

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: June 16, 2010



- | | Item | |
|------------|-------------|---|
| 7:30 PM | 1.0 | Call to Order |
| 7:31 PM | 2.0 | Pledge of Allegiance |
| 7:32 PM | 3.0 | Adopt Agenda |
| 7:33 PM | 4.0 | Reports/Presentations |
| Page 1-3 | A. | Sheriff's Monthly Report |
| 7:38 PM | 5.0 | Public Hearing |
| Page 4-6 | A. | Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning of the City of East Bethel Code |
| 7:48 PM | 6.0 | Public Forum |
| 7:58 PM | 7.0 | Consent Agenda |
| | | <i>Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration.</i> |
| Page 9-12 | A. | Approve Bills |
| Page 13-19 | B. | Meeting Minutes, June 2, 2010 Regular Meeting |
| Page 20-22 | C. | Meeting Minutes, June 2, 2010 Work Meeting |
| Page 23 | D. | Approve Cigarette License, MaryAnn Schumacher, Coon Lake Market |
| Page 24-25 | E. | Approve Gambling Permit – Bingo – East Bethel Seniors – Booster Day |
| | F. | Seasonal Employee – Public Works |
| | | New Business |
| | 8.0 | Commission, Association and Task Force Reports |
| 8:02 PM | A. | Planning Commission (No Report) |
| Page 26-33 | B. | Park Commission |
| | 1. | Meeting Minutes, May 12, 2010 |
| | C. | Road Commission (No Report) |
| | 9.0 | Department Reports |
| 8:05 PM | A. | Engineer |
| Page 34-35 | 1. | Magda Properties – LOC Reduction |
| | B. | Attorney (No Report) |
| | C. | Finance (No Report) |
| | D. | Public Works (No Report) |
| 8:15 PM | E. | Planning and Inspection/Code Enforcement |
| Page 36-41 | 1. | Code Enforcement Report |

- Page 42-44 2. Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code
- Page 45-48 3. Summary of Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code
- Page 49-81 4. Ordinance 24, Second Series, Establishing Regulations and Licensing for Massage Businesses
- Page 82-85 5. Summary of Ordinance 24, Second Series, Establishing Regulations and Licensing for Massage Business
- 8:45 PM F. Fire Department
 - Page 86-95 1. May Monthly Meeting and April Reports
- 8:50 PM G. City Administrator
 - Page 96-105 1. MN/USA Wrestling Premises Permit Application
 - Page 106-119 2. Adopt Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco
 - Page 120-123 3. Adopt Summary of Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

10.0 Other

- 9:10 PM A. Council Reports
- 9:15 PM B. Other

9:20 PM 11.0 Adjourn



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

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 May, 2010.

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 – MAY 2010

ITEM	MAY	APRIL	YTD 2010	MAY YTD 2009
Radio Calls	443	389	1,860	1,833
Incident Reports	448	382	1,900	1,844
Burglaries	8	6	21	16
Thefts	23	17	88	78
Crim.Sex. Cond.	1	0	4	2
Assault	6	1	12	16
Dam to Prop.	9	14	34	33
Harr. Comm.	2	3	10	16
Felony Arrests	1	0	12	21
GM. Arrests	1	0	2	3
Misd. Arrests	15	24	65	68
DUI Arrests	5	6	32	27
Domestic Arr.	3	4	11	10
Warrant Arr.	7	4	29	34
Traffic Arrests	91	89	435	356

**CITY OF EAST BETHEL - MAY 2010
COMMUNITY SERVICE OFFICERS**

ITEM	MAY	APRIL	YTD 2010	MAY YTD 2009
Radio Calls	13	20	73	82
Incident Reports	10	17	74	56
Accident Assist	0	0	3	8
Veh. Lock Out	1	1	5	10
Extra Patrol	27	52	163	178
House Check	0	0	1	6
Bus. Check	11	24	57	65
Animal Compl.	5	11	34	50
Traffic Assist	2	0	24	9
Aids: Agency	55	74	366	245
Aids: Public	24	53	141	102
Paper Service	9	1	12	9
Inspections	0	0	0	0
Ordinance Viol.	1	1	4	0



City of East Bethel City Council Agenda Information

Date:

Jun 16, 2010

Agenda Item Number:

Item 5.0 A

Agenda Item:

Public Hearing - Ordinance 23, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Requested Action:

Conduct Public Hearing for Public Comments for Ordinance 23, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Background Information:

At the May 5, 2010 City Council meeting, City Council approved Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the City of East Bethel City Code. At that time, City Council gave staff direction to continue working on an exception to lot sizes in instances when lot sizes have been reduced for donation purposes for a public use or a takings by the City, County, or State.

At the May 19, 2010 City Council meeting, staff presented the proposed changes. City Council accepted the changes and directed staff to conduct a Public Hearing for the zoning change at the June 16, 2010 City Council meeting.

The changes are as follows:

Section 11. MEASUREMENTS, ENCROACHMENTS, AND LOT AREA

C. Except as provide below, any lot that meets the requirements of this ordinance, or for which a variance reducing lot area or dimensions has been granted, may be used for construction of a dwelling.

Exception:

- 1) A lot as defined in Appendix A, Zoning of the City Code and which was in all respects a legal lot at the time it became a separate lot of record in the Anoka County Property Records but which has subsequently been reduced in size by two acres or less as the result of either i) a taking by the City, County, or State or ii) a donation by the owner for a public use shall continue to be treated as a legal lot of the same size and configuration as when it became a separate lot of record and will qualify as a legal lot of its original size and configuration for the purpose(s) of application of any City ordinance, rule or regulation.

Attachment:

- 1. Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends City Council conduct a public hearing for public input for proposed Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



**NOTICE OF PUBLIC HEARING
CITY OF EAST BETHEL CITY COUNCIL
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, June 16, 2010, 7:30 PM, at the City Hall, 2241 221st Avenue NE, East Bethel, MN. The hearing will be to consider Ordinance 23, Second Series, An Ordinance Amending Appendix A. Zoning of the City of East Bethel Code. The proposed amendment is to Section 11. Measurements, Encroachments, and Lot Area Exceptions. A copy of the proposed amendment is available at city hall during regular hours between 8:00 A.M to 4:00 P.M. for the public's view.

The public is invited to provide comment at the hearing.

Published in the Anoka Union June 4, 2010.

Subscribed and sworn to me
this 28th day of May 2010.

Stephanie L. Hanson
City Planner

Joan D. Steffen-Baker
Notary Public

Attachment #1



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 7.0 A-E

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, June 2, 2010 Regular City Council

Meeting minutes from the June 2, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minute, June 2, 2010 City Council Work Meeting

Meeting minutes from the June 2, 2010 City Council Work Meeting are attached for your review and approval.

Item D

Approve Cigarette License, MaryAnn Schumacher, Coon Lake Market

Coon Lake Market has changed ownership and the new owner, MaryAnn Schumacher has applied for a cigarette license. All forms been completed and fees have been paid. A background check has been completed. Staff is recommending approval of the new cigarette license for MaryAnn Schumacher at Coon Lake Market, 515 Lincoln Drive NE, East Bethel, MN 55092.

Item E

Approve Gambling Permit – Bingo – East Bethel Seniors – Booster Day

The East Bethel Seniors have applied for a one day permit to conduct excluded bingo on July 17, 2010, Booster Day at the Community Center. The application form has been submitted and is complete.

Item F

Seasonal Maintenance Employee – Public Works

The City Council recently approved the hiring of two additional seasonal maintenance employees to keep pace with the maintenance demands during the summer. At this time, City

staff has determined a need to hire just one seasonal maintenance employee. City staff reviewed applications of those not previously selected for hire and have identified one applicant for the seasonal maintenance position that will best meet our needs.

City staff is recommending the appointment of Matthew Gustafson for a seasonal maintenance position for 2010. Under the supervision and direction of the Public Works Manager, this individual will perform various types of manual labor in the general maintenance of the Parks Department for a period of up to 63 working days. Mr. Gustafson is qualified for the seasonal maintenance position. All references and background checks have been completed and the results did not reveal any issues.

City staff is requesting approval hire Matthew Gustafson. Mr. Gustafson is scheduled to begin work on Monday, June 14, 2010. The rate of pay is \$8.85 an hour and funding for these positions is provided for in the General Fund Budget for 2010 under the Parks Department budget.

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:_____



Bills to be Approved for Payment June 16, 2010	\$484,995.10
Electronic Payments	\$26,663.56
Payroll City Staff - June 10, 2010	\$35,238.60
Total to be Approved for Payment June 16, 2010	\$546,897.26

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer
<input type="text"/>				

City of East Bethel

June 16, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldgs/Facilities Repair/Maint	52110	Connexus Energy	615	49851	21.32
Arena Operations	Electric Utilities	52110	Connexus Energy	615	49851	884.03
Arena Operations	Professional Services Fees	22	Gibson's Management Company	615	49851	5,655.70
Arena Operations	Telephone	52810	Qwest	615	49851	100.94
Building Inspection	Motor Fuels	182804	Egan Oil Company	101	42410	251.02
Cedar Creek Trail Project	Architect/Engineering Fees	26839	Hakanson Anderson Assoc. Inc.	402	43124	2,179.56
Central Services/Supplies	Information Systems	10802	City of Roseville	101	48150	1,251.83
Central Services/Supplies	Information Systems	40330	US Cable	101	48150	1,331.44
Central Services/Supplies	Legal Notices	IQ 01770220	ECM Publishers, Inc.	101	48150	41.00
Central Services/Supplies	Legal Notices	IQ 01769912	ECM Publishers, Inc.	101	48150	61.50
Central Services/Supplies	Legal Notices	IQ 01770221	ECM Publishers, Inc.	101	48150	738.00
Central Services/Supplies	Office Equipment Rental	151954104	Loffler Companies, Inc.	101	48150	481.60
Central Services/Supplies	Office Supplies	520718360001	Office Depot	101	48150	156.95
Central Services/Supplies	Office Supplies	519605663001	Office Depot	101	48150	75.99
Central Services/Supplies	Office Supplies	SOINV00074368	The Tape Company	101	48150	109.77
Central Services/Supplies	Telephone	52810	Qwest	101	48150	215.28
City Administration	Travel Expenses	50310	Jill Teetzel	101	41320	22.00
Engineering	Architect/Engineering Fees	26854	Hakanson Anderson Assoc. Inc.	101	43110	2,314.33
Finance	Auditing and Acct'g Services	1102650	HLB Tautges Redpath, Ltd.	101	41520	23,000.00
Finance	Dues and Subscriptions	134845	Gov't. Finance Officers Assn.	101	41520	190.00
Fire Department	Bldgs/Facilities Repair/Maint	52110	Connexus Energy	101	42210	5.32
Fire Department	Clothing & Personal Equipment	30192	Uniforms Unlimited	101	42210	113.29
Fire Department	Clothing & Personal Equipment	35156	Uniforms Unlimited	101	42210	17.08
Fire Department	Electric Utilities	52110	Connexus Energy	101	42210	500.77
Fire Department	Motor Fuels	182804	Egan Oil Company	101	42210	399.37
Fire Department	Motor Fuels	182805	Egan Oil Company	101	42210	253.25
Fire Department	Office Supplies	519605663001	Office Depot	101	42210	155.50
Fire Department	Telephone	52810	Qwest	101	42210	404.71
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	40339	Orkin Commercial Services	101	41940	74.81
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14616	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-05-10	Premium Waters, Inc.	101	41940	23.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	114468	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Electric Utilities	52110	Connexus Energy	101	41940	723.67
Legal	Legal Fees	53110	Carson, Clelland & Schreder	101	41610	8,370.95
MSA Street Construction	Architect/Engineering Fees	26837	Hakanson Anderson Assoc. Inc.	402	40200	2,473.77
Park Acquisition/Development	Architect/Engineering Fees	26852	Hakanson Anderson Assoc. Inc.	404	40400	2,993.33
Park Maintenance	Bldg/Facility Repair Supplies	256025	Ham Lake Hardware	101	43201	20.01
Park Maintenance	Bldg/Facility Repair Supplies	60110	Michele Bachmann Office Supply	101	43201	195.51
Park Maintenance	Electric Utilities	52110	Connexus Energy	101	43201	301.48
Park Maintenance	Equipment Parts	TI20803	Turfwerks	101	43201	18.96
Park Maintenance	Lubricants and Additives	35698	Egan Oil Company	101	43201	40.29
Park Maintenance	Motor Fuels	182805	Egan Oil Company	101	43201	487.02
Park Maintenance	Motor Fuels	182804	Egan Oil Company	101	43201	342.32
Park Maintenance	Personnel Advertising	IP 00763126	ECM Publishers, Inc.	101	43201	18.54
Park Maintenance	Professional Services Fees	51210	Jill Teetzel	101	43201	60.00
Park Maintenance	Telephone	52810	Qwest	101	43201	90.58
Park Maintenance	Tires	OI20973	Turfwerks	101	43201	244.71
Payroll	Insurance Premium	40330	MN NCPERS Life Ins	101		144.00
Payroll	Union Dues	40330	MN Teamsters No. 320	101		642.70
Planning and Zoning	Professional Services Fees	279	GIS Rangers	101	41910	668.25
Planning and Zoning	Professional Services Fees	268	GIS Rangers	101	41910	729.00

City of East Bethel

June 16, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Planning and Zoning	Architect/Engineering Fees	26843	Hakanson Anderson Assoc. Inc.	864		306.68
Planning and Zoning	Architect/Engineering Fees	26843	Hakanson Anderson Assoc. Inc.	911		1,261.36
Planning and Zoning	Architect/Engineering Fees	26836	Hakanson Anderson Assoc. Inc.	800		321.68
Police	Professional Services Fees	2nd Qtr 2010	Anoka County Sheriff	101	42110	267,668.75
Recycling Operations	Electric Utilities	52110	Connexus Energy	226	43235	89.69
Recycling Operations	Hazardous Waste Disposal	2025154	OSI Environmental, Inc.	226	43235	120.00
Recycling Operations	Professional Services Fees	40330	Cedar East Bethel Lions	226	43235	1,000.00
Sewer Operations	Bldgs/Facilities Repair/Maint	52110	Connexus Energy	602	49451	24.53
Sewer Operations	Electric Utilities	52110	Connexus Energy	602	49451	657.01
Street Capital Projects	Architect/Engineering Fees	26852	Hakanson Anderson Assoc. Inc.	406	40600	5,179.36
Street Capital Projects	Improvements Other Than Bldgs	100969	Pavement Resources Inc.	406	40600	8,250.00
Street Capital Projects	Improvements Other Than Bldgs	51510	Precision Sealcoating, Inc.	406	40600	66,832.17
Street Maintenance	Bldgs/Facilities Repair/Maint	52110	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-05-10	Premium Waters, Inc.	101	43220	23.00
Street Maintenance	Electric Utilities	52110	Connexus Energy	101	43220	1,248.86
Street Maintenance	Lubricants and Additives	35698	Egan Oil Company	101	43220	220.29
Street Maintenance	Motor Fuels	182805	Egan Oil Company	101	43220	1,207.81
Street Maintenance	Motor Fuels	182804	Egan Oil Company	101	43220	148.34
Street Maintenance	Motor Vehicle Services (Lic'd)	8082	Cedar Creek Automotive, Inc.	101	43220	886.47
Street Maintenance	Personnel Advertising	IP 00763126	ECM Publishers, Inc.	101	43220	18.54
Street Maintenance	Street Maint Services	51510	Precision Sealcoating, Inc.	101	43220	16,666.25
Street Maintenance	Telephone	52810	Qwest	101	43220	66.64
Water Utility Operations	Bldgs/Facilities Repair/Maint	52110	Connexus Energy	601	49401	26.67
Water Utility Operations	Electric Utilities	52110	Connexus Energy	601	49401	239.65
Water Utility Operations	Telephone	52810	Qwest	601	49401	108.29
Wild Rice Drive	Architect/Engineering Fees	26851	Hakanson Anderson Assoc. Inc.	402	43123	25,163.36
	Work Comp Premium	18211	League of MN Cities Ins Trust	101		27,256.00
						\$484,995.10

EAST BETHEL CITY COUNCIL MEETING

June 2, 2010

The East Bethel City Council met on June 2, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steven Channer Greg Hunter (7:50 PM)
Kathy Paavola

MEMBERS EXCUSED: Steve Voss

ALSO PRESENT: Douglas Sell, City Administrator
Tammy Schutta, Asst. City Administrator/HR Director
Jerry Randall, City Attorney
Craig Jochum, City Engineer

Call to Order **The June 2, 2010 City Council meeting was called to order by Acting Mayor Boyer at 7:34 PM.**

Adopt Agenda **Paavola made a motion to adopt the June 2, 2010 City Council agenda. Channer seconded; all in favor, motion carries.**

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

George Paavola of 213 Hawthorne Road said on Monday afternoon he got a citation for trespassing. He said it was on Aspen Road. Paavola said in 1925 they made dedicated roadways on Lakeshore Road, and where the Coon Lake Community Center is they have to the center of the road. He said these people are denying him access to the Coon Lake Beach Community Center. Sell said he has already discussed this with the city planner and asked her to work with Paavola and the engineer. He said he wants to get this on our GIS map so everyone will know who owns the property out there so this will minimize this issue. Paavola said there is a fence there and no trespassing sign, the officer said the blacktop ends here, so he had to give him a citation. Channer said he agrees with Sell, we need to get everything identified there so we can see what happened or didn't happen.

Gretchen Mischler of 22906 Jackson St. NE said we were given a deadline to sell our home by June 30th. She said we have a purchase agreement and it was supposed to close on April 31st for \$30,000 and now three days ago they called and offered us \$15,000 and offered to close on June 20th. Mischler said we think they did this because they know we have this deadline. She said we are asking for an extension because we don't want to accept this second offer.

Sell said he had heard that the initial purchase offer had fallen through. He said he didn't hear about the second one. Mischler said they were supposed to buy it outright and then she thinks they found out about our deadline. Sell said he knows there isn't a judge that will force someone to purchase. Mischler said they outbid everyone that was interested in the property, and now everyone is gone. Randall said if they had no good reason to back out of the deal they would forfeit the earnest money. Mischler said if we could get a 60 or 90 day extension then maybe we could find another buyer. She said there is nothing left out there except the fence around the basement. Paavola asked so you just need time to find another buyer. Boyer said he is just concerned about public safety with the open basement.

Boyer made a motion to approve the request for an extension of the deadline for compliance letter requirements until August 31, 2010 for the property at 22906 Jackson Street NE. The extension stays with the property. The extension is conditioned on the barricade around the open basement being maintained and if there is an issue with the barricade the property owner will be given notice by the City Administrator and have three (3) days to fix it. Channer seconded; all in favor, motion carries.

There were no more comments so the public forum was closed.

SWPPP
Annual Public
Hearing

Sell explained that the City of East Bethel has prepared a Storm Water Pollution Prevention Program (SWPPP) in accordance with the National Pollutant Discharge Elimination Program General Permit, which authorizes Municipal Storm Sewer System operators to discharge storm water. The goal of the SWPPP, when implemented, is to reduce the discharge of pollutants into receiving waters to the maximum extent practicable. The Minnesota Pollution Control Agency issued coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Municipal Storm Sewer Systems to the City of East Bethel on January 9, 2008.

The City's storm water program addresses the six minimum control measures and the associated Best Management Practices (BMPs) as required by the General Permit. These BMP's were identified in your agenda materials. City staff continues to develop implementation strategies as outlined in the SWPPP and have implemented a number of BMP's to address SWPPP goals over the past several years. One of the requirements of minimum control measure 2 is that the City conducts an annual public hearing before June 30th of each year. At this hearing, the City invites input, both oral and written, regarding the adequacy of the SWPPP. Based on this input, the plan can be adjusted as appropriate. As required, the meeting notice was advertised in the Anoka Union. Copies of the City's SWPPP are available for public review at City Hall and on the City's website.

At this point, Staff recommends Council conduct the annual public hearing to consider input on the City's Storm Water Pollution Prevention Program.

Boyer opened the public hearing. There were no comments.

Paavola made a motion to close the Public Hearing for the City's Storm Water Pollution Prevention Program. Channer seconded; all in favor, motion carries.

Channer asked about street sweeping. He asked are we laying off on the street sweeping until the crack sealing and Class V projects have been done. Channer said it doesn't seem like it has been done in his neighborhood. He said the street perpendicular is being crack sealed and it doesn't seem like this street has been swept. Channer said he never saw the sweeper. Sell said he will ask the Public Works Manager. Channer said one of his neighbors was complaining that it was like sloughing though the beach when walking.

Consent
Agenda

Paavola made motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, May 19, 2010, Regular CC Meeting; C) Approve One Day Temporary On Sale License for Alliance for Metropolitan Stability at the Blue Ribbons Disc Golf Course on June 19, 2010; D) Resolution 2010-23 Accepting Donation from CHOPS, Inc.; E) Resolution 2010-24 Accepting Donation from Hakanson Anderson Assoc. Inc; F) Resolution 2010-25 Relating to the Financing of the Construction of the Sewer Utility Infrastructure Project to be undertaken by the City Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code;

G) Liquor License Renewals; H) Resolution 2010-26 Declaring 1996 Eglin Street Sweeper Surplus; J) Purchase 2010 Z Track Mower; K) Change Order #1 – Dresel Contracting Inc., Wild Rice Drive Project; L) Appointment of Cable Technician. Channer seconded; all in favor, motion carries.

Pay Est. No. 2 to Municipal Builders, Inc. for Well No. 2 Construction, Well Pump, Piping and Electrical Revisions to Pump-house No. 1

Sell explained that attached is a copy of Pay Estimate No. 2 to Municipal Builders, Inc for Well No. 2 Construction at Whispering Aspen. The major pay items for this pay request include drilling the 23 inch open hole and installation and setting of the 18 inch inner casing for Well No. 2. The Pay Estimate includes payment for work completed to date minus a five percent retainage. The total project cost is estimated to be \$373,004. The city has received a Disadvantaged Community Funds Grant in the amount \$298,403. The remaining \$74,601 is proposed to be financed through the Public Facilities Authority's Drinking Water Loan program. Staff recommends partial payment of \$58,915.80.

Paavola made a motion to approve Pay Estimate No. 2 to Municipal Builders, Inc. for well No. 2 Construction at Whispering Aspen in the amount of \$58,915.80. Channer seconded; all in favor, motion carries.

Pay Est. No 2 to Dresel Contracting Inc. for Wild Rice Drive Project

Sell explained that attached is a copy of Pay Estimate No. 2 to Dresel Contracting, Inc for the Wild Rice Drive Reconstruction Project. The major pay items for this pay request include muck excavation, storm sewer installation and curb and gutter construction. Funding for this project is from the City's MSA account. Staff recommends partial payment of \$282,606.38.

Channer made a motion to approve Pay Estimate No. 2 to Dresel Contracting, Inc. for the Wild Rice Drive Reconstruction Project in the amount of \$282,606.38. Paavola seconded.

Boyer said he thinks it would be an appropriate time to get an update from the engineer on this project. Jochum said by Monday it will have a black surface and the final layer of asphalt either next week or the week after. He said for the most part then it will be all wrapped up. Boyer asked when the detour will be down. Jochum said after the first layer of paving is down it will be completely open. **All in favor, motion carries.**

2010 Class V Bid Award

Sell explained that at their March 9, 2010 meeting, the Roads Commission recommended approval of Allen Street, Skylark Drive and Zumbrota Street for resurfacing work in 2010 consistent with the street maintenance plan. Bids were solicited by advertising in the Anoka Union and the Upper Midwest Civil Construction Bulletin. Bids were received and opened for this project on May 20, 2010. The bids were based on an estimated application of up to 1,300 tons of Class V material for Skylark Drive and Allen Street and up to 1,150 tons of lime rock for Zumbrota Street. The bids are unit priced and delivered, for the project roads noted above and included Bjorkland Trucking at \$9.95/ton for Class V and \$16.75/ton for lime rock.

Based on the estimated 2,450 tons, the low bid for this material is \$32,197.50 plus sales tax of \$2,213.58 from Bjorkland Trucking. The lime rock will be applied on Zumbrota Street and the Class V on Skylark Drive and Allen Streets per 2010 maintenance plans.

Staff recommends awarding the 2010 Class V/lime rock contract to Bjorkland Trucking not to exceed \$32,197.50 plus \$2,213.58 in sales tax for the Class V and lime rock material including delivery with costs charged to the General Fund Street Maintenance Budget.

Boyer made a motion to award the 2010 Class V/lime rock contract to Bjorkland Trucking not to exceed \$32,197.50 plus \$2,213.58 in sales tax including delivery with costs charged to the General Fund Street Maintenance Budget. Paavola seconded.

Boyer asked when did we start getting charged sales tax as a municipality. Sell said municipalities were brought under the sales tax umbrella fifteen (15) years ago. He said we are no longer exempt, but fire trucks and equipment are. Sell said but after we take delivery of the fire truck and equipment, if you need more hose for the truck then you pay sales tax. He said almost every year a bill is introduced to exempt cities from sales tax, but the state says they could not lose the income. **All in favor, motion carries.**

Nelson
Trucking –
18649 TH 65
–
Noncompliant
Issues

Sell explained that from Anoka County Assessor's data, Mr. Norman Kunza, or other family members owned the property at 18649 Trunk Highway 65 from June 9, 1992 through November 14, 2007. The property was sold on November 15, 2007 to Selena Lee. The bank Bayview Loan Servicing LLC of Coral Gables, Florida took ownership of the property on June 19, 2009 as a result of foreclosure action. Staff understands that the bank has allowed the business(es) to continue to operating on the site.

From City records, the business known as Nelson Trucks and Parts has been operating from the site since at least 1992 without the proper Special Use Permit (SUP) or CUP. On January 21, 2004, City Council approved a CUP for the property to allow for an auto repair facility with conditions. Recently, it was brought to the attention of staff that the property is out of compliance with the conditions of the CUP that was granted in 2004. The conditions of the CUP were identified in your agenda materials.

On April 20, 2010, during an inspection of the site, staff found numerous noncompliant issues. Many of these issues represent a violation of conditions set out in the approved CUP from January, 2004. City Council meeting minutes from January 21, 2004 have been attached for your review as Attach #3. Based on the inspection of April 20, 2010, a letter was sent to the property owner and current tenants that identified the non-compliant issues. A copy of this letter is Attach #1. The property owner was given until May 24, 2010 to comply with the conditions. To date, the property owner has not contacted staff regarding these non-compliant issues.

Noncompliant issues are a frequent occurrence for this particular site. City records reflect that the City has pursued noncompliant issues since at least December 1994. These previous violations were identified in your agenda materials and provide a brief history of the issues at this location.

There have been a few occasions when potential businesses have approached the City to use the site. On February 21, 2007, City Council granted a CUP Amendment, with conditions, to allow Plow World to use the site. These conditions included submitting a surface drainage plan, outdoor storage limited to merchandise related to the business, hard surfacing of storage and parking areas and a detailed site plan was to be submitted. Apparently, the business arrangement with Mr. Kunza did not work out and Plow World opted for another site along Highway 65. There was and remains an extensive amount of work to clean up the site to bring the property into compliance. Mr. Kunza would not sign a CUP Agreement.

On December 12, 2005, potential business owner Brian Renstrom of Central Trailer Sales withdrew a CUP request because he found a different site in the city to conduct business from that did not require extensive cleanup.

On May 18, 2005, Mr. Steve Eliason was denied a CUP and Site Plan Review for the operation of a used vehicle sales and repair shop because he could not meet the requirements to bring the site into compliance.

This property has been the source of numerous on-site visits to assess the non-compliance issues. The current issues are that there is excessive exterior storage on-site and it is apparent that the property is being used as an auto salvage yard. Also, the existing use(s) are not in compliance with the CUP conditions approved on January 21, 2004. These issues are a continuation of circumstances that have plagued this property for more than 15 years. Based on complaints and inquiries for business expansion on this site, staff has exhausted the remedies short of a formal complaint that would get this matter before the court.

Staff has reviewed this situation with the City Attorney and the City Attorney has suggested moving forward with revocation of the CUP granted this property in January, 2004. Staff is seeking guidance e from Council in this regard.

Boyer made a motion to begin process of Conditional Use Permit (CUP) Revocation for Nelson Trucking at 18649 Highway 65 NE, East Bethel, MN. Channer seconded.

Boyer asked the city attorney to describe process of CUP Revocation briefly. Randall said we have to give notice to the property owner that the City has the intention to revoke the CUP and they have the right to have a hearing. He said you may want to have the hearing as a separate meeting. Randall said Council can be the hearing examiner, but in the past we have had someone separate. He said depending on results of hearing, you will have to find that the CUP has been terminated because the terms have not been adhered to. Randall said we can probably have this concluded in thirty (30) days, we will give them a timeline and then we schedule a hearing on a mutually convenient date. **All in favor, motion carries.**

Request for
Quote – Ice
Arena
Lighting
Retrofit
Project

Sell explained that at its January 6, 2010 meeting, the City Council directed staff to prepare and submit a RFP to the Minnesota Department of Commerce Office of Energy Security (OES) for the Energy Efficiency and Conservation Block Grant Program, funded by the American Reinvestment and Recovery Act of 2009 (ARRA). This grant application provided for the replacement of 60 - 400w Metal Halide lighting fixtures with 6LT8 High Bay lighting fixtures at the City's ice arena. A grant application was submitted. The City recently received notification that the City had been awarded the grant to replace the lighting at the ice arena.

A Request for Quote (RFQ) for the lighting retrofit project has been prepared and is provided for Council review and consideration. Staff is recommending written quotes be solicited for this work from lighting specialists. City staff will ensure the vendors will meet the Federal and State requirements of the grant.

The total project cost is estimated at \$16,500 with the state grant of \$10,500, rebate from Connexus Energy of \$4,800 and the City match of \$1,200. The energy savings is estimated at \$5,762 on an annual basis. The City's investment of \$1,200 in matching funds will be recouped within one year.

Staff is proposing this lighting retrofit project begin on or before August 1, 2010 and be completed no later than September 1, 2010. Staff is recommending approval of the Request for Quote for Ice Arena Energy Lighting Retrofit Project and direction to solicit quotes for Council consideration.

Boyer made a motion to approve the Request for Quote for an Ice Arena Energy Lighting Retrofit Project and direction to solicit quotes for Council consideration. Channer said he will gladly second the motion. Boyer said this is a great project. All in favor, motion carries.

Seasonal
Employee –
Public Works

Sell explained that a maintenance worker currently covered under FMLA has requested a six month medical leave of absence from work effective June 9, 2010 per Personnel Policy, Section 7.11. Based on the medical condition and the prognosis, the leave of absence has been approved. Mr. Allen is anticipated to return no later than December 8, 2010.

The City recently received fifteen applications for the two seasonal maintenance positions advertised earlier this year. City staff has reviewed the applications of those not previously selected for hire and has identified several applicants for interview. Staff is requesting direction to interview and make a preliminary offer of employment subject to Council confirmation. The rate of pay would be \$8.85 an hour. Funding for this position is provided for in the General Fund Budget for 2010 under the Parks Department budget. The employee appointed would perform various types of manual labor in the general maintenance duties not to exceed 63 working days.

Staff is requesting approval to review, interview and make a preliminary offer of employment subject to Council approval for a seasonal maintenance position for a period not to exceed 63 working days.

Boyer made a motion to approve the hiring of a seasonal maintenance position for a period not to exceed sixty-three (63) working days to replace Mr. Allen who is on medical leave. Also, to give the Public Works Manager authorization to hire an additional seasonal maintenance position for a total of two (2) if the Public Works Manager determines there is a need for an additional worker to get the work done. Paavola seconded; all in favor, motion carries.

Appraisal
Services –
Utility
Properties

Sell explained that several different sites will be required to accommodate the City's water utility infrastructure. The City's consulting engineer has identified several parcels that will meet the City's requirements.

Prior to any offer/negotiation, the City is required to obtain an appraisal for the properties involved. Staff developed an RFP for these services and has solicited quotes from several appraisal service firms. A copy of the RFP and responses to the RFP were included with your agenda materials.

Staff recommends the appraisal services agreement be awarded to Nagell Appraisal and Consulting in an amount not to exceed \$1,000 with all work and reports completed no later than June 18, 2010.

Boyer made a motion to award the appraisal services agreement with Nagell Appraisal and Consulting in an amount not to exceed \$1,000 with all work and reports to be completed no later than June 18, 2010 for the utility properties. Paavola seconded; all in favor, motion carries.

Resolution
2010-28
Requesting
Additional

Sell explained that at the May 5, 2010 Council meeting, City Council adopted Resolution 2010-20 directing staff to make application to the State of Minnesota for Recovery Zone Economic Development (RZED) Bonds to provide for the financing of the sanitary sewer infrastructure in Project 1 of Phase I. This authorization provided for construction costs only

Authorization
for Recovery
Zone
Economic
Development
Bond

and did not provide for capitalized interest costs and cost of issuance. We have reviewed these items with the City's Fiscal Consultant and have identified capitalized interest costs of \$700,000 and cost of issuance expenses of \$300,000.

The cost of issuance includes preparation of the offering statements, bond counsel opinion, soliciting and receiving a bond rating and marketing. It also includes bond underwriter discounts that allows the fiscal consultant to negotiate a better rate by offering some up-front concessions. Both of these activities are industry standards and result in a fair presentation of the offering as well as a better interest rate.

With these additional costs, the total request from the State of Minnesota would increase to \$6.8 million from the construction/engineering costs estimate of \$5.8 million. The terms of the original request would remain the same.

Staff is recommending approval of Resolution 2010-28 Increasing the Recovery Zone Economic Development Bond Authority Request from the State of Minnesota.

Boyer made a motion to adopt Resolution 2010-28 Increasing the Recovery Zone Economic Development Bond Authority Request from the State of Minnesota. Paavola seconded; all in favor, motion carries.

Tinklenberg
Group
Services

Sell said Elwyn Tinklenberg has requested an audience of Council either June 16th or July 7th to update Council on our appropriation requests. Channer said the sooner we can get an update from him the better. Council consensus was to have Tinklenberg come to a Council meeting as soon as possible and give them an update.

Coon Lake
Beach Update

Paavola said with the holiday weekend there were a lot of boats on Coon Lake and everyone behaved, it was very nice. She said it was good to see beach being used as much as it was. Paavola said the boating was pretty mellow. Hunter asked what have you heard about walleyes being caught. Paavola said there have been a few being caught. She said they are there; you just have to find them. Boyer said he is assuming the weed containers for boaters to dispose of the weeds from their boats are in place. Paavola said the one that is at Coon Lake is in place. Sell said he will check this out with the Public Works Manager and let Council know.

Be Careful for
Pedestrians

Channer said school gets out next week and the kids will be running around. He said he just wants to remind everyone to keep an eye out for them, be a little extra careful. Channer said it is hard to believe another year has gone by. Boyer said yes, it is that time of year. He said he passed four walkers tonight, so he also wants to let everyone know to slow down a little and keep your eyes out for pedestrians.

Adjourn

Boyer made a motion to adjourn at 8:11 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

EAST BETHEL CITY COUNCIL WORK MEETING

June 2, 2010

The East Bethel City Council met on June 2, 2010 at 6:30 PM for a work session meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Kathy Paavola

MEMBERS EXCUSED: Greg Hunter Steve Voss

ALSO PRESENT: Douglas Sell, City Administrator
Stephanie Hanson, City Planner
Tammy Schutta, Asst. City Administrator/HR Director

Call to Order **The June 2, 2010 City Council work meeting was called to order by Acting Mayor Boyer at 6:32 PM.**

Adopt Agenda **Paavola made a motion to adopt the June 2, 2010 City Council Work Session Agenda. Channer seconded; all in favor, motion carries.**

Significant Natural Environmental Area (SNEA) Overlay District Discussion Hanson said on April 7th of this year, staff presented City Council with suggestions and information regarding potential changes to the SNEA overlay district. She said Section 59 of the City's Zoning Ordinance provides for purpose and intent of a SNEA overlay district but lacks some of the specifics to effectively implement the provisions of this section of City Code. Hanson said for example there is no calculation process for determining how many lots will be permitted in certain areas identified as a SNEA. This is an item that council must discuss to determine how it will apply density calculations such that this aspect of development is applied uniformly for all developer requests.

Hanson said again the basic ordinance is in place. She said in her report she gave Council an outline of components to consider and also gave Council a sample ordinance.

Hanson said currently staff is working with Anne Gelbmann from the Minnesota Pollution Control Agency (MPCA). She said Gelbmann has assisted numerous communities throughout the conservation design process. Hanson said Gelbmann is available to speak with Council at a work session on July 21, 2010. She said she would also suggest that Jim Hennessey who is a Hanover Planning Commission Member also be present at the work session. Hanson said Hennessey has played an integral role in the coordination and adoption of the conservation design ordinance in Hanover. She said she has attended many workshops that Hennessey has facilitated and she has a feel for him and his process.

Hanson said staff is asking for feedback so they can share it with Gelbmann if council wants to schedule a meeting with her and staff is suggesting the meeting be scheduled for July 21, 2010.

Boyer said his biggest question is how we are going to delineate between rural areas and developed areas, and more and more in his mind this is becoming a bigger issue, whether it is shoreland district, rural district or R1. He said so much of the City is rural and he is struggling to do this as a one size fits all. Hanson said they might have to be two different types. Paavola said or more. Boyer said yes or more.

Channer said he was thinking the same thing, how do you make something that is specific yet broad, without breaking it down to so many specific types that we can't keep track of it.

Boyer said we can keep track of it, but he can't remember how many Minneapolis has right now, about fifty (50) and he is not suggesting we go to that extreme. He said but to have his property and Paavola's property in the same zoning district that doesn't make any sense. Boyer said say his home was in the SNEA district and he has 10 acres and he can put a 1 ½ houses per acre, it is hard for him to see how this is going to work. He said when we talked about this before, we talked about density bonuses, but that might not be doable sometimes. Hanson said that might be a good question for Gelbmann.

Sell said there is a significant difference for someone that has 10 acres and even someone that has 20 acres. He said maybe you break it up that someone with 1-5 acres can do this, 5-10 acres can do this, 10-15 acres can do this, and 15-20 acres can do this. Channer said but even dividing by acreage doesn't do this justice. Boyer said in R2 or R3 he thinks this would be penalizing people with 1 ½ units per acre. Sell said in those areas that have a density of three (3) per acre and it requires utilities. Boyer said we have those types of areas in here along Cedar Creek. Sell said maybe in rural areas you break this up per acreage. He said it is already defined in the sewerred areas.

Boyer said in the past, when this was originally approved he thinks Councils intention was not to penalize people for doing this, but to reward them for doing so. He said that was based on doing so would provide open space, but we were not trying to give away the farm. Channer said he looks at this whole thing as you shouldn't punish people for not doing it, but you reward them for doing it. Boyer said he is assuming no one on Council wants to have anyone loose anything they have for development rights currently. He said it doesn't seem fair to him. Boyer said they have to be compensated in some way for this. Channer said this is kind of like when you ask a developer to dedicate right of way next to them for roadway, he would like to make a carrot for them, reward them for that, for the open space.

Sell said he thinks the financial reward is someone on 2 ½ acres is they are going to say they are leaving one (1) acre as permanent open space and regulations will allow them now to put two homes on there. He asked is that doable. Sell said if you look at Hidden Haven, it could work. Boyer said yes, it could work. Channer said you do this like a calculation equation, it gives you something to play with. He said you always want to give them multiple options and let them pick. Sell said you have to make it financially doable. Hanson asked is there anything in particular you would like to have Gelbmann present.

Boyer said he thought we had decided at the last meeting that this would go through the commissions/committees. He said he was surprised to see this, he thought it was going to the Park Commission and Planning Commissions. Sell said it has gone that way, but then we get chastised because when it comes back it is not what Council was looking for. Boyer said he thinks we have a consensus on what we want and don't want. He said we don't want to punish people, we want their participation to be voluntary and want it to their advantage, maybe financial.

Boyer said he feels we should rezone the City in a more rational order to make this work. He said in a more homogenous nature, so that like areas are zoned together. Paavola said yes, like you said, we can't have one size fits all, we have all agreed on that. Boyer said if you look at the maps you will find SNEA areas are largely in rural areas. Sell said he will caution you on rezoning the Highway 65 corridor that is being planned for City water and sewer, because that area is being guided for certain development. Boyer said he is not worried about that area, he is looking at the beach and rural areas. Paavola said yes, we are not looking at the Highway 65 corridor, we are looking at the beach and rural areas that is what we would be looking at..

Hanson said if she recalls right, the beach doesn't have any SNEA areas. Boyer said there are some shoreland areas in Katie's Way on the west side. He said on the north side of Viking Blvd. Boyer said he is just throwing it out there, we can do it other ways. Sell asked how you define those areas. He asked is this SNEA area going to be treated this way. Boyer said that is why he was suggesting make RR-A, RR-B, RR-C, so we can look at doing it that way. Sell asked what kind of definition do you have for those RR-A, RR-B, etc.. Boyer said RR-A 5 acres. Boyer said there is certainly enough 2 ½ acre lots by him and 100 foot lots by the lake.

Hanson said one thing we should think about doing is looking at the City map and looking at the SNEA map again and the SNEA lots, because she thinks most of the lots are very large. She said we have this on our official zoning map. Channer asked and we have it in our GIS program right. Hanson said she can do this in conjunction with working with Anoka Conservation District (ACD). Boyer said if we looked at map with lots of five (5) acres or more and than overlaid SNEAs we would have a pretty good idea of what we were looking at. Sell said he thinks there are some exceptions along the creek to the north over there. He said so the next step you want to see some maps with several different layers of lots sizes and the SNEA overlay. Hanson said she thinks there are five (5) acre lots. Boyer said yes, that will give you all the metes and bounds. Boyer said you can run a lot map, highlight all the SNEAs and then a different color for the lots over five (5) acres. He said it is only two parameters, it shouldn't be a big deal. Hanson asked do you want to see the other natural environment areas. Boyer said if you can do it once with this and once without.

Sell said so we will try to schedule a work meeting on July 21st at 6:00 PM with Ms. Gelbmann and Mr. Hennessy.

Channer said he would hate to see something real specific he would rather see more carrots than punishment, he would like to see what this looks like. Boyer said we are not changing road standards. Hanson said we will have to consider at a later date decreasing impervious, etc. Boyer said and we have no landscape components. Hanson said that would be part of the Planned Unit Development (PUD), per development. Sell said that would all be negotiable. Hanson said Gelbmann has a lot of pictures and a lot of examples. Paavola said to her what comes to mind is the native plants and if someone starts digging up those up and destroying them, she would be disappointed. Boyer said when he thinks of landscaping whether we are going to relax some of the things that make it hard to plant native grasses, etc. Hanson said with these they use PUDs, each one is different, and they don't go off the standard regulations, and City Council makes the decisions. Paavola said lots of people are going back to natural with their lawns, not using chemicals, she likes a nice yard, hopefully they take care of the but a manicured lawn dries her nuts.

Paavola made a motion to adjourn the June 2, 2010 City Council Work Session at 7:09 PM. Channer seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

CITY OF EAST BETHEL

LICENSE APPLICATION TO SELL AT RETAIL

TOBACCO, TOBACCO PRODUCTS AND TOBACCO RELATED DEVICES

DATA PRACTICES ADVISORY: The data supplied in this application will be used to assess the qualifications for a license. Some of this data is not legally required but the City will not be able to grant the license without it. If a license is granted, the data will constitute a public record. The data is needed to distinguish this application from others, to identify this application in City license files, to verify the identity of the applicant, to contact the applicant if additional information is required and to determine if the applicant meets all ordinance requirements.

Application is hereby submitted for a license to sell at retail tobacco, tobacco products and tobacco related devices within the City of East Bethel in accordance with the Ordinances of said City.

Enclosed with this application are the following:

- the **\$300** license fee,
- a completed and notarized Indemnification Agreement form,
- a completed worker's compensation insurance coverage form,
- a completed Minnesota & Federal business tax I.D. form. and
- a completed Background Check/Release form.
- If the establishment is a corporation, please submit with this application a list of all current stockholders, their resident addresses, and the number of shares held by each. If the business is to be conducted under a designation, name or style other than the full individual name of the applicant, attach a copy of the trade name certificate, as required by Chapter 333, Minnesota Statutes, Secretary of State's Office.

APPLICANT/OWNER INFORMATION:

Schumacher MaryAnn^{no} (middle name)

Last Name First Name Full Middle Name

332 LAUREL RD

Address of Applicant/Owner

EAST BETHEL, MN 55092

City State Zip

Date of Birth

Home Telephone No.

BUSINESS INFORMATION:

COON LAKE MARKET

Corporation or Trade Name

COON LAKE MARKET

Doing Business As / Business Name

515 LINCOLN DRIVE

Address of Business

EAST BETHEL, MN 55092

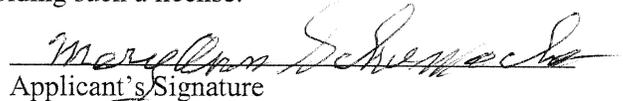
City State Zip

353-952-7835

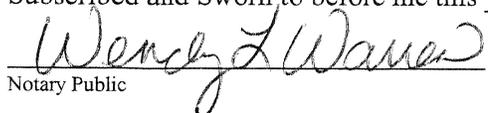
Business Telephone Number

I hereby certify the following:

1. I am over the age of 18.
2. I have not been convicted of any violations of federal, state or local law or other provision relating to tobacco, tobacco products or tobacco related devices within the past five (5) years.
3. I have not had a license to sell tobacco, tobacco products or tobacco related devices revoked within the preceding twelve (12) months of the date of this application.
4. I am not prohibited by federal, state or local law from holding such a license.


Applicant's Signature

Subscribed and Sworn to before me this 4th day of June, 2010.


Notary Public

Date Approved

Receipt No.

License No.

Date

REV 12/05

**Minnesota Lawful Gambling
LG240B Application to Conduct Excluded Bingo**

No fee

ORGANIZATION INFORMATION			
Organization name <i>East Bethel Seniors INC.</i>	Previous gambling permit number <i>XB-06892-09-001</i>		
Type of nonprofit organization. Check (✓) one. <input type="checkbox"/> Fraternal <input type="checkbox"/> Religious <input type="checkbox"/> Veterans <input checked="" type="checkbox"/> Other nonprofit organization			
Mailing address <i>2241 - 221st Ave. N.E.</i>	City <i>East Bethel</i>	State/Zip Code <i>MN 55011</i>	County <i>ANOKA</i>
ATTACH A COPY OF <u>ONE</u> OF THE FOLLOWING FOR PROOF OF NONPROFIT STATUS			
<p>★ Do not attach a sales tax exempt status or federal ID employer number as they are not proof of nonprofit status.</p> <p><input type="checkbox"/> Nonprofit Articles of Incorporation OR a current Certificate of Good Standing. Don't have a copy? This certificate must be obtained each year from: Secretary of State, Business Services Div., 180 State Office Building, St. Paul, MN 55155 Phone: 651-296-2803</p> <p><input type="checkbox"/> Internal Revenue Service - IRS income tax exemption [501(c)] letter in your organization's name. Don't have a copy? To obtain a copy of your federal income tax exempt letter, have an organization officer contact the IRS at 877-829-5500.</p> <p><input type="checkbox"/> Internal Revenue Service - Affiliate of national, statewide, or international parent nonprofit organization (charter) If your organization falls under a parent organization, attach copies of <u>both</u> of the following: a. IRS letter showing your parent organization is a nonprofit 501(c) organization with a group ruling, and b. the charter or letter from your parent organization recognizing your organization as a subordinate.</p> <p><input checked="" type="checkbox"/> Internal Revenue Service - proof previously submitted to Gambling Control Board If you previously submitted proof of nonprofit status from the Internal Revenue Service, no attachment is required.</p>			
EXCLUDED BINGO ACTIVITY			
<p>1. <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes Has your organization held a bingo event in the current calendar year? If yes, list the dates when bingo was conducted _____</p> <p>2. The proposed bingo event for which we are applying will be: <input checked="" type="checkbox"/> one of four or fewer bingo events held this year. Dates <i>July 17th</i> _____ OR <input type="checkbox"/> conducted up to 12 consecutive days in connection with a: <input type="checkbox"/> county fair. Dates _____ <input type="checkbox"/> civic celebration. Dates _____ <input type="checkbox"/> Minnesota state fair. Dates _____</p> <p>3. Person in charge of bingo event <i>Barbara Kunshier</i> Daytime phone <i>763-434-6179</i></p> <p>4. Name of premises where bingo will be conducted <i>East Bethel Community / Senior Center</i></p> <p>5. Premises street address <i>2241 - 221st Ave. N.E.</i></p> <p>6. City <i>East Bethel</i> If township, name of township _____ County <i>ANOKA</i></p>			
<p>Bingo hard cards and bingo number selection devices may be borrowed from another organization authorized to conduct bingo. Otherwise, bingo hard cards, bingo paper, and bingo number selection devices must be purchased from a distributor licensed by the Gambling Control Board. To find a licensed distributor, go to www.gcb.state.mn.us and click on List of Licensed Distributors. Or call 651-639-4076.</p>			

Chief Executive Officer's Signature

The information provided in this application is complete and accurate to the best of my knowledge.

Chief executive officer's signature Barbara R. Kunshier Phone number 763-434-6179
 Name (please print) Barbara R. Kunshier Date _____ / _____ / _____

Local Unit of Government Acknowledgment and Approval

If the gambling premises is within city limits, the city must sign this application.

On behalf of the city, I approve this application for excluded bingo activity at the premises located within the city's jurisdiction. Print city name _____

 Signature of city personnel receiving application
 Title _____ Date ____ / ____ / ____

If the gambling premises is located in a township, only the county is required to sign this application.

For the county: *On behalf of the county, I approve this application for excluded bingo activity at the premises located within the county's jurisdiction.* Print county name _____

 Signature of county personnel receiving application
 Title _____ Date ____ / ____ / ____

For the township: *On behalf of the township, I acknowledge that the organization is applying for excluded bingo activity within the township limits.* (Township signature is not required)
 Print township name _____

 Signature of township official acknowledging application
 Title _____ Date ____ / ____ / ____

A township has no statutory authority to approve or deny an application (Minn. Stat. 349.166, Subd. 2).

Mail Application and Attachment(s)

Send the application and proof of nonprofit status to:
Gambling Control Board
Suite 300 South
1711 W. County Rd. B
Roseville, MN 55113

Or, you may fax it to 651-639-4032.

You will receive a document from the Gambling Control Board with your excluded permit number for the gambling activity. Your organization must keep its bingo records for 3-1/2 years.

Questions? Contact the Gambling Control Board at 651-639-4000.

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

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

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

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



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Park Commission Meeting Minutes for May 12, 2010

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

May 12, 2010

The East Bethel Parks Commission met on May 12, 2010 at 7:02 P.M at the City Hall for their regular monthly meeting.

MEMBERS PRESENT: Kenneth Langmade Sue Jefferson Dan Kretchmar Dan Butler
 Barb Hagenson Bonnie Harvey Tim Hoffman

MEMBERS EXCUSED:

ALSO PRESENT: Jack Davis, City Public Works Manager
 Bill Boyer, Council Liaison

Adopt Harvey was wondering if we are going to change to Norseland to another date. Davis said
Agenda the letters to residents explained the location would be moved to City hall in case of rain.

Hagenson made a motion to adopt the agenda as presented. Butler seconded; all in favor, motion carries.

Approve Harvey stated she had one correction. Page three, second paragraph, the last sentence
April 14, should read "lighting would be advantageous."
2010

Minutes Hagenson stated she had one correction. Page three second sentence, change to "Davis
 stated the engineer will be looking at the adding lighting to Booster West parking lot in the
 future."

Harvey asked if we are creating a new entrance at Bonde. Davis said we would be creating
a new entrance. He said we probably have a prescriptive right-a-way there, and it is
something that needs to be improved there. Boyer said the south side of that park is where
a guy built a shed on City property. Jefferson said is there some land locked property
there. Boyer said yes, there is.

Harvey made a motion to approve the April 14, 2010 minutes as amended. Butler seconded; all in favor, motion carries.

Parks Davis stated his only comment is that everything budget wise is proportionately on
Financial schedule. The majority of our funds will be spent over the course of the next four months.
Info – Parks

Capitol Funds **Hoffman motioned to accept the financial report as presented. Hagenson seconded;**
Summary **all in favor, motion carries.**

Norseland Davis explained that unfortunately we scheduled the meeting at Norseland Park, and it
Park rained. As part of the Parks Commissions efforts to solicit public input for local parks, the
 Commission holds its summer meetings in various parks throughout the City. Norseland
 Park is one of the City's larger parks in terms of size and has the potential to serve
 residents outside the immediate neighborhood of the park.

The following improvements have been proposed for Norseland Park:

2011 - - - Playground equipment replacement
2012 - - - Pavilion, parking lot and portable toilet enclosure installation
2013 - - - Fencing for baseball field
2014 - - - Irrigation system
2015 - - - Walking Trail

The Commission will take questions and receive public comment on these proposed projects and any other issues concerning Norseland Park.

The total estimated cost of these projects for Norseland Park for 2011 to 2015 budget period is \$235,000. The cost of these projects will be covered by the Parks Acquisition and Development Fund and the Parks Capital Fund.

Darrell & Laurie Johnson, 19620 Jackson Street. The residents stated they enjoy the park and are happy with the way it is but improvements would be great. Trails would be very nice. They are not against any of the ideas the Commission has but are concerned about the creek that goes through their property and the Park. It doesn't ever freeze over and it could be a hazard. They asked if there will be a fence installed by the creek. Davis said that issue has never been brought forward. Boyer said it did come up a long time ago. The residents are concerned that children are safe. The kids are sliding there a lot and their needs to be something to keep them safe. Davis said that with creating a walking trail, you can swing it away from the creek. The residents explained there are beavers back there and the water does get shoulder deep.

Langmade explained the two representatives who were talking are: Jack Davis is the Public Works Manager and Bill Boyer is the Council representative.

Davis said a fence could be incorporated.

Johnson asked how large the park is. Davis said there are about 20 acres. The usable portion is already developed. He believes there could be about a mile walking-path around there. There would need to be boardwalks to go through the wetlands.

Johnson said the kids really like the hill for sliding. Davis said an irrigation system has been proposed the location also. There is also a baseball field there and they do try to limit the use of it, knowing that it is a neighborhood park. A pavilion will also be added, and upgrades to the playground equipment. That is probably some of the oldest playground equipment in the City. The equipment was installed in 1994. Davis said there is a proposal to replace the equipment next year.

Rowena Angell, 19435 4th Street. The resident asked how big the pavilion is going to be. Davis said it is about the same size as the one at Booster East. It would be about 30 –40 people.

The City does not have any intentions of installing restrooms at this time, as they are extremely difficult to maintain. The City will be adding portable toilets and screening them. There is a good example of screening at Coon Lake Beach Park.

The residents asked if there will be a bar-b-que pit area in the pavilion and will there be lighting in the area. Davis said they didn't ask for lighting in the area. In the past the

resident who lives across from the park, asked about lighting in the park. That is something that can be considered.

The residents asked if motion sensor lighting would be possible. Boyer said that persons, who live near it, end up hating, especially since every time deer or dogs go by, it goes off. Boyer explained all the lights in the park go off at ten p.m., if there are lights.

The residents asked if golf Frisbee is something that will be considered in the park. Davis said nothing has been considered specifically, but since we do have a golf Frisbee facility near this location in the City it probably wouldn't be a high priority for this park.

Johnson asked if there a merry-go-round will be added. Davis said no, they are very expensive to insure. Johnson asked what month the pavilion would be completed. Davis explained the details of that would be worked out once the budget is approved for the following fiscal year.

Angell was wondering if the specs and layouts would be online to look at. Davis said at this time no, this is the beginning of the process. There are some plans that are really old. We are trying to get the concepts down, and move forward. We would like to keep this one as natural as possible. Boyer said long term your park will connect with Booster that could take 20 or 30 years. Angell is wondering if it could be connected to the Cedar Creek Nature Area. Boyer said that is what we are working on now, connecting from Booster to Cedar Creek. That will be completed in two years. Angell said if the paved and non-paved trails would be connected that would be great. Boyer said Senator Klobuchar has put in a bill to give the City a \$500,000 to connect Cedar Creek to Isanti County. That is the third highest funding proposals. Boyer said we also have another deal going, but that is a longer shot.

Davis said this is a long range plan. Boyer said his perspective is all you can do is ask. Davis said some of them are predicated on improvements in the economy, so if that does not change, these projects may be moved back.

Butler said at the Parks March meeting we looked at the Park Dedication fee plan. The budget shows \$65,000 for a pavilion. If there are no Dedication fees, we will not be able to put in the pavilion. One thing he would like to know is what the resident's priorities are. We had playground replaced, pavilion, parking lot/portable toilet enclosures, baseball field/fencing, walking trail. What is the consensus, so we can prioritize it? Hagenson said there is some method to the plan, as all of the fencing is in 2013, all the irrigation is in 2014. She said all parks are being done at that time. Boyer said we put in irrigation systems at two parks this past year.

Boyer said a lot of the development in parks, a lot of the people complained the turf was not usable. So that went from a low priority, to a high priority.

Johnson said if you asked us what we would like to see, upgrading the equipment isn't as a high priority. But the trail, pavilion and baseball would be higher priority. Angell said the neighborhoods always recycle, so we do have younger kids there. Johnson said they didn't come in with a priority list of what they wanted to see.

Kathy & Jerry Lancette, 356 196th Avenue NE. They believe with the budgets the way

they are he is concerned about spending money on parks. He comes home every day and he can count on one hand how many kids are in the park. He asked why the City should spend more money on this park, if no one is using it. Growing up he played in empty lots and his fathered mowed the grass down down, and they used pillows for bases. The government doesn't need to do anything in the park. Is it necessary to do improvements right now?

Boyer said we have not gotten local government aid since 1998. The last three years is the only time when the city put general fund money into the parks. Council keeps parks moving forward and keeps them from deteriorating. Each of the last two years they have transferred about \$120,000 from the general fund.

Resident Lancette said knowing how hard the budget is being hit, it should be just maintenance. Boyer said it is a good time to buy things. In the long term it is an investment. The City is getting 25-30% better prices on things. He wishes things were booming for everyone.

Butler said the irrigation projects came in well under what we expected. We want to know what you would like done in the park, but this is all contingent on having the funding. We are trying to be fiscally responsible, yet taking advantage of opportunities. The Council puts money in to the Parks budget to do this.

Boyer said we have about 4500 households. We are spending about \$30 per house on Parks. Jefferson explained there are times that we do get grants. Harvey it is a plan that we are working on.

Butler asked do you have any ideas for the parks that would attract the children to use the park. Resident said you can put a video game in there to trick them into them. Ketchmar said he takes his kids to the park, and they start pick up games of soccer. During the summer he will take the kids and there are always kids in the park, and always kids in Norseland. It might just be when you come home at night during the school year, they are quieter.

Resident said with the electronic age, when he was young you played sports or with cars. Kids can't get away from something in their face or in their ears. When we go on a trip, the parents are looking at stuff and the kids are busy with playing with the games/phones. Maybe there needs to be a father, brother, and show them how to play the game, be a coach type of persons. Maybe that is the way to go to help reduce crime. Boyer said he does believe that parks are very important neighborhood socialization.

Langmade asked if there were more questions. He thanked the residents for coming and said if they have any suggestions, please give it to Jack or Bill. Davis said check the website, or he can give you his card for contact information.

Parks Projects The following is the 2010 Parks Projects list and a projected schedule of completion:

<u>Facility</u>	<u>Start Date</u>	<u>Completion</u>
Maynard Peterson Skate Park	March 2010	April 2010
Cedar Creek Pavilion	October 2009	May 2010

Hidden Haven Irrigation	April 2010	May 2010
Whispering Oaks Irrigation	April 2010	May 2010
John Anderson Playground	May 2010	June 2010
Coon Lake Beach Park	October 2009	June 2010
Hidden Haven Playground	June 2010	July 2010
Booster West Parking Lot	July 2010	August 2010
Booster/Cedar Creek Trail	June 2010	August 2010
Eveleth Park Improvements	August 2010	September 2010

City crews will be performing the majority of work on these projects with the exception of the Booster East/Cedar Trail and the Cedar Creek Pavilion which will be completed by contractors. There will be small amount of work to be completed on the irrigation projects by Great Northern Landscape as part of their contract. City Council has approved the hiring of two seasonal employees which will improve our ability to meet our projected schedules.

Facility	Status
Maynard Peterson Skate Park	Completed
Cedar Creek Pavilion	Completed with the exception of punch list items
Hidden Haven Irrigation	Project is on schedule for June 2010 completion
Whispering Oaks Irrigation	Project is on schedule for June 2010 completion
John Anderson Playground	Scheduled to install in May 2010
Coon Lake Beach Park	Basketball goals and posts have been removed
Hidden Haven Playground	Scheduled to install in June 2010
Booster West Parking Lot	Engineering is underway for this project
Booster/Cedar Creek Trail	Concluding easement negotiations on Phase I of this project
Eveleth Park	Scheduled for August 2010

Maynard Peterson Skate Park is completed and it is being used. There are quite a few kids that are using it. No issues so far with that park.

We have essentially completed the pavilion at Cedar Creek. The contractor has some punch list items to complete. Butler said one of the signs got moved that is over by the porta-potty. It looks like it is leaning against it. Davis said that porta-potty was there for the construction workers and ours was just moved in.

Whispering Oaks and Hidden Haven, there was an error on our part, the electric company had to have a check and would not accept a purchase order. These are delayed just a little bit. He apologized for the delay.

Coon Lake Beach Park, he met with Kathy, to get some things done. We have become short handed on the City staff. We are going to get some of the work subcontracted out.

John Anderson and Hidden Haven playground we are ready to get the playground installed.

Booster West Parking lot will start right after Booster Day.

Booster/Cedar Creek Trail we are still working with the property owners. This project is

still on schedule and will go to bid at the end of June. Davis said the engineer will provide an estimate and proposal to go on one side of 222nd. Boyer said he has been told there is not problem with going on one side.

Eveleth will be done this August, and we are on schedule for that.

Harvey asked about the handicap swing. Davis said it had an odd connection and they had to cut it off and order a new piece.

Parks CIP

The Parks Commission prepares a Capital Improvement Plan annually which updates projected projects, evaluates priorities and establishes funding for these works for the coming year and for each of the subsequent years for a four year period. This plan is presented to City Council for their approval and use for preparing the coming year's budget.

The Parks Commission approved projects for 2011 at the April 2010 meeting and requested a list of 2015 projects for consideration for the May meeting. That schedule is attached in the proposed Capital Improvement Plan.

Due to the contraction in real estate market it is anticipated that we will receive no revenue for the Parks Acquisition and Development Fund in 2010 and 2011. The availability of water and sewer service and potential developments, which may be ready for 2012, should reverse the decline in park development fees by the year 2012. For planning purposes it has been assumed that the Parks Development and Acquisition Fund will receive no revenues until 2012.

The following is a list of priority park projects:

- Coon Lake Beach
- Booster West Parking Lot
- Norseland Manor Pavilion, Parking Lot and Fencing
- Anderson Lakes and Norseland irrigation systems
- Anderson Lakes and Norseland Manor Playground Equipment
- Anderson Lakes Fencing
- Mulch replacement and edging for all park playgrounds

Proposed projects for 2015 could include:

- 1.) Walking Trail at Norseland Park
- 2.) Walking Trail and Pavilion at Eveleth Park
- 3.) Booster West baseball field
- 4.) Eveleth Park Playground Equipment replacement
- 5.) Booster West Rest Room and Concession Renovation
- 6.) Parks fencing and landscape improvement projects at Booster West and East, Whispering Oaks, Hidden Haven Eveleth, Norseland, Carlisle and 7th Street Parks.

Butler said he has a question about Anderson Park on Wild Rice Drive. When that road is done, he is wondering if we are going to have cars parking on the pedestrian trail shoulder on Wild Rice Drive instead of pulling off of Wild Rice Drive. We had talked about putting some sort of parking lot down and he would not want to see cars parking on Wild Rice. Davis said that is always going to be a potential. We have to sign that as no parking as an MSA street. Boyer said one of the most common places we see this is along Viking by the

boat launch. Hagenson said they can legally park on Viking. Harvey then said why they aren't ticketing them. Boyer said they cannot park there. Hagenson said then where can they park.

Under trails for 2015, we moved smaller trail projects down. We would complete 229th to Fish Lake Trail, that is broken up into four phases. Do some clearing and grading on an annual basis to get it finished by 2015.

Davis said he would like to see the trail blazed out, and beginning annually in 2013 we can start paving segments of it. In 2013 it would be one segment from Bataan to East Bethel Boulevard, then East Bethel Boulevard to Durant, then in 2015 to Pavillion/Trailhead. He thinks this trail will see a lot of bike usage.

Butler was wondering what the number three item meant, is it for lighting. Davis said no it would be making a regulation size baseball field for 15 year old and older. With a mound, 60 feet 6 inches, full scale functional baseball field. Boyer said on the present council, there really is no interest in a lighted ball field.

Butler asked what is the Council's thought on lighting the park. He didn't move out here so he could see parks lit up at night. Davis said they were approached for a security light about a year ago, but the consensus is that parks will only be lit up while they are open not all night long.

Davis said this is a guide and can be moved around with the exception of 2011.

Harvey motioned to approve the proposal as presented. Hoffman seconded; all in favor, motion carries.

Council Report

Boyer wanted to bring the commission up to speed on the original East Bethel School House. He received a call and a person is offering the original East Bethel School back to the City. It is in surprisingly good shape. It is his guess that Council would want to place this in a park and the Commission may want to consider what park you wanted to put it into it. Davis will bring some pictures of it, which were taken in the 1930s. If it were restored, it could be used for a small community room.

Langmade said his daughter works for the Historical Society and he will ask her to see if she can get pictures of it. She was going to do some research on it.

July meeting is the Parks tour. Where would the Commission like to hold the June meeting? Proposed next meeting location – Eveleth behind Sims Lake. We stopped there on our Parks tour. Boyer would like to see two parks, Rod/Norma Park and the other one is Carlisle. Davis said Rod and Norma does have a picnic shelter. Harvey said it had a duck merry-go-round that she just loved. It was agreed the meeting will be at 7:00 p.m. in Rod/Norma Park.

Adjourn

Butler made a motion to adjourn the May 12, 2010 meeting at 8:15 PM. Hoffman seconded; all in favor, motion carries.

Submitted by:
Jill Teetzel

Recording Secretary



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 A.1

Agenda Item:

Magda Properties – Letter of Credit

Requested Action:

Consider reducing the Letter of Credit Reduction for Magda Properties project at TH 65 and County Road 22

Background Information:

Mr. Landborg has a current letter of credit (LOC) in the amount of \$193,900 that expires on July 1, 2010. The LOC was provided as a requirement of the Mining Performance Agreement, which was executed for the above referenced property to guarantee the grading, replacement of topsoil, seed restoration of the site and, to guarantee no impacts to neighboring wells and wetlands.

Mr. Landborg has requested a reduction in the LOC amount. In accordance with Section 12, Security, of the Mining Performance Agreement, the LOC may be reduced to \$54,000 upon completion and acceptance by the City of the grading and replacement of topsoil. The remainder of the LOC, \$54,000, must remain in place until September 1, 2011 to guarantee no impacts to neighboring wells and wetlands.

The City Engineer has reviewed the project grading and restoration and has found the work acceptable. The City Engineer and the Anoka Conservation District have also reviewed the latest water monitoring reports. Both the City Engineer and the Anoka Conservation District concur that the groundwater levels have returned to the elevations that existed prior to the start of the dewatering and mining operation.

Fiscal Impact:

As noted above.

Recommendation(s):

Staff is recommending approval of a reduction in the LOC from \$193,000 to \$54,000 per the Mining Performance Agreement dated September 9, 2008. This approval would be subject to Mr. Landborg providing a replacement LOC in the amount of \$54,000 on or before June 23, 2010.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 E.1

Agenda Item:

Code Enforcement Report

Requested Action:

Informational Only

Background Information:

Attached is a copy of the monthly report of code enforcement activities for properties posted as Unfit or Hazardous. The report provides a snapshot of the activity and status of various properties.

Attachments:

- 1. Code Enforcement Report

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: X

POSTED UNFIT/HAZARDOUS PROPERTIES 06/16/10

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
607 Viking Blvd.	2/20/08 Posted unfit	5/28/09 court approved abatement	Tracking	Property has gone to Sheriff sale and is currently in the redemption period. Building department has been in contact with the mortgage company's property preservation contractor and they have recently mowed the lawn. Mortgage lender is addressing the special assessments.
22906 Jackson St.	3/19/08 Posted unfit	Demo permit issued 4/29/08, Haz. Excavation orders sent 6/29/09	Tracking	Contractor contacted building official on 6/7/10 and stated that his client had a purchase agreement with Mr. Hicks and that they are moving forward with plans to construct a new home.
19245 Greenbrook Dr NE	5/23/08 Posted unfit	4/9/09	Closed	New owner has removed accessory structures and paid outstanding City assessments.
191 Elm RD	6/6/08 Posted unfit	11/15/08 exterior abatement	Closed	Principle structure has been razed by the county.
2403 Viking Blvd.	7/18/08 Posted unfit		Closed	New owner has razed the structure and cleaned exterior of property
220 Dogwood Rd.	11/6/08 Posted unfit	11/26/08	Closed	Structures removed

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
204 Dahlia Dr. NE	11/6/08 Posted unfit	4/26/10 Court ordered abatement.	4/26/10 Tracking	Owner has till July 2 nd to abate public nuisance.
619 Lakeshore Dr.	11/13/08 Post as a Hazardous structure	12/04/08	Closed	Structure removed
348 Aspen/ Rev. Bullock property	11/13/08 Blight/Public Nuisance	6/10/09 Meeting with new property owner	Closed	Owner has abated nuisance
172 Juniper Rd.	11/6/08 Posted Unfit	11/24/08	Closed	Structure removed
Castle Towers Trailer Park	6/7/10 posted lot #106 and #149 as Hazardous/Unfit	6/8/10 Compliance letters for hazardous structures	Tracking	Compliance letters sent to abate Hazardous conditions
22568 Sandy Dr.	12/10/08 Hazardous/Unfit Structures	02/8/10 Final Compliance letter sent	Tracking	Initial letter to abate forwarded February 8, 2010 with a March 31, 2010 compliance date. Some correction has been made. Revised letter sent to abate final nuisances by June 1, 2010.
234 Birch Rd.	3/10/09	6/10/09	Closed	New owner has abated nuisance.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
4631 Viking Blvd.	3/13/09 Posted Unfit	4/1/09 Contractor Abated Property	Closed	Property sold and assessments have been paid. New owner plans on rehabilitating the property.
604 Lincoln Dr.	Posted principle structure located on east end of lot 3/16/09	5/8/09 Demo permit issued on May 8, 2009	Closed	Structure has been removed.
221 Birch Rd.	Demo permit issued 6/4/10	Site inspection by Building Official conducted on 6/7/10	Tracking	Contractor has removed foundation, septic and well has been sealed. Building Official awaiting final invoice from contractor to forward to Well Fargo property preservation group.
191 Elm Rd. Garage	Posted structure (Garage) as unfit for human habitation on 9/22/09		Tracking	Owner was ordered not to reside in the garage and given 14 days to clean out the interior. Currently tracking. Have asked Anoka Co. Sheriff to cite individuals with trespass if staying on the property.
421 Cedar Rd	11/17/09 Sent letter to owner to abate nuisance	Issued demo permits 12/02/09	Closed	Demolition permits issued on 12/2/09. Contractor started razing the structure on 12/2/09. Work completed on 12/7/09.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
4306 Channel Ln.	11/19/09 Residential structure posted as unfit for human habitation due to fire damage	12/08/10 Owner reviewing permit requirements with Building Official	Closed	Building permits issues 04/2010
330 Dogwood Rd.	12/1/09 Primary residence unfit to occupy, public health issue,	Letter sent to owner on 12/02/09	Tracking	On 12/1/09 Building Official met with property care taker who represents the owner's interest. Building department found that the home was being occupied without having compliant sanitary facilities. It was determined by the building official that continued use of the home would be a public health issue. The occupant is moved out of the home on 12/5/09. Permits will be required to improve the sanitary facilities before occupancy is permitted
19079 Greenbrook Dr.	01/05/10 Residential structure posted as Unfit to Occupy	Spoke with maintenance Co. for mortgage lender on 01/11/10	Closed	Property sold, outstanding assessments paid to city, building permits issued for repairs.
775 199 th Ave NE.	02/17/10 Residential structure posted as Unfit to Occupy	02/22/10 Sent abatement letter to mortgage company	Tracking	Building Official contacted by lenders representative on 5/6/10. Will ensure outside is cleaned up and building is secured. Lender waiting for expiration of the redemption period.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
3424 Edmar Ln.	Sent Hazardous Bldg. Orders	4/22/10	Tracking	Owner currently located in California, received response owner intent is to hire local contractor to address issues.



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 E.2

Agenda Item:

Ordinance 23, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Requested Action:

Consider Approval of Ordinance 23, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Background Information:

This evening City Council held a public hearing for Ordinance 23, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code, on an exception to lot sizes in instances when lot sizes have been reduced for donation purposes for a public use or a taking by the City, County, or State for a public purpose.

Attachment:

1. Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends City Council approve Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with the condition that public comments and concerns from the evenings public hearing be considered.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required:_____

ORDINANCE NO. 23, Second Series

AN ORDINANCE AMENDING APPENDIX A. ZONING, OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

Section 11. MEASUREMENTS, ENCROACHMENTS, AND LOT AREA

C. Except as provided below, any lot that meets the requirements of this ordinance, or for which a variance reducing lot area or dimensions has been granted, may be used for construction of a dwelling.

Exception:

- 1) A lot as defined in Appendix A, Zoning of the City Code and which was in all respects a legal lot at the time it became a separate lot of record in the Anoka County Property Records but which has subsequently been reduced in size by two acres or less as the result of either i) a taking by the City, County, or State or ii) a donation by the owner for a public use shall continue to be treated as a legal lot of the same size and configuration as when it became a separate lot of record and will qualify as a legal lot of its original size and configuration for the purpose(s) of application of any City ordinance, rule or regulation.

Adopted by the City Council of the City of East Bethel, Minnesota, this 16th day of June, 2010.

For the City:

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

Adopted:
Published:
Effective:



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 E.3

Agenda Item:

Summary of Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Requested Action:

Consider adopting the Summary of Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code and direction to publish.

Background Information:

City Council has adopted Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. State law requires publication of adopted ordinances or a summary of an amended ordinance. Ordinance No. 23 in its entirety will be published upon approval of the summary by City Council.

Attachments:

- 1. Summary of Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

Fiscal Impact:

None at this time

Recommendation:

Staff recommends adoption of the Summary of Ordinance 23, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code and direction to publish in the City's official newspaper.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: _____

ORDINANCE NO. 23, SECOND SERIES

AN ORDINANCE AMENDING APPENDIX A, ZONING OF THE CITY OF EAST BETHEL CITY CODE, ANOKA COUNTY, MINNESOTA

SUMMARY OF ORDINANCE

City of East Bethel, Anoka County, Minnesota

At a regular session on June 16, 2010, the East Bethel City Council held a public hearing and adopted Ordinance No. 23, Second Series. Ordinance No. 23, Second Series amends a certain provision of the City's zoning code. Ordinance No. 23, Second Series is in its' entirety below. The complete ordinance may be inspected by any person from 8:00 A.M. to 4:00 P.M. Monday through Friday at the East Bethel City Hall located at 2241 221st Avenue NE, East Bethel, Minnesota 55011, phone number 763-367-7840.

1. The East Bethel City Council has adopted an ordinance amending a certain provision of the City's zoning code. The purpose of this is to inform the public of the intent and effect of the ordinance and to publish the full ordinance.
2. The new ordinance provides the following:

Section 11. MEASUREMENTS, ENCROACHMENTS, AND LOT AREA

C. Except as provided below, any lot that meets the requirements of this ordinance, or for which a variance reducing lot area or dimensions has been granted, may be used for construction of a dwelling.

Exception:

- 1) A lot as defined in Appendix A, Zoning of the City Code and which was in all respects a legal lot at the time it became a separate lot of record in the Anoka County Property Records but which has subsequently been reduced in size by two acres or less as the result of either i) a taking by the City, County, or State or ii) a donation by the owner for a public use shall continue to be treated as a legal lot of the same size and configuration as when it became a separate lot of record and will qualify as a legal lot of its original size and configuration for the purpose(s) of application of any City ordinance, rule or regulation.
3. The City Council has determined that publication of Ordinance No. 23, Second Series will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and the ordinance in its entirety be published.

Adopted by the City Council of the City of East Bethel on this 16th day of June, 2010.

ATTEST:

Mayor

City Clerk

Introduced: May 19, 2010 :
Public Hearing: June 16, 2010
Adopted: June 16, 2010
Published: June 25, 2010



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 E.4

Agenda Item:

Ordinance 24, Second Series, An Ordinance Amending the East Bethel City Code by Establishing Regulations and Licensing for Massage Businesses

Requested Action:

Consider Approval of Ordinance 24, Second Series, An Ordinance Amending the East Bethel City Code by Establishing Regulations and Licensing for Massage Businesses

Background Information:

On April 5, 1989, City Council adopted Ordinance 148, An Ordinance Regulating Massage Parlors, Sauna, Etc. and Providing for the Licensing. This ordinance is attached as Attach #2 for your review.

When City Council approved the codification of the City Code in June 2008, Ordinance 148 was not included in the approved version; therefore, there is no code regulating massage businesses in place. However, as part of the codification process, staff and the City Attorney discussed the need for Ordinance 148 to be updated to coincide with the League of Minnesota Cities recommendations to include findings of the City Council and to update definitions and language throughout the document.

The purpose of Ordinance 24, Second Series is to prohibit massage businesses and services to the public except those licensed as therapeutic massage enterprises and massage therapists. The licensing regulations prescribed in the proposed ordinance prevent criminal activity and protects the health and welfare of the community. The ordinance is not intended to impose restrictions or limitations on the freedom of protected speech or expression. Ordinance 24, Second Series has been attached for your review as Attach #1.

Significant changes from Ordinance 148 include the addition of Findings of the City Council and updated definitions.

Findings of the City Council include the following:

The City Council of the City of East Bethel makes the following findings regarding the need to license therapeutic massage enterprises and therapists and to prohibit all other types of massage businesses and services to the public:

A. Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.

B. Health and sanitation regulations governing therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.

C. The license qualifications and restrictions on therapeutic massage enterprises and massage therapists identified in this Chapter can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.

D. Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.

E. Massage businesses which employ persons with no specialized and standardized training can tax City law-enforcement services, because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.

F. The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

The new words and terms in the definitions section reflect terms and words associated with businesses licensed as therapeutic massage enterprises and massage therapists and replace the outdated definitions of illegal businesses as was defined in Ordinance 148. New terms and definitions include the following:

SECTION 03. Definitions

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Accredited Institution: An educational institution holding accredited status with the United States Department of Education recognized and approved by the City as an accredited institution.

Accredited Program: A professional massage program accredited by the Commission on Massage Therapy Accreditation (COMTA).

Clean: The absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Good repair: Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Issuing Authority: The City of East Bethel License Section.

Massage: Any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

Massage Therapist: An individual who practices or administers massage to the public who can demonstrate to the Issuing Authority that he or she:

- 1) has current insurance coverage of one million dollars (\$1,000,000) for professional liability in the practice of massage;
- 2) is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the City; and
- 3) has completed four hundred (400) hours, if licensed before March 22, 2010, or six hundred (600) hours, if licensed after March 22, 2010, of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited program or accredited institution that has been approved by the Issuing Authority. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma.

Operate: To own, manage, or conduct, or to have control, charge, or custody over.

Person: Any individual, firm, association, partnership, corporation, limited liability company, joint venture, or combination of individuals.

Therapeutic Massage Enterprise: A person who operates a business which hires only licensed therapeutic massage therapists to provide massage to the public. The owner/operator of a therapeutic massage enterprise need not be licensed as a therapeutic massage therapist if he or she does not at anytime practice or administer massage to the public.

Within the City: Includes physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the City, serves as a point of assignment of employees who respond to requests for services from within the City.

Other sections of Ordinance 24, Second Series are similar to Ordinance 148 and include the following:

- License Requirements
- Exceptions
- License Application
- License Fees
- License Application and Verification and Consideration
- Persons Ineligible for License
- Locations Ineligible for Therapeutic Massage Enterprise License
- License Restrictions
- Renewal of License
- Sanctions for License Violations
- Issuance of Temporary Massage Therapist License
- Penalty

- Severability

Jerry Randall, City Attorney has reviewed and made comments to Ordinance 24, Second Series. His comments and changes to the document have been incorporated into the final draft.

Attachment(s):

1. Ordinance 24, Second Series, An Ordinance Amending the East Bethel City Code by Establishing Regulations and Licensing for Massage Businesses
2. Ordinance 148, An Ordinance Regulating Massage Parlors, Saunas, Etc. and Providing for the Licensing Thereof, Adopted April 5, 1989

Fiscal Impact:

None at this time

Recommendation:

Staff recommends City Council approve Ordinance 24, Second Series, An Ordinance Amending the East Bethel City Code by Establishing Regulations and Licensing for Massage Businesses.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Ordinance 24, Second Series

AN ORDINANCE AMENDING THE EAST BETHEL CITY CODE BY ESTABLISHING REGULATIONS AND LICENSING FOR MASSAGE BUSINESSES

The City Council of the City of East Bethel ordains:

SECTION 01. Purpose

The purpose of this Chapter of the City Code is to prohibit massage businesses and services to the public except those licensed as therapeutic massage enterprises and massage therapists pursuant to this Chapter. The licensing regulations prescribed herein are necessary in order to prevent criminal activity and to protect the health and welfare of the community. This Chapter is not intended to impose restrictions or limitations on the freedom of protected speech or expression.

SECTION 02. Findings of the City Council

The City Council of the City of East Bethel makes the following findings regarding the need to license therapeutic massage enterprises and therapists and to prohibit all other types of massage businesses and services to the public:

A. Persons who have bona fide and standardized training in therapeutic massage, health, and hygiene can provide a legitimate and necessary service to the general public.

B. Health and sanitation regulations governing therapeutic massage enterprises and therapists can minimize the risk of the spread of communicable diseases and can promote overall health and sanitation.

C. The license qualifications and restrictions on therapeutic massage enterprises and massage therapists identified in this Chapter can minimize the risk that such businesses and persons will facilitate prostitution and other criminal activity in the community.

D. Massage services provided by persons with no specialized and standardized training in massage can endanger citizens by facilitating the spread of communicable diseases, by exposing citizens to unhealthy and unsanitary conditions, and by increasing the risk of personal injury.

E. Massage businesses which employ persons with no specialized and standardized training can tax City law-enforcement services, because such businesses are more likely to be operated as fronts for prostitution and other criminal activity than operations established by persons with standardized training.

F. The training of professional massage therapists at accredited institutions is an important means of ensuring the fullest measure of protecting the public health, safety, and welfare.

SECTION 03. Definitions

The following words and terms when used in this Chapter shall have the following meanings unless the context clearly indicates otherwise:

Accredited Institution: An educational institution holding accredited status with the United States Department of Education recognized and approved by the City as an accredited institution.

Accredited Program: A professional massage program accredited by the Commission on Massage Therapy Accreditation (COMTA).

Clean: The absence of dirt, grease, rubbish, garbage, and other offensive, unsightly, or extraneous matter.

Good repair: Free of corrosion, breaks, cracks, chips, pitting, excessive wear and tear, leaks, obstructions, and similar defects so as to constitute a good and sound condition.

Issuing Authority: The City of East Bethel License Section.

Massage: Any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping, pounding, vibrating, stimulating, or rolling of the external parts of the human body with the hands or with the aid of any mechanical or electrical apparatus, or other appliances or devices, with or without such supplementary aids as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment, or other similar preparations.

Massage Therapist: An individual who practices or administers massage to the public who can demonstrate to the Issuing Authority that he or she:

- 1) has current insurance coverage of one million dollars (\$1,000,000) for professional liability in the practice of massage;
- 2) is affiliated with, employed by, or owns a therapeutic massage enterprise licensed by the City; and
- 3) has completed four hundred (400) hours, if licensed before March 22, 2010, or six hundred (600) hours, if licensed after March 22, 2010, of certified therapeutic massage training with content that includes the subjects of anatomy, physiology, hygiene, ethics, massage theory and research, and massage practice from an accredited program or accredited institution that has been approved by the Issuing Authority. These training hours must be authenticated by a single provider through a certified copy of the transcript of academic record from the school issuing the training, degree or diploma.

Operate: To own, manage, or conduct, or to have control, charge, or custody over.

Person: Any individual, firm, association, partnership, corporation, limited liability company, joint venture, or combination of individuals.

Therapeutic Massage Enterprise: A person who operates a business which hires only licensed therapeutic massage therapists to provide massage to the public. The owner/operator of a therapeutic massage enterprise need not be licensed as a therapeutic massage therapist if he or she does not at anytime practice or administer massage to the public.

Within the City: Includes physical presence as well as telephone referrals such as phone-a-massage operations in which the business premises, although not physically located within the City, serves as a point of assignment of employees who respond to requests for services from within the City.

SECTION 04. License Required

Therapeutic Massage Enterprise License. It shall be unlawful for any person to operate, engage in, or carry on, within the City, any type of massage services to the public for consideration without first having obtained a therapeutic massage enterprise license from the City pursuant to this Section.

Massage Therapist License. It shall be unlawful for any individual to practice, administer, or provide massage services to the public for consideration within the City without first having obtained a massage therapist license from the City pursuant to this Section.

SECTION 05. Exceptions

A Therapeutic Massage Enterprise or Therapist License is not required for the following persons and places:

- A. Persons duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, provided the massage is administered in the regular course of the medical business and not provided as part of a separate and distinct massage business.
- B. Persons duly licensed by this state as beauty culturists or barbers, provided such persons do not hold themselves out as giving massage treatments and provided the massage by beauty culturists is limited to the head, hand, neck, and feet and the massage by barbers is limited to the head and neck.
- C. Persons working solely under the direction and control of a person duly licensed by this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry.
- D. Places duly licensed or operating as a hospital, nursing home, hospice, sanitarium, or group home established for the hospitalization or care of human beings.
- E. Students of an accredited institution who are performing massage services in the course of a clinical component of an accredited program of study, provided that the students are performing the massage services at the location of the accredited institution and provided the students are identified to the public as students of massage therapy. Students of an accredited institution who are performing massage services at clinics or other facilities located outside of the accredited

institution must have at least one hundred fifty (150) hours of certified therapeutic massage training at the accredited institution prior to performing the therapy outside of the institution and must be identified to the public as a student of massage therapy.

SECTION 6. License Application

A. Therapeutic Massage Enterprise License Application. An application for a therapeutic massage enterprise license shall be made on a form supplied by the Issuing Authority and shall request the following information:

1) **All Applicants.** For all applicants:

- a) Whether the applicant is an individual, corporation, partnership, or other form of organization.
- b) The legal description of the premises to be licensed together with a plan of the area showing dimensions, location of buildings, street access, and parking facilities.
- c) The floor number, street number, and rooms where the massage services are to be conducted.
- d) Whether all real estate and personal property taxes that are due and payable for the premises to be licensed have been paid, and if not paid, the years and amounts that are unpaid.
- e) Whenever the application is for premises either planned or under construction or undergoing substantial alteration, the application shall be accompanied by a set of preliminary plans showing the design of the proposed premises to be licensed. If the plans for design are on file with the Building and Inspection Department, it shall be so noted on the application and no plans then need be submitted to the Issuing Authority.
- f) The name and street address of the business if it is to be conducted under a designation, name, or style other than the name of the applicant, and a certified copy of the certificate as required by Minnesota Statutes, Section 333.02.
- g) The amount of the investment that the applicant has in the business, buildings, premises, fixtures, furniture, and equipment, and proof of the source of such investment. The identity of all other persons investing in the business, building, premises, fixture, furniture and equipment, the amount of their investment and proof of the source of such investment.
- h) Proof of public liability and professional liability insurance in the amount of at least one million dollars (\$1,000,000.00) each, covering the enterprise and all its employees, which is in effect on the date of the application and will remain in effect through the term of the license if the license is granted.
- i) Such other information as the City Council or Issuing Authority shall require.

2) **Individuals.** For applicants who are individuals:

- a) The name, place, and date of birth, and street residence address of the applicant; the name of the applicant's spouse shall be given if the applicant has a spouse.
- b) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.
- c) Whether the applicant is a citizen of the United States or a resident alien or has the legal authority to work in the United States.
- d) Street addresses at which the applicant has lived during the preceding five (5) years.
- e) The type, name, and location of every business or occupation the applicant has been engaged in during the preceding five (5) years.
- f) Names and addresses of the applicant's employers for the preceding five (5) years.
- g) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense. If so, the applicant shall furnish information as to the time, place and offense for which convictions were had.
- h) Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.
- i) Whether the applicant has ever been engaged in the operation of massage services. If so, applicant shall furnish information as to the name, place and length of time of the involvement in such an establishment.

3) **Partnerships.** For the applicants that are partnerships:

The names and addresses of all general and limited partners and all information concerning each general partner as is required in paragraph (2) of this Section of this Code. The managing partners shall be designated, and the interest of each general and limited partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application, and if the partnership is required to file a certificate as to a trade name under Minnesota Statutes, Section 333.02, a certified copy of such certificate shall be submitted. The license shall be issued in the name of the partnership.

4) **Corporations, Limited Liability Companies, and Other Organizations.** For applicants that are corporations or other types of organizations:

- a) The name of the organization, and if a corporation or a limited liability company, the state of incorporation/organization.

b) A true copy of the Certificate of Incorporation or Organization, as the case may be, and, if a foreign entity, a Certificate of Authority as described in Minnesota Statutes, Section 303.02 or Minnesota Statutes, Section 322B.91, which ever is applicable.

c) The name of the general manager, corporate officers, proprietor, all shareholders/members and person in charge of the premises to be licensed, and all the information about said persons as is required in paragraph (2) of this Section of this Chapter. In the case of shareholders/members, the percentage of ownership of each shall be stated.

B. Massage Therapist License Application. An application for a massage therapist license shall be made on a form supplied by the Issuing Authority and shall request the following information:

1) The applicant's name and current address; the name of the applicant's spouse shall be given if the applicant has a spouse.

2) The applicant's current employer.

3) The applicant's employers for the previous five (5) years, including the employer's name, address and dates of employment.

4) The applicant's addresses for the previous five (5) years.

5) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair; the latter four (4) items are for identification purposes only.

6) Whether the applicant has ever been convicted of any felony, crime, or violation of any statute or ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.

7) Whether the applicant has had an interest in, as an individual or as part of a corporation, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.

8) Whether the applicant is a U.S. citizen or resident alien or has the legal authority to work in the United States.

9) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.

10) Whether the applicant has met the definition of massage therapist in Section 3 of this Chapter.

11) Proof of public liability and professional liability insurance in the amount of at least one million dollars (\$1,000,000.00) each, covering the therapist and all his/her employees, which is

in effect on the date of the application and will remain in effect through the term of the license if the license is granted.

12) Such other information as the City Council or Issuing Authority shall require.

SECTION 7. License Fees

The fees for a therapeutic massage enterprise and therapist licenses shall be established from time to time by City Council Resolution and kept on file in the City Clerk's/Treasurer's office. Each application for a license shall be accompanied by payment in full of the required license and investigation fees, if applicable.

SECTION 8. License Application Verification and Consideration

A. Therapeutic Massage Enterprise License.

The initial application for an enterprise license under this Section shall be presented to the City Council for consideration, after the Issuing Authority has verified the information on the initial license. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. The City Council shall not act upon the application until it has held a public hearing on the application. The hearing before the City Council shall be advertised at least ten (10) days prior to the scheduled date of the hearing. The City Council may accept or deny the license application after such public hearing. Notice shall be sent by regular mail to the applicant upon a denial, informing the applicant of the right to appeal to the City Council within twenty (20) days. If an appeal is properly made, the matter shall be placed on the next available City Council agenda.

B. Massage Therapist License.

1) **Verification and Consideration.** Within a reasonable period after receipt of a complete application and fee for a massage therapist license, the Issuing Authority shall grant or deny the application on the basis of the criteria for denial set out in this ordinance in Sections 9 and 10. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. Notice shall be sent by regular mail to the applicant upon a denial informing the applicant of the right to appeal to the City Council within twenty (20) days. If an appeal is properly made, the matter shall be placed on the next available City Council agenda.

2) **Photo I.D. Cards.** Photo Identification cards shall be issued to individuals receiving a therapeutic massage therapist license.

SECTION 9. Persons Ineligible for License

A. Therapeutic Massage Enterprise License. No therapeutic massage enterprise license shall be issued to a person who:

- 1) Is not eighteen (18) years of age or older at the time the application is submitted to the Issuing Authority;
- 2) Has been convicted of any crime directly related to the licensed occupation as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
- 3) Has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.
- 4) Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
- 6) Is not of good moral character or repute;
- 7) Is not a person identified in the application as having an interest in the enterprise;
- 8) Has knowingly misrepresented or falsified information on the license application;
- 9) Cannot meet the definition of therapeutic massage enterprise in Section 3 of this Chapter or
- 10) Owes taxes or assessments to the State, County, local School District, or City that are due and delinquent.
- 11) Is the spouse of a person whose massage-related license has been suspended or revoked in the past five (5) years.

B. Massage Therapist License. No massage therapist license shall be issued to a person who:

- 1) Is not eighteen (18) years of age or older at the time the application is submitted to the Issuing Authority;
- 2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and who has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;
- 3) Has had an interest in, individually or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage license that was revoked or

suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.

- 4) Is not a citizen of the United States or a resident alien, or is legally prohibited from working in the United States;
- 5) Is not of good moral character or repute;
- 6) Has knowingly misrepresented or falsified information on the license application;
- 7) Is not affiliated with, employed by, or does not own a therapeutic massage enterprise licensed by the City; or
- 8) Cannot meet the definition of massage therapist in Section 3 of this Chapter.

SECTION 10. Locations Ineligible for Therapeutic Massage Enterprise License

A. Delinquent Taxes. No therapeutic massage enterprise shall be licensed if such enterprise is located on property on which taxes, assessments, or other financial claims to the State, County, local School District, or City are due and delinquent. In the event a suit has been commenced under Minnesota Statutes, Sections 278.01 - 278.13, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof, which remain unpaid for a period exceeding one (1) year after becoming due.

B. Improper Zoning. No therapeutic massage enterprise shall be licensed if the location of such enterprise is not in conformance with Appendix A, Zoning, of the City Code.

SECTION 11. License Restrictions

A. Posting of License. A therapeutic massage enterprise license issued must be posted in a conspicuous place on the premises for which it is used. A person licensed as a massage therapist shall also post his/her massage therapist license, with color photo, in a conspicuous place on the premises at which the therapist is associated. A person licensed as a massage therapist shall have on such person at all times therapeutic massage services are rendered the photo identification card issued by the Issuing Authority. The photo identification card issued by the Issuing Authority must be presented to each client when providing massage off-site.

B. Licensed Premises. A therapeutic massage enterprise license is only effective for the compact and contiguous space specified in the approved license application. If the licensed premises is enlarged, altered, or extended, the licensee shall inform the Issuing Authority. A massage therapist license shall entitle the licensed therapist to perform on-site massage at a business, public gathering, private home, or other site not on the therapeutic massage enterprise premises.

C. Transfer of License Prohibited. The license issued is for the person or the premises named on the approved license application. No transfer of a license shall be permitted from place to place or from person to person without complying with the requirements of an original application.

D. Affiliation With Enterprise Required. A massage therapist shall be employed by, affiliated with, or own a massage enterprise business licensed by the City, unless a person or place is specifically exempted from obtaining a therapeutic massage enterprise license in Section 5 of this Chapter.

E. Employment of Unlicensed Massage Therapists Prohibited. No therapeutic massage enterprise shall employ or use any person to perform massage who is not licensed as a therapeutic massage therapist under this Section, unless the person is specifically exempted from obtaining a therapist license in Section 5 of this Chapter.

F. Coverage of Genitals During Massage. The licensee shall require that the person who is receiving the massage shall at all times have his or her genitals covered with non-transparent material or clothing.

G. Therapist Clothing Requirements. Any therapist performing massage shall at all times have his or her breasts, buttocks, anus, and genitals covered with a non-transparent material or clothing.

H. Effect of License Suspension or Revocation. No licensee shall solicit business or offer to perform massage services in the City while under license suspension or revocation by the City.

I. Massage of Certain Body Parts Prohibited. At no time shall the massage therapist intentionally massage or offer to massage the penis, scrotum, mons veneris, vulva, or vaginal area of a person.

J. Restrictions Regarding Hours of Operation. No therapeutic massage enterprise shall be open for business, nor will any therapeutic massage therapist offer massage services, before 8:00 a.m. nor after 10:00 p.m. any day of the week.

K. Inspections. In light of the high risk of involvement with illegal conduct an establishment providing massage therapy poses to the general public, an agent of the Issuing Authority, the Environmental Health Department or designee, and/or the Anoka County Sheriff's Department shall have the right to enter, inspect, and search the licensed premises without a search and seizure warrant during the hours in which the licensed premises is open for business. The business records of the licensee, including income tax returns, shall be available for inspection during the hours in which the licensed premises is open for business.

L. Posting of Rates. All massage enterprise businesses must post their rates for service in a prominent place in the entrance or lobby of the business.

M. Illegal Activities. A licensee under this Section shall be strictly responsible for the conduct of the business being operated in compliance with all applicable laws and ordinances, including the actions of any employee or agent of the licensee on the licensed premises.

SECTION 12. Restrictions Regarding Sanitation and Health

A. Toilet Room Requirements. A licensed therapeutic massage enterprise shall be equipped with adequate and conveniently located toilet rooms for the accommodation of its employees and patrons. The toilet room shall be well ventilated by natural or mechanical methods and be enclosed with a door. The toilet room shall be kept clean and in good repair and shall be adequately lighted.

B. Paper/Linen Requirements. A licensed therapeutic massage enterprise shall provide single-service disposal paper or clean linens to cover the table, chair, furniture, or area on which the patron receives the massage; or in the alternative, if the table, chair, or furniture on which the patron receives the massage is made of material impervious to moisture, such table, chair, or furniture shall be properly sanitized after each massage.

C. Washing of Hands Required. The massage therapist shall wash his or her hands and arms with water and soap, anti-bacterial scrubs, alcohol, or other disinfectants prior to and following each massage service performed.

SECTION 13. Renewal of License

A massage therapist license issued under this Section shall expire on the first anniversary of issuance of the license. An enterprise license issued under this Section shall expire on August 31 of each year. An application for the renewal of an existing license shall be made at least thirty (30) days prior to the expiration date of the license and shall be made in such form as the Issuing Authority requires. Within a reasonable period after the completion of the renewal license verification process, the Issuing Authority shall accept or deny the license application in accordance with this Section. If the application is denied, the Issuing Authority shall notify the applicant of the determination in writing and by regular mail to the address provided on the application form. The notice shall inform the applicant of the right, within twenty (20) days after receipt of the notice by the applicant, to request an appeal of the Issuing Authority's denial to the City Council. If an appeal to the City Council is timely received by the Issuing Authority, the hearing before the City Council shall take place within a reasonable period of receipt of the appeal by the Issuing Authority.

SECTION 14. Sanctions for License Violations

A. Suspension or Revocation. The City Council may suspend or revoke a license issued pursuant to this Section for any of the following:

1) Fraud, misrepresentation, or a false statement in a license application or a renewal application.

2) Fraud, misrepresentation, or a false statement made in the course of carrying on the licensed occupation or business.

3) Any violation of this Chapter or state law.

4) A licensee's criminal conviction that is directly related to the occupation or business licensed as defined by Minnesota Statutes, Section 364.03, subdivision 2, provided that the licensee cannot show competent evidence of sufficient rehabilitation and present fitness to perform the duties of the licensed occupation or business as defined by Minnesota Statutes, Section 364.03, subdivision 3.

5) Conducting the licensed business or occupation in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the community.

B. Notice and Hearing. A revocation or suspension by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight (8) days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.

C. Effect of Suspension by Council. If a massage therapist, or therapeutic massage enterprise license holder has his or her license suspended by the City Council, the license holder may continue his or her licensed activities after the suspension period concludes. The license holder is eligible for renewal of his or her license after the suspension period is served.

SECTION 15. Issuance of Temporary Massage Therapist License.

A. License Conditions. The Issuing Authority shall issue a temporary massage therapist license to the following individuals who can demonstrate to the Issuing Authority that he or she:

1) Has current insurance coverage of one million dollars (\$1,000,000) for professional liability in the practice of massage; and

2) Has completed four hundred (400) hours of certified therapeutic massage training from an accredited program or accredited institution that has been approved by the Issuing Authority.

B. Duration and Limit of License. A temporary therapist license shall be effective for a maximum of four(4) days, and a therapist shall not be issued more than three (3) temporary licenses during a twelve-month period.

C. License Application and Fee. A temporary therapist license shall be issued only upon receipt of the fee for a therapeutic massage therapist license as set forth in Section 7 of this Chapter, and a complete license application, which shall be submitted at least seven (7) days prior to requested effective date of the temporary license. The temporary license application shall request the following information:

- 1) The applicant's name and current address.
- 2) The applicant's current employer.
- 3) The applicant's employers for the previous five (5) years, including the employer's name, address, and dates of employment.
- 4) The applicant's addresses for the previous five (5) years.
- 5) The applicant's date of birth, home telephone number, weight, height, color of eyes, and color of hair.
- 6) Whether the applicant has ever been convicted of any felony, crime, or violation of any ordinance other than a minor traffic offense and, if so, the time, place, and offense for which convictions were had.
- 7) Whether the applicant has had an interest in, individually or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage license revoked or suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.
- 8) Whether the applicant is a U.S. citizen or resident alien, or has the legal authority to work in the United States.
- 9) Whether the applicant has ever used or been known by a name other than the applicant's name, and if so, the name or names and information concerning dates and places where used.

D. License Verification and Consideration. The Issuing Authority is empowered to conduct any and all investigations to verify the information on the application, including ordering a computerized criminal history inquiry and/or a driver's license history inquiry on the applicant. Within seven (7) days of receipt of a complete application and fee the Issuing Authority shall grant or deny the application on the basis of the criteria in this Chapter. An applicant who is denied a license by the Issuing Authority shall be granted a right to appeal to the City Council.

E. Persons Ineligible for License. No temporary massage therapist license shall be issued to a person who:

- 1) Is not eighteen (18) years of age or older at the time the application is submitted to the Issuing Authority;
- 2) Has been convicted of any crime directly related to the occupation licensed as prescribed by Minnesota Statutes, Section 364.03, subdivision 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of a licensee as prescribed by Minnesota Statutes, Section 364.03, subdivision 3;

3) Has had an interest in, as an individual or as part of a corporation, limited liability company, partnership, association, enterprise, business or firm, a massage license that was revoked or suspended within the last five (5) years of the date the license application is submitted to the Issuing Authority.

4) Is not a citizen of the United States or a resident alien or does not have the legal authority to work in the United States;

5) Is not of good moral character or repute; or

6) Has knowingly misrepresented or falsified information on the license application.

SECTION 16. Penalty

Any violation of this Chapter shall be a misdemeanor under Minnesota law.

SECTION 17. Severability

If any section, subsection, sentence, clause, or phrase of this Section is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Section. The City Council hereby declares that it would have adopted the Section in each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

Adopted by the City Council of the City of East Bethel, Minnesota, this _____ day of _____, 2010.

For the City:

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

Adopted: _____
Published: _____
Effective: _____

ORDINANCE NO. 148

AN ORDINANCE REGULATING MASSAGE PARLORS, SAUNAS, ETC. AND PROVIDING FOR THE LICENSING THEREOF

The City Council of East Bethel, Minnesota, ordains as follows:

SECTION 1. STATEMENT OF POLICY

The City Council of the City of East Bethel deems it necessary to provide for the regulation of businesses or commercial enterprises which operate as massage parlors, saunas, rap parlors, conversation parlors, adult sensitivity groups, adult encounter groups, escort services, dancing services, hostess services, and similar adult oriented services operating under different names in order to protect the public health, safety, and welfare and to guard against the inception and transmission of disease. The City Council further finds that commercial enterprises such as the type described above, and all other similar establishments whose services include sessions offered to adults, conducted in private by members of the same or the opposite sex, and employing personnel with no specialized training, are susceptible to operation in a manner contravening, subverting, or endangering the morals of the community by being sites of acts of prostitution, illicit sex, and occurrences of violent crimes, thus requiring close inspection, licensing and regulation.

The City Council also finds that control and regulation of commercial enterprises of these types, in view of the abuses often perpetrated, require intensive police and public health efforts by the City and local governmental units contracting with the City to provide such services. As a consequence, the concentrated use of such services in such control detracts from and reduces the level of services available to the rest of the community and thereby diminishes the ability of the City to promote the general health, welfare, morals, and safety of the community. In consideration of the necessity on the part of the City to provide numerous services to all segments of the community, without a concentration of public services in one area working to the detriment of the members of the general public, it is hereby decided that the number of licenses issued pursuant to this ordinance for massage parlors, saunas, rap parlors, conversation parlors, adult encounter groups, adult sensitivity groups, escort services, model services, dancing services, hostess services or for similar adult oriented services which may be in force at any one time shall be no more than a total of two such licenses.

SECTION 2. DEFINITIONS

1. The term "massage" means any method of pressure on, or friction against, or the rubbing, stroking, kneading, tapping,

Attachment #2

tapping, rolling, pounding, vibrating, or stimulating of the body of another with the hands or with objects for the exclusive purpose of physical fitness, relaxation, or beautification and for no other purpose.

2. The term "masseur" means a male person who practices or administers a massage.
3. The term "masseuse" means a female person who practices or administers a massage.
4. The term "massage parlor" means any establishment or place providing to the public at large massage services, other than a hospital, sanatorium, rest home, nursing home, boarding home, or other institution for the hospitalization or care of human beings duly licensed under the provisions of Minn. Stat. §144.50 through §144.69 and other than a health and fitness club as described in this Ordinance.
5. The term "massage services" means a business offering or providing massages to others where a fee is charged and whether or not the massage services are rendered at the licensed location.
6. The term "sauna" means any public facility used for the purpose of bathing, reducing, or relaxing, utilizing steam as a cleaning, reducing, or relaxing agent.
7. The terms "rap parlor" or "conversation parlor" or "adult encounter group" or "adult sensitivity group" mean any person, establishment, or business advertising, offering, selling, trading, or bartering the services of itself or its employees or agents as non-professional counselors, teachers, or therapists who may talk to, discuss, or have conversation with patrons or who deal in any way with a patron's physical senses whether or not other goods or services are simultaneously advertised, offered, sold, traded, or bartered and regardless of whether said goods or services are also required to be licensed.
8. The terms "escort service" or "model service" or "dancing service" or "hostess service" mean any person, establishment, or business advertising, offering, selling, trading, or bartering the services of itself or its employees or agents as hostesses, models, dancers, escorts, dates, or companions whether or not goods or services are simultaneously advertised, offered, sold, traded, or bartered and regardless of whether said goods or services are also required to be licensed.
9. The term "similar adult oriented services" is meant to include all other services which fall within the definitions of paragraphs 4-8 of this section but are operated under different names.

10. The term "certificate" as used herein means a certificate issued by the City authorizing the holder thereof to practice or administer a massage in the City of East Bethel.

✓ SECTION 3. LICENSE REQUIRED

1. No person shall engage in the business of operating a massage parlor or massage establishment, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service, hostess service, or any similar adult oriented service either exclusively or in connection with any other business enterprise or hold himself or herself out as being a masseur or masseuse or engaged in or offering his or her services as an escort, model, dancer, hostess, or counselor in a rap parlor, conversation parlor, adult encounter group or adult sensitivity group, without a license.
2. No person shall hold out any establishment as providing services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, or model service, escort service, dancing service, hostess service, or similar adult oriented service unless such establishment is licensed as provided in this section. Whenever any establishment ceases to be licensed as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, or model service, escort service, dancing service, hostess service, or similar adult oriented service, whether through the suspension, cancellation, revocation, nonrenewal, or lapse of its license, its owners shall immediately remove from public view any sign or display which identifies the establishment as being a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, or adult sensitivity group or as offering a model service, escort service, dancing service, hostess service, or similar adult oriented service.

✓ SECTION 4. CONTENTS OF APPLICATION FOR LICENSE

Application for a license shall be made only on the forms provided by the City Clerk. Four complete copies of the application must be submitted to the City Clerk's office containing the address and legal description of the property to be used; the name, address, and telephone number of two persons who shall be residents of Anoka County who may be called upon to attest to the applicant's, manager's, or operator's character; whether the applicant, manager, or operator has ever been convicted of a crime or offense and, if so, complete and accurate information as to the time, place, and nature of such crime or offense, including the disposition thereof; the names and addresses of all creditors of the applicant, owner,

lessee, or manager insofar as and regarding credit which has been extended for the purposes of constructing, equipping, maintaining, operating, furnishing, or acquiring the premises, personal effects, equipment, or anything incidental to the establishment, maintenance, and operation of a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, model service, escort service, dancing service, hostess service or similar adult-oriented service.

If the application is made on behalf of a joint business venture, partnership, or any legally constituted business association other than a corporation, it shall submit, along with its application, accurate and complete business records showing the names and addresses of all partners, officers, and owners and, in the case of a corporation, the names and addresses of all officers, the general manager, and the members of the Board of Directors.

If the application is made on behalf of a joint business venture, partnership, legally constituted business association, or corporation, the applicant shall also submit the names and addresses of any and all creditors who have extended credit for the acquisition, maintenance, operation, or furnishing of the establishment.

All applicants shall furnish to the City, along with their applications, complete and accurate documentation establishing the interest of the applicant and any other person having an interest in the premises upon which the building is proposed to be located or in the furnishings thereof. Documentation shall be in the form of a lease, deed, contract for deed, mortgage deed, mortgage, credit arrangement, loan agreements, security agreements and any other documents establishing the interest of the applicant or any other person in the operation, acquisition, or maintenance of the enterprise offering services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, model service, escort service, dancing service, hostess service or similar adult-oriented service.

The application shall also contain blueprints, diagrams, plans, layouts, and the like, showing the construction, revision, remodeling, alteration, or additions of or to the premises and specifically showing the layout, design, and arrangement of the bathing and restroom facilities and the size and type of equipment and facilities to be used.

All applicants shall state any other licenses for which they have applied within the last ten years and any denial, suspension, or revocation of a license along with an explanation of any such denial, suspension, or revocation.

✓ **SECTION 5. LICENSE FEE, LICENSE INVESTIGATION FEE, AND LICENSE YEAR**

The annual license fee is \$1,000.00 and a fee for the investigation for the purposes of issuing a license shall be \$250.00. The license

fee and fee for the investigation of the license shall be paid when the application is filed. In the event that the license is denied upon application, the license fee shall be refunded; however, no part of the license investigation fee shall be returned to the applicant. In the event that the license, once issued, is revoked, cancelled, or surrendered, no part of the annual license fee or fee for the investigation for the license shall be returned to the applicant unless by express action of the City Council. A separate license shall be obtained each year for each place of business. The licensee shall display the license on a prominent place in the licensed premises at all times. A license, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for the license must be tendered with each new application for a license if the establishment has violated the provisions of this ordinance or if the sheriff Is department has received an inordinate number of complaints concerning the establishment or if the City Council should act requiring that the investigation fee be paid. The license investigation fee must also be paid at any time when there is a proposed change of ownership or reapplication for a license wherein additional or different parties other than the original licensee and interested parties are proposing to be licensed. All licenses granted herein are nontransferable.

✓ SECTION 6. CONDITIONS GOVERNING ISSUANCE OF A LICENSE

1. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents, or interested parties are persons of good moral character and repute.
2. Licenses shall be issued only if the applicant and all of its owners, managers, employees, agents, or interested parties are free of convictions for offenses which involve moral turpitude or which relate directly to such person's ability, capacity, or fitness to perform the duties and discharge the responsibilities of the licensed activity.
3. Licenses shall be issued only to applicants who have not, within three years prior to the date of application, had a license of this type revoked or suspended in or by any community or political entity and whose owners, managers, or any interested parties have not been similarly revoked.
4. Licenses shall be issued only to applicants who have answered fully and truthfully all of the information requested in the application, who have paid the full license fee and fee for investigation, and who have cooperated fully and truthfully with the City in the review of the application.
5. If the applicant is a natural person, a license shall be granted only if such person is 18 years of age or older.

6. Licenses may only be granted when the premises involved are in complete conformity with the zoning ordinance of the City of East Bethel.
7. Licenses shall be granted only to establishments which meet the safety, sanitary, and building code requirements of the City of East Bethel.
8. A license shall not be granted if granting the license (a) would be inconsistent with the comprehensive development plans of the City of East Bethel or (b) would otherwise have a detrimental effect upon other property or properties in the vicinity.

SECTION 7. CERTIFICATE REQUIRED

No person shall engage in or hold himself or herself out as being engaged in the practice of massage nor shall any person administer or practice massage commercially or for hire, or for the exchange of any valuable consideration, without first having obtained a certificate as herein provided except that a certificate shall not be required for any person who is currently registered by the State Board of Medical Examiners or except as elsewhere provided in this ordinance.

SECTION 8. CONTENTS OF THE APPLICATION FOR CERTIFICATE

Application shall be made only on forms provided by the City Clerk. The application shall include the following information together with any other information which the City Clerk may require:

1. Evidence of the applicant's educational qualifications, including originals or certified copies of degrees, diplomas, or certificates, if any.
2. Evidence of applicant's practical qualifications to practice massage.
3. Evidence that the applicant is of good moral character.
4. The names and addresses of two persons, residents of Anoka County, who can attest to the applicant's character.
5. Whether the applicant has ever been convicted of a crime or offense and, if so, information as to the time, place, and nature of such crime or offense.
6. Evidence in the form of a current certificate from a licensed physician practicing in Minnesota indicating (a) that within the past 180 days he has examined the applicant on at least two separate occasions, at an interval of at least 120 days, (b) that such examination was for the purpose of determining whether applicant had

any communicable disease, and (c) that as a result of such examination he believes that applicant is not suffering from any communicable disease.

7. Evidence that the applicant is at least 18 years of age.

SECTION 9. CERTIFICATE FEE, CERTIFICATE INVESTIGATION FEE, AND CERTIFICATE YEAR

The annual certificate fee shall be \$100.00 and an investigation fee for the purposes of issuing a certificate shall be \$50.00. The certificate fee and fee for the investigation for the certificate shall be paid when the application is filed. In the event that the certificate is denied upon application, the certificate fee shall be refunded; however, no part of the certificate investigation fee shall be returned to the applicant. In the event that the certificate, once issued, is revoked, cancelled, or surrendered, no part of the annual certificate fee or fee for the investigation for the certificate shall be returned to the applicant unless by express action of the City Council. A separate certificate shall be obtained each year. The certificate holder shall display the certificate on a prominent place in the premises of the certificate holder at all times. A certificate, unless revoked, is for the calendar year or a part thereof for which it has been issued. The fee for the investigation for the certificate must be tendered with each new application for a certificate if the applicant has violated the provisions of this ordinance. A certificate permitting the holder thereof to practice massage is nontransferable.

SECTION 10. CONDITIONS GOVERNING ISSUANCE OF A CERTIFICATE

1. Certificates shall be issued only to persons of good moral character and repute and persons who are in good health and free from any communicable disease.
2. Certificates shall be issued only to person free of convictions of offenses which involve moral turpitude or which relate directly to the persons' s ability, capacity, or fitness to perform the duties and discharge the responsibility of the occupation.
3. Certificates shall not be issued to persons who, within one year prior to the date of application, have been denied certification or licensing or who have had his or her certificate or license revoked or suspended by any community political entity or by the State of Minnesota.
4. Certificates shall be issued only to persons 18 years of age or older.

SECTION 11. GRANTING OR DENIAL OF LICENSES AND CERTIFICATES

License applications and certificate applications shall be reviewed by the Sheriff's Department, Planning Committee, Fire

Department, and such other departments or committees as the City Clerk shall deem necessary. The review of license applications shall include an inspection of the premises covered by the application to determine whether the premises conform to all applicable code requirements. Licenses shall be issued upon the approval of the City Council only after a public hearing has been conducted; two weeks published notice of the public hearing shall be given, the last publication of which shall be at least 10 days prior to the hearing.

A license permitting the conduct of an establishment offering services as a massage parlor, sauna, rap parlor, conversation parlor, adult encounter group, adult sensitivity group, escort service, model service, dancing service, hostess service, or other similar adult-oriented service is nontransferable and nonrenewable, and application must be made each year for a license permitting and allowing the conduct of such business for the succeeding year.

SECTION 12. RESTRICTIONS AND REGULATIONS

1. The licensee and any persons in his or employ or agents or officers thereof and any and all persons with an interest in said business shall comply with all applicable ordinances, regulations, and laws of the City of East Bethel, the State of Minnesota, and the United States.
2. If the licensee is a partnership or corporation, the applicant shall designate a person to be manager and in responsible charge of the business and employees. Such person shall remain responsible for the conduct of the business and employees until another suitable person has been designated in writing by the licensee. The licensee shall promptly notify the sheriff Is department in writing of any such change, indicating the name, address, and telephone number of the new manager and the effective date of such change.
3. Every licensee shall allow an examination and inspection of every part of the premises by any police, fire, or health authority of the City during normal business hours four times each year. Refusal to allow such inspection or to answer the request of City police, fire, or health authority to be admitted to a licensed premises shall be grounds for suspension or revocation of all licenses.
4. The licensed premises shall not be open for business nor shall patrons be permitted on the premises between the hours of 8:00 p.m. and 8:00 a.m. on any day.
5. Upon demand of any police officer or sheriff's deputy, any person employed in any licensed premises shall identify himself by giving his true legal name and his correct address.

6. No person under 18 years of age shall be employed in an establishment requiring a license under the provisions of this Ordinance.
7. The licensee shall furnish the Sheriff's Department with a list of current employees, indicating their names and addresses and designating the duties of the employees within the licensed premises. The licensee shall promptly notify the Sheriff's Department of any additions or deletions in the list of employees or changes in their job descriptions or duties.
8. The licensed premises must be kept and maintained in a sanitary condition defined as being free from the vegetative cells of pathogenic microorganisms and all equipment, personal property, tables, beds, towels, clothing, and the like used in or for the licensed premises shall also be maintained in a sanitary condition as defined herein.
9. No licensee shall employ any person as a masseur or masseuse without first insuring that said employee possesses a valid certificate for the administration or practice of massage, except as otherwise provided in this ordinance.
10. Every person to whom a certificate is issued shall appear personally at the Sheriff's Department to receive delivery of the certificate and upon such appearance, shall be photographed for identification purposes. One copy of the photograph shall be permanently affixed to the certificate and a second copy thereof shall be kept in the files of the Sheriff's Department.
11. Except as otherwise provided in this ordinance, any person acting as a masseur or masseuse shall have his or her certificate displayed in a prominent place at his or her place of employment and upon demand by any police officer, sheriff's deputy, or other authorized officer or agent of the City of East Bethel, any person engaged in practicing massage shall identify himself or herself giving his or her true legal name, correct address, and phone number.
12. Except as otherwise provided in this ordinance, any person practicing massage within the City of East Bethel shall initially advise the City of his or her address and telephone number and shall further advise the City of any changes in address or telephone number within 30 days of such change.
13. Except as otherwise provided in this Ordinance, it is unlawful for a masseur to practice massage upon any person except a male and for a masseuse to practice massage on any person except a female.

14. Any masseur or masseuse practicing massage shall remain fully clothed in a nontransparent uniform or clothing at all times. At all times during the operation of any rap parlor, conversation parlor, adult encounter group, adult sensitivity group, model service, escort service, dancing service, hostess service or similar adult oriented service, both employees and customers must be and remain fully clothed in nontransparent clothing.

SECTION 13. CONSTRUCTION AND MAINTENANCE REQUIREMENT

1. Each licensed premises shall have a separate restroom and separate locker room for members of each sex.
2. All massage rooms, locker rooms, restrooms, and bathrooms used in connection therewith shall be constructed of materials, including ceramic tile, quarry tile, smooth finish cement block, or other similar material, which are impervious to moisture, bacteria, mold, or fungus growth and shall be maintained in a sanitary condition defined as being completely free from the vegetative cells of pathogenic microorganisms. The floor-to-wall joints shall be constructed to provide a sanitary cove with a minimum radius of one inch. All equipment, personal property, tables, beds, towels, clothing, and the like used in the massage parlor shall be of a sanitary design and kept in a sanitary condition.
3. All restrooms shall be provided with mechanical ventilation meeting the ventilation requirements of the building code, a hand washing sink equipped with hot and cold running water under pressure, sanitary towels, and a soap dispenser.
4. All rooms in the licensed premises including, but not limited to, massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms, dancing rooms, janitor's closets, hallways, and reception areas shall be illuminated with not less than 30 foot candles of illumination.
5. Each licensed premises shall have a janitor's closet which shall provide for the storage of cleaning supplies.
6. Floors, walls, and equipment in massage rooms, sauna rooms, restrooms, bathrooms, rap rooms, conversation rooms, modeling rooms, and dancing rooms must be kept in a state of good repair and sanitary at all times. Linen and other materials shall be stored at least 12 inches off the floor. Clean towels, washcloths, and linens must be available for each customer utilizing the sauna or shower facilities.

7. Individual lockers shall be made available for use by patrons. Such lockers shall have separate keys for locking.
8. Such establishments shall provide adequate refuse receptacles which shall be emptied as required.
9. There shall be no doors, curtains, or other nontransparent coverings to the individual massage rooms, sauna rooms, rap rooms, conversation rooms, modeling rooms or dancing rooms. All interaction between employees and customers shall take place solely in the aforementioned areas.

SECTION 14. HEALTH AND DISEASE CONTROL

No person while afflicted with any disease in a communicable form or while a carrier of such disease or while afflicted with boils, infected wounds, sores, or any acute respiratory infection shall work in or use the services of any licensed premises and no person known or suspected of being afflicted with any such disease or condition shall be employed or permitted in such area or capacity.

SECTION 15. REVOCATION. SUSPENSION, OR NONRENEWAL OF LICENSE

The license may be revoked, suspended, or not renewed by the city council upon recommendation of the City Clerk by showing that the licensee, its owners, managers, employees, agents, or any other interested parties have engaged in any of the following conduct:

1. Fraud, deception, or misrepresentation in connection with the securing of the license.
2. Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in Minnesota Stat. §618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers.
3. Engaging in conduct involving moral turpitude or permitting or allowing others within their employ or agency to engage in conduct involving moral turpitude or failing to prevent agents, officers, or employees in engaging in conduct involving moral turpitude.
4. Failure to fully comply with any requirements of the ordinances of the City of East Bethel regarding sanitary and safety conditions, zoning requirements, or building code requirements, the violation of which involves moral turpitude, or failure to comply fully with any requirements of this Ordinance.
5. Conviction of an offense involving moral turpitude by any court or competent jurisdiction.

6. operation of the establishment without a valid license or during periods in which the license has been suspended or revoked.
7. Engaging in any conduct which would constitute grounds for refusal to issue a license herein.

The licensee may appeal such suspension, revocation, or nonrenewal to the City Council. The Council shall consider the appeal at the next regular scheduled Council meeting on or after ten days from service of the notice of appeal to the City Clerk. At the conclusion of the hearing, the Council may order:

1. That the revocation, suspension, or nonrenewable be affirmed.
2. That the revocation, suspension, or nonrenewal be lifted and that the license be returned to the license holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions, and stipulations which they may, in their sole discretion, impose.

SECTION 16. REVOCATION, SUSPENSION, OR NONRENEWAL OF CERTIFICATE

Certification may be revoked or suspended by the City Clerk or not renewed by the City Council for any of the following:

1. Fraud, deception, or misrepresentation in connection with the securing of certification.
2. Habitual drunkenness or intemperance in the use of drugs including, but not limited to, the use of drugs defined in Minnesota Stat. §618.01, barbiturates, hallucinogenic drugs, amphetamines, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers.
3. Conduct, inimical to the interests of the public health, safety, welfare, or morals.
4. Engaging in conduct involving moral turpitude.
5. Failure to fully comply with the requirements of this ordinance.
6. Conviction of an offense involving moral turpitude.

The certificate holder may appeal such suspension, revocation, or nonrenewal to the City Council. The Council shall consider the appeal at the next regular scheduled Council meeting on or after ten days from service of the notice of appeal to the City Clerk. At the conclusion of the hearing, the Council may order:

1. That the revocation, suspension, or nonrenewal be affirmed.
2. That the revocation, suspension, or nonrenewal be lifted and that the certificate be returned to the certificate holder.
3. The City Council may base either suspension or issuance of the certificate upon any additional terms, conditions, and stipulations which they may, in their sole discretion, impose.

SECTION 17. PROHIBITED ACTS

Except as provided elsewhere in this ordinance, no employer shall employ a person to practice or administer massage nor permit, suffer, or allow a person to practice or administer massage unless that person has been granted a valid certificate pursuant to this ordinance, and every employer shall require that the certification be prominently and openly displayed on the premises in plain view.

SECTION 18. MASSAGE DISTINGUISHED

The practice of massage is hereby declared to be distinct from the practice of medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, and persons duly licensed in this state to practice medicine, surgery, osteopathy, chiropractic, physical therapy, or podiatry, nurses who work solely under the direction of any such persons, athletic directors, and trainers are hereby expressly excluded from the provisions of this Section. Beauty culturists and barbers who do not give, or hold themselves out to give, massage treatments, as defined herein, other than is customarily given in such shops or places of business, for the purpose of beautification only, shall be exempt from the provisions of this Section.

SECTION 19. EXCEPTIONS

This Ordinance does not apply to bona fide health/sports establishments which meet the following criteria.

1. The establishment has conducted business in the City of East Bethel for three years and is in good repute.
2. The primary purpose of the establishment is health and fitness; massage service is subsidiary.
3. No more than 20% of the establishment revenue is derived from massage.
4. The financial records of the establishment are at all times available to the City for inspection.
5. The establishment has an ongoing membership which list is available to City officials for inspection at any time.

Establishments which meet the above provisions shall not be required to pay the annual license fee or investigation fee, unless specifically ordered by the City Council. Masseurs and masseuses employed by such establishments are not required to be certified under this Ordinance.

In addition, this Ordinance does not apply to nor include bona fide legal, medical, psychiatric, psychological, family, or marriage counseling services by a person, persons, or business appropriately licensed by the State of Minnesota, by local units of government, or any other appropriate licensing authority nor does this ordinance apply to bona fide financial counseling services or bona fide educational institutions completely complying with State and local regulations or the regulation of any licensing authorities nor does it apply to bona fide churches, synagogues, or institutions or organized religions or to seminars, panel discussions, or group classes sponsored by bona fide religious institutions or educational institutions.

SECTION 20. SEPARABILITY

Every section, provision, or part of this Ordinance is declared separable from every other section, provision, or part to the extent that if any section, provision, or part of this ordinance shall be held invalid, such holding shall not invalidate any other section, provision, or part thereof.

SECTION 21. LIABILITY FOR THE CRIMES OF ANOTHER

Every person who commits or attempts to commit, conspires to commit, or aids and abets in the commission of any act constituting a violation of this Ordinance or any act, which constitutes an omission and, therefore, a violation of this Ordinance, whether individually or in connection with one or more persons or as principal, agent, or accessory, shall be guilty of such offense and every person who falsely, fraudulently, forcibly, or wilfully induces, causes, coerces, requires, permits, or directs another to violate any of the provisions of this Ordinance is likewise guilty of such offense.

SECTION 22. PENALTY

Any person convicted of a violation of any of the provisions of this ordinance shall be punished by a fine of not more than seven hundred (\$700) dollars or by imprisonment for a period of not more than ninety (90) days, or both.

SECTION 23. EFFECTIVE DATE

This ordinance becomes effective upon its passage and its publication according to law.

PASSED by the City Council of the City of East Bethel, Minnesota, the 5th day of April, 1989.

Mayor

ATTEST:

City Clerk, Sharon Anderson

Introduced: March 1, 1989
Adopted: April 5, 1989
Published: May 12, 1989

Approved by City Attorney as to form

Gerald W. Randall



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 E.5

Agenda Item:

Summary of Ordinance 24, Second Series, An Ordinance Establishing Regulations and Licensing for Massage Businesses

Requested Action:

Consider adopting the Summary of Ordinance 24, Second Series, An Ordinance Establishing Regulations and Licensing for Massage Businesses.

Background Information:

City Council has adopted Ordinance 24, Second Series, An Ordinance Establishing Regulations and Licensing for Massage Businesses. State law requires publication of adopted ordinances or a summary of an amended ordinance. A summary of Ordinance No. 24 will be published upon approval of the summary by City Council.

Attachments:

- 1. Summary of Ordinance 24, Second Series, An Ordinance Establishing Regulations and Licensing for Massage Businesses

Fiscal Impact:

None at this time

Recommendation:

Staff recommends adoption of the Summary of Ordinance 24, Second Series, An Ordinance Establishing Regulations and Licensing for Massage Businesses, of the East Bethel City Code and direction to publish in the City's official newspaper.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ORDINANCE NO. 24, SECOND SERIES

AN ORDINANCE AMENDING THE EAST BETHEL CITY CODE BY ESTABLISHING REGULATIONS AND LICENSING FOR MASSAGE BUSINESSES IN THE CITY OF EAST BETHEL, ANOKA COUNTY, MINNESOTA

SUMMARY OF ORDINANCE

City of East Bethel, Anoka County, Minnesota

At a regular session on June 16, 2010, the East Bethel City Council adopted Ordinance No. 24, Second Series. Ordinance No. 24, Second Series amends the City Code by adding regulations and licensing for massage businesses in the City. A summary of Ordinance No. 24, Second Series is outlined below. The complete ordinance may be inspected by any person from 8:00 A.M. to 4:00 P.M. Monday through Friday at the East Bethel City Hall located at 2241 221st Avenue NE, East Bethel, Minnesota 55011, phone number 763-434-9569. The following is only a summary of the ordinance.

1. The East Bethel City Council has adopted an ordinance amending the City Code by adding regulations and licensing for massage businesses in the City. The purpose of this summary is to inform the public of the intent and effect of the ordinance and to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours.

2. The new ordinance provides essentially as follows:

SECTION 1. Purpose.

Sets forth the purpose of the ordinance.

SECTION 2. Findings of the City Council.

Sets fourth certain findings of the City Council establishing the basis for and supporting the adoption of the Ordinance.

SECTION 3. Definitions.

Sets forth the definitions of certain terms used in the ordinance.

SECTION 4. License Required.

Provides that a license is required of all therapeutic massage enterprises operating businesses providing massage services in the City of East Bethel and of all massage therapists providing massage services in the City.

SECTION 5. Exceptions.

Excepts certain businesses, professions, and therapists providing massage services from the licensing requirements of the ordinance.

SECTION 6. License Application.

Sets out the procedure, requirements, and information to be furnished in making application for a therapeutic massage enterprise license or a massage therapist license.

SECTION 7. License Fees.

Provides for therapeutic massage enterprise and massage therapist license fees.

SECTION 8. License Application Verification and Consideration.

Sets out the procedure for consideration of applications and for accepting or denying applications.

SECTION 9. Persons Ineligible for License.

Sets forth criteria that render persons ineligible for a therapeutic massage enterprise license or a massage therapist license.

SECTION 10. Locations Ineligible for Therapeutic Massage Enterprise License.

Sets forth locations ineligible for a therapeutic massage license.

SECTION 11. License Restrictions.

Sets forth restrictions/conditions upon which licenses will be granted.

SECTION 12. Restrictions Regarding Sanitation and Health.

Sets forth requirements for licensed premises relating to cleanliness, sanitation, and public health.

SECTION 13. Renewal of License.

Provides for the expiration and renewal of massage therapist and therapeutic massage enterprise licenses.

SECTION 14. Sanctions for License Violations.

Provides for suspension or revocation of licenses for certain violations of the ordinance or for acts of a fraudulent or dishonest nature.

SECTION 15. Issuance of Temporary Massage Therapist License.

Provides for a procedure for the issuance of temporary massage therapist licenses.

SECTION 16. Penalty.

Provides that a violation of the ordinance will constitute a misdemeanor.

SECTION 17. Severability.

Provides that if any provision of the ordinance is found to be invalid, the validity of the remaining sections will not be affected.

3. The City Council has determined that publication of the title and a summary of Ordinance No. 24, Second Series as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published.

Adopted by the City Council of the City of East Bethel on this 16th day of June, 2010.

ATTEST:

Mayor

City Clerk

Introduced: June 16, 2010

Adopted: June 16, 2010

Published: June 25, 2010



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 F.1

Agenda Item:

Fire Department Staff Monthly Meeting Notes and Reports

Requested Action:

Informational only

Background Information:

June Fire Department Monthly Meeting Notes and May Reports are included for your review.

To aid in your understanding, staff has included as Attachment #1 and #2 the Incident Type Codes and Station Codes as they appear on the reports.

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

INCIDENT TYPE CODES

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

EAST BETHEL > View Station Info

I want to:

A B C D E F G H I J K L M N O P Q R S T U V W X Y Z 1 2 3 4 5 6 7 8 9 All

Search (Station Name):

Station Number	Station Name	Address	City	State	Zip	Phone	Status
 40	Day All Stations (Weekdays)	2751 Viking Blvd	East Bethel	MN	55011		Active
 99	Duty Officer	2751 Viking Blvd.	East Bethel	MN	55011	763-367-7885	Active
 88	Night and Weekend All Stations	2751 Viking Blvd.	East Bethel	MN	55011	763-367-7885	Active
 11	Station 1 (Weekends)	2751 Viking Blvd	East Bethel	MN	55011		Active
 12	Station 1 (Night)	2751 Viking Blvd	East Bethel	MN	55011		Active
 21	Station 2 (Weekends)	2375 221st Avenue NE	East Bethel	MN	55011		Active
 22	Station 2 (Night)	2735 221st Avenue NE	East Bethel	MN	55011		Active

Records 1-7 of 7

Goto Page: 1



Fire Incident By Street Address
 From 05/01/10 To 05/31/10
 Report Printed On: 06/10/2010

Incident Number	Incident Date	Alarm Time	Location	Primary Station	Incident Type
EAST BETHEL					
218	05/31/2010	18:39	East Bethel BLVD	12	321 EMS call, excluding vehicle accident with injury
217	05/30/2010	17:17	2452 216th AVE NE	21	600 Good intent call, other
216	05/30/2010	08:37	Ulysses ST	21	321 EMS call, excluding vehicle accident with injury
215	05/29/2010	22:03	18232 Hwy 65 NE	11	321 EMS call, excluding vehicle accident with injury
214	05/29/2010	20:59	18273 Fillmore ST NE	12	321 EMS call, excluding vehicle accident with injury
213	05/29/2010	17:41	4036 Viking BLVD	11	321 EMS call, excluding vehicle accident with injury
212	05/29/2010	12:32	2000 229th AVE NE	21	321 EMS call, excluding vehicle accident with injury
211	05/29/2010	07:34	19410 Leyte ST NE	11	321 EMS call, excluding vehicle accident with injury
210	05/29/2010	00:19	1045 237th AVE NE	99	561 Unauthorized burning
209	05/28/2010	22:54	19855 Polk ST NE	40	321 EMS call, excluding vehicle accident with injury
208	05/28/2010	15:47	3806 Edmar LN NE	40	321 EMS call, excluding vehicle accident with injury
207	05/27/2010	18:11	Hwy 65	12	322 Motor vehicle accident with injuries
206	05/27/2010	13:10	18511 Hwy 65	40	143 Grass fire
205	05/26/2010	12:05	18164 Hwy 65	40	611 Dispatched and cancelled en route
204	05/26/2010	07:21	23512 Gopher DR	40	321 EMS call, excluding vehicle accident with injury
203	05/25/2010	19:31	Hwy 65	22	611 Dispatched and cancelled en route
202	05/25/2010	16:36	18256 Flanders ST	40	321 EMS call, excluding vehicle accident with injury
201	05/25/2010	15:02	4922 229th AVE	40	321 EMS call, excluding vehicle accident with injury
200	05/24/2010	22:45	18635 Ulysses ST NE	88	322 Motor vehicle accident with injuries
199	05/23/2010	19:12	20998 Buchanan ST	21	321 EMS call, excluding vehicle accident with injury
198	05/23/2010	18:35	347 Birch RD NE	11	611 Dispatched and cancelled en route
197	05/23/2010	17:29	20514 Tyler ST	21	321 EMS call, excluding vehicle accident with injury
195	05/23/2010	12:07	4480 Wildrice DR	21	321 EMS call, excluding vehicle accident with injury
196	05/23/2010	08:33	4036 Viking BLVD NE	11	321 EMS call, excluding vehicle accident with injury
194	05/22/2010	21:11	4647 229th AVE NE	22	321 EMS call, excluding vehicle accident with injury
193	05/22/2010	12:47	Hwy 65	40	444 Power line down
192	05/22/2010	12:32	Wildrice DR	40	440 Electrical wiring/equipment problem, other
191	05/21/2010	22:28	20952 Ghia ST	22	321 EMS call, excluding vehicle accident with injury
190	05/20/2010	22:02	24355 Hwy 65	22	631 Authorized controlled burning
189	05/20/2010	18:52	3938 191st AVE	12	321 EMS call, excluding vehicle accident with injury
188	05/18/2010	18:05	23715 Opal ST NE	22	631 Authorized controlled burning
187	05/18/2010	13:32	21108 Polk ST NE	40	321 EMS call, excluding vehicle accident with injury
186	05/17/2010	08:25	19434 3rd ST NE	40	321 EMS call, excluding vehicle accident with injury
185	05/17/2010	03:30	18164 Hwy 65	12	611 Dispatched and cancelled en route
184	05/16/2010	22:12	4532 229th AVE NE	21	321 EMS call, excluding vehicle accident with injury
183	05/15/2010	23:48	Hwy 65	12	321 EMS call, excluding vehicle accident with injury
182	05/15/2010	20:55	1301 245th AVE	22	142 Brush or brush-and-grass mixture fire
181	05/15/2010	18:10	4611 Fawn Lake DR	21	142 Brush or brush-and-grass mixture fire
180	05/15/2010	15:30	20936 East Bethel BLVD	21	322 Motor vehicle accident with injuries
179	05/12/2010	18:46	4364 217th AVE	99	745 Alarm system activation, no fire - unintentional
178	05/10/2010	19:55	18748 Breezy Point DR	12	321 EMS call, excluding vehicle accident with injury
177	05/09/2010	20:26	18935 Yalta ST NE	12	321 EMS call, excluding vehicle accident with injury
176	05/08/2010	22:10	18164 Hwy 65	99	600 Good intent call, other
175	05/08/2010	17:27	4364 217th AVE NE	99	743 Smoke detector activation, no fire - unintentional
174	05/07/2010	15:08	22779 Sandy DR	40	321 EMS call, excluding vehicle accident with injury
173	05/07/2010	12:22	Hwy 65	40	611 Dispatched and cancelled en route
172	05/06/2010	10:42	4922 229th AVE	40	321 EMS call, excluding vehicle accident with injury
171	05/04/2010	16:19	18164 Hwy 65	40	611 Dispatched and cancelled en route
170	05/02/2010	14:59	21709 University AVE NE	21	321 EMS call, excluding vehicle accident with injury
169	05/02/2010	08:22	18233 Jackson ST NE	11	321 EMS call, excluding vehicle accident with injury
168	05/01/2010	18:54	21656 Tyler ST NE	21	321 EMS call, excluding vehicle accident with injury
167	05/01/2010	05:12	23037 Packard ST	21	321 EMS call, excluding vehicle accident with injury
Total					52

Search Criteria	
Dates	From 05/01/2010 To 05/31/2010
Service	EAST BETHEL
Incident Address	All
Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

[Report Description](#)

East Bethel Fire Department

Monthly Staff Meeting

June 7, 2010

Call to Order:

Chief DuCharme called the meeting to order at 7:10pm. There were 25 Fire Fighters (including the day staff) and Council Member, Steve Channer present for the meeting.

Meeting minutes from May 3, 2010 were posted previously.

Chief's Report:

Payroll needs to be signed before you leave tonight.

The schedule for this month is:

June 7	Meeting & payroll signing
June 8	NIMS 400 Training
June 14	Training
June 21	Maintenance Night
June 28	Medical Training and Officer Meeting

Maintenance nights: Need to contact Ron within 24 hours of missing to receive assignment and that needs to be complete within 10 days.

The schedule for July is:

July 5	4 th of July Holiday
July 6	Meeting & payroll signing (Tuesday)
July 12	Training
July 19	Maintenance Night
July 26	Officer Meeting

Tanker 11 will be out of service for a few weeks. It is in Augusta, WI having the water tank repaired. There is a life time warranty on it.

Explorers:

Mark Prachar visited St. Francis High School last week and Forest Lake High School June 7, 2010 to do some recruiting. There was a good response to his efforts.

The Explorers will be holding a 1st Nighter event of the individuals that signed up and also for any Fire Fighters who are interested in becoming an Advisor. They are looking for a few more Advisors as well.

Lori's last day will be Friday, June 11, 2010

Anniversaries:

Gary Shultz 11 years
Todd Bennett 14 years

Parades:

No candy
No Sirens/Horns
Check truck before it moves (walk around entire vehicle)
Notify Officer in Charge when Engine 11 goes out to a parade.

St. Francis this week
Forest Lake July 3
Isanti July 8
East Bethel July 17

St. Francis Waterball Tourney will be held June 13 @ 12pm

Clean out mailboxes

Manuals:

The Manuals are in effect now and updates will be sent out as needed. At some point all updates will be sent out electronically. Manuals will need to be turned in upon termination.

New items in the Manual:

No car or clothes washing
No shorts on fire calls
No open toed shoes, including crocs
Wear safety vest on roadways
No wearing clothing with East Bethel or East Bethel Fire Dept @ liquor establishments

SOG'S – 1st Section:

Meetings are not public but Relief Assoc. meetings are
No political campaigning at Fire Dept.
No borrowing City equipment
Don't volunteer the Fire Dept.

Copies of the Manual are located in the following locations

Copy at all Stations
Chief

Human Resources
Each Fire Fighter

Personnel files and records are the responsibility of Human Resources. Training records are the responsibility of the Fire Dept. and are located at Station 1.

Fitness Room

- Make sure to have a spotter
- Clean equipment when finished
- No food or drink other than water

Licenses and certifications will be kept up to date and will not expire

Telephones at the Stations need to be left open during calls

No ride alongs allowed

Dress code

- Uniforms: black shoes are required (no tennis or white shoes)
- Turn out gear including vest
- No shorts
- Inspect turnout gear monthly

Wear seatbelts!

Duty Officer truck will go home with the Duty Officer in Charge

Maintenance & Training: All officers are required to have 12 additional hours of training

Single station calls are going well and soon the mutual aid calls will also be single station

Addendum A – 2nd Section: (For Fire Fighters only)

Respectful Workplace

- Direct Deposit is mandatory
- Must be 18 years of age
- No beards – OSHA requirement
- Probation is 12 months
- Class B license within 6 months

Applicants must complete Fire Fighter 1 within 6 months

Fire Fighter 1 is the minimum requirement and the test must be passed

Criminal background checks will be performed

Agility test must be passed

Family members are allowed, but cannot be supervised by relative

Officer Postings will no longer have terms

Pay scales are on page 11, please review

Changes of stations and/or shifts are not allowed unless you have it authorized by the Chief

Attendance: You will still need to have 30% to be in good standing. You are able to appeal to the Review Committee (Chief DuCharme, Ardie Anderson, & Tammy Schutta.

Department Meetings are no longer mandatory; however, if you are not there you are still responsible for the information that was discussed and also to sign your timesheet.

Compliant Resolution: Please read

Job Descriptions – 3rd Section:

Please read

City Personnel Policies & Rules – 4th Section:

Please read

Relief Association – 5th Section:

By-laws, please read

New Truck is still in the works and should be complete in September.

Rumor Control:

Do you have the Officer 1 Certifications? Mark advised he does have them and will hand them out after the meeting.

Chief 2 – Ardie

Handicapped spots have been moved and parking lot lines have been done

Job Posting for Fire Fighter/Fire Technician at the Spring Lake Park-Blaine-Moundsview Fire Dept has been posted and all applications need to be turned in by July 5, 2010

Chief 3 – Ron

Nothing

Chief 4 - Dan

Tickets are here and available to start selling for the Firefighters' Dance. Please make sure to sign them out.

Ron Stanley & Dan Berry are replacing the valve at Station 2

Booster Day Committee is hosting a 5K walk/run again this year, flyers available

Inspector's Report – Mark D

12 business inspections for the month

Training Report – Dan M

SCBA – 2002 RIT Connections are good

Relief Association – Troy L

Meeting will be scheduled for before the next staff meeting, watch for posting

Required to sell 200 tickets for the dance this year

Dan Berry announced that the dance committee map is complete and if there are any issues please see him. High Noon will be playing this year for the last time. This year work schedules will be done so that everyone can spend time with their family and friends. Looking into options for safe rides home for residents.

Old Business

None

New Business

None

Council Report – Steve Channer

Channer reported that he saw the Fire Fighters in action and was impressed. Thanked the department for their efforts.

Adjournment – The meeting was adjourned at 8:35pm

City of East Bethel

Subject: Fire Inspector Report

May 1-31, 2010

City of East Bethel Fire Inspection List		
Name	Address	Comments
Northway Sports	21429 Ulysses St	Fire extinguishers need certification
Merit Homes	21471 Ulysses St	Fire extinguishers need certification
Wasche Finishing	21335 Aberdeen St	No Violations
Poor Richards Antiques	22330 Hwy 65	No Violations
Cedar Creek Auto	21388 Johnson St	2 nd Inspection: No Violations
Clear Vision Satellite	18553 Hwy 65	2 nd Inspection: No Violations
5K Auto Sales	18355 Hwy 65	2 nd Inspection: No Violations
Central Wood Products	19802 Hwy 65	2 nd Inspection: No Violations
Nelson Truck & Parts	18649 Hwy 65	Label exit doors, label elec. Room, checking on restrictions for 2 nd unit as a paint booth, Said 3 rd unit tenant is moving out on may 24 and back area will be cleaned up when moved.
Village Bank	18770 Hwy 65	No Violations
Georges Repair Center	18611 Hwy 65	No Violations
NOTE: First Inspections Unless Noted		

11 Businesses Inspected

Reported by Mark Duchene
Fire Inspectors



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 G.1

Agenda Item:

Resolution 2010-29 Premises Permit – MN/USA Wrestling Gambling Application

Requested Action:

Consider adoption of Resolution 2010-29 approving or denying the premises permit for MN/USA Wrestling Gambling Application

Background Information:

On June 4, 2010 the City received an application for a “Gambling Premises Permit” from MN/USA Wrestling, Inc. for a charitable gambling operation located at Fat Boys Bar and Grill, 21383 Ulysses Street NE, East Bethel, Minnesota. This is not an application for a gambling license as all gambling licenses are issued by the State of Minnesota. The City only has input as it relates to the Premises Permit. It is our understanding that MN/USA Wrestling, Inc. has applied for a received approval to renew their gambling permit with the state that is applicable to all gambling sites/locations they operate in Minnesota.

However, the organization is required to obtain a Resolution of Support from the City Council in the City they are operating.

The application for the Premises Permit requires the organization to disclose any violations of State Statute, State Rules or City Ordinances related to gambling within the last three years. MN/USA Wrestling, Inc. identified a single violation that occurred in Minneapolis for which they were fined \$100. The violation, according to their application, was for an “illegible signature.”

Upon further investigation with the Charitable Gambling Board, it was discovered that in the past three years, this organization has been cited for four violations dating back to July 16, 2009. The citations were written by the Minneapolis Police Department based on routine inspections of various gambling operations. The citations were at four different locations, included minor violations, and, involved penalties totaling \$600.

Pursuant to City Code, the permit application should have been made at least 90 days before a change to the premises permit. The change to the premises permit which triggers the request for support to the premises permit by the City was signed on May 21, 2010. The application for support should have been received no later than February 21, 2010. Notwithstanding the late application for a resolution of support for the premises permit from the City, the City Council is not permitted to approve or take affirmative action on the request as the organization has had

multiple violations “of state statute, state rule, or city ordinance relating to gambling within the last three years.” (Section 42-193, (e) (1))

Section 42-193 Premises permit application.

(e) The city council shall disapprove an application for renewal or issuance of a premises permit for any of the following reasons:

- (1) Violation by the gambling organization of any state statute, state rule, or city ordinance relating to gambling within the last three years.
- (2) Lawful gambling would be conducted at more than three premises within the city.

Attachment(s):

- 1. Resolution 2010-29 Resolution Recommending Approval of the Gambling Premises Permit for Minnesota/USA Wrestling Inc.
- 2. Resolution 2010-29 Resolution Denying Approval of the Gambling Premises Permit for Minnesota/USA Wrestling Inc.
- 3. Copies of citations for violations of Statutes, Rules or Ordinances related to charitable gambling.

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is seeking direction on Resolution 2010-29 either approving or denying support of the premises permit for charitable gambling operations by Minnesota/USA Wrestling Inc. at Fat Boys Bar and Grille.

City Council Action

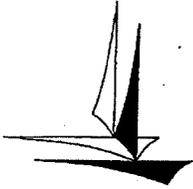
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



Minneapolis
City of Lakes

Police Department

License Investigation Division
350 South 5th Street - Room 1A
Minneapolis MN 55415-1314

Office 612 673-3002
Fax 612 673-3399

May 20, 2010

Letter of Agreement

On May 18, 2010, an inspection was conducted at the listed location:

Country Bar, 3006 Lyndale Av S, Minneapolis

(Location name and address)

This site is operated by the following charitable gambling organization:

MN/ USA Wrestling, Inc

(Name of organization)

The following violation(s) were observed and an administrative citation was issued: Fine amount: \$200.00

268.80 (t), Prize receipts to be filled out completely .

I, Daniel Chandler, as a representative of the above listed charitable gambling organization, agree to take the below listed corrective measures to bring my organization into compliance with City of Minneapolis ordinances and Minnesota state laws related to charitable gambling. As part of this agreement, the designated Gambling Inspector, by the authority of the City of Minneapolis' Director of Consumer Services, agrees to reduce the listed administrative fine to:

\$400.00 stayed 12 months No Gambling Violations

Corrective measures to be made:

Routine inspections of all sites to insure that prize receipts are filled out completely, meeting all requirements of Minneapolis City ordinances and Minnesota rules and regulations

The listed organization's representative agrees that this agreement is binding and failure to bring the organization into compliance can result in additional fines issued at subsequent site inspections. The below listed parties enter into this agreement voluntarily as authorized representatives of their respective organizations.


signature of representative


signature of Gambling Inspector

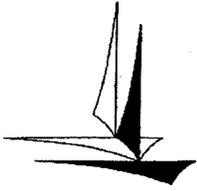
May 20, 2010
date of agreement

Dan Chandler
printed name

Sgt. Peter Ritschel
printed name

MN/USA Wrestling Inc.
name of organization

Minneapolis Police Department
License Investigation Unit/Gambling Section



Minneapolis
City of Lakes

Police Department

License Investigation Division
350 South 5th Street - Room 1A
Minneapolis MN 55415-1314

Office 612 673-3002
Fax 612 673-3399

May 17, 2010

MN / USA Wrestling, Inc.
1422 Emerson Av N
Minneapolis, MN 55411

Re: Good Sports Bar, 200 Broadway Av W

A site inspection was conducted on 5/14/2010. What was observed has been documented on inspection forms. As the result of the inspection, an administrative citation has been issued for the following violation.

For the pull tab booth operation, prize receipts are to be filled out completely. As per Minnesota Rule 7861.0260 subp 5 (B):

A prize receipt must include at a minimum the following, in a legible format and in ink:

- (1) the organization's name and address;
- (2) the name of the gambling premises;
- (3) the game serial number of the game from which the prize was won;
- (4) the name of the game;
- (5) the date the prize was won;
- (6) the dollar amount of the cash prize or the fair market value for a merchandise prize;
- (7) the winner's complete name and address, and driver's license number, including state of license registration
 - (a) if the winner does not have a driver's license, the winner's complete name and address must be obtained from another form of picture identification belonging to the winner; or
 - (b) if a bingo winner does not have a driver's license or other form of picture identification, the prize receipt must contain the name and address of the winner, and a driver's license or other form of picture identification, including the complete name and address, and the signature in ink, of another person playing bingo during that occasion; and
- (8) signatures, in ink, of the winner and the gambling employee or volunteer paying the winner.

As the result of the inspection, this written warning has been issued for the following violations.

For the pull tab booth operation, winning prize tickets are to be immediately defaced. As per Minnesota Rule 7861.0280 subp 3 (F):

Operation of pull-tab or event game. Pull-tab games must be conducted in the following manner:
~~The pull tab seller must immediately deface each winning pull tab when it is redeemed by the player.~~

For the pull tab booth operation, the entire game flare must be visible to a player. As per Minnesota Rule 7861.0280 subp 2 (B):

Posting of information and flare.

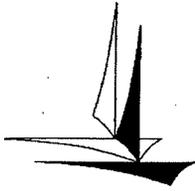
In addition to the information required by part 7861.0260, subpart 2, an organization must post the flare for each deal of pull-tabs in play.

~~But the entire flare must be visible to player.~~

According to City of Minneapolis ordinances, lawful gambling will be conducted pursuant to Minnesota Statutes, Chapter 349 and shall be operated in accordance with the conditions prescribed in the Code of Ordinances and subject to the terms and conditions of all provisions of State Statute.

To prevent further corrective action, please advise all your employees to be in compliance with all city and state rules and regulations. This site will be inspected in the near future for compliance. If you have further questions, please contact me.

Sgt. Peter Ritschel
Minneapolis Police Department
License Investigation/Gambling Section
(612) 673-3803



Minneapolis
City of Lakes

Police Department

License Investigation Division
350 South 5th Street - Room 1A
Minneapolis MN 55415-1314

Office 612 673-3002
Fax 612 673-3399

March 25, 2010

MN / USA Wrestling Inc.
1422 Emerson Av N
Minneapolis, MN 55411

Re: Knight Cap bar Booth Operation

A site inspection was conducted on 3/19/2010. What was observed has been documented on inspection forms. As the result of the inspection, this written warning has been issued for the following violations.

For the Pull tab booth operation, compensated employees must publicly display their name while conducting lawful gambling. As per Minnesota Rule 7861.0280 Subp 3A:

PULL-TABS

Subp. 3. Operation of pull-tab or event game. Pull-tab games must be conducted in the following manner.

A. A deal of pull-tabs may not be placed out for play in the original container in which it was received. When a deal of pull-tabs is received, all of the pull-tabs must be placed out for play at the same time. [REDACTED]

[REDACTED] Tiered containers may not be used for the sale of pull-tabs.

According to City of Minneapolis ordinances, lawful gambling will be conducted pursuant to Minnesota Statutes, Chapter 349 and shall be operated in accordance with the conditions prescribed in the Code of Ordinances and subject to the terms and conditions of all provisions of State Statute.

To prevent further corrective action, please advise all your employees to fill out all the prize receipts completely. This site will be inspected in the near future for compliance. If you have further questions, please contact me.

Sgt. Peter Ritschel
Minneapolis Police Department
License Investigation/Gambling Section
(612) 673-3803.

ADMINISTRATIVE CITATION

This citation charges you with a violation of Minneapolis City Code of Ordinances. For information on how to respond to this citation, see the reverse side of this form.

City of Minneapolis
 Police Department
 350 South 5th Street, Room 1A, City Hall
 Minneapolis, MN 55415-1319
 (612) 673-3002

CCN # 09-221864

Violator Information			
Name (last, first, middle)			
Street Address, City, State, Zip Code			
Drivers License Number			State
Date of Birth (mo/day/year)	Sex Male <input type="checkbox"/> Female <input type="checkbox"/>	Phone number	
Business/Organization Information (if applicable)			
Name of Business MINNESOTA/USA Wrestling Inc			
Address of Business 1422 Emerson Av N, Minneapolis, MN 55411			
Circle one: Owner/Licensee Property Owner Manager Other(explain)			
Violation Information			
Violation date 7/16/2009	Violation time 1705hrs PM <input type="checkbox"/>	Repeat Violation <input type="checkbox"/>	Continuing Violation <input type="checkbox"/>
Address of Violation 4601 Lyndale Av N, Minneapolis, MN 55412			
Ordinance Number 268.30 Gambling to be Conducted in Accordance with State Law		Fine Amount \$200.00	
Description During an inspection of the meat raffle being held at Rachel's Club 46 at the listed location conducted by the listed charitable gambling organization the following violation was observed. As required by Minnesota Rule 7861.0260 subpart 2 & 7861.0300 subparts 3A, 3C House rules and information posted at the site during the occasion must contain the following information: 1. all paddletickets on a card must be sold before paddlewheel is spun; 2. a paddlewheel must make at least 4 complete revolutions before the pointer stops. If the pointer stops directly on top of a peg, the number to the left of the peg seen when facing the wheel is the winning number; 3. winner is not required to be present when the paddlewheel is spun; 4. winner must claim the prize by the conclusion of the day's activity; and 5. a sign stating the amount of any cash prize and the fair market value of all merchandise prizes to be awarded for each game.			
Officer Sgt. Peter Ritschel	Badge Number 6037	Phone Number 612-673-3803	
Comments: issued on 7/20/2009, Due by 8/10/2009			

Warning – Failure to respond to this citation within twenty (20) days will result in increased penalties and fees assessed.

Served: In Person By Mail Certified Mail *AK*

White – Department Copy Canary – Officer's Copy
 Pink – Violator's Copy Goldenrod – Violator's Copy (to be returned with payment of request for appeal)

- **Responding To The Citation**

You must pay the scheduled civil fine or request a hearing with twenty (20) days after service of this administrative citation. Failure to respond to this citation will result in increased penalties and fee assessed.

- **Pay The Fine – *By paying the fine, you are admitting to the violation.***

To Pay By Mail: Send the check or money order with the goldenrod copy of the administrative citation to License Investigation Division. The check or money order should be made out to the **Minneapolis Finance Department.**

If you are a charitable gambling organization you must pay the fine from you general account, not your gambling account (under Mpls. Code of Ordinances 268.80 RR).

- **Contesting The Violation – Requesting A Hearing**

To contest the violation and request a hearing, you must mail or deliver in person a written request to License Investigation Division.

You will be notified of a hearing date and the name of a hearing officer with 60 days from the receipt of the request.

- **Repeat Violations**

If the citation indicates that this is a repeat violation within a 24-month period, the fine will be doubled that of the last fine imposed, up to a maximum of \$2,000 per violation.

- **Continuing Violations**

If the citation indicates that this is a continuing violation, fines can be assessed on a daily basis until compliance occurs.

- **Questions**

If you have questions concerning the actual violation noted on the front of this form, please call the number listed next to the name of the officer.

For more information about the payment of your fine or on the hearing process, please call the License Investigation Division at (612) 673-3002.

**MAIL PAYMENT AND CORRESPONDENCE TO:
MINNEAPOLIS POLICE DEPARTMENT
LICENSE INVESTIGATION DIVISION
350 SOUTH 5TH STREET, ROOM 1A
MINNEAPOLIS, MN 55415**

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

RESOLUTION NO. 2010-29

**RESOLUTION DENYING APPROVAL OF THE
GAMBLING PREMISES PERMIT FOR MINNESOTA/USA WRESTLING, INC.**

WHEREAS, Minnesota/USA Wrestling, Inc. has made application for a gambling premises permit for operations at Fat Boys Bar and Grill, 21383 Ulysses Street NE, East Bethel, MN 55011; and

WHEREAS, Minnesota/USA Wrestling, Inc. has had multiple violations of Minnesota State Statutes, or Minnesota Rules or Municipal Regulations relating to charitable gambling activities in the past three years; and

WHEREAS, pursuant to City of East Bethel City Code, the City cannot approve support of a premises permit application when there have been violations of Minnesota State Statutes, or Minnesota Rules or Municipal Regulations relating to charitable gambling activities in the past three years.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City denies approval or recommendation for approval of a gambling premises permit application for Minnesota/USA Wrestling, Inc. at Fat Boys Bar and Grill, 21383 Ulysses Street NE, East Bethel, MN 55011.

Adopted this 16th day of June, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

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

RESOLUTION NO. 2010-29

**RESOLUTION RECOMMENDING APPROVAL OF THE
GAMBLING PREMISES PERMIT FOR MINNESOTA/USA WRESTLING, INC.**

WHEREAS, Minnesota/USA Wrestling, Inc. has made application for a gambling premises permit for operations at Fat Boys Bar and Grill, 21383 Ulysses Street NE, East Bethel, MN 55011.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City recommends the gambling premises permit application for Minnesota/USA Wrestling, Inc. at Fat Boys Bar and Grill, 21383 Ulysses Street NE, East Bethel, MN 55011 be approved.

Adopted this 16th day of June, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 G.2

Agenda Item:

Adopt Ordinance 25, Second Series Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

Requested Action:

Consider adoption of Ordinance 25, Second Series Amending Chapter 18, Businesses, Article IV, Regulation the Sale of Tobacco

Background Information:

The City Code regulating tobacco licensing and sales was last updated in 2003. Many areas of Article IV, Regulating the sale of tobacco are out-of-date. Staff reviewed several other city ordinances including the Cities of Ramsey, Fridley, Blaine, Mounds View, Elk River and North Saint Paul. In addition, staff received input from Mr. Pete Regnier, the attorney that recently represented the City in a tobacco ordinance violation trial and from the League of Minnesota Cities. From that review, staff has created an updated ordinance for review and consideration. A copy of this proposed ordinance is included with this agenda write-up.

The updated and changed sections have been identified by underline and strike through to the proposed ordinance and include changes in the following sections.

The Purpose was amended incorporating changes that identify the seriousness of minors use of tobacco; the health problems related to that use; and, the intent to prevent minors from starting to smoke as provided for in Minnesota Statutes, 144.391.

Definitions were updated with the inclusion of Exclusive tobacco stores; self-service merchandising; and, an updated definition for vending machines.

Licensing was amended to include posting of a notice at exclusive tobacco stores; license transfer previously addressed under "Term" making it clear that a license is transferable; moveable place of businesses are added that prevents a licensee to sell tobacco products from a moveable business; the licensee is now required to educate employees who will be selling tobacco on the City requirements and state law and requires the licensee to keep on file documentation that they employees have been educated on such requirements and laws; and, specifies situations and the process to request a refund.

Compliance sales is amended further identifying who will be used in compliance checks; setting a uniform standard to be used when performing a compliance check; and, what is expected of the minor in the course of a compliance check.

Other illegal acts is amended to add exclusive tobacco stores.

Administrative civil penalties for individuals is amended to allow individuals that sold the tobacco to request that a portion of the civil fine waived by performing community service.

Administrative civil penalties for licensees is amended to allow the licensee to request that a portion of the civil fine waived by performing community service. Further, it places a time constraint for performing the community service within sixty (60) days of the action by the City Council.

Exceptions and defenses is amended to allow for state law changes.

Self service is added as the City Code did not address this type of sale. It would now be unlawful to sell tobacco products by self-service.

Attachment(s):

1. Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco
2. Ordinance 25, Second Series – Redline Version

Fiscal Impact:

None at this time

Recommendation(s):

Staff recommends adoption of Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

Ordinance 25, Second Series

An Ordinance Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

The City Council of the City of East Bethel ordains:

Article IV, Regulating the Sale of Tobacco is amended to be as follows:

SECTION 1. Sec. 18-171. – Purpose is amended as follows: The City recognizes that persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices, and such sales, possession, and use are violations of both state and federal laws. Because studies, which are accepted and adopted, have shown that smokers begin smoking before they reach the age of 18 years and that those person who reach the age of 18 years without having started smoking are significantly less likely to begin smoking. Because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government. This article shall be intended to regulate the sale, possession and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stats. § 144.391.

SECTION 2. Sec. 18-172. – Definitions and Interpretations is amended as follows: The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Compliance checks means the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco-related devices are following and complying with the requirements of this article. Compliance checks shall involve the use of minors as authorized by this article. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research or training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices.

Exclusive tobacco store means a retail store which derives at least ninety (90) percent of its revenue from tobacco and tobacco products and which cannot be entered at any time by persons younger than eighteen (18) years of age except as provided herein.

Individually packaged means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall included, but not limited to, single cigarette packs, single bags or cans of loose tobacco in any form and single cans or other packaging or snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this article shall not be considered individually packaged.

Loosies means the common term used to refer to a single or individually packaged

cigarette.

Self-service merchandising means open displays of tobacco, tobacco products, or tobacco-related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco-related devices without the assistance or intervention of the licensee or the licensee's clerk. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product or tobacco-related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Vending machine means any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco-related device, unless the machine can be controlled by an electronic device by an employee of the business.

SECTION 3. Sec. 18-173. – Licensing is amended as follows:

(4) *Display.*

- a. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
- b. Exclusive tobacco stores shall post a notice prohibiting the entering of the store by persons under 18 years of age which notice shall be in plain view of the general public on the licensed public on the licensed premises. The notice shall be at least 8 ½ inch by 11 inch in size.

(7) *Transfers.* All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license will be allowed.

(8) *Moveable place of business.* No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(9) *Educational Requirements.* The licensee shall be required to educate each new employee who will be selling tobacco or tobacco products with regard to the requirements of this article and state law pertaining to the sale of tobacco products to minors. The licensee shall be required to keep on file evidence of the employee educational session and make available for review said evidence upon reasonable request by the City or its designee.

(10) *Refunds.* No part of the fee paid for any license issued under this article shall be refunded except in the following instances upon application to the city council within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis when operation of the licensed business ceases not less than one month before expiration of the license because of:

- a. Destruction or damage of the licensed premises by fire or other catastrophe that the licensee shall cease to carry on the licensed business;
- b. The licensee's death;
- c. A change in the legal status of the city, or some other event making it unlawful for the licensee to carry on the licensed business under his license, except when such license is revoked.

SECTION 4. Sec. 18-176. - Prohibited sale is amended as follows:

(3) By means of any type of a vending machine. ~~unless minors are at all times prohibited from entering the licensed establishment where such a machine is located.~~

(4) By means of self-service methods whereby the customer does not need to make verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product or tobacco-related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee, and the customer, unless the sale is by means of a vending machine controlled by an electronic device by an employee of the business. This subsection does not apply to exclusive tobacco stores.

SECTION 5. Sec. 18-178. - Compliance checks and inspections is amended as follows:

All licensed premises shall be open to inspection by authorized city officials or other designated officials during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years, but less than 18 years, to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase of attempted purchased; nor the unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained or attempted to be obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minors age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he is asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law. ~~for unannounced compliance checks at least once each calendar year to measure compliance. Compliance checks shall utilize minors over the age of 15 years, but under the age of 18 years, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco, tobacco products, and tobacco related devices under the direct supervision of a law enforcement officer or employee or agent of the city. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices. Inspections may be conducted as necessary for the administration of this article.~~

SECTION 6. Sec. 18-179. - Other illegal acts is amended as follows:

(6) *Entering of exclusive tobacco stores.* It is unlawful for a person under 18 years to enter an exclusive tobacco store for the purpose of purchasing tobacco or tobacco products, or for any other purpose.

SECTION 7. Sec. 18-181. - Penalties is amended as follows:

(a) *Administrative civil penalties—Individuals.* Any person, including an individual licensee, who sells any tobacco product to a person under the age of 18 years is subject to an administrative penalty. The city shall impose administrative penalties **as follows:** ~~in the amount of: \$50.00 and eight hours of community service for a first violation; \$50.00 and 20 hours of community service for a second violation within 24 months; and \$50.00 and 40 hours of community service for a third violation within 24 months.~~

(1) First Violation: The city shall impose a civil fine of at least \$50.00 but not to exceed \$100.00. If the penalty imposed is greater than \$50.00 the city may agree with the individual to waive the amount over \$50.00 for eight (8) hours of community service performed by the individual.

(2) Second Violation within twenty-four (24) months: The city shall impose a civil fine of at least \$100.00 but not to exceed \$200.00. If the penalty imposed is greater than \$100.00 the city may agree with the individual to waive the amount over \$100.00 for sixteen (16) hours of community service performed by the individual.

(3) Third Violation within twenty-four (24) months: The city shall impose a civil fine of at least \$150.00 but not to exceed \$300.00. If the penalty imposed is greater than \$150.00 the city may agree with the individual to waive the amount over \$150.00 for twenty four (24) hours of community service performed by the individual.

(b) *Administrative civil penalties—Licensees.* If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, the licensee shall be subject to an administrative penalty as follows:

(1) First violation: The city shall impose a civil fine of \$150.00. ~~and/or~~ In addition the city may suspend the license for a period of ~~ten~~ up to twenty (20) days. ~~and eight hours of community service.~~ The city may agree with the licensee to waive up to 10 days of suspension at a rate of two (2) days for every eight (8) hours of community service performed by the licensee's employee.

(2) Second violation within 24 months: The city shall impose a civil fine of \$300.00. ~~and/or~~ In addition the city may suspend the license for a period of ~~up to forty (40) 30~~ days ~~and 20 hours of community service.~~ The city may agree with the licensee to waive up to 10 days of suspension at a rate of two (2) days for every eight (8) hours of community service performed by the licensee's employee.

(3) Third violation within 24 months: The city shall impose a civil fine of \$400.00 and suspend the license for a minimum period of ~~seven~~ thirty (30) days, not to exceed one year ~~and 40 hours of community service.~~

(4) If the licensee chooses to perform community service, ~~A~~ the community service penalty imposed upon a licensee that is not a natural person must be performed by the licensee or an employee of the licensee and must be completed ~~before the next renewal of the licensee's license to sell tobacco or tobacco products in the city~~ within 60 days of the imposition of the community service provision.

SECTION 8. Sec. 18-182. - Exceptions and defenses is amended as follows:

(2) *Proof of identification.* It shall be an affirmative defense to the violation of this article if the licensee or individual making the sale relied in good faith upon proof of age as described by state law. ~~as follows:~~

~~a.~~

~~A valid state driver's license and/or picture identification card;~~

~~b.~~

~~A valid military identification card issued by the United States Department of Defense; or~~

~~c.~~

~~In the case of a foreign national, a valid passport.~~

SECTION 9. Sec. 18-183. Self-Service sales is added as follows:

It shall be unlawful for a licensee under this article to allow the sale of tobacco, tobacco products, or tobacco-related devices by any means where by a customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product or the tobacco-related device between the licensee or his clerk and the customer. All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. This section does not apply to exclusive tobacco stores.

SECTION 10. Effective date.

This ordinance becomes effective on the date of its publication, as provided by Minnesota Statute, Section 412.191, Subdivision 4, as it may be amended from time to time, or upon the publication of a summary of the ordinance which meets the requirements of Minnesota Statute, Section 331A.01, Subdivision 10, as it may be amended from time to time.

Adopted this 16th day of June, 2010 by the City Council of the City of East Bethel.

For the City:

Greg Hunter, Mayor

ATTEST:

Douglas Sell, City Administrator

Adopted: June 16, 2010

Published:

Effective:

Ordinance 25, Second Series

An Ordinance Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

Sec. 18-171. - Purpose.

~~Because~~ ~~†~~ The City recognizes that many persons under the age of 18 years purchase or otherwise obtain, possess, and use tobacco, tobacco products, and tobacco-related devices, and such sales, possession, and use are violations of both state and federal laws; ~~and~~ ~~†~~ Because studies, which are accepted and adopted, have shown that smokers begin smoking before they reach the age of 18 years and that those person who reach the age of 18 years without having started smoking are significantly less likely to begin smoking; ~~and because smoking has been shown to be the cause of several serious health problems which subsequently place a financial burden on all levels of government; †~~ This article shall be intended to regulate the sale, possession and use of tobacco, tobacco products, and tobacco related devices for the purpose of enforcing and furthering existing laws, to protect minors against the serious effects associated with the illegal use of tobacco, tobacco products, and tobacco related devices, and to further the official public policy of the state in regard to preventing young people from starting to smoke as stated in Minn. Stats. § 144.391.

Sec. 18-172. – Definitions and Interpretations.

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

Compliance checks means the system the City uses to investigate and ensure that those authorized to sell tobacco, tobacco products, and tobacco-related devices are following and complying with the requirements of this article. Compliance checks shall involve the use of minors as authorized by this article. Compliance checks shall also mean the use of minors who attempt to purchase tobacco, tobacco products, or tobacco related devices for educational, research or training purposes as authorized by state and federal laws. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state, or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices.

Exclusive tobacco store means a retail store which derives at least ninety (90) percent of its revenue from tobacco and tobacco products and which cannot be entered at any time by persons younger than eighteen (18) years of age except as provided herein.

Individually packaged means the practice of selling any tobacco or tobacco product wrapped individually for sale. Individually wrapped tobacco and tobacco products shall included, but not limited to, single cigarette packs, single bags or cans of loose tobacco in any form and single cans or other packaging or snuff or chewing tobacco. Cartons or other packaging containing more than a single pack or other container as described in this article shall not be considered individually packaged.

Loosies means the common term used to refer to a single or individually packaged cigarette.

Self-service merchandising means open displays of tobacco, tobacco products, or tobacco-related devices in any manner where any person shall have access to the tobacco, tobacco products, or tobacco-related devices without the assistance or intervention of the licensee or the licensee's clerk. The assistance or intervention shall entail the actual physical exchange of the tobacco, tobacco product or tobacco-related device between the customer and the licensee or employee. Self-service merchandising shall not include vending machines.

Vending machine means any mechanical, electric or electronic, or other type of device which dispenses tobacco, tobacco products, or tobacco-related devices upon the insertion of money, tokens, or other form of payment directly into the machine by the person seeking to purchase the tobacco, tobacco product, or tobacco-related device, unless the machine can be controlled by an electronic device by an

employee of the business.

Sec. 18-173. - Licensing.

(4)

Display.

- a. All licenses shall be posted and displayed in plain view of the general public on the licensed premises.
- b. Exclusive tobacco stores shall post a notice prohibiting the entering of the store by persons under 18 years of age which notice shall be in plain view of the general public on the licensed public on the licensed premises. The notice shall be at least 8 ½ inch by 11 inch in size.

(7)

Transfers. All licenses issued under this article shall be valid only on the premises for which the license was issued and only for the person to whom the license was issued. No transfer of any license will be allowed.

(8)

Moveable place of business. No license shall be issued to a moveable place of business. Only fixed location businesses shall be eligible to be licensed under this article.

(9)

Educational Requirements. The licensee shall be required to educate each new employee who will be selling tobacco or tobacco products with regard to the requirements of this article and state law pertaining to the sale of tobacco products to minors. The licensee shall be required to keep on file evidence of the employee educational session and make available for review said evidence upon reasonable request by the City or its designee.

(10)

Refunds. No part of the fee paid for any license issued under this article shall be refunded except in the following instances upon application to the city council within 30 days from the happening of the event. There shall be refunded a pro rata portion of the fee for the unexpired period of the license, computed on a monthly basis when operation of the licensed business ceases not less than one month before expiration of the license because of:

- (a)Destruction or damage of the licensed premises by fire or other catastrophe that the licensee shall cease to carry on the licensed business;
- (b)The licensee's death;
- (c)A change in the legal status of the city, or some other event making it unlawful for the licensee to carry on the licensed business under his license, except when such license is revoked.

(Ord. No. 8C, § 3, 5-21-2003)

Sec. 18-175. - Basis for denial, revocation, or nonissue of license.

The following shall be grounds for denying, revoking, or not issuing a license under this article; however, except as may otherwise be provided by law, the existence of any particular ground for denial does not mean that the city must deny the license if a licensee is ineligible for the license under this section:

(1)

The applicant is under the age of 18 years.

(2)

The applicant has been convicted within the past five years of any violation of federal, state, or local law, ordinance provision, or other regulation relating to tobacco, tobacco products, or tobacco-related devices.

(3)

The applicant and/or the applicant's business establishment has been found in violation of this article and received multiple administrative civil penalties within the preceding license period.

(4)

The applicant has had a license to sell tobacco, tobacco products, or tobacco-related devices revoked within the preceding 12 months of the date of application.

- (5)
The applicant fails to provide any information required on the application or provides false or misleading information.
- (6)
The applicant is prohibited by federal, state, or other local law, ordinance, or other regulation from holding such a license.
- (7)
Other unforeseen circumstances or conditions exist such that the issuance of a license may unreasonably endanger the health, safety, and welfare of the public.
(*Ord. No. 8C, § 5, 5-21-2003*)

Sec. 18-176. - Prohibited sales.

It shall be a violation of this article for any person to sell or offer to sell any tobacco, tobacco product, or tobacco-related device:

- (1)
To any person under the age of 18 years.
- (2)
From any form of movable place of business.
- (3)
By means of any type of a vending machine. unless minors are at all times prohibited from entering the licensed establishment where such a machine is located.
- (4) By means of self-service methods whereby the customer does not need to make verbal or written request to an employee of the licensed premise in order to receive the tobacco, tobacco product or tobacco-related device and whereby there is not a physical exchange of the tobacco, tobacco product or tobacco-related device between the licensee or the licensee's employee, and the customer, unless the sale is by means of a vending machine controlled by an electronic device by an employee of the business. This subsection does not apply to exclusive tobacco stores.
- ~~(4)~~(5)
Containing opium, morphine, jimson weed, bella donna, strychnos, cocaine, marijuana, or other deleterious, hallucinogenic, toxic, or controlled substances except nicotine and other substances found naturally in tobacco or added as part of an otherwise lawful manufacturing process.
- ~~(5)~~(6)
By any other means, to any other person, or in any other manner or form prohibited by federal, state or other local law, ordinance provision, or other regulation.
(*Ord. No. 8C, § 6, 5-21-2003*)

Sec. 18-177. - Responsibility.

All licensees under this article shall be responsible for the actions of their employees in regard to the sale of tobacco, tobacco product, or tobacco-related devices on the licensed premises, and the sale of such an item by an employee shall be considered a sale by the license holder. Nothing in this section shall be construed as prohibiting the city from also subjecting a licensee's clerk to whatever penalties are appropriate under this article, state or federal law, or other applicable law or regulation.

(*Ord. No. 8C, § 7, 5-21-2003*)

Sec. 18-178. - Compliance checks and inspections.

All licensed premises shall be open to inspection by authorized city officials or other designated officials during regular business hours. From time to time, but at least once per year, the City shall conduct compliance checks by engaging, with the written consent of their parents or guardians, minors over the age of 15 years, but less than 18 years, to enter the licensed premises to attempt to purchase tobacco, tobacco products, or tobacco related devices. Minors used for the purpose of compliance checks shall be supervised by designated law enforcement officers or other designated city personnel. Minors used for compliance checks shall not be guilty of the unlawful purchase of attempted purchased; nor the unlawful possession of tobacco, tobacco products, or tobacco-related devices when such items are obtained or attempted to be obtained as a part of the compliance check. No minor used in compliance checks shall attempt to use a false identification misrepresenting the minors age, and all minors lawfully engaged in a compliance check shall answer all questions about the minor's age asked by the licensee or his employee and shall produce any identification, if any exists, for which he is asked. Nothing in this article shall prohibit compliance checks authorized by state or federal laws for educational, research, or training purposes, or required for the enforcement of a particular state or federal law. ~~for unannounced compliance checks at least once each calendar year to measure compliance. Compliance checks shall utilize minors over the age of 15 years, but under the age of 18 years, who, with the prior written consent of a parent or guardian, attempt to purchase tobacco, tobacco products, and tobacco-related devices under the direct supervision of a law enforcement officer or employee or agent of the city. Compliance checks may also be conducted by other units of government for the purpose of enforcing appropriate federal, state or local laws and regulations relating to tobacco, tobacco products, and tobacco-related devices. Inspections may be conducted as necessary for the administration of this article.~~

(Ord. No. 8C, § 8, 5-21-2003)

Sec. 18-179. - Other illegal acts.

Unless otherwise provided, the following acts shall be a violation of this article:

- (1)
Illegal sales. It shall be a violation of this article for any person to sell or otherwise provide any tobacco, tobacco product, or tobacco-related device to any minor.
- (2)
Illegal possession. It shall be a violation of this article for any minor to have in his possession any tobacco, tobacco product, or tobacco-related device. This subsection shall not apply to minors lawfully involved in a compliance check.
- (3)
Illegal use. It shall be a violation of this article for any minor to smoke, chew, sniff, or otherwise use any tobacco, tobacco product, or tobacco-related device.
- (4)
Illegal procurement. It shall be a violation of this article for any minor to purchase or attempt to purchase or otherwise obtain any tobacco, tobacco product, or tobacco-related device, and it shall be a violation of this article for any person to purchase or otherwise obtain such items on behalf of a minor. It shall further be a violation for any person to coerce to attempt to coerce a minor to illegally purchase or otherwise obtain or use any tobacco, tobacco product, or tobacco-related device. This subsection shall not apply to minors lawfully involved in a compliance check.
- (5)
Use of false identification. It shall be a violation of this article for any minor to attempt to disguise his true age by the use of a false form of identification, whether the identification is that of another person or one on which the age of the person has been modified or tampered with to represent an age older than the actual age of the person.

(6)

Entering of exclusive tobacco stores. It is unlawful for a person under 18 years to enter an exclusive tobacco store for the purpose of purchasing tobacco or tobacco products, or for any other purpose.

(Ord. No. 8C, § 9, 5-21-2003)

Sec. 18-180. - Violation notice; hearing; appeal.

- (a)
Notice. Upon discovery of a suspected violation, the alleged violator shall be issued, either personally or by mail, a citation that sets forth the alleged violation and which shall inform the alleged violator of his right to be heard on the accusation.
- (b)
Hearings. If, within ten days of receiving notice, a person accused of violating this article so requests, a hearing shall be scheduled, the time and place of which shall be provided to the accused violator.
- (c)
Hearing officer. The city council or an appointed board, commission or representative shall serve as the hearing officer.
- (d)
Decision. If the hearing officer determines that a violation of this article did occur, that decision, along with the hearing officers reasons for finding a violation and the penalty to be imposed under section 18-181, shall be recorded in writing, a copy of which shall be provided to the accused violator. Likewise, if the hearing officer finds that no violation occurred or finds grounds for not imposing any penalty, such findings shall be recorded and a copy provided to the acquitted accused violator.
- (e)
Appeals. Appeals of any decision made of the hearing officer shall be filed in the district court for the jurisdiction of the city in which the alleged violation occurred.
- (f)
Misdemeanor prosecution. Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for an alleged violation of this article.
- (g)
Continued violation. Each violation, or illegal sale, shall constitute a separate offense.

(Ord. No. 8C, § 10, 5-21-2003)

Sec. 18-181. - Penalties.

- (a)
Administrative civil penalties—Individuals. Any person, including an individual licensee, who sells any tobacco product to a person under the age of 18 years is subject to an administrative penalty. The city shall impose administrative penalties as follows: ~~in the amount of: \$50.00 and eight hours of community service for a first violation; \$50.00 and 20 hours of community service for a second violation within 24 months; and \$50.00 and 40 hours of community service for a third violation within 24 months.~~
- (1) First Violation: The city shall impose a civil fine of at least \$50.00 but not to exceed \$100.00. If the penalty imposed is greater than \$50.00 the city may agree with the individual to waive the amount over \$50.00 for eight (8) hours of community service performed by the individual.
- (2) Second Violation within twenty-four (24) months: The city shall impose a civil fine of at least \$100.00 but not to exceed \$200.00. If the penalty imposed is greater than \$100.00 the city may agree with the individual to waive the amount over \$100.00 for sixteen (16) hours of community service performed by the individual.

(3) *Third Violation within twenty-four (24) months:* The city shall impose a civil fine of at least \$150.00 but not to exceed \$300.00. If the penalty imposed is greater than \$150.00 the city may agree with the individual to waive the amount over \$150.00 for twenty four (24) hours of community service performed by the individual.

(b) *Administrative civil penalties—Licensees.* If a licensee or an employee of a licensee is found to have sold tobacco to a person under the age of 18 years, the licensee shall be subject to an administrative penalty as follows:

(1) *First violation:* The city shall impose a civil fine of \$150.00. ~~and/or~~ In addition the city may suspend the license for a period of ten up to twenty (20) days. and eight hours of community service. The city may agree with the licensee to waive up to 10 days of suspension at a rate of two (2) days for every eight (8) hours of community service performed by the licensee's employee.

(2) *Second violation within twenty (24) months:* The city shall impose a civil fine of \$300.00. ~~and/or~~ In addition the city may suspend the license for a period of up to forty (40) 30 days and 20 hours of community service. The city may agree with the licensee to waive up to 10 days of suspension at a rate of two (2) days for every eight (8) hours of community service performed by the licensee's employee.

(3) *Third violation within twenty (24) months:* The city shall impose a civil fine of \$400.00 and suspend the license for a minimum period of ~~seven~~ thirty (30) days, not to exceed one year ~~and 40 hours of community service.~~

(4) If the licensee chooses to perform community service, A the community service penalty imposed upon a licensee that is not a natural person must be performed by the licensee or an employee of the licensee and must be completed before the next renewal of the licensee's license to sell tobacco or tobacco products in the city within 60 days of the imposition of the community service provision.

(5) A director, governor, officer, manager, or partner of a licensee shall be considered to be an employee of the licensee for the purpose of this subsection.

(6) The penalties provided for in this subsection shall apply to individuals who are licensees and who make such a sale in addition to any penalty imposed under subsection (a) above.

(c) *Collection of the administrative civil penalties of the employees or individuals.* It shall be the responsibility of the licensee to assist the city with the collection of the penalty from the clerk or individual who sold the tobacco to a person under the age of 18 years; if the individual does not pay or make arrangements to pay the administrative penalty within ten days of service of the violation, the establishment shall be responsible for payment of the individual's penalty ~~as well.~~

(d) *Misdemeanors.* Nothing in this section shall prohibit the city from seeking prosecution as a misdemeanor for any violation of this article.

(Ord. No. 8C, § 11, 5-21-2003; Ord. No. 8D, § 1, 5-7-2008)

Sec. 18-182. - Exceptions and defenses.

The following exceptions and defenses shall apply in the application of this article:

(1) *Ceremony.* Nothing in this article shall prevent the providing of tobacco, tobacco products, or tobacco-related

devices to a minor as part of a lawfully recognized religious, spiritual, or cultural ceremony.

(2)

Proof of identification. It shall be an affirmative defense to the violation of this article if the licensee or individual making the sale relied in good faith upon proof of age as described by state law, as follows:-

~~a.~~

~~A valid state driver's license and/or picture identification card;~~

~~b.~~

~~A valid military identification card issued by the United States Department of Defense; or~~

~~e.~~

~~In the case of a foreign national, a valid passport.~~

~~(Ord. No. 8C, § 12, 5-21-2003)~~

New Section:

Self-Service sales.

It shall be unlawful for a license under this article to allow the sale of tobacco, tobacco products, or tobacco-related devices by any means where by a customer may have access to such items without having to request the item from the licensee or the licensee's employee and whereby there is not a physical exchange of the tobacco, tobacco product or the tobacco-related device between the licensee or his clerk and the customer. All tobacco, tobacco products, and tobacco-related devices shall either be stored behind a counter or other area not freely accessible to customers, or in a case or other storage unit not left open and accessible to the general public. This section does not apply to exclusive tobacco stores.

Secs. 18-183—18-202. - Reserved.



City of East Bethel City Council Agenda Information

Date:

June 16, 2010

Agenda Item Number:

Item 9.0 G.3

Agenda Item:

Summary of Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco

Requested Action:

Consider adopting the Summary of Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco and direction to publish.

Background Information:

City Council has adopted Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco and direction to publish. State law requires publication of adopted ordinances or a summary of an amended ordinance. A summary of Ordinance No. 25 will be published upon approval of the summary by City Council.

Attachments:

- 1. Summary of Ordinance 25, Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco and direction to publish.

Fiscal Impact:

None at this time

Recommendation:

Staff recommends adoption of the Summary of Ordinance 25 Second Series, Amending Chapter 18, Businesses, Article IV, Regulating the Sale of Tobacco and direction to publish in the City's official newspaper.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: _____

ORDINANCE NO. 25, SECOND SERIES

**AN ORDINANCE AMENDING CHAPTER 18, BUSINESSES, ARTICLE IV,
REGULATING THE SALE OF TOBACCO WITHIN THE CITY OF EAST BETHEL,
MINNESOTA**

SUMMARY OF ORDINANCE

City of East Bethel, Anoka County, Minnesota

At a regular session on June 16, 2010, the East Bethel City Council adopted Ordinance No. 25, Second Series. Ordinance No. 25, Second Series regulates the sale of tobacco in the City. A summary of Ordinance No. 25, Second Series is outlined below, and the complete ordinance may be inspected by any person from 8:00 A.M. to 4:00 P.M. Monday through Friday at the East Bethel City Hall located at 2241 221st Avenue NE, East Bethel, Minnesota 55011, phone number 763-367-7840. The following is only a summary of the ordinance.

1. The East Bethel City Council has adopted an ordinance regulating the sale of tobacco. The purpose of this summary is to inform the public of the intent and effect of the ordinance and to publish only a summary of the ordinance with the full ordinance being on file in the office of the City Clerk during regular office hours.

2. The ordinance provides essentially as follows:

Section 18-171. Purpose.

Describes the purpose of the ordinance.

Section 18-172. Definitions and Interpretations.

Sets forth the definitions and interpretations of certain terms used in the ordinance.

Section 18-173. Licensing Requirements.

Requires a City license to sell tobacco or tobacco products. Provides for display of licenses and notices. Provides that licenses are not transferable. Provides requirements for places of business. Provides requirements for education of employees. Provides requirements for refunds of license fees.

Section 18-176. Prohibited Sales.

Sets forth prohibited tobacco sales.

Section 18-178. Compliance Checks and Inspections.

Provides for inspections by authorized city officials or other designated officials. Minors will be used to attempt to purchase tobacco products.

Section 18-179. Other Illegal Acts.

Sets forth other illegal acts.

Section 18-181. Penalties

Provides for administrative civil penalties for individuals for first violations, second violations, and third violations within 24 months. Provides for administrative civil penalties for licensees for first violations, second violations and third violations within 24 months.

Section 18-183. Self-Service Sales.

Sets forth that it is unlawful for a licensee to allow the sale of tobacco, tobacco products or tobacco-related devices by self-service.

Section 18-241. Effective Date.

Provides that the ordinance will be in full force and effect from and after passage and publication according to law.

3. The City Council has determined that publication of the title and a summary of Ordinance No. 25, Second Series as set forth in this summary will clearly inform the public of the intention and effect of the ordinance. The Council also directs that only the title and this summary be published.

Adopted by the City Council of the City of East Bethel on this 16th day of June, 2010.

ATTEST:

Mayor

City Clerk

Introduced: June 16, 2010
Adopted: June 16, 2010
Published: June 25, 2010