard surfacing of the existing parking lot.

The northern portion of the land consists of a dense vegetation of mature trees and understory shrubs/brush. When the vegetation is leafed out, the buildings are almost invisible from the residential property to the north; therefore, the existing vegetation seems

to be an adequate barrier. Adding a fence along the northern property line would require extensive removal of vegetation thus making the buildings more visible. There is a six (6) foot privacy fence along the western and eastern property lines.

Mr. Hoppe would like to continue operating his businesses in the City of East Bethel; however, he needs more space to store additional commercial vehicles that already have a presence on the property. The commercial vehicles include two (2) dump trucks, two (2) backhoes, and one (1) bobcat. Currently, the commercial vehicles are stored at his residential property in East Bethel.

Staff has received numerous complaints regarding the storage of the commercial vehicles at his residence. Mr. Hoppe has been sent noncompliant notices and has been cooperatively working with staff to correct the issue. In the event the variances are approved, staff suggests Mr. Hoppe be given permission to continue to store the commercial vehicles at his residence until construction is complete.

Mr. Hoppe's intentions are to complete the project yet this fall, weather permitting. If the weather does not cooperate, he plans to continue the project in mid-April of 2012, with a completion in mid-May 2012.

Planning Commission recommends variances approval, based on the findings of fact, to City Council for the following variances:

1. A variance for a 1,000 square foot expansion to the northwestern corner of the principal structure.
2. A variance for a 1,200 square foot expansion to the western side of the detached accessory structure.
3. A variance to reduce the side yard setback to a city street from forty (40) feet to nineteen (19) feet.

The variances being for the property located at 1861 Viking Blvd, East Bethel MN, PIN 28-33-23-23-0011

Moegerle said as the liaison to the Planning Commission she attended the meeting and she has a question about the write-up. She understands this as choose either A or B and then the staff recommendation is two expansions, one to the northwest of the principal structure which would be A and a variance on the western side which is B. She asked so is he asking for A or B? Hanson said if you look at Hoppe's information, he proposed two different expansions on the accessory structure. She said one is going towards the residential property and one going towards the street. Moegerle said so we are to choose one for him, because the way the options are it doesn't say one or two. She said that clarifies that for her. Moegerle said she doesn't recall whether planning commission recommended one or the other. Hanson said they recommended the option going towards the west side of the structure. Moegerle asked and that is supported by the write-up. Hanson said yes. Lawrence asked this is primarily a commercial business, there is no residence here. Hanson said yes, there is no residence here. Moegerle said this is in that area where at the comp plan meeting we were going to rezone some of this along Viking into commercial. Hanson said for the commercial properties along Viking staff will be bringing that forward as a comprehensive plan amendment for land use changes. That is what we will be proposing, is changing those Rural Residential zoning on those commercial businesses along 22 to be commercial. Moegerle said so this is in advance of that change, he is beating us to the punch.

Moegerle made a motion to approve the request for Gordon Hoppe for variances for the property located at 1861 Viking Blvd, East Bethel MN (PIN 28 33 23 23 0011) based on the findings of facts for: 1. A variance for a 1,000 square foot expansion to the northwestern corner of the principal structure; 2. A variance for a 1,200 square foot expansion to the western side of the detached accessory structure; 3. A variance to reduce the side yard setback to a city street from forty (40) feet to nineteen (19) feet. These variances are subject to the following conditions: a. Variance agreement must be signed and executed prior to the issuance of building permits; b. Building permits must be issued prior to the start of construction; c. Additions must be comparable in materials to the existing structures; d. In the event vegetation is removed to an extent where the operation is visible from the northern residential property, a minimum of a six (6) foot wooden privacy fence must be erected on the northern property line; e. Commercial vehicles stored on Mr. Hoppe’s residential property, located at 604 189th Ave. NE, East Bethel, may remain on the property until the completion of the additions to the commercial buildings located at 1861 Viking Blvd., East Bethel. Commercial vehicles must be removed from the residential property within one (1) week of the issuance of the Certificate of Occupancy. DeRoche seconded; all in favor, motion carries.

Consideration of Zoning Text Amendment to Allow Open Sales Lot – Boats and Exterior Storage in the B2 Zoning District

Davis explained that staff has been approached by Mr. Wayne Howe to open a boat repair, winterization, and sales business in the B2 zoning district at the property located at 21058 Davenport Street (Flex Fitness Building).

Although retail sales and services conducted completely within the structure is allowed in the B2 district, it specifically states large items such as motor vehicles or open sale lots are not included in this category of uses. Also, exterior storage is limited to 100 square feet with an approved conditional use permit (CUP). Mr. Howe’s proposed business would require more than 100 square feet for the storage of boats waiting for repair and winter storage. An exterior display area not exceeding ten (10) percent of the gross floor area of the principal building is allowed.

Currently, boat sales and exterior storage are conditional uses in the B3 zoning district. If City Council directs staff to prepare a ZTA, staff recommends boat sales and an increased exterior storage area be allowed with approved CUP’s.

A ZTA for this proposed use in the B-2 zone would not be exclusive to Mr. Howe’s request but would open this entire zoning classification to this exemption.

Staff seeks direction from City Council regarding a ZTA to allow Open Sales Lots – Boats Sales and to increase the allowable exterior storage area as conditional uses in the B2 zoning district.

Discussion of Issues at Property owned by Mr. & Mrs. Hoppe

Tom Seefeld of 18822 5th Street NE said he would like to know your definition of storage, storage of vehicles. He said adjoins Hoppe’s place now. Moegerle said the construction on Viking or where he currently stores his equipment. Seefeld said where he currently stores his equipment. He said several years ago we were all here, from Jackson, to Viking, to University, 5th Street, 189th and we got him a new building by the Movie Theatre. Seefeld said everything we good. He said now at the beginning of the year he starts moving all his equipment into his residence again, where we asked him to leave. Moegerle said he sold the building by the theatre. Seefeld said now he is running in and out again. He said during

road restrictions he has trucks that are way heavy for the road construction. Seefeld said somebody had been saying it is for storage only. He said at 7:00 a.m., early, you hear those trucks, the workers fly down 189th, it is nice out, you hear their cars going. Seefeld said they pull in backside, and then you hear all the heavy equipment start, the heavy equipment leaves and runs down 189th.

Seefeld said now several times before we had this meeting, you come up to 189th and those big trucks come around there and sometimes they absolutely do not stop. Moegerle said she is confused, are you talking about where his business is on Viking Blvd. or where he stores his equipment, his residence. She said this variance is to alleviate your concerns. Moegerle said he sold his property, that big property over there to Shaw Trucking. She said we understand there are many complaints about him storing those at his home. Seefeld said he is asking you what is the definition of storage. He said come down there and see it, have a picnic with me and you will hear the trucks coming back and forth. Seefeld said storage is where you are going to leave it until you are going to use it until winter time, okay then you pull the trucks out and all summer they sit. He said it is not two/three times a day. Seefeld said if you are going to give him storage, we walk the streets, we ride our bicycles and these trucks do not come. If you walk the street on 189th Street, those trees come west and his heavy trucks you can see where they are tearing the roads down. He wants to know your definition of storage.

Moegerle asked what district Hoppe lives in. Hanson said Rural Residential. Moegerle said what she is looking at is Section 24 of our Zoning Code and for Rural Residential all personal property shall be stored within a building or shall be full screened so as not to be visible from adjoining properties or public streets except for the following: play and recreational equipment, stacked firewood, agricultural equipment and materials if these are used for intended for use on the premises within a period of 12 months, a maximum of 5 motor vehicles or recreational vehicles or boat trailer combinations or snowmobile trailer combinations or items of lawn equipment or construction equipment with a weight limit of 20,000 gvwr or other equipment or trailers or other combination thereof may be stored outside of structures at any time. Storage must be on a driveway or outside storage area, must be screened from the public right of way and adjacent lots. Moegerle said this is pretty much what it says.

Vickie Hoppe said she is here for Gordy; he is out of town and could not make it. She said we do not run the excavation business out of our home, we run it at the 1861 Viking Blvd. location, the cabinet business, which we have had there for several years. She said the equipment is stored at our home in our buildings. Vickie said the guys leave at 7:30 a.m. and do not return until 3:30 p.m. She said they do not make me money if they are sitting at home. Seefeld said there was one that came around at noon today. Vickie said she has been home all day and the guys haven't been there all day. Vickie said we live on the cul-de-sac on 189th on 60 acres back there. Lawrence said they are moving from the house to the cabinet shop, that is what we approve tonight. Moegerle asked when does he expect to have the additions done on the Viking Blvd. buildings. Vickie said it depends on the weather; we are shooting for sometime next summer. Moegerle said and that is for both of them. Vickie said yes, for both of the variances. She said the detached building houses the lumber right now that they use to make cabinets, and so in order to be able to add on to that building we have to add on to the cabinet shop so we can move the lumber so that can stay inside. Moegerle said in part of the write-up on page 58 it says Mr. Hoppe's intentions are to complete the construction this fall weather permitting. If not, plans to continue in April with completion in mid-May. Vickie said that is correct.

Moegerle said she understands Seefeld's concerns, but she thinks it is a separate issue from the Viking Blvd. issue and she thinks there is a process (if the Mayor agrees) by getting on the schedule and so forth. She said she is not saying your concerns are not valid, she is saying this is not the process to do this, because what we just did is on Viking and you are talking about a situation in another area, now that we are aware of it, maybe we can kick it around at the next meeting.

DeRoche asked is Hoppe staging out of his home. Hanson said he stores his vehicles there. She said her understanding is he does his bookwork and everything else out of Viking Blvd. Hanson said they have nowhere to store the commercial vehicles at this point. She said and the way the code reads is he is going their every night, storing them and using them the next day. DeRoche asked of what complaints we have got, how are you dealing with that. Hanson said the way that we can address it is the storage of commercial vehicles, because technically it wouldn't be a home occupation because the business isn't ran out of there. She said we have told individuals in the neighborhood that if you can give us an invoice saying that indeed the business is being ran from that property it is a whole different way that we would approach it because now it is a home occupation. Hanson said he is storing his commercial vehicles there because he has nowhere else to store them at this point. DeRoche said he is looking at both sides of this, if someone was staging like this and bringing their commercial vehicles in and out everyday. He said he had this happen by his house; couple well-to-do people built a really nice house and basically ruined the road with the trucks. DeRoche said it was a nuisance. He asked what is the resolve to make both people happy, he is going to put he buildings up that is where he is going to store his stuff, but in the interim these people don't want to hear these trucks anymore at 7:30 a.m. So, there has to be some way.

Hanson said he meets the requirements for the noise ordinance. Moegerle said this has been discussed before, but was there an IUP at that time. Vickie said years ago we had an IUP, but we let it expire when we moved to the Buchanan location. DeRoche asked what is the time frame, put the buildings up to store them and they won't be going down that road any longer, correct, they won't be staged out of there. Vickie said most of the equipment will be stored at the Viking Blvd location, we are currently trying to sell some of our equipment and what doesn't fit over at our Viking location we will probably still have to store at our home. She said but for the most part, what the guys use on a daily basis will be stored at the Viking Blvd. location. Moegerle asked would you be willing to apply for an IUP for the rest of the time until you can store the equipment on Viking. Vickie said basically her guys leave in the morning at 7:30 a.m. and don't come home until 3:30 p.m. She said she has two kids and two dogs. Vickie said she has to get the kids to school and off the bus. She said her guys follow all the weight restrictions and road restrictions, they follow the speed limits.

Moegerle said one of the things is that when you are around construction you have a certain tolerance for noise and speed and others that aren't around construction don't have the same tolerance for this. She said so you can see we are in a pickle here to make everyone here a little upset and not a lot upset. Vickie said we have a pick up truck on site to come home if they need something, so they don't need to bring the big truck home. Moegerle said she doesn't want to go too far down this road since this isn't on the agenda but she does want you to get some satisfaction from this. She said Mr. & Mrs. Hoppe are running a business on Viking and they are storing their equipment at their residence which they are allowed to do. Moegerle said and they are working very hard by getting a variance, spending money in advance of when we are going to rezone this, so that is some indication to her that they are

taking this very seriously. Her question is and it is bad for that equipment to sit outside, they are employing people which is good, what is the solution that works for you, that accommodates this.

Seefeld said well, winter is coming, the diesel trucks have to run for a long time and they vibrate the house, personally everyone of us saw the trucks when the road restrictions were on, with the big back loader running up and down the streets, we don't like the sounds. How to deal with it he doesn't know. Lawrence said we just dealt with this by telling them they could build their buildings out here on Viking. Seefeld said he just built another big barn on his place. Moegerle said the ordinance says this is permitted. Seefeld said what is permitted. Moegerle said it says these can be stored. Seefeld asked what is storage. Moegerle said she just read that to you.

DeRoche asked what kind of time frame are you looking for these buildings to go up. Lawrence said it will depend on the frost. Vickie said it depends on weather. DeRoche asked have you looked into off-site inside storage. Vickie said that is a financial issue at this point. She said the housing market has not allowed that to be a solution. Moegerle asked and how close are they available to your workplace are they available within a 5 mile area of your Viking location. Vickie said no, we have looked at places in Isanti and Ham Lake. Lawrence said they are you are in compliance of what they are doing. He said second you have to do this properly, at the right time. Seefeld said we have complained. Lawrence asked have you contacted the city administrator. Seefeld said no, we have filled out all the forms and made the complaints and it was always explained to us about storage and we didn't know the understanding of storage. Lawrence said contact Mr. Davis, and put it on the agenda so we can discuss it. Davis said if you contact me we will see if there is some alternative or resolution and we will put it on the agenda for city council.

DeRoche said if the paperwork is being done out of Viking Blvd. but the workers are showing up to the house and they are staging their trucks there, are their operating out of the house, or out of Viking. Vickie said all the calls are taken at the cabinet shop at Viking, all the work is done out of the there. She said the only other alternative is we can unemploy all these guys and let the trucks sit. DeRoche said that is a little unpractical. He said you have to understand here, we are kind of trying to make both sides happy and if someone has a snap-quick solution he is more than happy to listen to it, because he is more of take in the facts and make a decision kind of guy. He said and eventually the business is going to be stored on Viking. But these people have been hearing noise and they are kind of irritated and you have to give them that too. DeRoche said and he always tells people put yourself in someone else spot and see what they are going through and then make a decision. Vickie said the way she looks at this is there are several other people on their street that are running home occupations on our street that don't have IUPs that come and go with trailers and heavy equipment. She said she doesn't care what everyone else does personally as long as they are making a living and paying their bills, she doesn't care. DeRoche said he thinks the best thing is for Seefeld to meet with the city administrator and city planner.

Consideration of Zoning Text Amendment to Allow Open Sales Lot – Boats and

Moegerle said she has asked some questions about this. She said and she is concerned (she appreciates the circumstances here) but she understands that if we do any ZTA, it opens up a can of worms that you set a precedent. Lawrence asked shouldn't this go to the Planning Commission first. Moegerle said then we would end up spot zoning and she is real concerned about that, because once we set the precedent then that is a problem. She said but if we were to add a land use where this would work, it would be a comp plan amendment, but we could get it done and do it right and not be burdened with a ZTA that will come back

Exterior
Storage in the
B2 Zoning
District

again and again. Moegerle asked should this go to the Planning Commission first. Lawrence said he thinks the trouble here is this gentlemen is up against the weather. Davis said a ZTA will take a minimum of 60 days with all the public hearings. He said the reason it was brought to Council first was to see if they wanted to go down this road and explore the possibilities of this as a consideration, so we wanted to bring this to your attention and see if you wanted to direct us to proceed in this way. He said the next step would be to go to Planning Commission for the public hearings, then come to Council for approval. Davis said but remember, that is why he put this in here, if this is approved, this would not be exclusive to this location that Mr. Howe is requesting, and it would be open to all B2 locations in the City.

Lawrence asked with allowing Open Sales of Boats, what exactly are we opening ourselves up to. Hanson said it would be exactly that, anywhere in the B2 zoning district boat sales would be allowed. Moegerle asked and what is particularly designed for. Hanson said more of strip mall, completely indoors retail. Lawrence said he thinks B3 allows outside storage and B2 does not. Hanson said in B2 you can have outside storage with a CUP but only a 100 square feet. Moegerle asked and what kind of time frame would it take to get a comp plan update for a new business zoning district. Hanson said her best guess would be February, and that is because it does need to go through the Metropolitan Council. Vierling said with notice to adjoining cities.

Moegerle said she would like to make gentlemen happy, but she is concerned about the ZTA coming back. She said she realizes for us, February will be here in a snap, but for a man wanting to make a living. Lawrence said he is trying to catch all the people trying to winterize their boats right now, another month he will be out of the winterization process. Davis said even with a ZTA we couldn't make those kind of time frames. He said we originally met with gentlemen and talked about an IUP, but we can't do an IUP because it is a non permitted use. Moegerle said she thinks we kick this back to Planning Commission to come up with a recommendation. DeRoche said this has to be done right, too many things that have been done in the past that have been half-cocked and have got us in trouble. Lawrence said and that is why we need to get this defined, because right now we would be spot zoning this place and he doesn't think we can do that without really looking at this issue.

Moegerle asked for clarification on the time frame difference between ZTA and comp plan amendment. Hanson said ZTA would be end of December and comp plan amendment February. Moegerle said so he would miss his prime business anyway. Davis said if we are going to do this a comp plan amendment would be the best way to do this. He said that it insures we are addressing the problem at its root and that way we can create a different zoning classification within the city to accommodate these kinds of uses, also to develop a set of standards and criteria for these uses. Lawrence said because this is a broad, boom we are going to let this happen, we want to investigate and make sure this is the way we want to go with it. Davis said so as the way he understands it, we are to go with the comp plan amendment. Moegerle said take to Planning Commission and get a recommendation on a new zoning.

Consideration
of Zoning
Text
Amendment to
allow Open

Davis explained that staff has been approached by Mr. Timothy Chies, property owner at 18803 Highway 65, East Bethel to allow an open sales lot – motor vehicles in the B3 – zoning district. Current zoning code does not permit open sales lot – motor vehicles in any zoning district.

Sales Lot –
Motor
Vehicles in the
B3 Zoning
District

Prior to three (3) years ago, Ham Lake Motors sold vehicles from this property as a legal, nonconforming use. However, since open sales has not occurred within the last three (3) years it is no longer a permitted use. City code Appendix A, Zoning, Section 5.2 states that "nonconforming uses may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion unless the nonconforming use or occupancy is discontinued for a period of more than one year." This language is in conformance with Minn. Statutes 462.357, Subd.1e. Nonconformities.

Attachment #1 is an email from Mr. Chies requesting City Council to allow motor vehicles sales in the B3 zoning district.

A ZTA for this proposed use in the B-3 zone would not be exclusive to Mr. Chies's request but would open this entire zoning classification to this exemption.

Staff seeks direction from City Council to regarding a ZTA to allow Open Sales Lots – Motor Vehicles as a conditional use in the B3 zoning district.

Lawrence said his question on this is much different. He said B3 allows outside storage, how much. Hanson said she believes it is limited to like 50% of the rear yard. Lawrence said and currently we do not have any ordinance that allows motor vehicles in the city limits. Moegerle read exterior storage in the B3 district shall be limited to an area occupying no more than 50% of the rear yard, and shall not be allowed within the required setbacks, public right-of-way, and private access easement or within the required parking area. Hanson said she knows there is a provision for outdoor displays areas. Lawrence said if we were to revise our ordinance, it would be a B3 ordinance that we would be adapting to auto sales. Hanson said yes. Lawrence said then why don't we just take that time and get that B3 adjusted so it reflects auto sales so we can legally have auto sales in East Bethel. Moegerle said and we are not allowed to have new car sales here, and she thinks that should be addressed generally, and car repair, look to see where those need to be zoned. Davis asked do we want to do this as a ZTA or comp plan amendment. Lawrence said he thinks we can do a ZTA on this one, because it is more to what the actual B3 zoning is. Moegerle said she thinks it sets a precedent. Davis said and to, with the storage requirements if it is 50% of the rear yard in this case, he doesn't think there is much rear yard at this business so we would have to do more than reclassify the zones, we could have to rewrite some of the conditions too. Moegerle said she thinks we need to be consistent. Davis said he would agree, if we are going to do something on this, it should be consistent do a comp plan amendment so we are consistent and address all the issues that are known to us.

Tim Chies, owner of property you are talking about, said one of the frustrations he has had with auto sales is, and we have done a good job of cleaning the property up, frustration he has had with sending people to the City is he assumes you guys drive up and down Highway 65 and you see a number of car sales lots from Blaine Dodge, etc. Car sales means there are going to be cars out front being displayed and sold. Chies said that is not really storage, that is displaying of goods. He said and it becomes very frustrating when you worry about the storage units in the back, cars need to be out front. Lawrence said exactly, that is why we need to change the ordinance, to comply with that. Chies said right, he just wants you to remember as you drive from Fridley to Cambridge and you see these, the cars need to be seen, people need to see these, to be sold. He said you guys got a lot of great stuff going with city water and sewer; a lot of forward stuff going on, so he just wanted to make sure you don't try to tie these guys' hands.

Davis said that is why we want to address this, because the way this is written your storage up front is based on your rear yard and that doesn't make any sense. Chies said he appreciates you guys being forward thinking. He said his property every time he has come with a development it has been stopped. DeRoche said a lot of this stuff was here before we came. He said and government works slow. Chies said he understands. He said it is nice when you go to a city and they say what can we do to make it work. Chies said it seems odd to me that East Bethel is the only place you can go and not get a car license. He said it gives the people that own those businesses a monopoly.

Pay Estimate #5 for Phase 1, Project 1, Utility Project

Jochum said this item includes Pay Estimate #5 to S.R. Weidema for the construction of the Phase 1, Project 1 Utility Improvements. The major pay items for this pay request include interceptor sewer construction along TH 65, sewer and water crossings of TH 65, street construction on 185th Avenue and Ulysses Street and sod and restoration on Buchanan Street. 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 \$898,497.63. A summary of the recommended payment breakdown is as follows:

Contractor Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estim.
MCES	\$2,231,700.04	\$1,840,612.78	\$391,087.26
City	\$1,701,493.83	\$1,239,008.34	\$462,485.49
Total	\$3,933,193.87	\$3,079,621.12	\$853,572.75

Escrow Payment Summary			
	Totals to Date	Less Previous Payments	Amount Due this Estim.
MCES	\$117,457.90	\$96,874.36	\$20,583.54
City	\$89,552.31	\$65,210.97	\$24,341.34
Total	\$207,010.20	\$162,085.33	\$44,924.88

This estimate includes payment of \$853,572.75 to S.R. Weidema and \$44,924.88 to the escrow account for a total of \$898,497.63. Payment for this project will be financed from the bond proceeds. Funds, as noted above, are available and appropriate for this project.

Staff recommends Council consider approval of Pay Estimate #5 in the amount of \$898,497.63 for the Phase 1, Project 1 Utility Improvements.

DeRoche motion to approve Pay Estimate #5 to S.R. Weidema in the amount of \$898,497.63 for Phase 1, Project 1, Utility Improvements. Lawrence seconded.

Moegerle asked have you double checked all this and you are sure this is all correct and could you also give us an update on how this project is going. Jochum said yes, we have double checked the numbers and we are okay with them. He said everything south of 187th Lane is pretty much complete, except for the wear course, the theatre parking lot and some back fill. Jochum said he thinks tomorrow they are going to start pushing the main sewer pipe across 187th Lane heading north, past that pond area. He said that could take some time, and you will see some excavation there but that is more for dewatering, they are not going to dig a trench in that part. Jochum said the theatre and bank are anxious to get their parking lots put back together, that will all happen in the next couple weeks here. Lawrence asked how are they handling the newer conditions with the soil. Jochum said they haven't really gotten into the muck yet. He said after they finish with the jacking by the pond area, then

they will find out how soft that is going to be. DeRoche asked wasn't their talk of pedestals with the pipe. Jochum said they call it a grade beam; it is putting the pipe on a slab. He said they are not sure if they need that yet. Jochum said if they can dig through the soft areas, they will backfill it with some stable material, but this is to be determined yet. Lawrence asked how big is pipe they are going to push under the road. Jochum said 42".

**BDM
Compensation
Claim**

Davis said Brian Mundle and the City of East Bethel entered into a purchase agreement on January 8, 2004 in which the City sold 75 acres of the property now know as Whispering Aspen to Mr. Mundle. As part of that agreement, a fee was established for SAC (\$6,000) and WAC (\$500) charges for connection charges for each lot that is developed. The agreement further states that the contract may be amended only by a written instrument executed by both the City and Mr. Mundle.

The City raised the SAC fees for the Whispering Aspen Development in 2006 to cover the costs associated with the acquisition of the Castle Towers Sewer Treatment Plant. The SAC fees were raised from \$6,000 as specified in the Purchase Agreement to \$10,250 per Resolution 2006-48 as adopted on September 6, 2006 by City Council.

Mr. Mundle contends that this change in fees is not valid as he did not consent to the increase. Mr. Mundle also contends that he paid seven SAC fees based on the 2006 rate adopted by Council, under protest, and this resulted in an overcharge of \$29,435 in connection fees. Staff has verified that Mr. Mundle paid the \$10,250 SAC charges per lot for the seven properties in dispute.

The City Attorney has reviewed this issue and in his opinion the SAC fees (\$6,000) as set forth in the 2004 Amended and Restated Purchase Agreement "have application until and unless the wastewater treatment plant at the Castle Towers facility is decommissioned."

Attached is the 2004 Amended and Restated Purchase Agreement which outlines the terms of the origination of the \$6,000 SAC fee, Ordinance 2006-48 which changes the SAC fee to \$10,250, correspondence from Mr. Mundle and his attorney indicating opposition to the City Council's passage of new SAC fee, and letters from the City Attorney advising that 2004 SAC rates are the valid basis for charges up and until the time the wastewater treatment plant is decommissioned.

Mr. Mundle is also seeking interest charges on the overpayment claim of \$10,689.90 or a total of \$40,124.90 as repayment from the City. Mayor Richard Lawrence, Council Member Bob DeRoche and staff met with Mr. Mundle on Monday, September 12, 2011 and advised Mr. Mundle that the City did not pay interest on funds that are escrowed. Mr. Mundle's overpayment was initially put into a SAC fund but these monies were eventually used to pay off a portion of the sewer indebtedness for Whispering Aspen/Castle Towers.

Mr. Mundle has indicated that he would consider negotiating SAC and WAC credits for future development for his claim.

Staff is recommending that Mr. Mundle be issued a credit for \$29,435.00 for future Whispering Aspen City SAC and WAC fees based on the overpayment as listed in the attachment. This recommendation includes no credit for any interest on the compensation claim or any credit for MCES sewer availability charges that may be applicable at any time in the future.

Davis said he had a conversation with Mr. Mundle today and Mundle requested he be paid a cash settlement on this. He said he told Mr. Mundle that the fees he that were paid by him were put into an escrow account, but that escrow account went to pay off debt on the system. Davis said so we don't have the funds for a cash settlement for anything within the sewer system. He said it would be up to City Council to determine if they want to make him a cash payment, however, staff is still recommending that a credit be issued, but that the credit be documented to satisfy Mr. Mundle's concern that he would be able to cash in on this at a later date. Davis said there was a request made to document the history of this. He said Ms. Warren looked through everything once and he went back and looked through everything twice. We couldn't find anything additional on this.

DeRoche made a motion to issue Mr. Brian Mundle a credit in the amount of \$29,435.00 for future Whispering Aspen SAC and WAC fees. This includes no credit for interest on the compensation claim and no credit for MCES sewer availability charges that may be applicable at any time in the future. Lawrence seconded. Lawrence said he talked to Mundle and he would like to use this as City credit so he could use it for anything fees he had to pay within the city. **DeRoche amended his motion to allow this as a city credit, to be used for any city charges. Lawrence seconded the amendment; all in favor, motion carries.**

Ordinance 31,
Second Series,
Amending the
Right of Way
Management
Ordinance

Vierling explained the city has an existing right of way undergrounding utility ordinance in place. He said this is not a new ordinance; this is an amendment of an existing ordinance. Vierling said he will highlight the amendments: amendment that will elect to management the public right of way, the city's intent with the original adoption was to follow the statutory framework that was afforded you by the legislature, but the language in terms of the actual opt in he doesn't think was as clear as he desired and that matter in Section 2 of the ordinance is fundamentally a housekeeping item. So we are officially opting in under the statutory framework. He said definitional sections that are in this ordinance missed a few, and thus we are recommending in Section 3 the term Right of Way User and Utility Permit be amended into the ordinance. This is also consistent with the ordinance recommended by the League of Minnesota Cities (LMC) and we think it is consistent with what you wanted to accomplish.

Vierling said the city's ordinance does have an existing definition and utilization for the term Service or Utility Service, but again we recommend that this definition isn't as complete as it could be or as it should be, and we are recommending an amendment to that section as which is in Section 4 as you have before you. Vierling said again Section 5 does not have a term for Overhead Facilities so we are recommending a term is added under those provisions, and you see the language we have added in front of you. He said the city does have existing undergrounding requirements that apply to all utilities, this ordinance is not directed to any particular utility, and it applies to all utilities that would be within the cities right of way. The existing underground utilities language that you have in the existing ordinance is very broad and in our view is a little bit too comprehensive for what you have. We ended up looking at that and our recommendation is a new section, which is in Section 6. Vierling said one of the reasons we suggested that is the existing ordinance doesn't have a clear delineation of exceptions to undergrounding. He said in this particular section that we are recommending, subd. 1 & 2 do provide specific authority to the Council to exempt a utility when they come before you for the permit that they will have to apply for, relative to undergrounding. It give the Council an opportunity to not have to underground if you find that the placement is not technologically feasible due to topographical subsoil or existing conditions, or find that the undergrounding as proposed would fail to promote the purposes

of undergrounding and again purposes have been specifically defined in subd. 1 Sec. 62-162. Vierling said and we confirmed the developer responsibilities in that section as well.

Vierling said so, as he notes, this is not a new ordinance this is in many respects an updating, a housekeeping of the existing ordinance and clarification of what was in the existing ordinance to date. He said also he notes that the Council received a letter from counsel on behalf of GRE, think the viewpoint of GRE is that this ordinance only applies to them and it does not, it applies to all the utility providers. He said there are certainly environmental issues that have raised themselves in regards to any utilities, however it is the Council directive and certainly the policy that the Council will establish policy on undergrounding within the city, review applications if there is an application and the city has a much better opportunity to make those calls under the current ordinance than they did under the past ordinance.

Vierling said certainly there is a cost to any undergrounding that goes on and that will vary from utility to utility, the compensation, or monetary claim that is made there relative to that being passed back to the cities rate payers, that is certainly going to be something that will be subject to the debate. He said he doesn't think the Council wants to get into a debate on that tonight; suffice it to say that the ordinance is passed so you have the opportunity and option to deal with it at a future date. As opposed to if it wasn't passed then you would not have this opportunity at a future time. Again counsel from GRE claims the city does not have the legal authority and assume they would have the same objection to the existing ordinance, the amended ordinance the city has followed the format that came through the LMC and has also consulted with legal counsel on the matter and we disagree. Finally wish to note that the final portions of GRE letter state that this is some form of retaliation against GRE and we are not adopting a new ordinance, we are amending an existing ordinance, in fact this amended ordinance provides a greater latitude for utilities than the previous ordinance did. He said so from our standpoint, we certainly disagree with the commentary, we understand that the counsel from GRE wants to make their presentation and that is fine.

Vierling said staff does recommend the amendment to you, we think it is an improvement over your existing ordinance and it is a much better framework to deal with undergrounding issues, not specifically dealing with GRE alone, but dealing with all the utilities that serve your community and will be looking to locate their utilities within your rights of way.

DeRoche made a motion to adopt Ordinance 31, Second Series, Amending the Right of Way Management Ordinance. Moegerle seconded. Moegerle asked do we need a super majority to pass this. Vierling said no, you do not need a super majority on this type of ordinance. Moegerle said she appreciates your initiative on this. She said she knows you have been comparing this to a lot of other cities and she appreciates that. Moegerle said she knows that we have the adoption of the state building code ordinance pending. She said at Planning Commission we have been talking about the City Center and how we want the appearance and she is sure we don't want to have any wires of any type hanging there. Moegerle said living at Coon Lake Beach and those 100 year old trees, if you get a breeze over 50 mph they drop branches over 10 inches deep and it takes out the power, thinks this is long overdue and she greatly appreciates your initiative, thank you. .

Paul Zisla, attorney presenting GRE, he said he would like to start with the most contentious point and get that out of the way. He said he is not here to talk about that last paragraph, did use the word retaliation, and he wants to set that aside. Zisla said he wants to talk about and emphasis the crucial points for your consideration. He said to understand the impact of

what may be happening here. Zisla said we read the ordinance as now including transmission lines. He said you did not include transmission lines previously. Zisla said we are not here to debate with Mr. Vierling or Mr. Strommen; we are going to disagree on that. He said we always say if there is a question, any uncertainty, the regulatory experts should talk about that. Zisla said we do want to make a record on the environmental consequence of that, underground transmission is highly disruptive it requires more right of way; it is significantly more disruptive than building aboveground. He said we know you have concerns about the environment, but you could be going in the opposite direction. Zisla said we have a problem with any ordinance that is so wide open that we don't know going in what the rules are and when there is uncertainty and a case by case determination. He said it can be technologically feasible to underground, but still highly problematic. Zisla said on the cost figure we don't have a route yet, don't have a specific plan, we want you to be aware that there is a significant cost, undergrounding cost significantly more than above ground. He said the tone is wrong; it is going to have to be paid for.

Zisla said we have told you our policy in our letter. He said we stand by our letter. Zisla said your attorney has said this is something that can be dealt with later; it is going to be dealt with. He said this ordinance is leading to requiring underground in transmission, that is the cost and it gets paid for through the system. Zisla said those are the highlights, Pete Schaub is here if you have questions about the construction, our points are laid out in the letter, self explanatory. He said your attorney said this wasn't directed at GRE, or comment is this is including transmission and it is something new and we think that is problematic and you need to think about environmental and financial consequences of this policy.

Moegerle asked Vierling reiterate about the LMC that this is their approved form. Vierling said the LMC has long since come out with a couple different models, but this is one in regard to right of way management and there has been revisions and updates to it and the LMC was one of the models we took a look at with regard to this matter. It is our compilation of the LMC and several other metropolitan cites and what they have done. Moegerle said she searched today's packet for the word transmission and she didn't come up with it. She said this fits in context with what Planning Commission has been talking about, City Centers, PUDs, our experiences, and she likes that it gives us more options. **All in favor, motion carries.**

Council
Reports -
Moegerle

Moegerle said the Planning Commission meeting was her big order of the day, we have been talking about City Center, PUDs, and a lot has been discussed about what is the vision and architectural styles and how not to make it cheap and not do cookie cutter styles. She said we have had some discussions on EDA and parks and trails. Moegerle said she knows you have seen a map and how we want our trails to connect up and how they don't connect up and make use of our public land, and it looks like we have opportunities there.

Council
Reports -
DeRoche

DeRoche said he went to fire department meeting on Monday. He said they plan on burning the Thompson house on Saturday night, weather permitting, this is in the Red Flag area, there is no open burning in the state. He said if we don't get rain and the wind is up they won't do it.

DeRoche said the fire department Open House is coming up, it is on the City web site. He said also the fire department is slated to go to the elementary schools and shake hands and show them the fire truck. He said the fire fighters dance turned out good.

DeRoche said we had a little discussion, a can of worms opened up but it turned out good. He said the new truck came in, it is not on the road yet, there will be changes to the insides and the trailer should be here next week.

Moegerle said did you hear about the break in the handgun case, where the gun was stolen and tossed away before the deputies got him and it is still in the Coon Lake Beach area somewhere.

DeRoche said he is still looking at changing the four wheel ordinance, they go 40-45 mph down the road with no helmets, but again he thinks that is more of an enforcement issue. He said there are plenty of rules and he doesn't think we need to hammer people on it, he thinks we are losing out on a lot. DeRoche said it is unfortunate that there will always be people that are dumb. Moegerle said she pulled up our ATV ordinance and it pretty much just talks about tracks and enforcing state statutes. She said Oak Grove did a resolution stating the officers are not to enforce state or federal rules on city streets. DeRoche said if you live in Linwood you can ride on the right side of the road. He said but you have to live in Linwood to do this. DeRoche said he was one of the first instructors in the state. He said he spoke to the previous city administrator about this and he said it was the same as the snowmobile ordinance.

Council Reports -

Lawrence said it has been an exciting week. He said we are keeping an eye on the sewer and water project. Lawrence said they were going to start doing the test pumping on the wells. Jochum said they had a little problem on Anderson's field. He said we have to wait until that is taken care of. Lawrence said we did some good work today. He said we are not just focusing on GRE, that is little; we are looking at this as a whole city coming together.

Closed Session – Union Negotiations and GRE Litigation

Vierling said for the benefit of the public and the public record, Council has recommended we go into closed session per Minnesota Statute 13D regarding a matter of litigation, GRE vs. the City of East Bethel and a second matter Teamsters Union Negotiations which will be tape recorded and kept as required by state statute. Council will return into open session to announce any motions or actions.

DeRoche made a motion to go into closed session to discuss the Union Negotiations and GRE Litigation. Moegerle seconded; all in favor, motion carries.

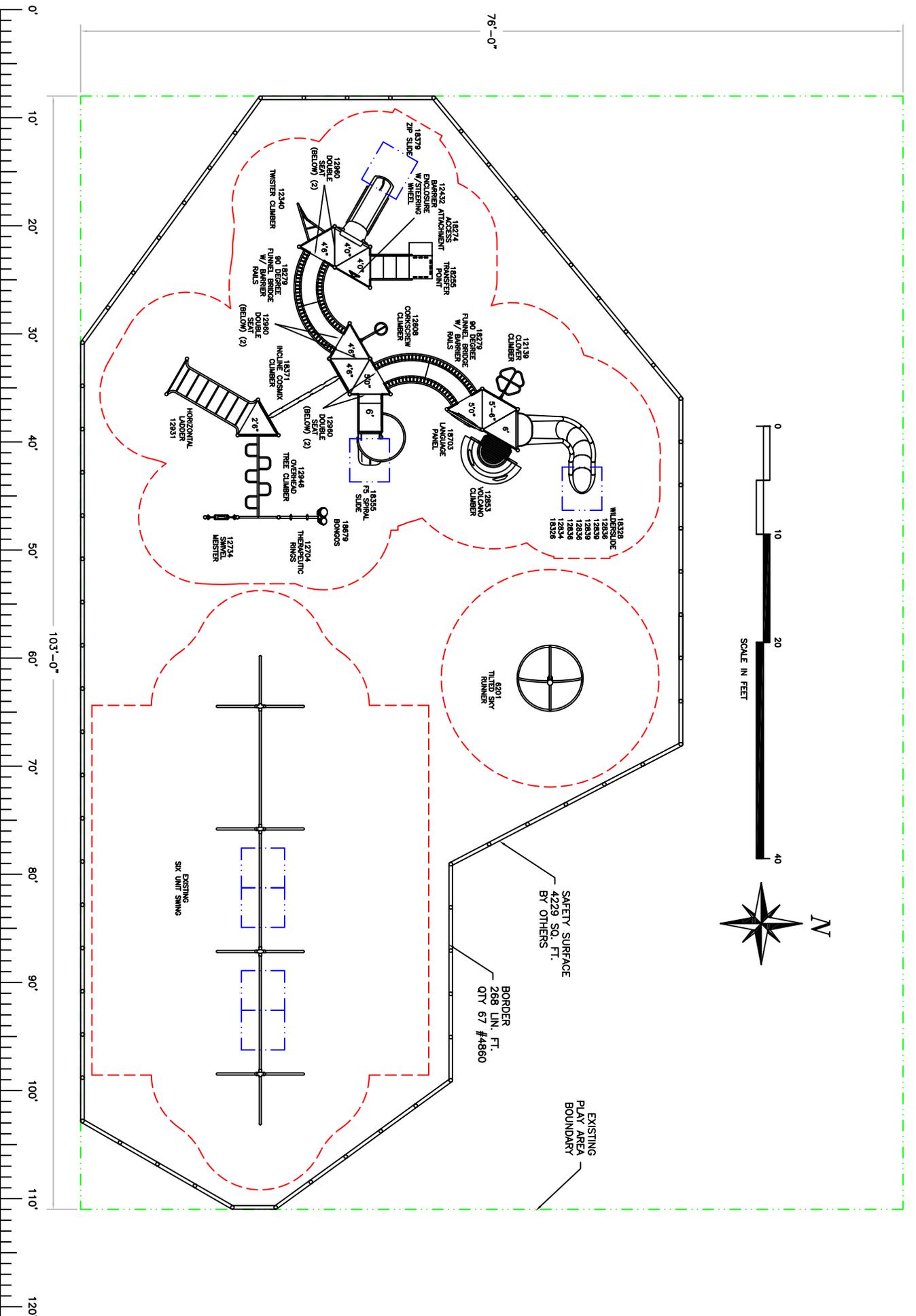
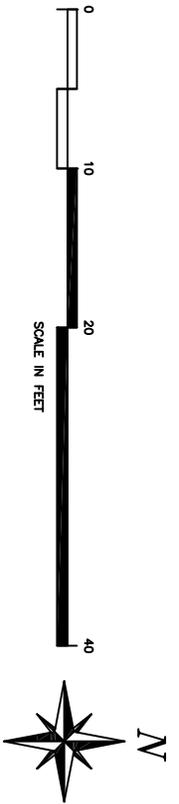
Vierling said the Council has concluded the closed sessions. He said attending were Council Member DeRoche, Council Member Moegerle and Mayor Lawrence. Also attending were Jack Davis, city administrator and myself, city attorney. Vierling said in the matter of GRE vs. City of East Bethel no specific actions or motions were made. He said in the matter of the Teamsters Union Negotiations the Council received an update and direction was given to staff, but no specific actions were taken.

Adjourn

DeRoche made a motion to adjourn at 11:02 PM. Moegerle seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk



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PO Box 27328 - Golden Valley, MN 55427
 763.546.7787 1.800.622.5425
 FAX 763.546.5050
 E-Mail info@mniwplay.com

Norseland Park
 East Bethel, Minnesota
 SCALE: 1" = 12'-0"
 10/6/11
 D5497H1



Minnesota / Wisconsin Playground
5101 Highway 55, Suite 6000
Golden Valley, Minnesota 55422
Ph. 800-622-5425 | 763-546-7787
Fax 763-546-5050 | info@mnwiplay.com

QUOTE
#5104

10/06/2011

Norseland Manor D5497H1

City of East Bethel
 Attn: Nate Ayshford
 2241 221st Ave. NE
 East Bethel, MN 55011
 Phone: 763-367-7876

Ship To Zip: 55011

Quantity	Part #	Description	Unit Price	Amount
1	178749	GameTime - Owner's Kit	\$46.00	\$46.00
7	161292	GameTime - Wear Mat 44"X48"	\$167.00	\$1,169.00
2	161290	GameTime - Geo-Textile 2250 Sq Ft Roll	\$518.00	\$1,036.00
1	161291	GameTime - Geo-Textile 1125 Sq Ft Roll	\$268.00	\$268.00
67	4860	GameTime - 12"Playcurb Pkg	\$40.00	\$2,680.00
200	EFW	GT-Impax - Truckload wood fiber	\$19.19	\$3,838.00
1	6201	GameTime - Tilted Sky Runner (F/S)	\$3,176.00	\$3,176.00
1	RDU	GameTime - PrimeTime Custom Modular Structure	\$40,649.00	\$40,649.00
1	INSTALL	GameTime - Installation Consultant	\$740.00	\$740.00

Contract: USC

SubTotal: \$53,602.00
 Discount: (\$10,869.86)
 Tax: \$3,161.27
 Estimated Freight: \$3,250.00
Total Amount: \$49,143.41

This quotation is subject to polices in the current Gametime Park and Playground catalog and the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases in excess of \$1,000.00 to be supported by your written purchase order made out to Gametime, c/o Minnesota/Wisconsin Playground.

Payment terms: payment in full, net 30 days subject to approval by GameTime Credit Manager. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.





Minnesota / Wisconsin Playground
5101 Highway 55, Suite 6000
Golden Valley, Minnesota 55422
Ph. 800-622-5425 | 763-546-7787
Fax 763-546-5050 | info@mnwiplay.com

QUOTE #5104

10/06/2011

Norseland Manor D5497H1

Equipment Color Selection

(Either write in selected play palette, or select colors individually for each component type)

Play Palette Color Scheme: _____

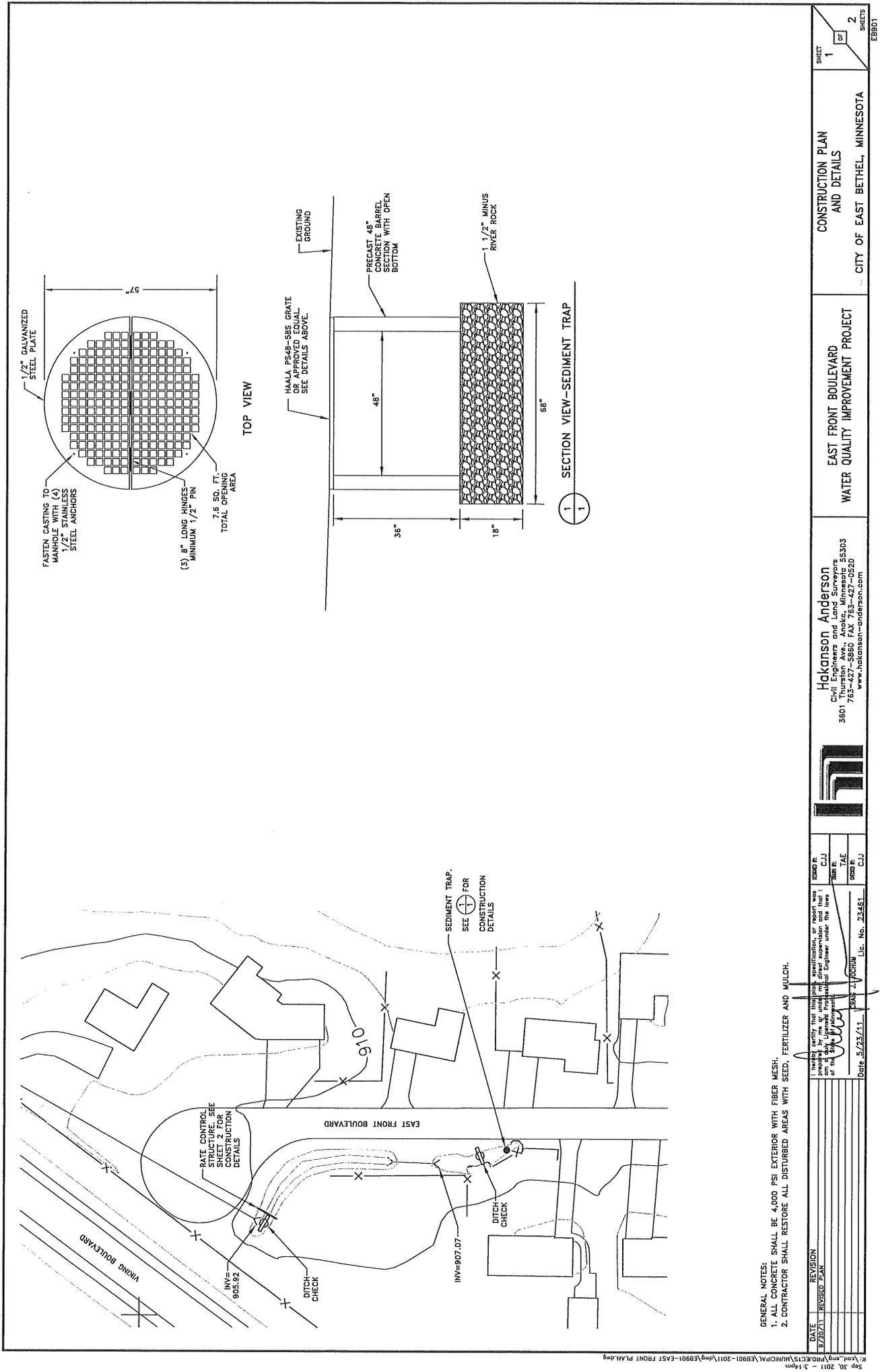
(or)

Table with 2 columns: Component, Color. Rows include Metal Posts & Arches, Metal Accents, Decks (PCV Coated), Plastic, Tubes, Roofs, MegaRock, Dragon, Rock Climber, HDPE, Playcurbs, Free Standing Posts, Free Standing Accents, Free Standing Plastic, Free Standing Decks, Free Standing Rocks.

Other (multi-colors, components, etc.)

Table with 2 columns: Component, Color. Rows are labeled Component Name: for multiple entries.





1/2" GALVANIZED STEEL PLATE

FASTEN CASTING TO MANHOLE WITH (4) 1/2" STAINLESS STEEL ANCHORS

(3) 8" LONG HINGES - MINIMUM 1/2" PIN

7.6 SQ. FT. TOTAL OPENING AREA

TOP VIEW

EXISTING GROUND

HAULA PCS48-56S GRATE APPLICABLE SEE DETAILS ABOVE.

48"

36"

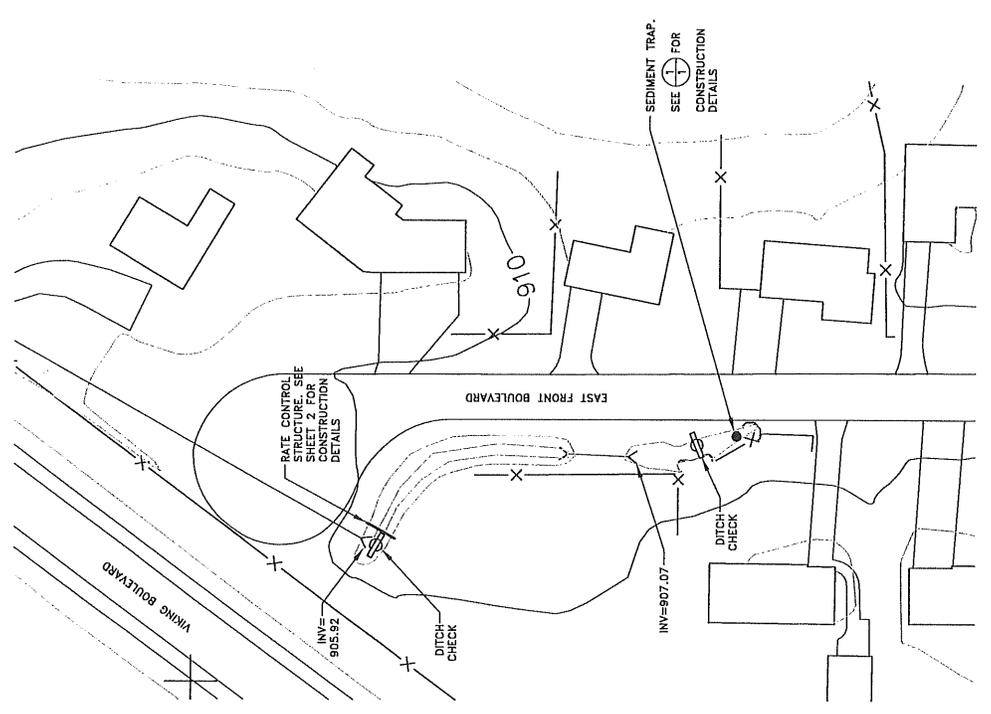
18"

68"

PRECAST 48" CONCRETE BARREL SECTION WITH OPEN BOTTOM

1 1/2" MINUS RIVER ROCK

SECTION VIEW - SEDIMENT TRAP

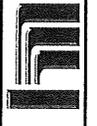


GENERAL NOTES:

1. ALL CONCRETE SHALL BE 4,000 PSI EXTERIOR WITH FIBER MESH.
2. CONTRACTOR SHALL RESTORE ALL DISTURBED AREAS WITH SEED, FERTILIZER AND MULCH.

<p>DATE: 5/28/11</p> <p>REVISION: REVISION PLAN</p>		<p>DATE: 5/23/11</p> <p>REVISION: NONE</p>	
<p>PROJECT: EAST FRONT BOULEVARD WATER QUALITY IMPROVEMENT PROJECT</p>		<p>PROJECT: EAST FRONT BOULEVARD WATER QUALITY IMPROVEMENT PROJECT</p>	
<p>CONTRACTOR: HAKNANSON ANDERSON</p>		<p>CONTRACTOR: HAKNANSON ANDERSON</p>	
<p>CITY OF EAST BETHEL, MINNESOTA</p>		<p>CITY OF EAST BETHEL, MINNESOTA</p>	
<p>1</p>		<p>2</p>	
<p>1</p>		<p>2</p>	

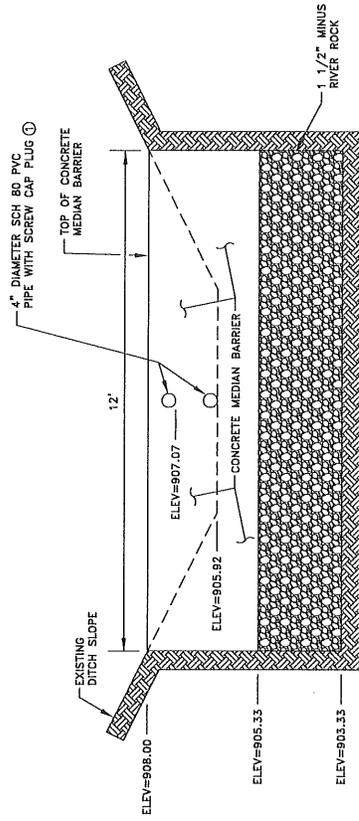
Haknanson Anderson
 Civil Engineers and Land Surveyors
 3801 7th Avenue S
 Minneapolis, MN 55408
 763-427-5860 FAX 763-427-0520
 www.haknanson-anderson.com



DATE: 5/28/11
 REVISION: REVISION PLAN
 DATE: 5/23/11
 REVISION: NONE

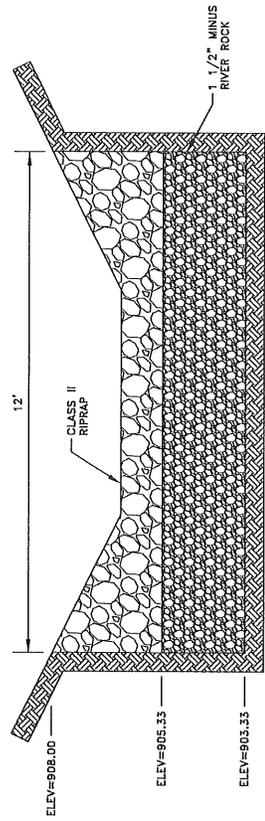
1
 2

REFERENCE NOTES:
 TO INSTALL PIPE, GROUT
 BETWEEN WALL AND PIPE.



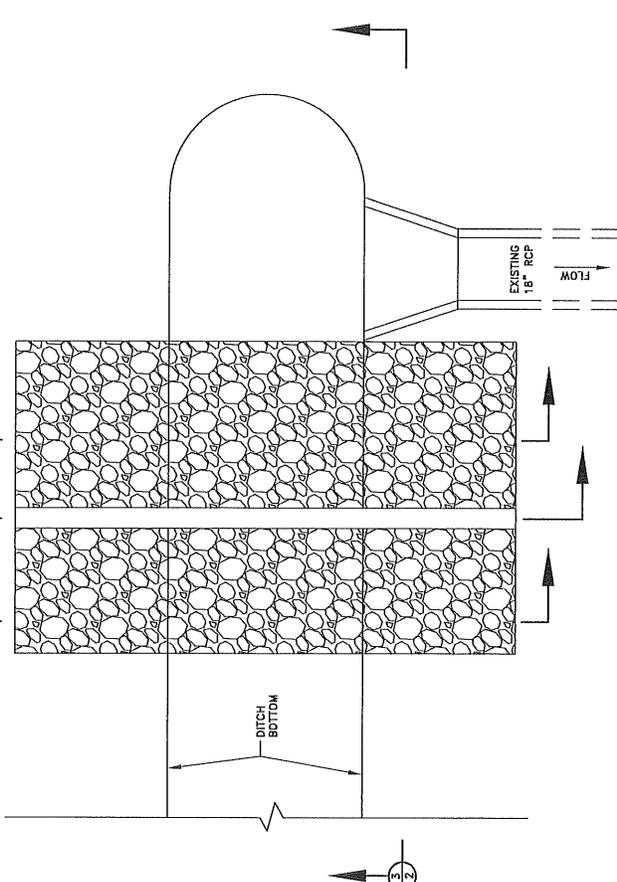
SECTION VIEW-RATE CONTROL STRUCTURE

2/2



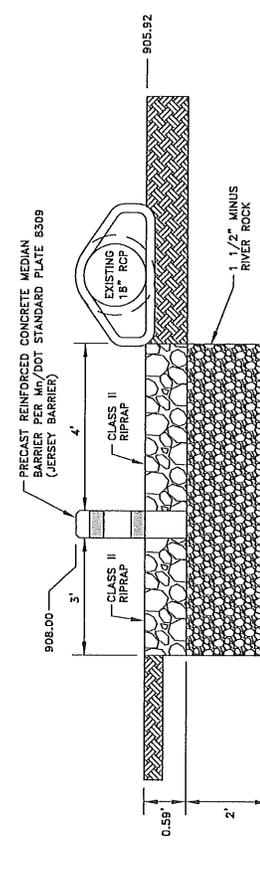
SECTION VIEW-RATE CONTROL STRUCTURE

4/2



PLAN VIEW-RATE CONTROL STRUCTURE

1/2



SECTION VIEW-RATE CONTROL STRUCTURE

3/2

DATE: 5/23/11	REVISION: REVISED PLAN	PROJECT: EAST FRONT BOULEVARD WATER QUALITY IMPROVEMENT PROJECT	CITY OF EAST BETHEL, MINNESOTA
I hereby certify that the design and construction of the structure shown on this plan is in accordance with the Minnesota Department of Transportation Manual on Uniform Traffic Control Devices, 4th Edition, and that I am a duly Licensed Professional Engineer under the laws of the State of Minnesota.		Hakanson Anderson Civil Engineers and Land Surveyors 3501 Third Avenue North, Suite 55503 Minneapolis, MN 55412 763-427-5860 FAX 763-427-0520 www.hakanson-anderson.com	
Drawn by: [Signature] Date: 5/23/11 Scale: No. 2.34:1	Checked by: [Signature] Date: 5/23/11 Scale: No. 2.34:1	SHEET 2 OF 2 SIBS: 2	

QUOTATION FORM

To: City of East Bethel

Project: East Front Boulevard Water Quality Improvement Project

Proposal of:

Dirtyworks, Inc.

(hereinafter called the "Bidder"), organized and existing under the laws of the State of

MN

and doing business as

Dirtyworks, Inc.

The Bidder hereby proposes to perform all work for the construction of the above referenced Project in accordance with the attached Construction Plans. Work will be awarded on October 20, 2011. All work shall be completed by November 11, 2011. All labor, material, equipment and other expenses required to complete this project as shown on the Construction Plans shall be considered incidental unless otherwise noted and provided for below.

Bidder agrees to perform all the work described in the Construction Plans for the following unit prices and/or lump sums which include sales tax and other applicable taxes and fees:

Item	Description	Estimated Quantity	Unit	Unit Price	Extension
1	Mobilization	1	LS	\$ 1840.00	\$ 1840.00
2	Sediment Trap	1	EACH	\$ 1378.00	\$ 1378.00
3	Rate Control Structure	1	EACH	\$ 1432.00	\$ 1432.00
4	Site Restoration	1	LS	\$ 200.00	\$ 200.00

TOTAL QUOTATION

\$ 4800.00

Respectfully submitted:

Signature



Title

President

Attest:

Janet Rylander

Address

PO Box 169

Cedar MN 5504

Date

10-10-11

QUOTATION FORM

To: City of East Bethel

Project: East Front Boulevard Water Quality Improvement Project

Proposal of:

COUNTY LINE EXCAVATING

(hereinafter called the "Bidder"), organized and existing under the laws of the State of

MINN

and doing business as COUNTY LINE EXCAVATING.

The Bidder hereby proposes to perform all work for the construction of the above referenced Project in accordance with the attached Construction Plans. Work will be awarded on October 20, 2011. All work shall be completed by November 11, 2011. All labor, material, equipment and other expenses required to complete this project as shown on the Construction Plans shall be considered incidental unless otherwise noted and provided for below.

Bidder agrees to perform all the work described in the Construction Plans for the following unit prices and/or lump sums which include sales tax and other applicable taxes and fees:

Item	Description	Estimated Quantity	Unit	Unit Price	Extension
1	Mobilization	1	LS	\$ 1800.00	\$ 1800.00
2	Sediment Trap	1	EACH	\$ 1769.00	\$ 1769.00
3	Rate Control Structure	1	EACH	\$ 3520.00	\$ 3520.00
4	Site Restoration	1	LS	\$ 900.00	\$ 900.00

TOTAL QUOTATION

\$ 7984.00

Respectfully submitted:



Signature

President

Title

Attest: Jami Neypree

5698 345th AVE FOLEY MN 56309

Address

10/5/11

Date

Craig Jochum

From: Nate Zwonitzer [nate.zwonitzer@anokaswcd.org]
Sent: Wednesday, October 05, 2011 4:41 PM
To: Craig Jochum
Subject: RE: East Front BLVD

Hi Craig,

Jamie forwarded the East Front Blvd plans to me for review. I'm glad to see this project is going forward! The ditch checks look good to me. We don't do a lot of design work for those, but I'm guessing they're pretty standard. I'm a little confused by the sediment traps. If I'm understanding correctly, one is basically a sump (sheet 1 of 2 of planset that includes ditch checks) with a metal grate that is flush with the bottom of the ditch. The other option is more of a sedimentation platform, but I'm not sure how water gets from the platform into the ditch without overtopping the concrete rim. I haven't seen this design before so am curious how it works.

We have developed a pretreatment chamber called the Rain Guardian we use in curb-cut rain gardens that might work well in this situation. It is smaller (and much less expensive) than the other options, but it should be able to handle runoff from the roughly 1-acre drainage area. They can also be placed side-by-side if high flows are anticipated, and have several built in overflow options. More information on the Rain Guardian can be found [here](#). The video does a good job of explaining how it works.

Thanks again for keeping us in the loop on this project.

Have a good one,

Nate Zwonitzer
Conservation Specialist
[Anoka Conservation District](#)
1318 McKay Drive NE, Suite 300
Ham Lake, MN 55304
763-434-2030 ext. 11
Nate.Zwonitzer@anokaswcd.org

From: Craig Jochum [<mailto:CraigJ@hakanson-anderson.com>]
Sent: Monday, October 03, 2011 4:25 PM
To: Jamie Schurbon
Subject: East Front BLVD

Jamie
The City of East Bethel requested that ACD review the design that we are taking quotes on from various contractors for the East Front BLVD water quality project. The design includes a sedimentation trap next to the road (two differ designs) and a concrete rate control structure which is shown on plan sheet 2 of the second email.

Thanks
Craig

Craig J. Jochum, President
3601 Thurston Avenue

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

RESOLUTION NO. 2011-53

A Resolution Proclaiming November Homelessness Awareness Month

WHEREAS, the Anoka County Community Continuum of Care, along with the Heading Home committee is sponsoring a unique, countywide education and awareness campaign to help end homelessness in our shared communities. The month of November will mark “Homelessness Awareness Month”; and,

WHEREAS, the Art Expo, “Homelessness... the Journey” provides a unique opportunity for local, creative individuals to join forces with communities across Anoka County in an effort to promote awareness of homelessness and to help end homelessness; and,

WHEREAS, the Anoka County Community Continuum of Care and the Heading Home Anoka committees play a vital role in bringing together the community and establishing needed partnerships to support preventing and ending homelessness; and,

WHEREAS, it is essential that all citizens of East Bethel be aware of the importance of preventing and ending homelessness and the impact their participation can have on ensuring that all individuals and families have access to a warm, safe place to call home in our community; and,

NOW THEREFORE, BE IT RESOLVED, by the City Council of East Bethel, Minnesota that, I, Richard Lawrence, Mayor of East Bethel, on behalf of the East Bethel City Council do hereby call upon all citizens of East Bethel to join the Anoka County Community Continuum of Care and Heading Home Anoka committees in supporting Homelessness Awareness during the month of November.

BE IT FURTHER RESOLVED that the month of November is hereby proclaimed “Homelessness Awareness” month in East Bethel, Minnesota.

Adopted by the City Council for the City of East Bethel, this 19th October of, 2011.

Richard Lawrence, Mayor

ATTEST:

Jack Davis, City Administrator



LAND USE APPLICATION

IUP-11-05

OFFICE USE ONLY	
Date Rec'd	8/30/11
By	<i>[Signature]</i>
Fee \$	150 app.
CHK#	4268

Check appropriate box:

VARIANCE

CUP

Kennel
 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 S22 ATTACHMENT (provide narrative below describing proposed use).

LOCATION: PID 01-33-23-23-0005 Legal: Lot _____ Block _____ Subdivision _____

PROPERTY ADDRESS: 22525 Durant St NE PRESENT ZONING: RR

PROPERTY OWNER

CONTACT NAME Pat & Aritsa Schroeder PHONE 763.227.5270

ADDRESS 22525 Durant St FAX _____

CITY/STATE/ZIP EAST BETHEL, MN 55011 E-MAIL my4ponies@msn.com

APPLICANT

CONTACT NAME Pat & Aritsa Schroeder PHONE 763.227.5270

ADDRESS 22525 Durant St FAX _____

CITY/STATE/ZIP EAST BETHEL, MN. 55011 E-MAIL my4ponies@msn.com

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

[Signature]
Property Owner's Signature

Aritsa Schroeder
Printed Name

8.24.11
Date

Attachment #2

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.			
Planning Commission	9/27/11		
City Council	10/19/11		
	10/29/11 60 Day	120 Day	

We live on our hobby farm of ten acres. We have five dogs and have them in the house with us. Four of which are golden Retrievers, and one very small Jack Russell. When we are outside they are out running with us in the yard and working in the barn with us as well. One is getting really old and the others are younger. We breed to have two litters a year and raise and sell those at 8 weeks of age. We do not have outside kennels. We have one fenced in area that is a very large area for them to be safe in if needed but the majority of the time they are with us in the house. They are considered family and are cared for deeply.



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Planning Commission Meeting Minutes for September 27, 2011.

Requested Action:

Information Only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

EAST BETHEL PLANNING COMMISSION MEETING

September 27, 2011

The East Bethel Planning Commission met on September 27, 2011 at 7:00 P.M for their regular meeting at City Hall.

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

MEMBERS ABSENT:

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda Chairperson Terry called the September 27, 2011 meeting to order at 7:00 P.M.

Bonin motioned to adopt the September 27, 2011 agenda. Terry seconded; all in favor, motion carries.

**Public
Hearing/Interim Use
owner/applicant,
Dale A. Johnson, for
an Interim Use
Permit for one (1)
horse. The location
being 24282 Skylark
Dr. NE, East Bethel,
MN 55005, PIN 30-
34-23-12-0002.**

Dale A. Johnson
24282 Skylark Drive NE
East Bethel, MN 55005
PIN 30-34-23-12-0002

The applicant, Mr. Dale Johnson, is requesting an IUP for the keeping of two (2) horses at his residence.

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 10-acre parcel is not located within a platted subdivision.

City Code has a limit on the number of animals per parcel. Two horses requires 2 acres of pastureland. 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 owner is in the process of fencing pasture land for the horses and constructing a lean-to type structure. The fencing and structure must be completed prior to the horses occupying the property.

The property is located in the shoreland overlay district. The pastureland is located approximately 75 feet from the edge of the wetlands surrounding Minard Lake. Staff contacted Anoka Conservation District (ACD) regarding grazing horses in the shoreland overlay district. ACD stated no special plans or permits are required since the horses will not be grazed in the wetlands.

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

Recommendation:

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP for the keeping of two (2) horses for Dale A. Johnson, located at 24282 Skylark Drive NE, East Bethel, PIN 30-34-23-12-0002 with the following conditions:

1. An Interim Use Permit Agreement must be signed and executed by the property owner and the City.
2. Property owner shall provide shelter and have a minimum of two (2) acres of pasture land for the horses.
3. Property owner must comply with City Code Section 10. Article V. Farm Animals.
4. Permit shall expire when:
 - a. The property is sold, or
 - b. Non-compliance of IUP conditions
5. Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.
6. Property will be inspected and evaluated annually by city staff.
7. Conditions of the IUP must be met no later than December 5, 2011. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Mr. Johnson is here to answer any questions the Commission may have.

Pelawa stated he doesn't understand why if he is meeting all the zoning requirements why he needs a permit. Hanson said because code requires a interim use permit for farm animals.

Public hearing was opened at 7:05 p.m. Closed at 7:06 p.m.

Mundle motioned to recommend approval to the City Council of an IUP for the keeping of two (2) horses for Dale A. Johnson, located at 24282 Skylark Drive NE, East Bethel, PIN 30-34-23-12-0002 with the following conditions:

1. **An Interim Use Permit Agreement must be signed and executed by the property owner and the City.**
2. **Property owner shall provide shelter and have a minimum of two (2) acres of pasture land for the horses.**
3. **Property owner must comply with City Code Section 10. Article V. Farm Animals.**
4. **Permit shall expire when:**
 - a. **The property is sold, or**
 - b. **Non-compliance of IUP conditions**
5. **Property owners shall have thirty (30) days to remove approved domestic farm animals upon expiration or termination of the IUP.**
6. **Property will be inspected and evaluated annually by city staff.**

Conditions of the IUP must be met no later than December 5, 2011. IUP will not be issued until all conditions are met. Failure to meet conditions will result in the null and void of the IUP.

Terry seconded; all in favor, motion carries.

This will go before the City Council on October 5, 2011.

Public Hearing/Interim Use Permit Private Kennel License A request by owners/applicants, Alitsa and Patrick Schroeder, for an Interim Use Permit for a private kennel license for 5 dogs. The location being 22525 Durant St. NE, East Bethel, MN 55011, PIN 013323230005

Background Information:

Owner/Property Location:

Patrick & Alitsa Schroeder
22525 Durant Street NE
East Bethel, MN 55011
PIN 013323230005

Mr. and Mrs. Schroeder are requesting an IUP for a private kennel license for the keeping of five (5) dogs on the 9.91 acre parcel they have owned since 1996. Currently, they have four (4) golden retrievers and one (1) Jack Russell terrier. The dogs are not kenneled outdoors; rather they are housed in the home. There is a large fenced area where the dogs are kept when they are outdoors alone; otherwise, the property owners are typically outside with the animals. The Schroeder's breed the golden retrievers to have two (2) litters of pups each year.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

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

Recommendation(s):

City Staff is requesting the Planning Commission recommend approval to the City Council of an IUP/Private Kennel License for no more than five (5) dogs for Mr. & Mrs. Schroeder, located at 22525 Durant Street NE, East Bethel, PIN 01-33-23-23-0005 with the following conditions:

1. The initial term of the private kennel license shall be one (1) year; subsequent licenses, if so granted, will be for a term up to three (3) years.
2. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
3. Applicants must comply with City Code Chapter 10, Division II, Dogs.
4. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
5. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
6. Property will be inspected and evaluated annually by city staff.

Ms. Schroeder is here to answer any questions the questions. If there is anyone from the public that would like to address.

Public hearing opened at 7:07 p.m., closed at 7:08 p.m.

Cornicelli wanted to know how many males and female dogs there are. Applicant stated one male and three females. Cornicelli thinks there are USDA guidelines for more females. Applicant stated they will be selling puppies to individuals not to pet stores. She stated the objection letter is from the land abutting their property – a neighbor's land. He came to their house and the neighbors went ballistic over bow hunting on their own property. They do not have any issues with their dogs and they have never talked to them since the hunting incident. Pelawa wanted to know how old the dogs are before they are selling them. Applicant stated she usually has a waiting list of people who want the dogs and they are gone by about 8 weeks old. Would it be a problem if she were over the five-dog limit? With puppies they would need to be removed from the property by six months of age. Applicant said that isn't a problem.

Terry motioned to recommend approval to the City Council of an IUP/Private Kennel License for no more than five (5) dogs for Mr. & Mrs. Schroeder, located at 22525 Durant Street NE, East Bethel, PIN 01-33-23-23-0005 with the following conditions:

1. **The initial term of the private kennel license shall be one (1) year; subsequent licenses, if so granted, will be for a term up to three (3) years.**
2. **An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.**
3. **Applicants must comply with City Code Chapter 10, Division II, Dogs.**
4. **Permit shall expire when:**
 - b. **The property is sold,**
 - c. **The IUP expires, or**
 - d. **Non-compliance of IUP conditions**
5. **Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.**
6. **Property will be inspected and evaluated annually by city staff.**

Balfany seconded; all in favor, motion carries.

This will go before the City Council October 5, 2011.

A request by owner, Gordon Hoppe, for a Variance for a building expansion of an existing business. The location being 1861 Viking Blvd. NE, East Bethel, MN 55011.

**Background Information:
Property Owner/Applicant:**

Gordon Hoppe
604 189th Ave. NE
East Bethel, MN 55011

Property Location:

1861 Viking Blvd. NE
PIN 28-33-23-23-0011

Zoning: R-2 Single Family Residential and Townhome, and R-1 Single Family Residential

Mr. Hoppe is requesting variances for two (2) building expansions at his existing

business and a possible side yard setback variance for the business known as Gordy's Custom Cabinets. He also has a snow removal and excavation business operating from the property. Commercial vehicles and equipment for the cabinet and snow removal businesses are stored within the existing structures. However, Mr. Hoppe would also like to store the commercial vehicles for the excavation business on site as well.

The property is zoned residential and the existing use is commercial, therefore it is considered a legal nonconforming use; meaning the existing use was lawful when established but which no longer meets all ordinance requirements. City Code Appendix A, Zoning, Section 05.1 states that nonconforming uses may be expanded only after city approval of a variance.

Mr. Hoppe would like to continue operating his businesses in the City of East Bethel. However, the businesses are in need of additional storage for the commercial vehicles. A site plan of the proposed additions has been attached for your review as attachment #3. The first 20' x 50' (1,000 square feet) addition would be part of the existing principal building located on the northwestern corner of the building. The area would be additional storage space of materials needed to continue with the cabinet aspect of the business.

The second would be a 30' x 40' (1,200 square feet) addition to an existing detached structure on the western side of the property. This building is used for the storage of commercial vehicles.

Mr. Hoppe is proposing an addition to the northern side of the building (known as B) or to the western side of the building (known as A) abutting Isanti Street; however, he prefers an addition on the western side of the building. Mr. Hoppe has included a letter with his intentions as part of the application and is attachment #2.

Staff has evaluated proposed additions A and B. Addition A would make the best use of the land by being located the furthest away from the residential property to the north, it would require the least amount of vegetation removal, and it would not require additional hard surfaced driveway. However, addition A would require an additional variance for a side yard setback to a city street to be reduced from forty (40) feet to nineteen (19) feet. The addition would sit approximately 20 feet behind the existing fence.

Addition B would be located closer to the residential property to the north. More vegetation would need to be removed, thus the addition would be more visible to the neighboring property owner. Also, addition B would require Mr. Hoppe to expand the hard surfacing of the existing parking lot.

The northern portion of the land consists of a dense vegetation of mature trees and understory shrubs/brush. When the vegetation is leafed out, the buildings are almost invisible from the residential property to the north, therefore, the existing vegetation seems to be an adequate barrier. Adding a fence along the northern property line would require extensive removal of vegetation thus making the buildings more visible. There is a six (6) foot privacy fence along the western and eastern property lines.

Mr. Hoppe would like to continue operating his businesses in the City of East Bethel, however, he needs more space to store additional commercial vehicles that already have a presence on the property. The commercial vehicles include two (2) dump trucks, two (2) backhoes, and one (1) bobcat. Currently, the commercial vehicles are stored at his residential property in East Bethel.

Staff has received numerous complaints regarding the storage of the commercial vehicles at his residence. Mr. Hoppe has been sent noncompliant notices and has been cooperatively working with staff to correct the issue. In the event the variances are approved, staff suggests Mr. Hoppe be given permission to continue to store the commercial vehicles at his residence until construction is complete.

Mr. Hoppe's intentions are to complete the project yet this fall, weather permitting. If the weather does not cooperate, he plans to continue the project in mid-April of 2012, with a completion in mid-May 2012.

Variance Findings of Fact

1. The property owner proposes to continue the legal, nonconforming use of the property. The existing use of the property is considered a reasonable use and is allowed by city code as a legal, nonconforming use. Mr. Hoppe would like to expand the structures so he can continue to operate his businesses efficiently by storing the commercial vehicles on site.
2. The plight of the landowner is due to circumstances unique to the property not created by the landowner. Mr. Hoppe has been operating a business from the property since 1991, at which time the property was zoned commercial and the business was a permitted use. In approximately 2002, the zoning and land use was changed to residential which caused the business to become a legal, nonconforming use. The business can only be expanded with an approved variance.
3. The variance(s) will not alter the essential character of the locality. The business has been at this property since 1991. The existing detached accessory structures and commercial vehicles have been a mainstay of the business. The commercial vehicles proposed to be stored on the property frequent the property. The presence of the commercial vehicles and the expansion of the buildings will not alter the character of what already exists on the property.

Staff Recommendations:

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

1. A variance for a 1,000 square foot expansion to the northwestern corner of the principal structure.
2. A variance for a 1,200 square foot expansion to the western side of the detached accessory structure.
3. A variance to reduce the side yard setback to a city street from forty (40) feet to nineteen (19) feet.

The variances being for the property located at 1861 Viking Blvd, East Bethel MN, PIN 28-33-23-23-0011, with the following conditions:

1. Variance agreement must be signed and executed prior to the issuance of building permits.
2. Building permits must be issued prior to the start of construction.
3. Additions must be comparable in materials to the existing structures.
4. In the event vegetation is removed to an extent where the operation is visible from the northern residential property, a minimum of a six (6) foot wooden privacy fence must be erected on the northern property line.
5. Commercial vehicles stored on Mr. Hoppe's residential property, located at 604 189th Ave. NE, East Bethel, may remain on the property until the completion of the additions to the commercial buildings located at 1861 Viking Blvd., East Bethel. Commercial vehicles must be removed from the residential property within one (1) week of the issuance of the Certificate of Occupancy.

Mr. Hoppe is here to answer any questions the Commission may have.

The public hearing was opened at 7:19 p.m.

Resident at 1857 184 Ave NE, East Bethel, MN. The residents would like to get a plot plan. Hanson said if he would like to see one, or get one she will get the man the information. He was also wondering what the construction would be. Hoppe said it would be the same sort of structure as the current facilities. The resident said he is a great neighbor, maintains his property and always maintains the fences when there are issues.

Resident at 1856 194 Avenue NE, East Bethel, MN. He liked plan A and thinks it would be better. The neighbor to the north would like that plan.

Jeremy Dobs - 1911 Viking Blvd, East Bethel, MN. Gordy is a good neighbor to his east. As you are building the NE expansion would that require an expansion on the neighboring properties. He replied no.

Pelawa asked what the expansion is used for? Applicant stated it would be used for his dump trucks. They would drive in the main entrance and pull in and go around the west side of the building and go to the backside. Either way they would go in the main entrance and go either direction depending on when the expansion. One of the walls will need to disappear to get the plan in place - there will be 30 feet of the existing wall removed.

Terry motioned to recommend variances approval, based on the findings of fact, to City Council for the following variances:

- 1. A variance for a 1,000 square foot expansion to the northwestern corner of the principal structure.**
- 2. A variance for a 1,200 square foot expansion to the western side of the detached accessory structure.**
- 3. A variance to reduce the side yard setback to a city street from forty (40) feet to nineteen (19) feet.**

The variances being for the property located at 1861 Viking Blvd, East Bethel MN, PIN 28-33-23-23-0011, with the following conditions:

- 1. Variance agreement must be signed and executed prior to the issuance of building permits.**
- 2. Building permits must be issued prior to the start of construction.**
- 3. Additions must be comparable in materials to the existing structures.**
- 4. In the event vegetation is removed to an extent where the operation is visible from the northern residential property, a minimum of a six (6) foot wooden privacy fence must be erected on the northern property line.**
- 5. Commercial vehicles stored on Mr. Hoppe’s residential property, located at 604 189th Ave. NE, East Bethel, may remain on the property until the completion of the additions to the commercial buildings located at 1861 Viking Blvd., East Bethel. Commercial vehicles must be removed from the residential property within one (1) week of the issuance of the Certificate of Occupancy.**

Mundle seconded; all in favor, motion carries.

This will go before the City Council October 5, 2011.

Discussion to consider amending Appendix A. Zoning of the East Bethel City Code. The proposed changes include amending Section 42. Rural Residential (RR) District to define a setback exception under Development Regulations

These were items discussed at the August meeting.

Background Information:

Section 4-10. Variances:

During the 2011 Minnesota Legislative session, the legislature enacted a change to MN Statutes section 394.27, subdivision 7. Variances. The proposed changes to section 4-10. Variances of the East Bethel City Code Appendix A. Zoning reflects the changes to MN Statutes.

Section 42. Rural Residential (RR) District:

On May 17, 2011, City Council held a Comprehensive Plan review session. As part of the review session, staff and council members discussed rural residential (RR) zoning district requirements. Side yard and rear yard setbacks are twenty-five (25) feet. Although the setback works for larger lots, staff has encountered issues on RR lots that are smaller in size. There are a few developments where the lots are less than 1.5 acres in size in which property owners wanted to construct additions to an existing structure or wanted to construct a new detached accessory structure but were unable to because the twenty-five (25) foot setback could not be met.

Typical reasons why the setback could not be met include the location of existing wetlands or existing and secondary sites for individual subsurface treatment systems. Also, most principal structures on the smaller lots are built at a ten (10) foot setback.

City Council directed staff to address this particular issue. The attached amendments have been reviewed by the City Attorney, Mark Vierling.

Section 49. City Center (CC) District:

The intent of the language is to develop a uniform image and identity for the city center area, utilizing similar architectural features for building design within each quadrant of the district. The design controls are also intended to discourage short-lived, trendy styles and design motifs.

Section 56. Planned Use Developments (PUD):

The purpose of a Planned Use Development (PUD) is to allow flexibility and variation for ordinance standards in exchange for higher standards of development design, architectural control, etc. PUDs are also intended to promote the efficient use of land and promote cost-effective public and private infrastructure.

Staff is proposing changes to Section 56. Planned Unit Developments (PUD). These changes would require a PUD in the City Center, B-2, B-3, and environmental overlay districts. It would also require a PUD in the R-1 and R-2 districts for lots three (3) acres or more in size. Staff's intention is to allow for flexibility and higher design standards in the future sewer/water areas along the Highway 65 corridor.

Other Possible Amendment:

At the August 23, 2011 Planning Commission meeting, staff proposed creating architectural standards for the R-1 district. However, if a PUD is required in the R-1 district, then architectural standards are not necessary since each development will be unique and elements such as architecture, open space, density, etc. will be part of the negotiating process. Staff will be presenting Planning Commission with an extensive amendment to section 56. Planned Unit Development in the near future. This particular amendment will expand and address general standards for each zoning district, open space, density, setbacks, and landscaping.

Recommendations:

City staff recommends Planning Commission discuss the possible amendments and provide staff with direction to continue the amendment process.

Terry had two comments on the architectural context. You can have a uniformed group that has a lot of variety that is nice or in poor taste or uniformed images that are well thought out that works or that does not. It is how well the architect works and this might create too many limitations.

Bonin said she agrees. She commented on page 35, number 8 - additional architectural enhancements. If they have one, they shouldn't or possibly don't need anymore. To require them to have more than one, may be getting too busy.

Terry said if people are left to the standards they are use to, it will be simple.

Bonin commented on number 7 that says each building must have one main focus at the entry of the building. Terry said it wouldn't have to be much.

Bonin commented on number 5; she doesn't want to see an architectural feature that sticks up on a building that is a façade and thinks that is stupid. It has to be a structural change and not a façade.

Terry said he agrees with Bonin. He believes Frank Lloyd Wright used some good architectural features.

Bonin said she had a question regarding number 2 and thinks it sounds kind of bland. But she doesn't want it to look like a carnival. There should be some allowances for brighter colors.

Hanson said the developments will be PUDs, and some of the standards will be negotiated within the PUD. The developer can always negotiate something different with the City, and that is what is beautiful about PUDs.

Terry said it could be changed 'to include' or 'such as'.

Bonin said she was concerned about number 3 and the horizontal visual effect. Do we always want to have a horizontal and visual effect? Terry said yes, if you are sleeping. Bonin said if someone wants to have a vertical looking building could they negotiate that.

Pelawa wanted to know why we needed the end of the sentence. We can potentially get rid of the additional information. Bonin said when you say variety that scares her and you might get a hodge-podge of everything. Balfany said that is what the PUD is for. It leaves it open for interpretation. Bonin said if they come in with a hodge-podge of ideas, because they thought it might look good. Terry said we need to say what things need to be included and we might want to say what is unacceptable. Hanson said codes are to say what is acceptable.

Terry said we are trying to say what is atheistically pleasing, but we don't always reach that end. Bonin said we could also put in minimum and maximum heights.

Pelawa clarified this is only for the City Center, correct? Hanson stated yes. Hanson said we want it to look compatible in that district. Balfany said that is why we call it the City Center, so it represents the City.

Terry said one of the more beautiful cities, Chicago, has all different varieties of buildings. How do you put that in writing? Bonin said you couldn't. If you get a strong person, with strong ideas, and outdated ideas and poor taste, you could get things that you aren't going to be happy with. Pelawa said what is in style now might not be in style in 20 or 30 years from now.

Terry said we have some serious unresolved things on this section. Pelawa wants to see in number 7 at least one major entrance feature. The rest of it would be

such as some things that are acceptable.

Terry said it is better to offer suggestions of what we are looking for, rather than saying it must be this or that. Balfany said by changing the language, they will come in and apply for PUD and then staff and Planning Commission will review it. Pelawa said the language is there. Cornicelli said you want a suite of examples versus declaratives. Pelawa said yes. Bonin said in a few years there might be something new out there. Pelawa said we might want to push them in a direction, but nothing hard and fast.

Bonin said we want a unified look to each development with some variety. Terry said harmonious. Voltin said you don't want any false front buildings. Terry said some of the world's best architecture doesn't meet these standards. Cornicelli asked if the language was from other cities. Hanson said it is a hodge-podge from different sources. Bonin said we need to keep in mind we want a City Center that is going to say wow look at this. We don't want it be bland, but we also don't want it to be garish.

Voltin is wondering where the City Center district is. Terry said the intersection of Viking and Hwy 65. Hanson said there are three corners to work on. Cornicelli asked if there are people interested. Hanson said yes there are commercial inquiries. She stated staff could massage this document and bring it back.

Voltin had a host of questions on rural residential. The State of MN has been driving us to change this because of trees, why are we changing it. Hanson said staff has had numerous requests from residents regarding the new 25-foot setbacks. On properties you have to your primary and secondary septic locations, along with the principal structures. Because these are smaller lots, more urban type densities, we would bring them back to the same set backs for the specific lots in three older developments that have been around for a very long time. Voltin said this has nothing to do with the State of Minnesota. Hanson said no it doesn't.

Voltin said where did the private setback come from? Hanson said it is a typo.

Voltin was wondering about 3, a, b, c, they all say the same thing. Hanson said that is how code works. Bonin had questions on 3b; rear may not exceed 25 feet. Hanson said the wording is wrong on that one. It should be less than 25 feet. Bonin said the same with 2a.

Voltin said he has a problem with 3. Exception accessory use set backs. What does use mean? Hanson said that should be structure. Voltin also said it should be of, not if. Hanson reminded everyone these are drafts.

Pelawa said they protect the subsurface treatment areas. If it is 30x50 feet, you can build up to it? Hanson said no, you wouldn't be able to, you would have a set back from the septic system. Pelawa said you would like to protect it, but there should be some avenue, an analysis by a septic treatment business that won't harm those areas. Hanson said staff reviews site plans, and set backs have to be met. Sometimes the septic sites have to be higher. Hanson said staff reviews that and ensures they meet the requirements. No one would be able to

encroach into the setback for the septic area. If someone wanted to encroach they would need to come for a variance. All of the developments affected by this are off of County Road 22 and none of the developments are on Coon Lake. The attempt is for them to make changes for them not to get variances. Balfany said there are a lot of those lots in his neighborhood or near him, they are nice size lots, but given the 25-foot rule they can't build. Coming from someone who lives in that area, visually it wouldn't be a problem. Bonin said her concern is in granting these the building structure would be closer to the owner's house than to any neighbor's house, no matter what the setbacks would be. Hanson said all the subdivisions, they have the smaller set backs on the front and side and they have all the wooded wetlands in the back. Voltin wanted to change the ordinance to one sentence, versus multiple. Hanson advised that couldn't be done due to legality.

Hanson said eventually there would be a design review committee for the City Center, and they will have a book with design standards etc.

Terry wanted to know if we exhausted this topic.

Hanson said staff was looking for direction and will come back at the October meeting with more examples.

Voltin said he read both of them and doesn't object to anything he said.

Approve June 20, 2011 and August 23, 2011 Planning Commission Meeting Minutes

Bonin motioned to approve the June 20, 2011 and August 23, 2011 minutes as presented. Voltin seconded; all in favor, motion carries.

Adjourn

Terry made a motion to adjourn the meeting at 8:03 PM. Mundle seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 8.0 B.2

Agenda Item:

Interim Use Permit for a Private Kennel License

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Patrick & Alitsa Schroeder for a Private Kennel License

Background Information:

Owner/Property Location:

Patrick & Alitsa Schroeder
22525 Durant Street NE
East Bethel, MN 55011
PIN 013323230005

On October 5, 2011, City Council made a motion to table the IUP request.

Mr. and Mrs. Schroeder are requesting an IUP for a private kennel license for the keeping of five (5) dogs on the 9.91 acre parcel they have owned since 1996. Currently, they have four (4) golden retrievers and one (1) Jack Russell terrier. The dogs are not kenneled outdoors; rather they are housed in the home. There is a large fenced area where the dogs are kept when they are outdoors alone; otherwise, the property owners are typically outside with the animals. The Schroeder's breed the golden retrievers to have two (2) litters of pups each year.

East Bethel City Code Chapter 10, Article II. Dogs, allows up to six (6) dogs on parcels five (5) acres or more but less than ten (10) acres with an approved private kennel license. Code requires dogs be confined to the property, outdoor housing facilities must not encroach on any setbacks, housing and shelter must be provided, feces shall be removed in a timely manner, and accumulation of feces must not be located within 200 feet for any well.

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

Fiscal Impact:

Not Applicable

Recommendation(s):

Planning Commission recommends approval to the City Council of an IUP/Private Kennel License for no more than five (5) dogs for Mr. & Mrs. Schroeder, located at 22525 Durant Street NE, East Bethel, PIN 01-33-23-23-0005 with the following conditions:

1. The initial term of the private kennel license shall be one (1) year; subsequent licenses, if so granted, will be for a term up to three (3) years.
2. An Interim Use Permit Agreement/Private Kennel License must be signed and executed by the applicants and the City.
3. Applicants must comply with City Code Chapter 10, Division II, Dogs.
4. Permit shall expire when:
 - a. The property is sold,
 - b. The IUP expires, or
 - c. Non-compliance of IUP conditions
5. Property owner shall have thirty (30) days to remove dogs upon expiration or termination of the IUP/Private Kennel License.
6. Property will be inspected and evaluated annually by city staff.

Attachments:

1. Location Map
2. Application
3. City Code Chapter 10, Division II, Dogs
4. Letter from Gerald & Michelle Maas

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

- (3) The dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public rights-of-way or highways.
 - (4) The dog is a nuisance as defined by Minnesota Statutes.
 - (5) The dog is running at large in violation of this article.
- (b) The summons shall be returnable not less than two or more than six days from the date of service thereof and shall be served at least two days before the time of the appearance mentioned therein. Upon hearing and finding the facts true as complained of, the court may either order the dog destroyed or order the owner or custodian to remove it from the city, or may order the owner or custodian to keep it confined to a designated place. If the owner or custodian violates such order any police or agent of the city may impound or destroy any dog described in such order.
- (c) Costs of the proceedings authorized by this section shall be assessed against the owner or custodian of the dog if the facts in the complaint are found to be true, or to the complainant if the facts are found to be untrue.
(Ord. No. 101b, § 11, 3-6-2002; Ord. No. 101D, § 11, 5-16-2007)

Secs. 10-26—10-53. Reserved.

DIVISION 2. KENNELS

Sec. 10-54. Kennel license.

- (a) The maximum number of dogs allowed without a kennel license is two. The maximum number of dogs allowed with a private kennel license is to be determined by the number of acres:
- (1) Greater than 2.5 acres but less than three acres: three dogs.
 - (2) Three acres or more but less than five acres: four dogs.
 - (3) Five acres or more but less than ten acres: six dogs.
 - (4) Ten acres or more: maximum ten dogs.
- (b) No private kennel licenses shall be issued on parcels of 2½ acres or less. No commercial kennel licenses shall be issued in zoning districts other than commercial and industrial districts. The city shall not approve variances to allow private kennel licenses on parcels of less than 2½ acres, and shall not approve variances or other zoning devices to allow commercial kennel licenses in zones other than commercial and industrial districts.
- (c) No person shall maintain a private or commercial kennel in the city without securing a license therefor from the city council. The fee for the license shall be as established by resolution of the city council.

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

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

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

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

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

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

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

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

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

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

- (1) Housing enclosures shall be located as not to create a nuisance and shall not encroach upon any setback area.
- (2) Dogs shall be confined to their own property by a provable means.

- (3) Housing and shelter must be provided which will keep animals comfortable and protected from the elements.
- (4) Accumulations of feces shall be located at least 200 feet from any well.
- (5) All accumulations of feces shall be removed at such periods as will ensure that no leaching or objectionable odors exist, and the premises shall not be allowed to become unsightly.
- (6) All dogs shall have access to indoor housing from the hours of 10:00 p.m. to 6:00 a.m.
- (7) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.
- (8) Kennels shall be considered an accessory structure for setback purposes.
(Ord. No. 101a, § 4, 3-6-2002; Ord. No. 101b, § 4, 3-6-2002; Ord. No. 101D, § 4, 5-16-2007)

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

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

- (1) Outdoor animal exercise shall be conducted within the confines of the property, and limited to leashed animals under the direct supervision of their owners or commercial kennel staff.
- (2) Indoor housing facilities must be structurally sound with ample heat, light, soundproofing and ventilation. The applicant must submit a soundproofing inspection certifying that the structure will keep the sound of the dogs undetectable from a distance of ten feet.
- (3) Dogs kept outside must have continual access so animals can get in and out of shelter and protect them from the elements.
- (4) If dogs are confined by chains, such chains must be attached so as not to become entangled with chains of other dogs.
- (5) Individual animal enclosures must be of a size to allow each dog to turn around fully, stand, sit and lie in a comfortable condition.
- (6) The temperature of indoor housing facilities shall not be less than 50 degrees Fahrenheit for dogs not accustomed to lower temperatures.
- (7) Disposal facilities are provided to minimize virus infestation, odors and disease hazards.
- (8) Adequate storage and refrigeration is provided to protect food supplies against contamination and deterioration.
- (9) The city council reserves the right to issue additional conditions on a case-by-case basis in order to maintain the public repose.

- (10) All applicable county and state laws pertaining to the operation of a commercial kennel business are hereby incorporated by reference.
 - (11) Commercial kennels in commercial and industrial districts shall meet the underlying zoning regulations.
 - (12) Commercial kennels shall be connected to public sewer or an on-site treatment system to handle waste.
- (Ord. No. 101a, § 5, 3-6-2002; Ord. No. 101b, § 5, 3-6-2002; Ord. No. 101D, § 5, 5-16-2007)

Sec. 10-57. Revocation of kennel licenses.

(a) Upon observation that one or more of the conditions issued by the city council on a private or commercial kennel license holder is not observed, the city will notify the licensee that the city intends to revoke the private or commercial kennel license. A hearing before the planning and zoning commission will be held prior to making a decision. A recommendation to the city council to revoke a private kennel license will require a majority of those members present and voting. A decision by the city council to revoke a private kennel license will require a majority vote of those members present and voting. The decisions of the city council pertaining to private kennel licenses are final and not appealable; the decisions of the city council on commercial kennel licenses are appealable to the county district court.

(b) Upon evidence that the decision of the city council has not been followed by the licensee, and in the case of commercial kennel licensees an appeal has not been filed in county district court, the city will contact the animal control officer to pick up the dog and arrange for compliance with the city council's decision. All costs associated with compliance will be billed to the real property owner where the dog resides. Unpaid bills will be certified to the county and placed as a lien on the property.

(Ord. No. 101b, § 10, 3-6-2002; Ord. No. 101D, § 10, 5-16-2007)

Secs. 10-58—10-69. Reserved.

DIVISION 3. POTENTIALLY DANGEROUS AND DANGEROUS DOGS*

Sec. 10-70. Definitions.

Is amended to provide as follows:

For the purpose of this division the following terms have the meanings given them.

***Editor's note**—Ord. No. 3, Second Series, adopted Sept. 3, 2008, repealed the former Div. 3, §§ 10-70—10-77, and enacted a new Div. 3 as set out herein. The former Div. 3 pertained to potentially dangerous and dangerous dogs and derived from Ord. No. 101E, § 1(16—20), 9-19-2007; Ord. No. 101F, § 2, 4-16-2008.

No Action Required: _____

Ronald + Michelle Mas
22530 Jewell St. N.E.
Bethel, MN. 55005

RECEIVED

SEP 21 2011

BY: 958

Sept 21, 2011

To whom it may concern;

My husband and I aren't able to attend the public hearing for a (Interim) use Permit on Sept. 27. The hearing is for a Private Kennel License for Patrick and Alitsa Schroeder. We are not able to attend because we both work 2nd shift in Roseville. Patrick and Alitsa's property is in the back of our property line. We have 6 acres and share the woods with them. Because of our past experience with them as a neighbor and the fact that we feel that they would abuse a Private Kennel License, my husband and I are not giving our consent. We are in fact

RECEIVED

NOV 1

very against it. I have made
some phone calls about the
situation. One phone call was
to the mayor. We are not mean
and cruel neighbors but we do
have our reasons for feeling
this way.

Leah Mays
Michelle Reed



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 8.0 C.1

Agenda Item:

Park Commission Meeting Minutes for September 14, 2011.

Requested Action:

Information Only

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

EAST BETHEL PARKS COMMISSION MEETING

September 14, 2011

The East Bethel Parks Commission met on September 14, 2011 at 7:02 P.M at the East Bethel City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Dan Kretchmar Bonnie Harvey Denise Lachinski
Tim Hoffman

MEMBERS EXCUSED: Sue Jefferson Dan Butler

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

Adopt
Agenda

Kretchmar motioned to adopt the agenda as submitted. Lachinski seconded; all in favor, motion carries.

Approve –
August 10,
2011 Meeting
Minutes

Getting a donation from Crash Toys, is that suppose to be Fat Boys asked Harvey. Hoffman said no, Crash Toys is a new business. Lachinski said they took over Bethel Marine. Lawrence brought forward that he was present at the meeting.

Hoffman made a motion to approve the August 10, 2011 minutes as amended. Lachinski seconded; all in favor, motion carries unanimously.

Parks
Financial
Information –
Parks Capital
Funds
Summary

Ayshford said nothing has changed from last month. We haven't made any large purchases or anything like that. We have \$17,000 in the machinery replacement fund and that will be something we need to look at next month. We have been going through equipment parts and repairs quite often, due to machinery getting old. Most recently the wide area mower and John Deere tractor needed new tires. We have had also had the bearings go out on it and it seems that it keeps going down ever other day. It is scheduled for replacement in two years. Hoffman said is it nickel and diming us to death. Ayshford said we are looking at replacement versus service costs.

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

**Appearance
by Jason
Spaeth –
Cooper's
Lake
Ordinance**

Discuss Ordinance No. 57 Prohibiting the use of motor powered watercraft on Cooper's Lake

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

Mr. Spaeth - 990 237th Avenue NE, East Bethel. He would like for the ban for motorized boats to be lifted. He informed the commission that the ordinance was enacted in 1974. The DRN doesn't know why the ban was put in the place. There are 100 lakes in the state of similar size and depth with out any type of motorized boats bans. Typically the only reason there are bans, so they would protect wild life habitat or boaters from extreme hazards. As far as swimmer safety is concerned, the State has laws in place and buoys could also be put out. He pays over \$11,000 in taxes and would like to use the lake. The current depth at the very beginning of July was between seven and nine feet. The DNR map shows it as 7 feet.

Kretchmar said Jack Davis said you could have walked across it and not go your knees wet. Does the lake change that dramatically in a year? Extreme weed growth is happening because of no agitation. Whether it ever dried up that much, he wasn't sure. It froze solid before.

Harvey said one thing about buoys, then it becomes a designated swimming area, and it becomes a liability thing and the City found that out with Coon Lake. The City owns almost the entire lake frontage. Harvey said if she lived close to the area, you might not want the noise of motorized boats or a beach. You might entertain an open forum to make sure people in your neighborhood want the noise. She thinks it would be wise to get the support of the neighborhood.

Kretchmar would like to know what the avenue for getting input is. Hoffman said it would be an ordinance change. Lachinski said the City owns the majority of the lake front. Langmade said the lake is up this year. Like Jack stated you could have walked across most of the lake, without getting your knees wet. That is how low it got last year.

Spaeth said there was some damning that was affecting the lake he thinks. He doesn't know the specifics of it. Ayshford said that Menard lake has to get to a certain depth and the over flow goes into that lake. Lawrence asked what kind of boating you want to do. Jet skiing or something like that? Spaeth said yes that would work. Kretchmar doesn't have a problem with him using an aluminum boat with a motor.

Harvey said do we have habitat protection on that lake. There are protected species. Spaeth didn't check on that. Kretchmar wants to know how we deal with this and what the next step is. Langmade said it would be up to the Council to change the ordinance. Kretchmar said how the Commission goes about soliciting opinions. Hoffman said the City has not been in touch with the DNR, we need to have Ayshford or Davis contact the DNR. Spaeth said he copied Davis in on the communication with the DNR. Ayshford said the DNR said the City needs to change the ordinance and then it would be approved by the DNR. Lachinski said do we know when it was implemented. Ayshford said it was addressed in the first line of the ordinance.

Hoffman said last summer you could walk out. Ayshford said we mowed the lake area last year because it was so low. Langmade said thank you for coming, we will take it under discussion. Langmade said he is well acquainted with the lake. The lake was named after his wife's grandparents. His wife use to swim there and they couldn't believe how low it was last year. Kretchmar said what he means due to lack of vegetation there is a problem. Would motor use help that? A running a motor through a lake wouldn't change the amount of weeds. It won't eradicate the weeds. Hoffman said it is because it extremely shallow.

The public access is still gated. Harvey said her own opinion is the City should do more investigating. She doesn't want to make a recommendation without more information. Is this going to be a red hot hunting spot?

Hoffman said freezing out, doesn't mean that it froze to the bottom. Kretchmar said his pond, the four and a half feet is the frost line, so he was warned if his pond wasn't deeper he would have to heat it during the winter. He takes his fish out for the winter. Hoffman said snow cover will determine if there is a fish kill. Langmade said there was a public access off the highway at one time. Lachinski wants to know what the City liability would be. Kretchmar said if we put out buoyed, and someone dies, would that be a liability. If we don't put buoys in and someone gets hit by a motor boat, will a lawyer say the City didn't designate a swimming area? Ayshford will check with the City Attorney. If or there is not a public access. Do we have to put a public access on it? Lawrence said people don't own the land, but they have docks on it. Harvey said if there are other residents that have docks on there, don't own the property, we can't turn our heads. Hoffman said there are questions we need to have answered first. Lachinski said we need to check to see if there is any habitat we need to protect. Do we need to designate what kind of boats or motors can be used there?

Ayshford will research.

Booster Park
Building
Update

The school building at Booster East Park was moved from its previous location on East Bethel Blvd to Booster East Park in September 2011. Approximately \$21,000 was spent to move the building and set it on a permanent foundation. There have been no City funds budgeted for additional improvements or renovations to the building nor has a specific use been determined for the building. Some funding through donations has been raised by Dan Butler. Some suggested uses for this building could be:

- 1.) Interpretive Center for Booster Pond Ecosystem
- 2.) Historic Restoration of a one room school
- 3.) Booster Day Center
- 4.) Booster East/West Park Program Center
- 5.) Combination of parts or all of the above
- 6.) Other

Butler said he hasn't had a chance to work on this any more since the last meeting. He has not heard back from Menards, or from Turco, or Crash Toys. He didn't have a chance to grab his materials before coming here. He did stop at Cedar Wood Products. He is waiting to hear back from them. We are also hoping that Blaine Youth Hockey might be interested in supporting it too. He has a few yes'. Additionally he is still waiting for a check from Beaverbrook for \$100.00. He will find out where that check is.

Ayshford said there is \$750 in donations, plus \$100. Our City staff has talked about putting some siding on the east side. He also said they will be talking to some contractors about doing the windows and doors.

Lachinski said are we looking for windows that open. She might know someone who could work on it. Butler said he could email her the information on the windows. He is trying to get it donated. Lachinski said she might be able to get them donated too, but doesn't know the specifications. Butler said based on the use of the windows. We want windows that are appropriate for the time, versus modern windows. Ayshford said if it was a glass pain window rocks might go through there very easily. Kretchmar recommended hardened safety glass or tempered glass. We have already spent \$21,000 moving it here. It is worth spending another couple thousand on it. The City Council needs to figure that out. There is no point in thinking about that \$21,000.

Is the building worth preserving? It needs work. Kretchmar was not inside it. Lachinski was inside it, it does need work, but it is sound. Harvey said there is some dry rot. There is interest in the building. Are we going to have windows that open? Butler said the other part of that equation, is what it would cost. That is the moving target we need to figure out. Ayshford we are looking at a contractor giving us a price on installing windows.

Butler wanted to know if there is a floor issue. Kretchmar said we need someone to go and look at it and tell us what needs to be done. What do we need to make the thing structural sound? What we talked about at the last meeting was getting the outside buttoned up. It is only 18 inches off the ground, get some skirting on there. The block that is on is set block. It would be a three foot concrete step to get into the building.

We could have the building official take a look at it. Harvey said she feels comfortable with that. We will go with that and have something for the next meeting. Kretchmar wants to know if we will be finding windows architecturally consistent with the period.

Norseland Manor Park – Playground Equipment

As part of East Bethel's Parks Capital Improvement Plan, older playground equipment is scheduled to be replaced at certain intervals. In 2011, the playground equipment at Norseland Manor Park has been scheduled for replacement.

The following improvements have been proposed for Norseland Manor Park:

- 1) Replace existing play structure with updated design
- 2) Replace swing set hardware, chains, and seats
- 3) Remove unsafe and corroded climber
- 4) Edge play area
- 5) Remove pea rock and add wood safety mulch
- 6) Other site furnishings (benches, etc)

What kind of equipment do we want in there? Ayshford presented equipment that is called the activity island. All the pieces we can purchase through one company. It has already been priced in here and the City receives a 24% discount on the prices included in these prices. Lachinski said there are still swing sets there. The group liked the one that was picked out by Ayshford. He advised the company sends out a representative to help with installation.

Hoffman wants to know how much it is used. Kretchmar said he went there last summer. It is one of the bigger parks, size wise. A parking lot is in the capitol improvement plan. Harvey is partial to the spring riders. Let a kid into a park and they beeline to the spring riders. Ayshford talked about the tilted sky rider. It is for older kids – the 12-15 year old age group. It is a merri-go-round that you hang on.

Butler asked why there is a discrepancy in the pricing. Ayshford said it is because there are changes in the pricing.

Kretchmar would like to let his children look at and pick. Lachinski asked if this is the only thing at the park. Ayshford said there is a baseball field at the park. Ayshford asked if there is a preference on colors. Lachinski said stick with primary colors. Hoffman said we had talked about consistency in coloring throughout the parks. Ayshford said at John Anderson is green, beige and brown. Kretchmar said the ones that are drab don't look inviting. Harvey said she thought the same thing. Kretchmar thinks they are cool.

Ayshford wants to get it purchased this year. Maybe not install till next year. There is room in the cold storage to store it over the winter. Kretchmar said he wants to hold on to the catalog.

Butler wants to discuss the wood fiber. When he was at the fair, they are using palletized rubber. Is that safer than the wood. Ayshford said it is more costly than the wood. Once they are in there playing they get filthy from that stuff. The wood mulch meets the safety requirements. We want to get away from the pea rock sort of stuff. Hoffman asked if there is money in the budget for this. Ayshford said yes. It wouldn't hurt to get it purchased this fall. Do you want to recommend staff to pursue purchasing for 2011? Kretchmar wants to wait a month. Ayshford wants to get it purchased as soon as possible. Butler wants to know where it is being shipped from. Ayshford will look into that. In the past it has come from out of state. 10% for freight seems very high.

Hoffman/Harvey motioned to recommend to the City Council purchasing of playground equipment for Norseland Manor Park presented to the Commission in an amount not to exceed \$52,610. Prior to purchasing the freight issue needs to be researched. Harvey seconded, all in favor, motion carries unanimously.

Ayshford said a company called Kids Around the World will take apart the current equipment and send it to another park across the world. That is something we would like to pursue. We will have to designate that equipment as surplus. Hoffman said the other option is it goes to the landfill.

Council
Report and
Other
Business

MN Geo Caching company has met with Moegerle. It focus on more than kids in parks, it is a trendy thing for adults now. We wouldn't manage it at all. Most Geo Cache sites are not coordinated by the City.

Someone Geo Cached something in Lachinski's yard. She didn't know what it was but now she does. She said the one in Booster is called Rusty Nail.

The Mayor said on the school house he would like to see some direction on what you plan to use it for. Can you want to formulate on what we want to use it for. Lachinski said she brought it up at the last town hall meeting. We can put it out at the next town hall meeting. We need to find some point that we are going to start working with and then start moving it forward and take ownership. Hoffman said the first step is it worth moving forward, we need to find that out. None of items on the list are mutually exclusive. Langmade will bring it up at the Senior's meeting.

Ayshford said before they moved it did they decide it was structurally sound. Harvey said we got the school house for free, but the move cost \$21,000. Langmade said the feeling it was going to be destroyed and it was a historical part of the City. Lachinski said the house was at a farm in East Bethel, where people attended school. One of the school house teachers lived in the school house. There are still people alive who went to school in the building.

Butler wanted to know if the City Council was going to meet with the Commission's as a group. Is that something the City Council is endeavoring to take on and provide the Commission's Council's vision for the different Commission's? We don't really know what the direction is for us. Lawrence said he thinks we need to get together as a Council and determine the vision.

Butler said are we interested in trails. He feels like he is operating in the dark. Lawrence would like to see some real trails. Lachinski said the issue is bike safety. If you leave the road the way it is, there is no safety. She said since the trail went in, there are more families using Booster Park East than she has seen in a long time. The trail that we did put in is being used, which is nice. She thinks the trails being expanded would be greatly used and we need to pursue it. Butler just wanted to touch on that comment and he is curious of direction from the Council. He thinks a joint meeting would be a good idea. We should do something like that, per Lawrence. He doesn't know what Moegerle or Bob are thinking. Lachinski said what about Boyer and Voss. Lawrence said he doesn't know. But Boyer supports trails. Lachinski said what was done before. Harvey said that is why we have a Liaison, so they advise what the Council is thinking.

Lawrence said there are more budget areas that will be cut. We are trying to get some control over the budget. Lachinski said what are you thinking of what you want to spend money on.

Harvey said it is nice to know there are things going on in the City. Lawrence said he understands. We need to tackle some of the really big jobs of getting things taken care of. We have bond payments coming up that we need to pay.

Butler said we have three separate bonds out for the water/sewer project. Lawrence said one of them is due at the end of the year and we have enough money for that one. 2016 is the hard year, and we need to find a way to get that done. We are very optimistic on it. There is other movement. We are talking about putting in a force main from County Road 22 to Castle Towers. That will relieve a lot of the work on the City from having to maintain that system.

Butler said he doesn't understand why 1A was taken off the options that were going to Coon Lake Beach. Lawrence said the cost is about \$5.0 million to get to the start point. There are huge obstacles to get there. Butler said time will run out on septic around Coon Lake Beach. Lawrence said the best option for the south end of Coon Lake Beach would be to have them have their own sewer shared sewer system.

Adjourn

**Harvey made a motion to adjourn the September 14, 2011 meeting at 8:27 p.m.
Kretchmar seconded; all in favor, motion carries.**

Submitted by:
Jill Teetzel
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 10.0 C

Agenda Item:

Closed Session - Industrial Prospect

Requested Action:

Consider closing the regular session for an Attorney/Client discussion regarding an industrial prospect.

Background Information:

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

Fiscal Impact:

None

Recommendation(s):

Staff is recommending closing the regular session to closed session pursuant to Minnesota Statutes 13D.05, Subd 3 for discussion regarding an industrial prospect.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



City of East Bethel City Council Agenda Information

Date:

October 19, 2011

Agenda Item Number:

Item 10.0 G.1

Agenda Item:

ERU Reduction Policy

Requested Action:

Consider scheduling a work meeting to discuss an ERU reduction policy for existing businesses that will be served by the City water and sewer project

Background Information:

In order to properly charge the users of the water and sewer services for the Project 1 Municipal Utilities Project, assessments are based on Equivalent Residential Units (ERU's). The basis for determining an ERU is an equivalent to one single family residential unit's use of water. The amount of water used for this calculation is 274 gallons/day. ERU units are assigned for different types of property use based on the MCES Service Availability Charge Procedure Manual. The proposed charge for an ERU is \$17,000 (based on Bolton & Menk's recommendation) with \$8,000 of this cost being lateral charges assessed over 20 years, \$5,600 a charge for City SAC/WAC costs and \$3,400 for the MCES connection fee.

In order to fairly evaluate the overall connection cost for municipal services for existing businesses it is proposed that some latitude be considered in determining the number of ERU's per connection for City charges for this project. The City's Special Assessment Policy permits ERU calculations to be modified at the City's discretion. However, to avoid arbitrary decisions on a case by case basis it is recommended that the City consider a policy that would consistently apply a standard methodology for a reduction of ERU apportionment.

A variety of options can be used to establish a policy for City ERU reduction alternatives. A method that was previously discussed was to develop a policy based on actual water use of the businesses. While this would address a use approach for a policy it is not consistent with the peak flow aspects of MCES SAC manual assignments of ERU's. In our case actual water use and project costs have little relation. Basing an ERU reduction policy on water use would skew the total ERU requirements to a level that would create serious cash flow problems for the project in 2013 and 2014. In addition a policy based on water use would be extremely difficult to administer, monitor and implement due to the inherit problems associated with data collection and adjustments for ERU's.

Another method of consideration would be to postpone payment of City SAC and WAC fees on assigned but undeveloped ERU lots. This would enable the property owner to pay only \$3,400(MCES SAC fee) at the time of final ERU designation. The balance, \$8,000 for the

assessment fee, would be paid over the term of the assessment and the City SAC and WAC fees would be rolled into the assessment and any balance paid in full when the property was developed. Staff is currently assessing the impact this type of option would have on the project's cash flow.

A third option would be to grant an ERU credit for businesses that employ more than 20 employees and grant an ERU credit to those businesses that pay more than \$12,000 per year in property taxes. This tax credit would be in increments of \$12,000 with each increment over \$12,000 being an additional credit. For example if a business paid \$20,000 in property taxes they would receive a 1.67 reduction in their ERU assessment. In no case would the reductions offered under this proposal be less than 50% of the original ERU assignment and always be a minimum of 1 ERU. This offer would only be available for only the initial ERU assignment for this project. Staff is currently assessing the impact this type of option would have on the project's cash flow.

Utilizing the third type of option would also address the City's commitment to existing business retention. This approach would also make an effort to equalize any future incentives that may be offered for new business recruitment in relation to ERU reductions offered to existing businesses.

Staff contacted the Cities of Andover, Ramsey, Blaine, Forest Lake and Lino Lakes to discuss their ERU reduction policies. None of these Cities have a policy for ERU reduction. The City of East Bethel is in a unique position with the MCES sewer project and in the financial design of the project. Our situation does not reflect the development of sewer systems for other Metro cities.

The adoption of an ERU reduction policy will have consequences and impacts that must be thoroughly understood in order to decide what type of policy will have the least financial impact on the City while at the same time considering the issues of those being affected by the project. This is a matter that would be best addressed in a meeting that is entirely devoted to this issue.

Fiscal Impact:

As presented in the Bolton & Menk Feasibility Study, there are 12 existing businesses with current assessments of 50 ERU's within the assessed project area. Three of these uses have only a single ERU designation so they would not be eligible for reduction under any policy, leaving 147 ERU's for consideration. However, one of the properties is the proposed East Bethel Water Treatment Plant which had an initial assigned ERU of 40. The redesign of the water treatment plant reduced this number to 1 ERU. Therefore, there are a total of 111 ERU's that would be eligible for review under this policy.

If all the eligible ERU's were reduced as described in the third alternative the loss would be in the range of 67 to 77 ERU's from Bolton & Menks original estimate of 150 ERU's. While every ERU is critical for the financial feasibility of this project, this may be a useful tool in encouraging other existing businesses to connect to the system, reduce the burden of connection costs and provide a policy for consistent application of requests for ERU reductions.

The loss of one ERU is \$13,600 to the City side of this project. A reduction of 77 ERU's would result in a revenue loss of \$1,047,200. The project cash flow analysis is in the process of being re-evaluated to determine if this loss could be absorbed within the bond payout schedule. Staff will e-mail various cash flow analysis to Council as they become available. The challenge is to determine the amount of concessions that could be granted and develop a policy that will retain a certain amount of flexibility to deal with unforeseen circumstances.

Recommendation(s):

Staff is recommending that City Council schedule a work meeting for the Tuesday October 25, 2011 to review and discuss alternatives to this issue and formulate a policy for ERU reductions.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



PUBLIC FORUM SIGN UP SHEET

October 19, 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

