City of East Bethel
City Council Agenda

Regular Council Meeting – 7:30 p.m.
Date: May 5, 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**	**Public Forum**	
7:43 PM	**5.0**	**Presentation – Prosecution Attorney Bill Clelland**	
Page 1			
8:03 PM	**6.0**	**Hearings**	
Page 2-7	A.	Joshua Smith – Potentially Dangerous Dog - 1543 Viking Blvd NE	
Page 8-12	B	Karen Kae Reiter – Potentially Dangerous Dog - 19227 Greenbrook Dr NE	
8:33 PM	**7.0**	**Consent Agenda**	
	Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration.		
Page 17-21	A.	Approve Bills	
Page 22-32	B.	Meeting Minutes, April 21, 2010, Regular City Council Meeting	
Page 33-37	C.	Meeting Minutes, April 21, 2010 Board of Appeal and Equalization	
Page 38-42	D.	Meeting Minutes, April 22, 2010, Town Hall Meeting	
Page 43	E.	Cedar/East Bethel Lions – Booster Day – July 17, 2010 - One Day Temporary Consumption & Display Permit	
	F.	IUP Renewal – Lowell Friday – 18215 Greenbrook Drive NE	
Page 44-52	G.	Personnel Policy Amendments – Respectful Workplace	
Page 53-54	H.	Resolution 2010-20 Directing Application for RZED Bonding Authority to State of Minnesota	
Page 55-60	I.	Proposal for Geotechnical Services for 2010 Improvement Projects and Booster Park/Cedar Creek Trail Project	
Page 61-62	J.	Personnel Policy Amendment – Vacation Leave Accrual	
	New Business		
	8.0	**Commission, Association and Task Force Reports**	
8:38 PM	A.	Planning Commission	
Page 63-117		1.	Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
Page 118-123		2.	Summary for Publication of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code
	B.	Park Commission **(No Report)**	
9:00 PM	C.	Road Commission	
Page 124-131		1.	MSA Mileage Designation
	9.0	**Department Reports**	

9:10 PM		A.	Engineer
	Page 132-136	1.	Pay Estimate #1, Municipal Builders Inc., Well No. 2
	Page 137-142	2.	Pay Estimate #1, Dresel Contracting, Wild Rice Drive
		B.	Attorney **(No Report)**
9:20 PM		C.	Finance
	Page 143-148	1.	Resolution No. 2010-21 2010 Budget Amendment
		D.	Public Works **(No Report)**
		E.	Planning and Inspection/Code Enforcement **(No Report)**
		F.	Fire Department **(No Report)**
9:35 PM		G.	City Administrator
	Page 149-150		1. Extended Office Hours

10.0 Other

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

10:00 PM **11.0 Adjourn**

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 5.0

* *

Agenda Item:
Prosecuting Attorney Presentation

* *

Requested Action:
Informational only

* *

Background Information:
Mr. William Clelland, the City's prosecuting Attorney, will provide Council with an update on activities.

* *

Fiscal Impact:
None at this time

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Recommendation(s):
Informational only

* *

City Council Action

Motion by:_____ Second by:_____

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Vote Yes:_____ Vote No:_____

No Action Required: X

City of East Bethel City Council Agenda Information

* *

Date:
May 5, 2010
* *

Agenda Item Number:
Item 6.0.A
* *

Agenda Item:
Potentially Dangerous Dog Hearing
* *

Requested Action:
Determine if the Potentially Dangerous Dog determination should be maintained, modified or removed.
* *

Background Information:
The hearing requested by the animal owner, Mr. Joshua Smith, relates to a dog bite incident which occurred on April 5, 2010. The Anoka County Sherriff's office reported that a dachshund was attacked by the property owner's bulldog at 1543 Viking Blvd NE and it caused significant damage.

The incident was unprovoked and it is now sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City Code. Staff has included a copy of the incident report and Mr. Smith's request for a hearing with your agenda materials. A review of City records indicate that the dog is not currently licensed with the city.

On April 26, 2010 Mr. Smith submitted a request for a hearing before Council. Pursuant to City Code, Chapter 10, Section 10-72, they are to be granted a hearing before the City Council. Mr. Smith will be present on May 5, 2010 to appeal the determination that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The City Council pursuant to Section 10-72 has several obligations and options regarding this matter.

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

We have outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained. These include:

(a) Requirements. If after a hearing, if a hearing is requested under Section 10 – 72, the City Council finds that the dog is potentially dangerous but does not order the destruction of the dog, the City Council shall order one or more of the following as the requirement(s) for the keeping of the dog in the City, which, beginning six months after the dog is declared a potentially dangerous dog, will be reviewed on an annual basis by the City Administrator. If, in reviewing the requirement(s) for keeping a potentially dangerous dog, the owner has provided the evidence required under Minnesota Statutes, Sec. 347.51, Subd. 3a. and there have been no ordinance violations for a period of two years, the City Administrator may use discretion in determining whether one or more or none of the requirement(s) set forth below will still be required:

(1) That the owner provide and maintain a proper enclosure for the potentially dangerous dog as defined in Section 10 - 70; and

(2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the City, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes, Sec. 347.51 in the case of a dangerous dog. The owner must pay a reasonable fee to cover the cost of the warning symbol; and

(3) That an easily identifiable, standardized tag identifying the dog as potentially dangerous and containing the uniform dangerous dog symbol must be affixed to the dog's collar at all times as specified in Minnesota Statutes, Sec. 347.51 for a dangerous dog; and

(4) That the owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of $300,000.00. The insurance must insure the owner for any personal injuries inflicted by the potentially dangerous dog. The owner shall have 14 business days from the request to show proof of insurance, except that if the dog is impounded, proof of insurance must be demonstrated prior to the dog's release; and

(5) That if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 18 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration; and

(6) That all dogs deemed potentially dangerous by the City Council be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the City Administrator.

(7) That the dog must have a lifetime license and be up to date on rabies vaccination.

(8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council.

Attachments:

1. Incident Report #10077257, dated 04/10/2010

2. Hearing request letter received April 26, 2010.

* *

Fiscal Impact:

None at this time

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Recommendation(s):

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

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City Council Action

Motion by:______________________ Second by:______________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

Larry Martin

From: Michelle Orlando [Michelle.Orlando@co.anoka.mn.us]
Sent: Wednesday, April 14, 2010 10:43 AM
To: Larry Martin
Subject: Here you go

ANOKA COUNTY SHERIFF'S OFFICE 325 E MAIN ST, ANOKA MN 55303	JCF		CASE NUMBER 10077257
	ADD'L PAGES		

CLASSIFICATION	CODE	DISP	CLASSIFICATION	CODE	DISP
ANIMAL COMPLAINT - DOGS	09571	S			

REPORTING OFFICER(S)
20581 SWARTOUT, JACOB

DATE REPORTED	ASSIGNED	ARRIVED	CLEARED	EARLIEST DATE/TIME OCCURRED	LATEST DATE/TIME OCCURRED
4/10/2010	2001	2008	2013		

LOCATION OF OFFENSE/INCIDENT	APT #	GRID	VALUE STOLEN	VALUE DAMAGED	VALUE RECOVERED
1543 VIKING BLD NE, EAST BETHEL, MN 55001-		L40	$	$	$

A/J	REPORTING PARTY'S NAME	DATE OF BIRTH	SEX	RACE	HOME PHONE
A	TINA MARIE RENVILLE	[redacted]	F		

ADDRESS	APT	CITY	STATE	ZIP	WORK PHONE
570 KENNEDY ST		ANOKA	MN	55303-	

NARRATIVE

ON 4-10-10 AT 2001 HOURS I WAS DISPATCHED A PHONE ALL REPORT OF A DOG VERSUS DOG ATTACK.

I MADE CONTACT WITH TINA MARIE RENVILLE DOB 8-28-74, AT TELEPHONE NUMBER 763-226-4750. TINA STATED THAT HER DASCHAUND DOG WAS ATTACKED BY HER BOYFRIENDS BULL DOG ON 4-5-10 AT 2100 HOURS. THE OWNER OF THE BULL DOG IS JOSHUA ALAN SMITH DOB 2-26-77.

TINA STATED THAT THE BULL DOG ATTACKED HER DOG OVER A BONE AND CAUSED A LOT OF DAMAGE TO HER DOG. TINA STATED THAT THE VETERINARIAN BILL WAS OVER $900.00. JOSHUA REFUSED TO PAY THE VETERINARIAN BILL, SO TINA THOUGH SHE SHOULD REPORT THE INCIDENT.

I TOLD TINA THAT SHE WOULD NEED TO GO THROUGH THE CIVIL COURT SYSTEM IF SHE WANTED TO GET MONEY FROM JOSHUA FOR THE DAMAGE DONE TO HER DOG.

CLEAR 2013 HOURS.

DEPUTY SWARTOUT #275

/JM

04/13/2010

A/J/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
A	M	JOSHUA ALAN SMITH	[redacted]	M	W				

ADDRESS	APT	CITY	STATE	ZIP
1543 VIKING BLVD NE		EAST BETHEL	MN	55011-

ALIAS	HOME / BUS PHONE	WORK / 2ND BUS PHONE	CELL / PAGER / FAX

Attachment 1

Dear Mr. Martin, 4-23-10

This is in response to your letter concerning a police report you obtained regarding my dog, Daisy. Please let this serve as notice that I would like to appeal the determination that my dog is "potentially dangerous", and request a hearing.

My dog is not potentially dangerous for the following reasons:

- My ex-girlfriends dog consistently provoked my dog by baring her teeth and snapping and growling at my dog.
- The 1st time my dog was with her dog, in June of 2009, we gave them dog bones. Her dog snapped at my dog and an altercation ensued. It was a rule ever since then to not give them bones together and if we did, to keep a very close eye on them.
- At the time of the incident referred to in the police report, my ex-girlfriend gave them bones, which was a known ~~trigger~~ trigger
- I was not present during the incident, as I was at school.
- The incident occurred indoors, in my house.
- My ex-girlfriend was not supposed to be at my house in the first place, but I let her in because she begged to come in.
- She had absolute notice that her dog consistently provoked my dog, especially when food or dog bones were present.
- My dog has a very friendly temperment except when provoked and dog bones are around.
- She brought her dog over many, many times over the months since June.. Cont.

Attachment 2

and the only time an incident occured was when dog bones were around. She even lived at my house with her dog, walked our dogs together many times without incident, and took several pictures of them co-existing peacefully.

I have a second dog that has lived with Daisy and I for 8 years and no incident has ever taken place between my two dogs because my other dog does not snap, growl, and bare her teeth at Daisy.

My ex girlfriend only filed a police report because she is bitter that I would not help her pay the vet bills and because I broke up ~~with her~~ with her. But as I mentioned, she was not invited to my house the day of the incident and the relationship was already over.

Daisy is registered in East Bethel, I take her to the EB pet clinic, dog parks etc... and have never had an incident, as she is a sweet dog.

Daisy has never bitten a person and only bit her dog because she gave them bones and her dog becomes aggressive and provocatory around bones and food.

My ex-girlfriend will not be coming to ~~my~~ house at any time in the future.

I look forward to the opportunity to appeal this determination.

I hope that the date you schedule me for does not conflict with my finals, as I am a first year law student at William Mitchell College of Law and my classes are in the evenings.

Sincerely,

Joshua Smith

651-491-2316

Attachment 2

City of East Bethel
City Council
Agenda Information

* *

Date:

May 5, 2010

* *

Agenda Item Number:

Item 6.0.B

* *

Agenda Item:

Potentially Dangerous Dog Hearing

* *

Requested Action:

Determine if the Potentially Dangerous Dog determination should be maintained, modified or removed.

* *

Background Information:

The hearing requested by the animal owner relates to a dog bite incident which occurred on April 6, 2010. The Anoka County Sherriff's office reported that a FedEx employee was approached and bit by a German Sheppard at 19227 Greenbrook Drive NE.

The incident was unprovoked and it is now sufficient to issue a Potentially Dangerous Dog Notice pursuant to Chapter 10 of the City Code. Staff has included a copy of the incident report. A review of City records indicate that the dog is not currently licensed with the city.

On April 30, 2010 Ms. Reiter submitted a request for a hearing before Council. Pursuant to City Code, Chapter 10, Section 10-72, they are to be granted a hearing before the City Council. Ms. Reiter will be present on May 5, 2010 to appeal the determination that the dog in question is a potentially dangerous dog by virtue of the evidence provided in the police report.

The City Council pursuant to Section 10-72 has several obligations and options regarding this matter.

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

We have outlined the requirements for maintaining the animal should the potentially dangerous dog determination be sustained. These include:

(a) Requirements. If after a hearing, if a hearing is requested under Section 10 – 72, the City Council finds that the dog is potentially dangerous but does not order the destruction of the dog, the City Council shall order one or more of the following as the requirement(s) for the keeping of the dog in the City, which, beginning six months after the dog is declared a potentially dangerous dog, will be reviewed on an annual basis by the City Administrator. If, in reviewing the requirement(s) for keeping a potentially dangerous dog, the owner has provided the evidence required under Minnesota Statutes, Sec. 347.51, Subd. 3a. and there have been no ordinance violations for a period of two years, the City Administrator may use discretion in determining whether one or more or none of the requirement(s) set forth below will still be required:

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(2) That the owner post the front and the rear of the premises with clearly visible warning signs, including a warning symbol, a copy of which will be furnished by the City, to inform children, that there is a potentially dangerous dog on the property in the manner specified in Minnesota Statutes, Sec. 347.51 in the case of a dangerous dog. The owner must pay a reasonable fee to cover the cost of the warning symbol; and

(3) That an easily identifiable, standardized tag identifying the dog as potentially dangerous and containing the uniform dangerous dog symbol must be affixed to the dog's collar at all times as specified in Minnesota Statutes, Sec. 347.51 for a dangerous dog; and

(4) That the owner provides and shows proof annually of public liability insurance paid in full in the minimum amount of $300,000.00. The insurance must insure the owner for any personal injuries inflicted by the potentially dangerous dog. The owner shall have 14 business days from the request to show proof of insurance, except that if the dog is impounded, proof of insurance must be demonstrated prior to the dog's release; and

(5) That if the dog is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person 18 years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal but will not cause injury to the dog or interfere with its vision or respiration; and

(6) That all dogs deemed potentially dangerous by the City Council be registered with the City within 14 days after the date the dog was so deemed and provide satisfactory proof thereof to the City Administrator.

(7) That the dog must have a lifetime license and be up to date on rabies vaccination.

(8) That the owner must allow a compliance official on the owner's property to conduct a site inspection within 14 days of determination of potentially dangerous dog by the City Council.

Attachments:

1. Incident Report #10073548, dated 04/6/2010

* *

Fiscal Impact:

None at this time

* *

Recommendation(s):

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

* *

City Council Action

Motion by:______________________ Second by:______________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

Larry Martin

From: Michelle Orlando [Michelle.Orlando@co.anoka.mn.us]
Sent: Wednesday, April 14, 2010 10:27 AM
To: Larry Martin
Subject: dog bite report

ANOKA COUNTY SHERIFF'S OFFICE 325 E MAIN ST, ANOKA MN 55303	JCF		CASE NUMBER 10073548
	ADD'L PAGES		

CLASSIFICATION	CODE	DISP	CLASSIFICATION	CODE	DISP
ANIMAL - DOG BITES	09561	S			

REPORTING OFFICER(S): CS012 THURMER, CHAD

DATE REPORTED	ASSIGNED	ARRIVED	CLEARED	EARLIEST DATE/TIME OCCURRED	LATEST DATE/TIME OCCURRED
4/6/2010	1324	1357	1420		

LOCATION OF OFFENSE/INCIDENT	APT #	GRID	VALUE STOLEN	VALUE DAMAGED	VALUE RECOVERED
19227 GREENBROOK DR. NE, EAST BETHEL MN, MN 55011-		L30	$	$	$

A/J	REPORTING PARTY'S NAME	DATE OF BIRTH	SEX	RACE	HOME PHONE

ADDRESS	APT	CITY	STATE	ZIP	WORK PHONE

NARRATIVE

I WAS DISPATCHED TO 19227 GREENBROOK DR. NE ON REPORT OF A DOG BITE COMPLAINT. I ARRIVED AND SPOKE WITH RICHARD PAUL INOTT 02/25/1971. RPI STATED THAT HE WAS A DELIVERY DRIVER FOR FED EX AND WAS TRYING TO DELIVER A PACKAGE. HE TOLD ME HE SAW THE DOG (GERMAN SHEPHERD) APPROACHING HIM WHICH, APPEARED TO BE FRIENDLY AS IT WAS WAGGING ITS TAIL, BUT HE KNEW FROM EXPERIENCE TO KEEP HIS EYE ON IT AT ALL TIMES. HE STARTED TOWARDS THE FRONT DOOR AND THE DOG GRABBED ONTO HIS LEFT WRIST AND DIDNT LET GO UNTIL HE KICKED IT IN THE CHEST. HE STATED THAT FROM THERE HE KEPT THE PACKAGE IN BETWEEN HIMSELF AND THE DOG UNTIL HE WAS ABLE TO GET BACK INTO HIS DELIVERY TRUCK.

WHEN I LOOKED AT THE BITE ON RICHARD'S, ARM I NOTICED THE DOG'S TEETH DID NOT CREATE PUNCTURE WOUNDS, BUT IT DID MAKE ABRASIONS THAT STARTED TO BLEED AFTER HIS ARM BEGAN TO SWELL. I ASKED RICHARD IF HE NEEDED AN AMBULANCE AND HE SAID NO. HE TOLD ME THAT HE COULD GO TO THE DOCTOR ON HIS OWN.

I THEN SPOKE WITH THE DOG'S OWNER KAREN KAE REITER 08/08/1949. SHE TOLD ME THAT NOTHING LIKE THIS HAS EVER HAPPENED BEFORE AND THAT (CHARLIE) IS NORMALLY FRIENDLY WITH STRANGERS. I TOLD HER THAT I NEEDED PROOF OF CURRENT RABIES VACCINATION WITHIN 24 HRS OR THE DOG WOULD BE TAKEN AND QUARANTINED FOR A PERIOD OF 10 DAYS. BOTH PARTIES WERE GIVEN A CARD WITH THE CASE NUMBER AND TOLD HOW TO GET IN CONTACT WITH ME IF THERE WERE ANY FURTHER QUESTIONS.

I SPOKE WITH KAREN AND HER HUSBAND GERALD ON 04/07/10 AT 2000HRS OVER THE PHONE AND GERALD TOLD ME THAT THE DOG WAS NOT REGISTERED AND DID NOT HAVE PROOF OF RABIES. I INFORMED THEM THAT THE DOG WOULD BE PICKED UP ON 04/08/10 AND QUARANTINED FOR 10 DAYS.

CSO THURMER

:KH 4/12/10

A/J/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
A	V	RICHARD PAUL INOTT	[redacted]	M	W				

Attachment 1

ADDRESS	APT	CITY	STATE	ZIP
14029 FURUBY RD		CENTER CITY	MN	55012-

ALIAS	HOME / BUS PHONE	WORK / 2ND BUS PHONE	CELL / PAGER / FAX

AJ/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES
A	O	KAREN KAE REITER	[redacted]	F	W				

ADDRESS	APT	CITY	STATE	ZIP
19227 GREENBROOK DR NE		EAST BETHEL	MN	55011-

ALIAS	HOME / BUS PHONE	WORK / 2ND BUS PHONE	CELL / PAGER / FAX
	763-434-8340		

AJ/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES

ADDRESS	APT	CITY	STATE	ZIP

ALIAS	HOME / BUS PHONE	WORK / 2ND BUS PHONE	CELL / PAGER / FAX

AJ/U	CODE	NAME	DOB	SEX	RACE	HGT	WGT	HAIR	EYES

ADDRESS	APT	CITY	STATE	ZIP

ALIAS	HOME / BUS PHONE	WORK / 2ND BUS PHONE	CELL / PAGER / FAX

ENTRY 1	ENTRY 2	ENTRY 3	ENTRY 4	SUPERVISOR	COPY TO	RELATED CASE NUMBERS:
					EB CITY HALL	

NOTICE: Unless restricted by law, email correspondence to and from Anoka County government offices may be public data subject to the Minnesota Data Practices Act and/or may be disclosed to third parties.

Attachment 1

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 7.0 A-J

* *

Agenda Item:
Consent Agenda

* *

Requested Action:
Consider approving Consent Agenda as presented

* *

Background Information:
Item A

Bills/Claims

Item B

Meeting Minutes, April 21, 2010 Regular City Council

Meeting minutes from the April 21, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, April 21, 2010, Board of Appeals and Equalization

Meeting minutes from the April 7, 2010, Board of Appeals and Equalization are attached for your review and approval.

Item D

Meeting Minutes, April 22, 2010, Town Hall Meeting

Meeting minutes from the April 22, 2010, Town Hall Meeting are attached for your review and approval.

Item E

Cedar/East Bethel Lions – Booster Day – July 17, 2010 – One Day Temporary Consumption & Display Permit

The Cedar/East Bethel Lions have applied for a one day temporary consumption and display permit to sell beer and set ups at the Booster Day and the Firefighter's Dance scheduled for July 17, 2010. We have received a signed application. We have not received proof of Liquor Liability Insurance. Staff is recommending approval subject to receipt of the certificate of Liquor Liability Insurance.

Item F

IUP Renewal – Lowell Friday – 18215 Greenbrook Drive NE

On March 18, 2009, Mr. Friday was reissued an IUP for the keeping of horses. One of the conditions in the IUP requires a review by the City after one year at which time City Council may consider additional conditions to the IUP or, may revoke the IUP should Mr. Friday fail to comply with the conditions of the IUP.

On April 26, 2010, City staff conducted a site inspection of Mr. Friday's property and has determined that Mr. Friday is in compliance of the conditions set forth in the March 18, 2009 IUP. Staff noted that Mr. Friday typically houses up to 88 horses on the property. Mr. Friday has sold approximately 28 horses. The collection of horses on this site is currently at approximately 60 horses. His goal is to retain 53 horses. Staff will have an actual count on the number of horses at the end of May when the licensed veterinarian conducts his semi-annual visit and submits the report to staff.

At this time, staff recommends the continuation of the IUP. Staff will follow up with an annual inspection for the year 2011. In the event conditions are not met, the IUP will be placed on the City Council agenda for review.

Item G

Personnel Policy Amendments – Respectful Workplace

The City of East Bethel is committed to creating and maintaining a work environment free from all forms of harassment and discrimination. City of East Bethel Personnel Policy Section 3.1 Sexual Harassment Policy currently addresses sexual harassment.

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

Attached is a revised policy that addresses most forms of harassment and discrimination including sexual harassment. Section 3.1 has will also be renamed from Sexual Harassment Policy to *Respectful Workplace Policy.*

Attachment(s):

1. Respectful Workplace Policy – Redline version
2. Respectful Workplace Policy – Final version

Item H

Consider approving Resolution 2010-20 Directing Application for RZED Bonding Authority to State of Minnesota

Through provisions of the American Recovery and Reinvestment Act, the U.S. Treasury has allocated $132 million to the State of Minnesota for Recovery Zone Economic Development bonding authority. In turn, the State has reallocated some of this authority to certain Minnesota cities and counties. The unused bonding authority from all counties and cities that goes unused must be returned to the State of Minnesota by June 1, 2010.

Recovery Zone Economic Development Bonds allow local governments to borrow funds for eligible projects at lower borrowing costs as the Treasury Department will pay the issuing entity a direct payment subsidy equal to 45 percent of the coupon interest on the bonds over the life of the bonds. The maximum life of the bonds under this program is 20 years. The bonds are designed to provide financing for projects that promote job creation and economic development. The Treasury has identified several qualifying criteria that include promotion of economic

development by the creation of construction and permanent jobs. Bonds must be issued by December 31, 2010.

The application deadline to the State is June 1, 2010 for requesting a portion of any bonding authority from the state wide pool for eligible projects.

The city's utility Engineers have estimated the cost of East Bethel's share for Project 1 Phase I sewer system to be $5.8 million. Attached is a summary of these estimated costs from Bolton and Menk, Inc., the City's consulting engineers on this project.

This resolution does not authorize the issuance of any debt. Debt issuance can only be considered following completion of a feasibility report, a public hearing and Council direction to order the improvements. This is merely a request to reserve a portion of this bonding authority for this project.

Attachment(s):

1. Estimated Sewer System Cost Summary-Project 1, Phase I
2. Resolution 2010-20 Recovery Zone Economic Development Bonds

Item I

Proposal for Geotechnical Services for 2010 Improvement Projects and Booster Park/Cedar Creek Trail Project

Approve proposal from Northern Technologies, Inc. for geotechnical services for the 2010 Improvement Projects and the Booster Park/Cedar Creek Trail Project. Staff requested three quotes for the geotechnical investigation (soil borings) for the proposed projects. Two quotes were submitted and are summarized below:

Northern Technologies, Inc.	$4,470
Independent Testing Technologies	$5,440

Staff recommends approving the proposal from Northern Technologies, Inc. in the amount not to exceed $4,470 for geotechnical services for the 2010 Improvement Projects and the Booster Park/Cedar Creek Trail Project. Copies of the proposals are attached.

Item J

Personnel Policy Amendment – Vacation Leave Accrual

The current Vacation accrual policy for union employees (Teamsters #320) provides up to accumulation of 240 vacation hours. Union employees must have their vacation balance reduced to 240 hours, or less, by the last pay period in December of each calendar year. To be consistent for all employees, the following amendment to Section 7.2, item 4. Vacation Accumulation, of the City's Personnel Policies is provided for consideration.

4. Vacation Accumulation
   ~~Vacation accumulation, including the current vacation earned from year to year, may not exceed a total accumulation equal to one and one-half times the number of hours the employee is currently earning in one year. The total number of vacation hours accrued may not exceed 240 hours, except where approved in writing by the City Administrator.~~ <u>Employees must have their vacation balance reduced to 240 hours, or less, by the last pay period in December of each calendar year.</u>

Attachment(s):

1. Vacation Leave – Redline version

2. Vacation Leave – Final version

* *

Fiscal Impact:
As noted above.

* *

Recommendation(s):
Recommend approval of the Consent Agenda as presented.

* *

City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

Bills to be Approved for Payment May 5, 2010	$220,145.58
Electronic Payments	$29,217.21
Payroll City Council - April 29, 2010	$1,552.82
Payroll City Staff - April 29, 2010	$37,839.87

Total to be Approved for Payment May 5, 2010	$288,755.48

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer

City of East Bethel

May 5, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Auto/Misc Licensing Fees/Taxes	173323430003	Anoka County	615	49851	819.08
Arena Operations	Bldg/Facility Repair Supplies	69029	Class C Components	615	49851	691.40
Arena Operations	Bldg/Facility Repair Supplies	50484	Menards - Forest Lake	615	49851	127.79
Arena Operations	Bldg/Facility Repair Supplies	32525	Menards Cambridge	615	49851	32.32
Arena Operations	Bldgs/Facilities Repair/Maint	42110	Connexus Energy	615	49851	21.32
Arena Operations	Bldgs/Facilities Repair/Maint	9230503022	Grainger	615	49851	74.33
Arena Operations	Bldgs/Facilities Repair/Maint	9230503014	Grainger	615	49851	13.39
Arena Operations	Electric Utilities	42110	Connexus Energy	615	49851	1,125.73
Arena Operations	Gas Utilities	236090544	Xcel Energy	615	49851	5,575.21
Arena Operations	Refuse Removal	1197548	Walters Recycling, Inc.	615	49851	104.62
Arena Operations	Repairs/Maint Machinery/Equip	44800-IN	R & R Specialities, Inc.	615	49851	35.00
Building Inspection	Telephone	332373310-101	Nextel Communications	101	42410	22.03
Central Services/Supplies	Office Supplies	63183	J. P. Cooke Company	101	48150	39.73
Central Services/Supplies	Telephone	6757009	Integra Telecom	101	48150	233.87
City Administration	Dues and Subscriptions	2010	ICMA	101	41320	1,117.00
City Administration	Travel Expenses	42710	Douglas Sell	101	41320	200.00
Cty HRA Grant Utility System	Architect/Engineering Fees	131624	Bolton & Menk, Inc.	228	22800	8,506.50
Fire Department	Auto/Misc Licensing Fees/Taxes	243323130015	Anoka County	101	42210	627.17
Fire Department	Auto/Misc Licensing Fees/Taxes	273323230008	Anoka County	101	42210	819.08
Fire Department	Auto/Misc Licensing Fees/Taxes	243323440020	Anoka County	101	42210	22.09
Fire Department	Auto/Misc Licensing Fees/Taxes	23323140021	Anoka County	101	42210	58.09
Fire Department	Auto/Misc Licensing Fees/Taxes	363323240084	Anoka County	101	42210	79.97
Fire Department	Auto/Misc Licensing Fees/Taxes	23323140022	Anoka County	101	42210	8.13
Fire Department	Auto/Misc Licensing Fees/Taxes	2010-171	Anoke County	101	42210	1,743.20
Fire Department	Bldgs/Facilities Repair/Maint	42110	Connexus Energy	101	42210	5.32
Fire Department	Clothing & Personal Equipment	35804	Fire Safety USA, Inc.	101	42210	683.00
Fire Department	Clothing & Personal Equipment	37659	Metro Fire, Inc.	101	42210	405.79
Fire Department	Conferences/Meetings	42210	Shane Ebertowski	101	42210	207.00
Fire Department	Electric Utilities	42110	Connexus Energy	101	42210	640.77
Fire Department	Employer Paid Expenses	338	MFSCB	231	42210	400.00
Fire Department	Employer Paid Expenses	93007	St. Cloud Technical College	231	42210	360.00
Fire Department	Gas Utilities	236090544	Xcel Energy	101	42210	2,849.30
Fire Department	Motor Vehicles Parts	392543	Boyer Truck Parts	101	42210	105.03
Fire Department	Office Supplies	515867282001	Office Depot	101	42210	24.99
Fire Department	Refuse Removal	1216524	Walters Recycling, Inc.	101	42210	36.07
Fire Department	Small Tools and Minor Equip	34762	Fire Safety USA, Inc.	101	42210	4,930.00
Fire Department	Small Tools and Minor Equip	B10046838V1	Tech Depot	101	42210	150.80
Fire Department	Telephone	6757009	Integra Telecom	101	42210	146.18
Fire Department	Telephone	332373310-101	Nextel Communications	101	42210	122.25
General Govt Buildings/Plant	Bldg/Facility Repair Supplies	31003	Menards Cambridge	101	41940	38.41
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470436419	Cintas Corporation #470	101	41940	19.63
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470422321	Cintas Corporation #470	101	41940	19.63
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	470450357	Cintas Corporation #470	101	41940	19.63
General Govt Buildings/Plant	Electric Utilities	42110	Connexus Energy	101	41940	833.03
General Govt Buildings/Plant	Gas Utilities	236090544	Xcel Energy	101	41940	1,273.03
Human Resources	Office Supplies	515880182001	Office Depot	101	41810	90.45
Mayor/City Council	Conferences/Meetings	42210	Theresa Adams	101	41110	54.00
Mayor/City Council	Dues and Subscriptions	2010	Alexandra House, Inc.	101	41110	4,252.00
Park Maintenance	Auto/Misc Licensing Fees/Taxes	353323310005	Anoka County	101	43201	300.00
Park Maintenance	Auto/Misc Licensing Fees/Taxes	353323130003	Anoka County	101	43201	300.00
Park Maintenance	Auto/Misc Licensing Fees/Taxes	43323430001	Anoka County	101	43201	233.68

City of East Bethel

May 5, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Bldg/Facility Repair Supplies	7496	Great Northern Landscapes, Inc	101	43201	70.38
Park Maintenance	Bldg/Facility Repair Supplies	32366	Menards Cambridge	101	43201	80.14
Park Maintenance	Clothing & Personal Equipment	470436420	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Clothing & Personal Equipment	470450358	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Clothing & Personal Equipment	470453769	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Electric Utilities	42110	Connexus Energy	101	43201	542.29
Park Maintenance	Equipment Parts	1-957092	Pioneer Rim & Wheel Co	101	43201	258.30
Park Maintenance	Repairs/Maint Machinery/Equip	495040	Pomp's Tire Service, Inc.	101	43201	30.50
Park Maintenance	Telephone	6757009	Integra Telecom	101	43201	53.59
Park Maintenance	Telephone	332373310-101	Nextel Communications	101	43201	87.74
Payroll	Insurance Premiums	4414174	Delta Dental	101		1,040.30
Payroll	Insurance Premiums	40308	Fort Dearborn Life Insurance	101		1,201.15
Payroll	Insurance Premiums	20263125	Medica Health Plans	101		8,031.23
Planning and Zoning	Legal Notices	IQ 01767772	ECM Publishers, Inc.	101	41910	41.00
Planning and Zoning	Telephone	332373310-101	Nextel Communications	101	41910	21.93
Recycling Operations	Auto/Misc Licensing Fees/Taxes	273323240010	Anoka County	226	43235	31.99
Recycling Operations	Electric Utilities	42110	Connexus Energy	226	43235	122.38
Recycling Operations	Gas Utilities	236090544	Xcel Energy	226	43235	392.26
Recycling Operations	Hazardous Waste Disposal	2024489	OSI Environmental, Inc.	226	43235	60.00
Recycling Operations	Other Advertising	24696	The Courier	226	43235	265.00
Recycling Operations	Other Equipment Rentals	36693	Jimmy's Johnnys, Inc.	226	43235	81.44
Recycling Operations	Postage/Delivery	479005	Gregory Cardey	226	43235	200.00
Recycling Operations	Refuse Removal	253618581	Shred-it	226	43235	620.00
Recycling Operations	Refuse Removal	1216525	Walters Recycling, Inc.	226	43235	245.21
Sewer Operations	Bldgs/Facilities Repair/Maint	42110	Connexus Energy	602	49451	24.53
Sewer Operations	Chemicals and Chem Products	3110142 RI	Hawkins, Inc	602	49451	3,385.80
Sewer Operations	Electric Utilities	42110	Connexus Energy	602	49451	807.92
Street Maintenance	Bldgs/Facilities Repair/Maint	470450358	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470436420	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470453769	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	42110	Connexus Energy	101	43220	21.29
Street Maintenance	Clothing & Personal Equipment	470450358	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470436420	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470453769	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Electric Utilities	42110	Connexus Energy	101	43220	1,468.09
Street Maintenance	Equipment Parts	34346	Menards Cambridge	101	43220	4.16
Street Maintenance	Gas Utilities	236090544	Xcel Energy	101	43220	1,509.68
Street Maintenance	Motor Fuels	D10104	Gregory Cardey	101	43220	70.64
Street Maintenance	Refuse Removal	1190401	Walters Recycling, Inc.	101	43220	303.71
Street Maintenance	Repairs/Maint Machinery/Equip	495040	Pomp's Tire Service, Inc.	101	43220	30.50
Street Maintenance	Shop Supplies	31003	Menards Cambridge	101	43220	77.94
Street Maintenance	Sign/Striping Repair Materials	91021-IN	Earl F. Anderson, Inc.	101	43220	747.59
Street Maintenance	Small Tools and Minor Equip	50484	Menards - Forest Lake	101	43220	42.00
Street Maintenance	Telephone	6757009	Integra Telecom	101	43220	53.59
Street Maintenance	Telephone	332373310-101	Nextel Communications	101	43220	87.96
Water Utility Operations	Bldgs/Facilities Repair/Maint	42110	Connexus Energy	601	49401	26.67
Water Utility Operations	Electric Utilities	42110	Connexus Energy	601	49401	287.65
Water Utility Operations	Gas Utilities	41510	CenterPoint Energy	601	49401	128.69
Water Utility Operations	Legal Notices	IQ 01767771	ECM Publishers, Inc.	601	49401	76.88
Whispering Aspen Well Project	Heavy Machinery	Pay Est #1	Municipal Builders, Inc.	432	43200	67,162.10
Whispering Aspen Well Project	Professional Services Fees	1645359	Dorsey & Whitney LLP	432	43200	4,000.00

City of East Bethel

May 5, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Wild Rice Drive	Improvements Other Than Bldgs	Pay Est #1	Dresel Contracting, Inc.	402	43123	85,399.87
						$220,145.58

City of East Bethel

May 5, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
		PERA				$6,188.21
		Federal Withholding				$6,259.16
		Medicare Withholding				$1,763.68
		FICA Tax Withholding				$7,416.94
		State Withholding				$2,593.99
		MSRS				$4,995.23
						$29,217.21

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EAST BETHEL CITY COUNCIL MEETING

April 21, 2010

The East Bethel City Council met on April 21, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer, Steve Channer, Kathy Paavola, Steven Voss

MEMBERS EXCUSED: Greg Hunter

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 April 21, 2010 City Council meeting was called to order by Acting Mayor Voss at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the April 21, 2010 City Council agenda with the additions to agenda item 8.0 A.2 Ordinance 19, Second Series and the addition of item to be numbered 9.0 G.3 Recovery Zone Economic Development Bonds and Compliance with the Reimbursement of Bond Regulations under the Internal Revenue Code. Paavola seconded; all in favor, motion carries.**

Sheriff's Report Lt. Orlando reported on the custodial arrests/significant arrests for the month of March 2010 as follows:

03-14-10 - Terroristic Threats - Deputies were called on a gun pointing incident that had occurred. Upon arrival a male advised that a male at a neighboring residence had pointed a gun at him during an argument. The suspect male advised he had a BB gun by his side during an argument but never pointed it at anyone. The victim advised it was not a BB gun. The male was arrested. A search warrant was obtained for the residence which did not produce any other weapons.

03-16-10 - Burglary – Possess Stolen Property - Deputies received a call of a burglary that had occurred in East Bethel. Later that day in East Bethel, a deputy stopped a vehicle for a traffic violation that had a large amount of expensive property in the back. It was determined that the property inside the vehicle was from the early morning burglary. One male was arrested for receiving stolen property.

03-18-10 - 5th Degree Domestic Assault - Deputies were called to a mother / son domestic. Upon arrival the mother advised she had to pick her son up from school as he was threatening to assault another student. The mother and son were arguing and she slapped him across the back of the head. The son told his mother he would break her hand if she tired that again. The mother was also in fear that her son might harm her young daughter. The son was arrested and taken to Lino Lakes Juv. Center.

03-18-10 - Flee in Motor Vehicle / 2nd Degree DWI / DAC – IPS - A deputy observed a vehicle crossing the center and fog lines several times. The deputy activated his lights and the vehicle pulled over to the shoulder momentarily, and then took off. The vehicle driver

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eventually lost control and crashed. The female driver was under the influence of alcohol and tested a .12 at jail. She had two prior DWI convictions within 10 years and her driver's license status was cancelled inimical to public safety.

03-19-10 - 5th Degree Controlled Substance / Driving After Suspension - A deputy stopped a vehicle for a minor equipment violation. The driver advised he did not have current insurance on the vehicle. The driver did produce a WI driver's license which was valid in WI, however the driver had a MN driver's license which was suspended. During an inventory search of the vehicle, 1.2 grams of meth were located. The male was taken into custody.

03-21-10 - Underage Drink & Drive / Careless Driving - Deputies received an anonymous tip of an intoxicated driver who was going to be leaving the area. A deputy located and stopped the vehicle for driving conduct. The driver appeared to be intoxicated. The male failed field sobriety tests. The male took the intoxilyzer test which indicated a bac of .07. He was cited for the above offenses.

03-21-10 - GM Child Endangerment / 5th Degree Domestic Assault - Deputies were called to a male/female domestic. Upon arrival the female advised she had been holding her three month old daughter when she was punched in the face three times by her boyfriend. The boyfriend advised they were arguing and he was upset at which time he "blacked out" and could not remember what he did. The boyfriend was taken to jail.

03-27-10 - Burglary / 72 Hour Hold - A male contacted 911 to report he had returned home to find a naked male sleeping on his couch. The male woke the sleeping party up at which time the suspect began to punch the homeowner. The suspect was detained until the deputies arrived. The suspect refused to talk with the deputies about why he was at this house or how he had made entry. The victim decided he did not want to pursue charges. The suspect was very intoxicated and appeared to possibly be on meth. A 72 hour hold was signed by the deputies on the suspect.

Lt. Orlando said domestic calls (non-crime) for the month were twenty-four (24) and DWI arrests for this month were nine (9).

Explorer Program

Sell explained that Fire Chief Mark DuCharme will introduce the East Bethel Fire Explorers and their advisors. Explorer Post 3796 is sanctioned by the Boy Scouts of America and the North Star Council. The City of East Bethel Fire Department is the sponsor of the organization.

This past month our Explorer Post was honored as the "New Post of the Year Award" and received "Exploring Excellence Award" for the North Star Council. Copies of the awards were attached to the agenda materials.

This Friday, April 23rd, the East Bethel Fire Explorers will host a benefit Spaghetti Dinner at the East Bethel Senior Center from 5 pm to 9 pm. Tickets to the dinner are $ 5.00 and may be purchased at the event.

The SAFER Grant is providing funding on certain items for the Post, otherwise the Post is self funded through dues and fund raising.

Chief DuCharme said the explorers post was formed in June of 2009. He said the advisors

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went into the high schools and recruited, and since then the post has been operating and been highly successful. Chief DuCharme said to be an Explorer to you have to 15 years old and up. He said this teaches them about fire service, teaches them the skills to be fire fighters and we don't put them in harms way. Chief DuCharme said they can decide if this is a career choice for them. He said he just found out that one of the explorers might be going to St. John's College and joining their fire service.

Chief DuCharme said Dan Berry who is a District Chief is also a volunteer with the explorers. He said he is one of the advisors. Chief DuCharme said he is going to have Chief Berry explain and introduce the rest of the group and what the explorers do. Berry said they already won two awards, he is so proud of them, they won the Exploring Excellence Award and the New Post of the Year Award, and they have excelled in many ways.

Chief Berry said he is going to first introduce the advisors, they are all volunteers and had to get certified to do this. He said the advisors work with the explorers, do activities with them, the explorers train with us and they have gear like us. Chief Berry said one of our lead advisors is Lt. Tammy Gimpl, she is behind the scenes, and Lt. Rod Sanow and Captain Mark Prachar. He said we have two that are on leave, so we are looking for new advisors.

Dan Berry had the explorers introduce themselves. Kalli Helapoja, John Berry, Jerry Pittman, Harley Lott, and Tony Sharp. Chief Berry said in total we have twelve (12) explorers. He said on behalf of the advisors we want to thank Council for your support.

John Berry told Council at our training last night, they brought in a huge trailer and we found out we were doing a maze and inside were obstacles with three and four levels, with different scenarios and the trick was it is pitch black. He said you go in with a partner and before this program he never met his partner. John Berry said that is one thing about that program is you meet new people, it is very fun, very challenging, cool to experience, the whole fire fighting thing is cool, and he hopes to do something with it in the future.

Tony Sharp said one of the things they work on is the team building, he didn't know any of the kids before this, and he just did it for fun. He said but now he wants to go into the National Guard for fire fighting.

Boyer said he wants to thank all of you for doing this, the City appreciates your service. Voss asked is this an annual program. He asked can these individuals continue in the program. Lt. Gimpl said this program is for kids ages 15 years and up to when they could join the fire department. She said they come from Oak Grove, East Bethel, St. Francis and Forest Lake. Lt. Gimpl said we meet two (2) Tuesdays a month and we recruit all the time. She said we will be going to schools to recruit again in May. Paavola asked when is recruiting done, is it annually, or more often. Lt. Gimpl said at the beginning of the school year and the end. She said these kids motivate you. Voss thanked the explorers for being in the program and the leaders for making it happen. Chief DuCharme reminded everyone of the fundraiser on Friday night at the Community/Senior Center. He said it is a spaghetti dinner to raise funds for the explorer program.

Public Forum

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

Mike Beason at 3500 190th Avenue NE said he and his wife have been residents for about 31 years. He said they are here to make comments on Ordinance 19, Second Series, specifically

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how it refers to retreat center. Beason said we applied for an Interim Use Permit (IUP) in 2008 for a craft retreat center and after approximately a year of research we found a location. He said we worked with the city planner and the City, we took into consideration the site, the impact to the City, the location, and we decided on and purchased is a lot on Viking Blvd. right next to Mac's. Beason said it is on Viking Blvd. next to Mac's. He said it is about eight (8) acres with a narrow frontage with about thirty (30) foot of pines straight back and we planted evergreen in the front. Beason said his concern is we talked with the Planning Commission and building inspectors at the time we applied and there was no specific ordinance for a craft retreat. He said he was advised to withdraw his application for a craft retreat because the property was foreclosed on and a massive amount of work needed to be done and because no one had ever asked for a craft retreat.

Beason said he has been following this for two years and he commends the council on their hard work. He said up until last month he was at the work meetings, and he was fairly pleased, it looked like everything was going fine. Beason said then this past meeting he was not able to attend, and he was shocked at the results from the last meeting, there was such a difference in what is being considered. He said one of the things he had done was considered impacts where the site is, he has natural screening with the entrance off of Viking Blvd. a main county road and there is a 50 foot turnaround in back.

Beason said the proposal coming out tonight with 500 feet from all property lines you would have to have a 20 acre piece of property and put a house in the middle of it. He said he looked at it and maybe the issue is the definition. Beason said East Bethel did not have a definition for retreat center. He said he submitted an IUP for scrapbooking/craft retreat, if you look by definition on a scrapbooking/craft retreat, it is a small building where they do quilting, crafting, scrapbooking, it is a small group of people. Beason said a retreat center is a large group of people. He said this is not what he applied for. Beason said but by the definition, he just asks the Council to look at the definition of what it is, because a craft retreat is not a craft center.

Voss said at the last two meetings, what we discussed was not necessarily what was happening at the retreat center, but it was the impact a retreat center would have on the properties surrounding them. He said our concern was what is happening in the structure does not impact the neighbors. Voss said the only real difference between the two meetings is the first meeting we knew where we were going with it, so we moved onto other things and the last meeting we discussed it and made decisions. He said you came in and applied in 2008, he spent 10 years on the Planning Commission and one of the unfortunate things that happened in this process is he wasn't aware that staff or anyone was working on crafting language to address a craft center. Voss said it would have been better if we would have been briefed on this. Boyer said Hunter and he sat in on the last Planning Commission meeting and they both said that they did not think Council felt the way Planning Commission was going on this. Beason said at the last meeting there was discussion on five (5), eight (8), and ten (10) acres and there weren't enough votes for it to pass and now all of a sudden it is 500 feet.

Voss said every situation is different and it is impossible to write an ordinance to address every situation. Boyer said we have been issuing IUPs for home occupations for a long time and the thing this Council has focused on the most is traffic and impact. He said we always ask what is the number of deliveries, parking, etc. Voss said he wants to know if a driveway is going to be full, will there be 20 cars there. Beason said he has eight (8) acre and they will park behind the house. He said he guess he opened a can of worms. Voss said he

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understands his situation, he has an investment in this, but it still is not allowed by ordinance. Beason said but Council is addressing that issue right now. Voss said it is a home business. Boyer said we did discuss doing these as IUPs, but is a problem as doing this as IUPs when it is a large investment. He said an IUP doesn't stay with the property.

Voss said the retreats are substantially more than a home business. He said that is why we have it in the ordinance as allowable in the commercial district.

Beason said his business is not a retreat center. Voss asked what is the business you are proposing. Beason said the definition that is proposed for the ordinance is not what he applied for. He said it is not a retreat center. Voss asked what are you proposing to do. He said he thinks Beason came before us a couple years ago in the public forum. Beason said first of all it is homesteaded. He said we do not have an occupancy permit yet. Beason said it will be a home business. Paavola said she is thinking when it was labeled a craft retreat, which is not what it should be. Boyer said so you are proposing that they would come stay the night. Beason said yes, typically, they come and do their crafting, scrapbooking, quilting, etc. He said my wife has been doing it for many years. Beason said if you can't use the word retreat, fine.

Voss said he thinks when Council was considering these changes it was partly because it was overnight and we were looking at traffic issues, parking issues and effects on neighboring properties. He said we talked about screening and other ways to deal with the issues. Beason said but the 500 foot setback from the property line, how can you do that. Voss said we did not want this use in a typical residential area. He said and we decided the best way to enforce that was with setbacks.

Beason said there is a gas station next to him, there is 60 acres next to him. Voss said that could be a lot of houses someday. Beason said you are talking about potentially in the future. Voss said if the gas station came down it would never be allowed to go back up. Beason asked how did this change and end up with a 500 foot set back. Voss said if there was another hour of discussion it might not have been allowed at all. He said he did not want them at all, this was a compromise. Voss said he apologizes for the process, this is the first time where staff or a commission has come forward with the change, but he is glad they did.

Boyer said he doesn't feel quite as strong as Voss does about this, he would allow it with IUPs. He said it is virtually impossible to cover every issue with an ordinance. Boyer said if his position was adopted, he is not sure if we said you can do this for a year, and he is not sure you would want to do it, because you would have to put your money in it not knowing whether we are going to say there have been issues after that year and now we are going to revoke it.

Beason said his last question is, Council Member Voss why don't you want this. Voss said because of many issues such as traffic, impact to neighbors such as if you didn't have a single tree on your lot and had cars parking all over. Beason said he could have friends over and cars parking there every night. Voss said yes, but you wouldn't be running a business. Beason said but just look at what it is like across the street. Boyer said they have been there for thirty (30) years, they have been there long before he came here.

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

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Consent Agenda

Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, April 7, 2010, Regular CC Meeting; C) Meeting Minutes, April 7, 2010, City Council Work Meeting; D) Resolution 2010-16 Accepting Donation – C and R Properties; E) Appoint Seasonal Maintenance Workers; F) Resolution 2010-17 Accepting Donation from East Bethel Resident. Channer seconded; all in favor, motion carries.

Planning Comm Minutes

Sell explained that the unapproved meeting minutes from the March 23, 2010 Planning Commission Meeting are provided for your review and information.

Ord. 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code

Sell explained that East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to apply these regulations for two years. During this period, staff has discovered several areas within the zoning code that need to be refined and areas which require change.

On November 24, 2009, Planning Commission held a public hearing on the proposed changes and continued the hearing on January 23, 2010. Upon conclusion of the hearing, Planning Commission directed staff, based on comments from the Public Hearing, to make additional changes.

These changes were incorporated and presented to Council on March 17, 2010 and April 7, 2010 as part of work meetings to discuss the proposed changes. City Council directed staff and the City Attorney to address lot definition and exceptions for properties in which lot size has been reduced for public use. The City Attorney has addressed both of these items and the changes have been incorporated into the code. The changes are noted in your agenda materials under Section 01.9, Definitions, Section 11, Measurements, Encroachments, and Lot Area, subsection C, Exception

Item 8.0 A.2 Last two paragraphs now read:

With these additional changes, the City Attorney is of the opinion that an additional public hearing is not required. A copy of the revised version was included with your agenda materials. We provided you with an addendum with several corrections this evening. Please substitute the new Page 7 for the old Page 7.

Planning Commission recommends approval of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with the corrections and changes as directed.

Voss said as he sees it, within the changes that are in here, are there changes that are so pressing in terms of impacts other than retreat center that we need to do this right away. Sell said the other exception would be the semi trucks parking in R1 and R2 areas. Voss said right now he is so inclined to entertain other options of land use for retreat centers, so he would like to just wait and not adopt this tonight. He said to him if there is a situation where there is a property that is suitably screened and deadens the effect on the neighborhood and the other issues are addressed he might be willing to consider it. Voss said to him he is saying screening is not going to cut it. Boyer said that is why he is willing to go the IUP route. Channer said yes, screening does not always cut it. He said he could hear a kid screaming for his Mom from 1/8 of a mile away the other night. Voss said traffic in and out of Viking Blvd. is different then in and out of Rendova Street.

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Sell said so we need something to address screening, traffic issues, etc.. Voss said and it is different when it is off an arterial road or off a collector road. Boyer said it comes down to being very lot specific. He said there are plenty of lots in developments that are eight (8) acres that couldn't fit eight (8) cars, because three (3) acres are wet. Sell said if you have other ideas e-mail them to him. Voss asked can we present this to the Planning Commission to get ideas. Tim Landborg, Planning Commission member said traffic was the issue at the last Planning Commission meeting. He said we added that they had to have a traffic plan and show that it doesn't have an impact on the neighborhood. Voss said his suggestion is to let the Planning Commission know what the problem is. He said he would rather have the ideas right on the Council agenda. Boyer said he doesn't want these in subdivisions.

Sell said on new page 7, item F to Item M, section 10 temporary and seasonal sales, only F and M were changed. He said in Section B, 1 & 2 is new. Boyer said there is one change he would like to see under temporary seasonal sales change to Active seasonal sales. Randall said then we will have to define Active. Voss said then staff can define this. Sell said and under section 12, Metes and Bounds, #7 was rewritten, certificate of approval.

Voss made a motion to table Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. Boyer seconded; all in favor, motion carries.

Summary of Ord. 19, Second Series

Sell said since City Council tabled the ordinance they should table the summary.

Boyer made a motion to table Summary for Publication of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code for Publication. Channer seconded; all in favor, motion carries.

Park Comm Minutes

Sell explained that the unapproved meeting minutes from the March 10, 2010 Parks Commission meeting are provided for your review and information.

Road Comm. Minutes

Sell explained that the unapproved meeting minutes from the March 9, 2010 Roads Commission meeting are included for your review and information.

Code Enforcement Report

Sell explained that the code enforcement report was included f or your review and information.

Magda Properties- Extension of Mining Performance Agreement

Sell explained that on March 18, 2009, City Council approved Tim Landborg's request to export material off his site with certain conditions. Landborg has requested a two year extension to this Agreement as the original quantities have not been hauled from the site. A Mining Performance Agreement was executed on September 9, 2008 to run to May 1, 2010.

The City Engineer has reviewed the request and has indicated that there are no issues with the current and proposed operation. However, the City Engineer recommends the Mining Performance Agreement be amended to reflect the changes in dates.

Landborg has a current letter of credit (LOC) in the amount of $193,900 that expires on July 1, 2010. According to the Mining Performance Agreement, the security has been established to guarantee the grading, replacement of topsoil, seed restoration of the site and to guarantee no impacts to neighboring wells and wetlands. The LOC may be reduced to $54,000 upon completion and acceptance by the City of the grading and replacement of the topsoil, and with satisfactorily proof of no impacts to neighboring wells and wetlands. As part of this

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approval, Landborg will be required to extend the LOC until this has been completed. Staff recommends the LOC be extended until July 1, 2012 at the current amount, $193,000.

Landborg is in compliance with the conditions set forth in the Mining Performance Agreement. One of the conditions holds Landborg responsible for the remediation of neighboring wells if the operations result in the failure of any well in close proximity (1000 feet) to the subject property. The neighboring wells continue to be monitored. The monitoring reports have been submitted to the City Engineer and Anoka Conservation District for review. Due to extreme dry conditions, the well monitoring reports have been inconclusive; therefore, they will continue with the monitoring.

On June 4, 2008, City Council approved an Interim Use Permit (IUP) Amendment to allow for the mining of over 1,000 cubic yards of soil. The IUP is set to expire on May 1, 2010. Landborg has completed the excavation of the soils; therefore, the City Attorney is of the opinion that the continued exportation of the existing stockpiles and site clean up should be regulated under an amendment to the existing Mining Performance Agreement. Therefore, the IUP should be allowed to expire.

Should City Council approve the request for an extension to the Mining Performance Agreement for the continued exporting materials, City Attorney will draft an amendment to the existing Agreement to reflect the changes such as LOC extension, vegetation warranty, and security deposit for outstanding and future consulting fees.

Staff is recommending City Council extend the approval for the export of materials off the site of County Road 22 and State Truck Highway 65 for an additional two years as in accordance with the conditions of the Mining Performance Agreement executed on September 9, 2008 with the following conditions and/or modifications:

1. Mr. Landborg is required to comply with all requirements of the Mining Performance Agreement.
2. City Engineer comments must be satisfactorily met prior to the continuation of hauling.
3. City Attorney will draft and Mr. Landborg must execute an amendment to the current the Mining Performance Agreement to incorporate staff comments.
4. Amended Mining Performance Agreement must be executed prior to the continuation of hauling.
5. No more than 10 loads per day are to be exported from the site.
6. More than 10 loads per day shall require Anoka County permits and must meet Anoka County traffic control requirements.
7. The export of materials shall expire on May 1, 2012.
8. No more than once per year, Mr. Landborg will be allowed export 10,000 yards of materials from the site over a specific two week period. The export of materials of this quantity must have prior approval from the City Engineer to ensure traffic control measures are in place.
9. All outstanding invoices with the City must be paid in full prior to execution of any extension to the Mining Performance Agreement.

Boyer made a motion to approve the request of Tim Landborg for the export of materials off the site of County Road 22 and State Trunk Highway 65 for the duration of two years per the Mining Performance Agreement executed on September 9, 2008 with the following conditions: 1) Mr. Landborg is required to comply with all

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requirements of the Mining Performance Agreement; 2) City Engineer comments must be satisfactorily met prior to the continuation of hauling; 3) City Attorney will draft and Mr. Landborg must execute an amendment to the current the Mining Performance Agreement to incorporate staff comments; 4) Amended Mining Performance Agreement must be executed prior to the continuation of hauling; 5) No more than 10 loads per day are to be exported from the site; 6) More than 10 loads per day shall require Anoka County permits and must meet Anoka County traffic control requirements; 7) The export of materials shall expire on May 1, 2012; 8) No more than once per year, Mr. Landborg will be allowed export 10,000 yards of materials from the site over a specific two week period. The export of materials of this quantity must have prior approval from the City Engineer to ensure traffic control measures are in place; 9) All outstanding invoices with the City must be paid in full prior to execution of any extension to the Mining Performance Agreement. Channer seconded.

Voss asked over the time of this permit has staff has staff received any comments, concerns or complaints. Randall said he had asked that question of the city planner and she said no. Voss said that is good, that means they are a good permit holder. **All in favor, motion carries**.

Fire Department Reports

Sell explained that Fire Department meeting notes and reports for March and April are provided fro your review and information.

Bolton and Menk – Project Update

Sell explained that Mr. Kreg Schmidt from Bolton and Menk will be present to provide the City Council with an update on the status of the municipal utility project.

Schmidt said it is good to be here tonight. He said if he was to summarize things in a one word he would say we are gaining. Schmidt said relative to the feasibility study the report is underway, we have been working with Met Council. He said we are down to a few issues. Schmidt said if all goes well he would like to be in front of Council the first meeting in June with a feasibility study. He said Council gave them approval to move forward with this in May of 2009. Schmidt said Met Council has submitted a facility plan and EAW to the MPCA. He said we have talked to the MPCA and they will do a concurrent review of our EAW. Schmidt said we are in a good place. He said the MPCA staff will sit in our biweekly coordination meetings. Schmidt said the bottom line is as we are going through this process is we won't get a permit until Met Council gets theirs.

Schmidt said a desire we have would be to put the sanitary sewer in the ground in the winter time. He said and we are very excited about the Recovery Zone Bonding.

Schmidt said he knows that in the last eleven (11) months it seems there hasn't been a lot of movement, but Met Council has been doing a lot. He said there have been a lot of issues to overcome. Voss asked will you be there tomorrow night at the Town Hall Meeting. Schmidt said yes. Voss asked will you have new drawings and maps. Schmidt said yes and we will be able to talk very intelligently. Boyer asked does the MPCA need to hold public hearings. Schmidt said no, they take public comment on the EAW. Schmidt said we will hold a public hearing on the feasibility study probably in July.

Boyer said he is not seeing any particular impediments to process at this point. Schmidt said no, Met Council has covered a lot of ground of how they are going about this process. He said our EAW we have to have approved is for the sanitary sewer extension, not that hard, but the Met Councils is for a brand new sanitary surface discharge point and a new kind, so

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it will be different for them. Schmidt said we are monitoring this, we are treating this like a black box. Boyer said he thinks we are nearing the 20th hour. Sell said the Met Council by design, not happenstance has sat on this. Schmidt said they will be going to the legislature asking for changes to their funding structure, etc. Council thanked Schmidt for coming and giving them the update.

On-Sale Liquor License

Sell explained that staff has been approached by a business with a written request for an on-sale liquor license for a new restaurant venture.

Pursuant to City Code, Chapter 6 Intoxicating Liquors, Section 6-52, License Requirements, the City Council adopted an ordinance 1978 setting the number of on-sale liquor licenses. However, Minnesota Statutes 340A.413, Subd. 1, provides that "Cities of the third class are permitted up to 12 on-sale liquor licenses."

Staff is seeking direction to draft an ordinance modifying Section 6-52 of the City Code to allow more than the current six on-sale liquor licenses.

Boyer said he is not too interested in expanding the number of liquor licenses at this time when we will hopefully have proposals for restaurants in our city centers, etc. that will be asking for liquor licenses at that time. Voss asked what is the criteria for status for cities class. Sell said population, 2nd class would need to be 75,000. Voss said he understands Boyer's standpoint, but he also understands we have a business that is bustling, growing, doing great and they are requesting a liquor license. He said he is inclined to suggest an increase to seven (7). Channer and Paavola agreed.

Resolution Supporting the Recovery Zone Economic Development Bonds

Sell explained that earlier this evening we provided you with two resolutions required for the recovery zone bonds. The first resolution identifies the section if the Internal Revenue Code that is applicable, the amount of bonding authorization, the project itself as an economic development project and agreement that debt would be issued prior to years end.

The second resolution is a standard resolution that is necessary to ensure the City is reimbursed costs that are incurred prior to the debt issuance. Without this, the Internal Revenue Code would disallow any costs incurred prior to the debt being issued.

Staff is recommending adoption of Resolution 2010-18 and Resolution 2010-19 relating to the Recovery Zone Economic Development Bonds.

Sell said if you take a look at these resolutions, most of the whereas are boiler plate that we plagiarized from the county, the full board will consider this next Tuesday and if the board approves this we will have approval to bond this up to $11,000,000. Voss said this is good news, not only to the aspect of helping to maintain the process of this project, but also the cost saving of this process, this is $1.5 million in savings. He said that is a good thing, as we talked last time this is a big step. Voss said in terms of the resolutions these are not approving the bonds, not issuing the bonds, they are just keeping the process going forward. He asked has Randall reviewed the resolutions. Randall said he would defer this to bond counsel, but as the city administrator referred to earlier some of this is standard wording by the IRS. Sell said this is not issuing any debt. Boyer said he appreciates that this is technically true, but will these be issued as general obligation bonds. Sell said yes, these will be issued as general obligation bonds for utility infrastructure. Boyer said so every resident in East Bethel will be on the hook for this. Sell said just like all general revenue bonds. Voss said again this is good, saving that much money on process.

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Boyer made a motion to approve Resolution 2010-18 Designating Recovery Zone Economic Development Bond Volume Cap for a Water Treatment Facility, Wells, Water Tower and Trunk Distribution System for Phase 1, Project 1 of the Utility Infrastructure Project. Paavola seconded. Boyer said he will point out that this does not mean he is going to vote in favor of issuing general obligation bonds. **All in favor, motion carries.**

Boyer made a motion to approve Resolution 2010-19 Relating to Financing of the Construction of the Water Utility Infrastructure Project to be Undertaken by the City Establishing Compliance with Reimbursement Bond Regulations under the Internal Revenue Code. Paavola seconded; all in favor, motion carries.

Town Hall Meeting

Voss wanted to remind everyone that the Town Hall meeting is tomorrow night at the Community Center and City Hall, starting at 6:00 p.m.

Anonymous Donation

Voss said also, even though the donation was acknowledged on the consent agenda, he wants to make it known that the City of East Bethel received $1,800 donation from an East Bethel resident that wants to remain anonymous and wanted it to go to the Fire Department for the purchase of a defibulator.

Closed Session

Sell explained that the City Council will close the regular session pursuant to Minnesota Statutes 13D.05, Subd. 3 to discuss land acquisition regarding four parcels west of Highway 65 and north and south of Viking Blvd.

Boyer made a motion to recess to closed session to discuss land acquisition. Paavola seconded; all in favor, motion carries.

Voss explained that Council is returning to open session from their closed session where they discussed potential property acquisition regarding four parcels west of Highway 65 and north and south of Viking Blvd. Present at the closed session were Council Members Voss, Channer, Paavola and Boyer, Staff Members, Doug Sell, Tammy Schutta and Wend Warren and Consultants, Engineer Kreg Schmidt and Attorney Gerald Randall.

Adjourn

Boyer made a motion to adjourn at 9:52 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

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EAST BETHEL CITY COUNCIL MEETING
BOARD OF APPEAL AND EQUALIZATION

April 21, 2010

The East Bethel City Council Board of Appeal and Equalization meeting met on April 21, 2010 at 6:30 P.M for a special meeting at City Hall.

MEMBERS PRESENT: Bill Boyer, Steve Channer, Kathy Paavola, Steve Voss

MEMBERS EXCUSED: Greg Hunter

ALSO PRESENT: Douglas Sell, City Administrator
Ken Tolzmann, City Assessor
Diana Stellmach, Anoka County

Acting Mayor Voss called the meeting to order at 6:30 PM.

Boyer made a motion to adopt the April 21, 2010 Board of Appeals and Equalization Agenda. Paavola seconded; all in favor, motion carried.

Sell explained that Mr. Tolzmann is with us this evening and has prepared a brief summary of the assessing work resulting in the 2010 pay 2011 valuations.

Tolzmann said good evening and welcome to the East Bethel Board of Appeal and Equalization. He said he is the East Bethel City Assessor.

Tolzmann said since the City appointed me as your Assessor, it has been his responsibility for establishing your market value. He said the current assessment we are here for tonight is the 2010 assessment which won't be payable until 2011. Tolzmann said this gives our City and County the opportunity to do the budgeting process this summer and fall then hold budget hearings in the fall. He said then in November, all that information will be put together and residents will be sent a Truth in Taxation Notice which is a good faith estimate on what their taxes are proposed to be for 2011.

Tolzmann said one of the things he would like to take a minute to explain, is the relationship between resident's estimated market value and their taxes. He said as many residents are well aware of, market values have dropped considerably, but their taxes have remained pretty much the same. He said the reason for this, is that the only purpose their market value serves, is to establish their fair share of the cost of services. Tolzmann said so that being said, if all properties' value changes proportionately as they have, and the costs of the county and the City remain the same, their taxes will remain pretty much the same.

Tolzmann said as the City Assessor, he works for the City of East Bethel. He said it is his priority to advocate on behalf of the taxpayers of this community, while at the same time maintaining a duty to uphold the property tax laws of the State of Minnesota. Tolzmann said he is available during normal business hours, and on weekends, by appointment.

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He said he is sure a lot of residents are wondering just how do we come up with all these market values. Tolzmann said the whole process surrounds getting good information on sales that take place in the community. He said for this year, we are using sales that took place between October 2008 and Sept 2009 to determine your market value. Tolzmann said this is the process Statewide. He said all these sales are reviewed and determined to be either qualified or unqualified. Tolzmann said a qualified sale is one that is not a bank sale, relative sale, foreclosure sale or any other type of sale that would not be representative of market value. He said these good sales then are used comparatively with unsold properties to reach these new estimates of value.

Tolzmann said one of the more popular questions he has been receiving lately has surrounded the purchase of foreclosed properties. He said just because this property is purchased for a certain price doesn't mean that it automatically qualifies for being put on the tax roll accordingly. Tolzmann said it must be valued comparatively to a qualified sale to maintain equalization of the property tax code.

Tolzmann said for this 2010 assessment, there were 182 sales, of which 35 were considered good sales. He said overall, after this assessment was complete, these sales deviated from our new market values by only 7.4% with the average assessed market value being at 93.7% of the sale price. Tolzmann said overall, values declined by 11% from last years market value. He said as it stands now, looking at the new sales going into next years Pay 2012 assessment, there's a good possibility that the worst of the real estate market in East Bethel is behind us.

Boyer asked on page 11 there is a pie chart with parcel distribution, what makes up the "Other" on this chart. Tolzmann said the exempt properties. Boyer said so properties such as Cedar Creek and Sand Hill Crane. Tolzmann said yes, anyone that does not pay property taxes.

Voss said the purpose of tonight's meeting is for any taxpayer that has a disagreement with their property tax to approach council to discuss this. He asked first are there any pre-appointments. Tolzmann said he had a call about a property on Monroe Street by Hidden Haven, but he met with them and their questions were answered. Voss said being there are no pre-appointments, he asked any others to come to the podium and give your name and address.

Bruce Plochocki of 22537 East Bethel Blvd. Ne said his property is adjoining, it was a foreclosure. He said he had to do a certificate of value and to him that is what the value was. Plochocki said he was able to buy it at that price, no one else wanted to buy it and the indiscretion is about double, so the assessment should be more in line. He said if you fill out that certificate, if you pay $100,000 for the property, how it can be assessed at $200,000. Voss asked Tolzmann to explain this.

Tolzmann said you can have two houses that are exactly the same and across the street from each other, one is sold for $200,000 and the other for $150,000 because it was a foreclosure. He said if we used them as good sales, then it would not be consistent with equalization, they would be two exact properties paying two different taxes. Tolzmann said by law we can not look at foreclosure or bank sales when looking at good sales. He said the foreclosures or bank sales are selling at 25-50% less. Tolzmann said you need to look at what has already happened to the value of properties, they are 93-94% lower.

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Voss said the home he just bought was bank sale, it was still on the market but it wasn't selling. Tolzmann said by law we cannot look at those. Plochocki said he has watched the market on his home go up 12-15% every year. Tolzmann said the value on paper is the sales we look at each year. Plochocki said so he is running a year behind. He said his is valued at $100,000 more than he paid for the place. Tolzmann said but it was a foreclosure, what you paid for it was not representative of the market value. Plochocki said but they aren't selling for that amount, especially if they are all beat up. Voss said but can't the selling price be a decision by the bank when it is a foreclosure or bank sale. He said they really don't wait and see if they can get an asking price, they just need to get what is owed on it.

Boyer said it is his understanding that if you have a mortgage with bank and it went into a foreclosure or a bank sale they are not obligated to sell the home at market value, if all that is owed on it is $100,000 they can sell it at that. He said isn't that one of the reasons they are not included in the market values. Plochocki said but he thinks they start higher and then they go down if they don't sell it. He said when you make out a certificate that is where you start again, that is where your taxes should start. Tolzmann said he doesn't look at a certificate of value and that is not what he uses to set the marketable value. Voss asked if Plochocki understands that the City Assessor determines the value, not the county. Plochocki said the taxes just keep going up and pretty soon we won't be able to live in our houses, and meanwhile the county guys just keep getting to drive new trucks and the city guys too.

Tolzmann said he thinks we have seen the worst it is going to be in East Bethel, he thinks it is only going to get better. Plochocki asked are you adjusting the mill rate to keep the income coming in. Tolzmann said your market value determines your share of the taxes. He said he thinks you will see the market come back. Voss said there are two processes. He said they are market values and budget process. Voss said we are working the market values now and the budget in about six weeks, staff is working on the budget right now. He said and those are all public meetings, they are advertised. Voss said out of curiosity, what is the broad effect of foreclosures on revenue stream. He said if the banks can't sell the house, how does that affect taxes. Tolzmann said the banks have to pay the taxes.

Mike Molzman of 330 Dogwood Road said he is in charge of the estate, had to pay the taxes, it is just a little shack, and he doesn't know as far as the shape of the foundation, it is all froze out, it has a bathroom, but it is froze out. He said the City deemed it inhabitable, but he knows there was an adjustment down on taxes, but he doesn't know if this was taken into consideration. Molzman said he knows there are properties around him valued for about ½ of what this one is. He said as it is deemed inhabitable, it has a storage septic tank, he got a letter from the inspector, there is no bathroom we are in the process of stripping it, it should be lowered. Molzman said it will cost about $15,000 to be brought up to code. He said he doesn't know if the assessor took this into consideration.

Tolzmann said was through that area 2 years ago and he made notes on these types of properties. Molzman said he thinks this valuation was in error when they didn't consider these things. Voss said if it is uninhabitable and it doesn't meet code, it needs to be brought up to code. Molzman said that is hard to do since the title hasn't been transferred. Voss said it sounds like you need to bring it up to code. He asked is it your intent to bring it up to code. Molzman said as a non-homeowner his hands are tied. He said but the minute they say he will become the homeowner;

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he has to come up with $20,000. Voss said but you are the executor of the will. Molzman said no, he is a friend of the family. Voss said you made it sound like you were. Molzman said he was close to the property and the only one that could take care of it. Molzman said the person that was deemed to get the property is incarcerated and can't pay the taxes. He said so he is paying the taxes. Molzman said the incarcerated person is the probated owner, but they filed the improper paperwork and so he is in no big hurry, because he cannot pay the taxes.

Boyer said if you are not the property owner, he doesn't think you have any standing to be raising this issue. Voss said if you are representing the owner, to him this is a property that is run down and something needs to be done with it. Voss said he is not paying taxes, he is paying rent. He said when you came in he thought you were the benefactor for the estate. Paavola said she thinks the legal issues need to be taken care of. Molzman said the state of the property at this time is not good, it should not be valued the way it is. Tolzmann said if it is the way he says it is, he is reasonably sure what we have is a token value on the building. Mike said the building went from $117,000 to $97,000. He said the state of the house and sanitary systems have not been taken off the valuation. Tolzmann said if we do no action on this they can still appear at the county hearing and we don't have to schedule another meeting. Sell said if the Building Official has information he will share it with the City assessor. Tolzmann said the County meeting is June 14, 2010.

Bud Flagstad of 3300 229th Avenue NE asked what about open land, how do you evaluate that. Tolzmann said it went down about 10% this year. He said and Ag land went down about 15% this year, it depends on what kind of acreage it is. Flagstad said he is just curious. Tolzmann said if there is a home on it, then it would be different. He said it and it is valued by site unless over 10 acres. Flagstad asked are a lot of sales and mill rates controlled by the county. Tolzmann said no, but by the State of Minnesota. Flagstad said you hear about the schools cutting costs and what they have to do because of the loss in aid and because they can't increase their budget, what is East Bethel doing. He said when he was on the Roads Commission and we had lean years we had to do cuts.

Voss said for us this started in June, we laid out general priorities for the City and staff came back with reductions to the budget. Sell said and the 2010 budget as less than the 2009 budget. Boyer said and you have to remember the governor took 5% of our budget. Flagstad said the Road Commission budget was $100,000 a year when he started on it. He said the way things are going now a days, we have to look at what we can cut. Flagstad said but it sounds like you are doing a good job. Paavola said we work very hard to look at what we need to have and what is just a we want thing. Boyer said and unlike most cities, police and fire is most of our budget. He said and he thinks the Anoka County Sherriff's Office should be commended because he doesn't think they raised our costs for sheriff services as much as usual this year. Sell said and we got a grant to help pay for this. Boyer said and staff has got a lot of grants, the Fire Chief has especially gotten a lot of grants. Flagstad said it sounds like you are doing a good job.

Boyer made a motion to take no action on the properties at 22537 East Bethel Blvd. NE and 330 Dogwood Road NE and to adopt the valuations as proposed by the City Assessor. Paavola seconded; all in favor, motion carries.

Boyer made a motion to adjourn the meeting at 7:11 PM. Paavola seconded; all in favor, motion carries

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Attest:

Wendy Warren
Deputy City Clerk

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EAST BETHEL TOWN HALL MEETING

April 22, 2010

The East Bethel City Council met on April 22, 2010 at 7:00 P.M. for their Town Hall Meeting in Council Chambers.

COUNCIL PRESENT:	Bill Boyer Steve Channer Kathy Paavola Steve Voss
COUNCIL EXCUSED:	Greg Hunter
ALSO PRESENT:	Douglas Sell, City Administrator Tammy Schutta, Asst. City Administrator/HR Director Rita Pierce, Director of Fiscal and Support Services Stephanie Hanson, City Planner Jack Davis, Public Works Manager Mark DuCharme, Fire Chief Craig Jochum, City Engineer Larry Martin, Building Official/Code Enforcement Officer Lt. Michelle Orlando, Anoka County Sheriff's Office Kreg Schmidt, Bolton & Menk Jim Roth, Met Council

Call Meeting to Order

Voss called the Town Hall Meeting to order at 7:05 P.M. He welcomed the residents and business owners to the Town Hall Meeting. Voss said he wants to thank everyone for being here. He said this is our sixth year of doing these and he sees some familiar faces and some new faces. Voss said unfortunately Mayor Hunter cannot be here tonight.

The Council Members introduced themselves. Council Member Steve Channer said he is your unelected member, he said he is very approachable. Council Member Bill Boyer said he has been here a long time. Council Member Kathy Paavola said she also has been here a long time and she is from Coon Lake Beach. Doug Sell, said he is the City Administrator. City staff was introduced and consultants and contracted service staff.

Voss said the first hour of the Town Hall meeting was time to mingle and see some visuals of what is going on in City, and the rest of the evening is for you to raise your questions and concerns, give us ideas. He said staff, council and the consultants will do our best to answer your questions.

Voss said to start we have a bit of news. He said many times our Town Hall meetings are focused around our plans for sewer and water and although you don't see anything in the ground yet the process is moving along. Voss said this week he was excited about what happened as it relates to how we fund the project. He said through a stimulus fund through the state that went through the county, the City put in a request to share bonding authority, and our interest rates would be about half, and our savings would be about $2,600,000. Voss said the county has verbally told us we have been awarded this authority. He said nothing is committed yet, we are just starting the process, City council and staff is very deliberate and we are taking the proper steps. Voss said but to say that kind of money is a great way to start.

Karen S, a resident, asked did you say we received stimulus money or we will get special

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rates. Sell said the program we made application for recovery zone bonds, a program provided by the State of Minnesota for economic recovery debt and Anoka County received so much of these taxable bonds, and the federal government will reimburse $2,600,000 for interest on the bonds.

Muriel Maskalans resident said if you are saving $2,600,000 what it is costing. Sell said he can tell you on the water side we have made application to the county for Recovery Zone Bonds for Project 1, Phase 1 in the amount of $10,900,000, the interest cost is about $6,500,000 and our net interest with the Recovery Zone Bond savings would be $4,000,000. Schmidt said the sanitary sewer would be $9,000,000. Sell said the interest savings would be about $5,000,000.

Diane Jacobson, resident said so what is this costing each household in the Coty. Voss said that depends on if they have water and sewer. Sell said for the water in Project 1, Phase 1, revenues will generate about $19,000,000 and expense will be under $17,000,000 million, so there will be a positive cash flow of about $2,000,000. Jacobson said so if you don't have the positive cash flow, how much will we have to pay for it. She said she will be back to every meeting if her taxes go up. Jacobson said her house estimate went down, but her taxes went up 3.9%. She said when she was at the budget meetings, you said the employees would not get pay raises. Jacobson said they got a benefit increase. Sell said we were clear they would be getting that at the meetings. Jacobson said there is a vast majority of people that did not get a pay increase or benefit increase. She said she happens to know that the union the employees belong to would have worked with you on this, you did not have to give them this. Jacobson said if the employees do not like what you are giving them, she would suggest they go check the unemployment line and see who can replace them. She said she would suggest you hold the line on benefits and wages to a zero. Jacobson said that is how it goes.

Voss asked the city administrator when he anticipates the meetings for the 2011 budget to be scheduled. Sell said sometime in July. Voss said all our meetings are advertised, but all meetings regarding budget are public meetings and you can watch the process again. He said he pushed for 0% pay increase. Boyer said the budget went down. 2.3% overall last year, despite the governor taking what equates to an 8% cut between 2009 and 2010. Jacobson asked is that why you increased my taxes 3.9%. She said that is why she is telling Council they better hold the line.

Resident asked what the rate on the bond is. Sell said it won't be determined until the bond is sold. Resident said when using your numbers on an equivalent residential it works out to $7,712 per man or child. He said he is using the Equivalent Residential Units (ERUs) in this document. Schmidt said the ERU is 2.8 people. Resident asked when the project starts, when do we start paying. Boyer said whenever the bond starts paying. He said there has been no vote to issue this bond, or no request to issue bond proposal.

Voss said back when held the public hearing in March of 2009, we were presented with simulations of how the bond revenue plays out over time based on growth, then we had the consultant go back and provide more conservative estimates on what if the economy stays flat or gets worse, and even if that happens we were still okay. He said the mantra of this whole thing was only users of the system would be paying for the system. Resident asked who pays for the bonds until the users come along. Voss asked the engineer how many users do we have right off the bat. Schmidt said in Phase 1, Project 1 he thinks there are 100 ERUs. Sell said it is 100 a year for several years. Schmidt said when you sell a bond you don't have a

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payment immediately. Resident said isn't there a cost to that. Schmidt said yes, you have to use capitalized interest. Sell said it is the same as when you build a house.

Resident said he is afraid of the cost just like most people. He said he is afraid , like most people. Resident said he is afraid it won't pay for operating. He asked when does the bond get finished. Resident asked when does the bond get finished. He said we got a bid project with no money. Voss said this is part of the process. He asked the city administrator how much the city has in the project now. Sell said what the City has invested so far is development and the feasibility study, etc. He said those dollars we have spent so far have come mostly from a grant from the county. Voss said the project is phased. He said some parts are twenty (20) years down the road. Voss said Phase 1 is the southern two (2) miles of Trunk Highway 65. Resident said we are worried about the cost when you can't pay the bill and we are all stuck with it.

Schmidt said this is on the City web site, we looked at five (5) or six (6) different scenarios, and we came up with a plan that everyone on Council was comfortable with. He said they were very concerned that this could be paid for by the users. Schmidt said maybe it was a good thing that the process got slowed down the last couple years.
Voss said Met Council is very involved in this process. He said they will be constructing the treatment plant. Voss said that fact shows that we are very careful about this process. Resident asked is there anything that shows trending. Voss said when he moved here it was very different. Sell said the connection count for commercial on high side was 250 on a good year. Jacobson asked how much have we lost. Voss said he doesn't think anyone totally lost. He said over half of the investment being made is by the Met Council. Jacobson said of which we pay a tax on. Jim Roth from Met Council said that is not true, it is funded by new connections in East Bethel, we do not use tax dollars. He said it will also be funded by other users across the metro area. Schmidt said they are spread out through the metro area. Roth said we serve $1,500,000 right now. He said those households can absorb that better than East Bethel. Roth said without those households this conversation becomes difficult.

Karen S., resident, said she comes from a township and she thought this was the annual meeting, but where is the mayor. Voss said he believes he is working. Karen asked this one night he cannot get off work that seems a little odd to her. Boyer said in defense of the mayor he was out of work for a while and he has a new job, so he is new there, so it might be hard to ask for time off.

Muriel Maskalans said now that we got Phase 1 paid and going tell me about Phase 1A, Coon Lake. Voss said there is a reason we separated this. He said with the Trunk Highway 65 corridor approach Council has taken, no existing homes will be forced to hook up. Voss said it might not be the same for the Coon Lake area. He said that will be a whole different type of discussion. Boyer said we did a feasibility study for Coon Lake and the price just did not work, so that lead to the separation from the whole project He said it is the Council's hope that we can get grants or some type of funding to lower the cost, make it more reasonable and getting the plant built is one part of it.

Paavola said she agrees, she lives in that area and if she gets a big bill like that, she can't do it and neither can most of the residents over there. Schmidt said his assessment of the Phase 1A area, is it is an opportunity for a bunch of people to do something they will be happy they did at some time, but people don't want to deal with it this year. He said the rate is very challenging. Schmidt said in order to attack that thing it is going to have to be a whole bunch

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of people that stick together to get that done. He said that area most likely has contamination issues, there is a list of stuff that doesn't fit in there. Schmidt said if we started that discussion he thinks everyone would be really happy when it is all said and done.

Boyer said speaking personally for himself as a Council member, he thinks he would apply the same standards that he applies to road improvements. He said not everyone is going to be able to come up with the money. Voss said one question always comes up,, we are not banking on Coon Lake getting hooked up, and we also get the question of will this go to a vote, will it go to a referendum, and it can't. He said it will be a dialogue, there will be discussion with the residents. Channer said whether you have a new or old house, septics just keep getting older and they will ultimately fail. Paavola said we are committed to trying to find ways to minimize costs.

Brian, Pastor from Our Saviour's Lutheran Church said he just wants to thank Council for having this event. He said his question is historically when water and sewer is brought in, what does it do to property values, improve them. Sell said yes, they will increase when sewer and water becomes available. Schmidt said yes, they will improve for existing and new properties. Brian asked are the number significant. Sell said he can pull some data together and get it to him. Voss said this is significant for businesses. Boyer said even your Target Store wants City sewer and water. Channer said and where you have your drainfield, now it will become useable space. Resident asked are reconstruction costs included in these costs. Schmidt said yes. Boyer asked and replacement costs. Schmidt said both operation costs and replacement costs. Voss said there are places that we have put off road reconstruction where the sewer would be put in, because it makes more sense to do the roads at the same time as the sewer, so there would be savings there also.

Resident asked what is time table on sewer. Schmidt said it could be in 2011. Sell said the Waste Water Treatment Plant (WWTP) would be the 3rd quarter of 2012. Schmidt said so if a Target wanted to come in they could plan for that date.

Jessica Zimmer said she is a Deputy for East Bethel. She asked about solicitors, is this allowed in East Bethel and if so, is there a certificate of license that is issued. Sell said we have not issued any under our new ordinance. Warren said there were be a certificate of license that they would be required to keep on them if they were issued a license to operate in East Bethel.

Diane Jacobson said we have wonderful park and trails to walk on and ride bikes, when is City going to support an ATV trail. She said there are grants available for this. Jacobson said if the City would support it and allow it here there are ATV clubs that would maintain it. She said it would cost the City $0 to maintain unlike your regular parks and trails. Jacobson said so when are we going to get one. Voss asked in other areas how do these trails get built. Jacobson said sometimes with private donations. She said it is usually on public lands. Voss asked is it in the ditches. Jacobson said they usually do not ride in the snowmobile trails. Voss said he has been here seventeen (17) years and he doesn't ever remember it being requested. He said if someone comes in with a request, he thinks we would listen to it. Jacobson said usually the groups build them and maintain them. Boyer said how we determine what is needed in for parks or trails in the City is surveys and we did three (3) of these. He said we have worked with horse owners and many others. Boyer said he doesn't remember seeing anything on the surveys about ATV trails, any requests for ATV trails. Jacobson said the ATVs are all registered and we pay the gas tax.

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Karen S. said she does not know what City ordinance is about driving ATVs on your own property for hours constantly. Voss said you can drive on your own property. Sell said most issues are the result of noise. He said if there is an issue, call 911. Sell said we had several issues behind City Hall and a group put together an ordinance to address this. He said it is a good ordinance. Voss said as far as ATVs he doesn't think he has see a year compared to this year where he has seen so many ATVs out, they are only on the City streets. Sell said you can come in and he will run a copy of the rules for you.

Channer asked for burning update. Chief DuCharme said he just got an updated forecast for the weekend. He said 2/3 of Minnesota is under burning restrictions, and we are not allowing open burning/pile burning, but recreational fires are still allowed. Chief DuCharme said one thing about a recreational fire is it has to be 25 feet away from any buildings, you have to have a hose there and someone has to be with the fire. He said if you see a fire call 911. Chief DuCharme said we are going to reinforce with our fire fighters to not tell who called. He said we are looking at a ¼ inch of rain this weekend, maybe a ½ of rain. Chief DuCharme said if we get that rain we will still probably allow recreational fires, but if we don't, we might have a total burning ban. He said in the long range forecast there is not a lot of rain. Chief DuCharme said in a week or two we might be back in the same predicament. Resident said on 109th where the fancy golf houses are there was a pretty impressive house fire. He said they were fighting it, and it looked like they had it under control. Resident asked about Cedar Creek burns. Chief DuCharme said they are part of the University, and they have their own burn team. He said they do a good job, they are well trained. Chief DuCharme said what gets you is the smoke. He said they try to be as non bothersome as possible. Chief DuCharme said they are trying to be more proactive and give out more information. He said he knows it is frustrating for residents, we say don't burn and then you see them burning.

There were no more comments or questions so the meeting was adjourned.

ATTEST:

Wendy Warren
Deputy City Clerk

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Minnesota Department of Public Safety
ALCOHOL AND GAMBLING ENFORCEMENT DIVISION
444 Cedar St./Suite 222
St. Paul, MN 55101-5133
(651) 201-7507 FAX (651) 297-5259 TDD (651) 282-6555

APPLICATION AND PERMIT
FOR A 1 DAY TEMPORARY CONSUMPTION & DISPLAY PERMIT

(City or county may not issue more than 10 permits in any one year)

TYPE OR PRINT INFORMATION

NAME OF ORGANIZATION: Cedar East Bethel Lions	DATE ORGANIZED: 2-18-1977	TAX EXEMPT NUMBER: 224 2385	
STREET ADDRESS: 22236 225th Lane NE	CITY: Cedar	STATE: Mn	ZIP CODE: 55011
NAME OF PERSON MAKING APPLICATION: Tim Hoffman	BUSINESS PHONE: (612) 941-2625	HOME PHONE: (763) 434-8323	
DATE SET UPS WILL BE SOLD: July 17, 2010	TYPE OF ORGANIZATION: (CLUB) CHARITABLE RELIGIOUS OTHER NONPROFIT		
ORGANIZATION OFFICER'S NAME: Guy Johnson	ADDRESS: 18913 Jewell St NE East Bethel		
ORGANIZATION OFFICER'S NAME: Ruth Dutcher	ADDRESS: 1152 Klondike Drive NE East Bethel		
ORGANIZATION OFFICER'S NAME:	ADDRESS:		

Location where permit will be used. If an outdoor area, describe

Boarder West 22266 Palisade St NE

APROVAL

APPLICATION MUST BE APPROVED BY CITY OR COUNTY BEFORE SUBMITTING TO LIQUOR CONTROL

CITY/COUNTY_____ DATE APPROVED_____

CITY FEE AMOUNT_____ PERMIT DATE_____
(Not to exceed $25)

DATE FEE PAID_____

SIGNATURE CITY CLERK OR COUNTY OFFICIAL — APPROVED DIRECTOR ALCOHOL AND GAMBLING ENFORCEMENT

NOTE: Submit this form to the city or county 30 days prior to event. Forward application signed by city and/or county to the address above. If the application is approved the Alcohol and Gambling Enforcement Division will return this application to be used as the permit for the event

PS-09098(12/09)

3.1 ~~Sexual Harassment~~ Respectful Workplace Policy

The City of East Bethel is committed to creating and maintaining a work environment free from all forms of harassment and discrimination. Harassment is a violation of Title VII of the Civil Rights Act of 1964 and Minnesota Human Rights Act.

The intent of this policy is to provide general guidelines about the conduct that is and is not appropriate in the workplace. The City acknowledges that this policy cannot possibly predict all situations that might arise, and also recognizes that some employees are exposed to disrespectful behavior, and even violence, by the very nature of their jobs.

This policy is intended to: (1) make all employees sensitive to the matter of harassment; (2) express the City's strong disapproval of unlawful harassment; (3) advise employees of their behavioral obligations; and (4) inform them of their rights.

1. Applicability

Maintaining a respectful work environment is a shared responsibility. This policy is applicable to all City personnel including regular and temporary employees, volunteers, firefighters, and City Council members.

2. Abusive Customer Behavior

While the City has a strong commitment to customer service, the City does not expect that employees accept verbal abuse from any customer. An employee may request that a supervisor intervene when a customer is abusive, or they may defuse the situation themselves, including ending the contact.

If there is a concern over the possibility of physical violence, a supervisor should be contacted immediately. When extreme conditions dictate, 911 shall be called. Employees should leave the area immediately when violence is imminent unless their duties require them to remain. Employees must notify their supervisor about the incident as soon as possible.

3. Respectful Workplace Behavior

All employees are expected to express the shared values of respect, courtesy, civility, politeness, consideration, and tolerance toward their fellow employees in the workplace. Understanding and tolerating another's beliefs, opinions, or way of life, even if they differ from your own, is the way we express these shared beliefs in our workplace.

4. Types of Disrespectful Behavior

The following types of behaviors cause a disruption in the workplace and are, in many instances unlawful:

ATTACHMENT #1

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Violent behavior includes the use of physical force, harassment, or intimidation.

Discriminatory behavior includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance.

Offensive behavior may include such actions as: rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarding as offensive to a reasonable person. It is not possible to anticipate in this policy every example of offensive behavior. Accordingly, employees are encouraged to discuss with their fellow employees and supervisor what is regarded as offensive, taking into account the sensibilities of employees and the possibility of public reaction. Although the standard for how employees treat each other and the general public will be the same throughout the city, there may be differences between work groups about what is appropriate in other circumstances unique to a work group. If an employee is unsure whether a particular behavior is appropriate, the employee should request clarification from their supervisor, Assistant City Administrator/HR Director or City Administrator.

~~This sexual harassment policy applies to all officials and employees of the City including regular full-time and regular part-time employees, elected and appointed officials, temporary, seasonal and non-regular employees, employees covered or exempted from personnel rules or regulations, and independent contractors and consultants.~~
~~Sexual harassment is a form of sex discrimination prohibited by state and federal law.~~
~~Employees have the right to a workplace free of sexual harassment.~~

~~The City will not tolerate sexual harassment of its employees by anyone - supervisors, other employees, officials or citizens. Persons harassing others will be promptly and firmly disciplined. All personnel must become familiar and comply with this policy.~~

Sexual harassment can consist of a wide range of unwanted and unwelcomed sexually directed behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

~~1. *Definition of Sexual Harassment*~~
~~Sexual harassment includes, but is not limited to, unwelcome sexual advances, request for sexual favors, sexually motivated physical contact, or communication of a sexual nature when:~~

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's employment or public service; or
- Submitting to or rejecting the conduct is used as the basis for an employment decision such as promotion, assignment, demotion, discipline or discharge; or

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- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment includes, but is not limited to, the following:

~~2. *Examples of Sexual Harassment*~~

~~Behavior that could be considered sexual harassment may include:~~

- ~~Verbal harassment (e.g., sexually-oriented comments, innuendoes, or derogatory remarks);~~
- ~~Physical harassment (e.g., unwelcome touching, gestures, assault, impeding one's movement or other physical contact that an employee finds offensive);~~
- ~~Visual forms of harassment (e.g., derogatory posters, letters, poems, graffiti, cartoons or drawings); or~~
- ~~Requests for sexual favors or unwelcome sexual advances.~~

- Unwelcome or unwanted sexual advances: This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, kidding, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's current or future job.

~~3. Reporting Procedure~~ 5. Procedures for Reporting Harassment

~~Employees who believe they have experienced sexual harassment or who know of conduct they believe might constitute sexual harassment toward an employee, are required to report it to their supervisor or department head or the City Administrator. The Supervisor or Department Head who receives the report should inform the City Administrator in confidence as soon as possible. If any employee directly receives an oral or written complaint from an alleged victim of sexual harassment, he or she must immediately forward the complaint to the City Administrator or direct the alleged victim to report the incident. Failure to forward a report of alleged sexual harassment to the appropriate person could result in disciplinary action against the person who neglected to make the report.~~

Employees have the right to raise the issue of harassment and to file complaints with respect to such harassment without reprisal. Any action intended to intimidate, retaliate against, harass, or disadvantage any person because the person has reported or

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complained of harassment, or assisted or participated in any investigation or hearing, is considered reprisal. Retaliation against an employee who reports, objects to, or complains of harassment, including sexual conduct in the workplace will not be tolerated.

In order for a harassment issue to be addressed, it must be brought to the attention of management. In order for action to be taken, information must be forwarded to the appropriate level of management.

Employees who feel they have been victims of harassment or employees who are aware of such harassment should immediately report their concerns to any of the following: (1) supervisor; (2) department head; (3) Assistant City Administrator/HR Director; or (4) City Administrator.

In addition to notifying one of these persons and stating the nature of the harassment, the employee is also urged to take the following steps:

1. Make it clear to the harasser that the conduct is unwelcome and document the conversation.

2. Document the occurrences of harassment.

3. Report complaints to Human Resources.

4. Document any further harassment or reprisals that occur after the complaint is made.

~~4.~~ 6. Investigation and Recommendation

Upon receiving any report alleging ~~sexual~~ harassment, the Assistant City Administrator/Human Resources Director and/or City Administrator will conduct an investigation. ~~To the extent possible, the allegations and investigation will be kept confidential~~ Strict confidentiality is not possible in all cases of harassment as the accused has the right to answer charges made against him or her, particularly if discipline is a possible outcome. Reasonable efforts will be made to respect the privacy of the individuals involved to the extent possible.

An alleged victim may have a staff person of the same gender present during all contacts with the Assistant City Administrator/Human Resources Director and/or City Administrator. The alleged victim and any witnesses may be asked to put their reports in writing.

If the facts are found to support the allegations, the harasser will be subject to disciplinary action up to and possibly including immediate termination depending on the circumstances and severity of the harassment. The City will keep a complete record of the nature of the complaint, its investigation and its resolution.

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Pending completion of the investigation, the designated personnel representative may take any appropriate action necessary to protect the alleged victim, other employees, or citizens.

Anyone who makes a false complaint of ~~sexual~~ harassment or anyone who gives false information during a harassment investigation could also be subject to disciplinary action up to and including immediate termination.

The City may also discipline any individual who retaliates against a person who testifies, assists or participates in any manner in a ~~sexual~~ harassment investigation. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

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BOLTON & MENK, INC.
Consulting Engineers & Surveyors
2638 Shadow Lane, Suite 200 • Chaska, MN 55318-1172
Phone (952) 448-8838 • Fax (952) 448-8805
www.bolton-menk.com

SANITARY SEWER SYSTEM ESTIMATED COST SUMMARY
FOR
PHASE I PROJECT 1
UTILTIY INFRASTRUCTURE PROJECT
CITY OF EAST BETHEL, MINNESOTA

All costs presented herein are based on those included in the "Facility Plan for Infrastructure Needs" dated February 23, 2009. The MCES Interceptor Cost Share is based on the incremental cost analysis presented in the "Preliminary Design Criteria for MCES Interceptors in East Bethel" memo from MCES and given to East Bethel in October, 2009.

Phase I Project 1 Sanitary Sewer System Cost Summary:

Total Trunk Sewers/Interceptors:	$9,173,187
MCES Interceptor Cost Share:	$3,383,904
Net East Bethel Trunk Sewer/Interceptor Cost: Project 1, Phase I	**$5,789,283**

ATTACHMENT #1

DESIGNING FOR A BETTER TOMORROW
Bolton & Menk is an equal opportunity employer

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-20

RESOLUTION TO SUPPORT RECOVERY ZONE ECONOMIC DEVELOPMENT BONDING AUTHORITY ALLOCATION FOR PHASE 1, PROJECT 1, UTILITY INFRASTRUCTURE PROJECT SANITARY SEWER SYSTEM

WHEREAS, The City Council of the City of East Bethel is the governing body of the City of East Bethel; and

WHEREAS, the City Council has directed a Facility Plan for Utility Infrastructure be prepared; and

WHEREAS, the installation of this Utility Infrastructure will encourage economic development and job growth; and

WHEREAS, the estimated costs for East Bethel's share of the trunk sewer and interceptor for Phase 1, Project 1 of the Utility Infrastructure Project is $5,789,283; and

WHEREAS, the City Council has determined that it is in the best interest of the City to apply for Recovery Zone Economic Development Bond Authority from the State of Minnesota.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: City of East Bethel requests bonding authority to issue Recovery Zone Economic Bonds in the amount of $5,789,283 for East Bethel's share of the trunk sewer and interceptor for Phase 1, Project 1 of the Utility Infrastructure Project.

Adopted this 5th day of May 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

ATTACHMENT #2

NORTHERN TECHNOLOGIES, INC.
6588 141st Avenue NW, Ramsey, MN 55303 763-433-9175 763-323-4739 Fax

April 28, 2010

City of East Bethel c/o
Mr. Tim Eggrichs
Hakanson Anderson Associates, Inc.
3601 Thurston Avenue
Anoka, MN 55303

RE: Proposal for Geotechnical Services
2010 Improvement Projects and Cedar Creek Trail Project
East Bethel, Minnesota
NTI Proposal P0120

We are pleased to submit our proposal to perform Geotechnical Services for the above referenced project. The purpose of this study is to determine the soil and groundwater conditions at this site and to prepare a geotechnical engineering report with appropriate design and construction recommendations.

You are proposing three projects, Cedar Creek Trail construction, a bituminous overlay on 5th Street, and a parking lot expansion in West Booster Park.

SCOPE OF WORK

The following is our proposed scope of work based on the information provided in your RFP:

Project 1 – Cedar Creek Trail and Bataan Street Cores

We will mobilize a truck mounted drill to the project to drill nine (9) standard penetration soil borings advanced to a depth of ten (10) feet (90 lineal feet of drilling) in the proposed Cedar Creek Trail. At Bataan Street, we will perform three (3) hand auger borings will be performed in the wetlands to determine the depth of the "muck" soils and four (4) pavement cores will be done to determine the existing pavement thickness.

Project 2 – 5th Street Overlay

We will take five (5) pavement cores to determine the existing depth of the bituminous section and aggregate base course.

Project 3 – Booster West Parking Lot Expansion

We will mobilize a truck mounted drill to the project to drill three (3) standard penetration soil borings. Two (2) borings will be in the proposed parking lot and advanced to a depth of ten (10) feet and one (1) boring will be in the stockpile will be advanced to a depth of fifteen (15) feet (35 lineal feet of drilling)

You have provided us with site maps showing the approximate boring and pavement core locations. We understand that you will mark or stake the boring and core locations and provide us with a site map for inclusion in our report.

We assume the site to be accessible by a truck-mounted drill rig and there will be no obstructions such as overhead utilities and/or stored materials preventing access to the soil boring locations. It is the client's responsibility to clear the access route and the actual boring locations if necessary. In preparing our cost estimate, we have assumed that traffic control can be done with the use of cones and signs and that flag persons will not be necessary.

NTI will contact the Minnesota "One Call" system for clearance of public utilities prior to start of drilling operations. NTI will also assist the client in contacting a private utility locator to mark any private utilities should it be necessary. **The cost of a private utility locator is the responsibility of the owner.** We will make you aware of our field activities before proceeding to the site.

Soil sampling in the borings will be performed at 2-1/2 foot intervals to a depth of 15 feet with additional samples obtained at 5-foot intervals thereafter. Soil sampling will be performed in general accordance with ASTM D 1586. A geotechnical engineer will visually classify field-collected samples in accordance with ASTM D 2488. Each soil sample's color, relative moisture, STP N-value, relative density, consistency and estimated compressive strength will be documented on soil boring logs.

We will measure for the presence of groundwater or lack thereof when we complete each soil boring. We will backfill the soil borings with soil cuttings or high solids bentonite grout to comply with current Minnesota Department of Health Regulations.

NTI will perform routine laboratory tests on selected soil samples, as appropriate. Upon completion of the field and laboratory work, a geotechnical engineering report will be submitted. The report will include the logs of the borings, location drawing and the results of the field and laboratory tests. In addition, the report will include our engineering opinions and recommendations regarding:

1. Site preparation and excavation recommendations.
2. Engineered fill and compaction recommendations.
3. Estimated depths of poor soils to be removed at each boring location.
4. A table of pavement and aggregate base thicknesses at the core locations.
5. Estimated R-Value for use in pavement design.
6. Anticipation and management of ground water for design and construction of pavements.
7. Potential construction difficulties regarding excavation and backfill.
8. Dealing with potential contaminates that were detected by human sensing during drilling or classification of samples if any.

COST

We will perform the Geotechnical Exploration and Report as proposed for a fee of **$4,470,** including a $1,500 contingency as outlined in the attached Geotechnical Exploration Quotation Form provided by you. If deeper soil borings are required beyond the proposed depths due to poor soil conditions, we will extend the borings 5 feet into competent inorganic soils and you will be invoiced for the additional drilling as outlined in the attached Quotation Form.

SCHEDULE

Upon receiving authorization to proceed, we anticipate the field work can begin within 5-8 business days and the report will be issued within 5 days after completion of the field work. Boring logs and verbal information regarding our findings can be provided within 1 to 2 days after the field work has been completed.

ACCEPTANCE

Please indicate your acceptance of this proposal by signing on the signature block below, and returning a copy to us. The attached General Conditions are an integral part of this proposal. This proposal is effective until June 15, 2010.

We thank you for the opportunity of submitting this proposal and look forward to working with you through both the design and construction phase of this project. If you have any questions regarding this proposal please contact the undersigned at 763-433-9175.

NORTHERN TECHNOLOGIES, INC.

Anthony Francis, E.I.T.
Project Engineer

Steve Johnston, P.E.
Regional Manager

CITY OF EAST BETHEL

By:_____

Printed Name: _____

Title: _____

Date_____

Attachment: Geotechnical Exploration Quotation Form
General Conditions

H:\3-Proposals and Contracts\2010 Proposals\P0120 - 2010 Improvement Projects - Geo\2010 Street Improvements.rtf

CITY OF EAST BETHEL
GEOTECHNICAL EXPLORATION QUOTATION FORM
2010 Improvement Projects and Cedar Creek Trail Construction

Item No.	Description	Quantity		Unit Price		Extension
Cedar Creek Trail Construction and Bataan Street cores						
1	10 Foot Boring	9	EA	$110	EA	$990
2	Additional Boring Depth	10	LF	$8	LF	$80
3	6 Foot Hand Auger	6	EA	$40	EA	$240
4	R-Value Estimation	1	EA	$45	EA	$45
5	Pavement Core	4	EA	$50	EA	$200
5th Street Overlay						
6	Pavement Core	5	EA	$50	EA	$250
Booster West Parking Lot Expansion						
7	10 Foot Boring	2	EA	$110	EA	$220
8	15 Foot Boring	1	EA	$160	EA	$160
9	Additional Boring Depth	5	LF	$8	LF	$40
10	R-Value Estimation	1	EA	$45	EA	$45
General						
11	Report Preparation	1	LS	$700	LS	$700

Testing Cost $2,970

Contingency $1,500

Total Testing Cost $4,470

By: Anthony Francis

Signed: [signature]

Title: Project Engineer

Company: Northern Technologies, Inc.

Date: 4/28/10

GENERAL CONDITIONS

SECTION 1: PROJECT INFORMATION

1.1 Client will make available to NTI all known information regarding existing and proposed requirements which affects the work, including but not limited to: specifications, contracts, recommendations, plans and change orders.

1.2 Client will immediately transmit to NTI any new information that becomes available to it or its subcontractors, so that recommended actions can be reviewed.

1.3 Client will provide a representative to answer questions about the project when required by NTI upon 24-hour notice.

1.4 NTI will not be liable for any incorrect advice, judgment, or decision based on any inaccurate information furnished by Client, and Client will indemnify NTI against liability arising out of or contributed to by such information.

SECTION 2: SAMPLES

2.1 NTI will retain representative samples for 30 days after submission of NTI report. Upon request by Client, samples can be shipped, charges collect, to destination selected by Client; or NTI can store them for an agreed upon storage charge.

SECTION 3: FEE PAYMENT

3.1 NTI will submit invoices to client monthly, and a final invoice upon completion of services. Invoices will show charges based on current NTI Fee Schedule or other agreed upon basis. A detailed separation of charges and backup data will be at Client's request.

3.2 The Client will pay the balance stated on the invoices unless Client notifies NTI in writing of the particular item that is alleged to be incorrect within fifteen (15) days from the invoice date.

3.3 Payment is due upon receipt of invoice and is past due thirty (30) days from invoice date. On past due accounts, Client will pay a late charge of 1.5(%) per month, or the maximum allowed by law. In the event of litigation, resulting from Client's refusal to make payment, without just cause, then all warranties and representations, expressed or implied, by NTI shall be void.

3.4 In the event Client fails to pay NTI within sixty (60) days following invoice date, NTI may consider the default a total breach of this agreement and all duties of NTI under this agreement will be terminated.

SECTION 4: OWNERSHIP OF DOCUMENTS

4.1 All documents prepared by NTI as instruments of service will remain the property of NTI.

4.2 Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose.

4.3 NTI will retain all pertinent records concerning services performed for a period of two (2) years after the report is sent; during that time the records will be made available to the Client during NTI's normal business hours.

SECTION 5: DISPUTES

5.1 If NTI institutes suit against the Client to enforce any part of this agreement, then all litigation expenses or collection expenses, including attorney's fees, will be paid to the prevailing party.

5.2 If the Client institutes a suit against NTI, which is dismissed, or a verdict rendered for NTI, client agrees to pay NTI for all cost of defense, including attorney's fees, expert witness fees and court costs.

SECTION 6: STANDARD OF CARE

6.1 NTI will perform consistent with the level of care and skill ordinarily exercised by members of the geotechnical and materials testing profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.

6.2 NTI will be responsible for it's data, interpretation and recommendations, but will not be responsible for interpretation by others.

SECTION 7: LIMITATION OF LIABILITY

7.1 NTI's liability to the Client and all contractors and subcontractors on the project, for damages due to professional negligence, negligence or breach of any other obligation to Client or others, will be limited to an amount not to exceed $20,000 or the NTI fee, whichever is less.

7.2 Client will notify any contractor or subcontractor who performs work in connection with any work done by NTI of the limitation of liability for design defects, errors, omissions, or professional negligence, and to require as a condition precedent to their performing their work, a like indemnity and limitations of liability on their part as against NTI. In the event the Client fails to obtain a like limitation and indemnity, Client agrees to indemnify NTI for any liability to any third party.

SECTION 8: INSURANCE

8.1 NTI will carry worker's compensation insurance and public liability, property damage, and errors and omissions insurance policies, which NTI considers adequate. NTI will not be responsible for liability beyond the limits and conditions of the insurance. NTI will not be responsible for any loss or liability arising from negligence by Client or by other consultants employed by Client.

SECTION 9: TERMINATION

9.1 This agreement may be terminated by either party upon seven (7) days written notice if there is substantial failure by the other part to perform. Termination will not be effective if substantial failure is remedied before expiration of the seven days. Upon termination, NTI will be paid for services rendered plus reasonable termination expenses.

9.2 If the contract is terminated prior to completion of all reports contemplated by the agreement, or suspended for more than three (3) months, NTI may complete analysis and records as are necessary to complete it's files and may complete a report on the services performed. Termination or suspension expenses will include direct costs of completing analysis, records and report.

SECTION 10: ASSIGNS

10.1 Neither party may assign duties or interest in the agreement without the written consent of the other party.

CITY OF EAST BETHEL
GEOTECHNICAL EXPLORATION QUOTATION FORM
2010 Improvement Projects and Cedar Creek Trail Construction

Item No.	Description	Quantity		Unit Price		Extension
Cedar Creek Trail Construction and Bataan Street cores						
1	10 Foot Boring	9	EA	$130.00	EA	$1170.00
2	Additional Boring Depth	10	LF	$13.00	LF	$130.00
3	6 Foot Hand Auger	6	EA	$100.00	EA	$600.00
4	R-Value Estimation	1	EA	$100.00	EA	$100.00
5	Pavement Core	4	EA	$80.00	EA	$320.00
5th Street Overlay						
6	Pavement Core	5	EA	$80.00	EA	$400.00
Booster West Parking Lot Expansion						
7	10 Foot Boring	2	EA	$130.00	EA	$260.00
8	15 Foot Boring	1	EA	$195.00	EA	$195.00
9	Additional Boring Depth	5	LF	$13.00	LF	$65.00
10	R-Value Estimation	1	EA	$100.00	EA	$100.00
General						
11	Report Preparation	1	LS	$600.00	LS	$600.00

Testing Cost $3940.00

Contingency $1,500

Total Testing Cost $5440.00

By: Patrick A Johnson

Signed: Patrick A Johnson

Title: Geotechnical Manager

Company: Indepenedent Testing Tech.

Date: April 28, 2010

7.2 Vacation Leave - Regular Full-time Employees

1. Vacation Accrual
   Regular employees shall earn vacation leave as follows:

   During 1st year through the 5th year of service, 80 hours per year.
   During 6th year through the 10th year of service, 120 hours per year.
   Beginning with the 11th year and each year of service thereafter, 160 hours per year.
   In the best interest of the City, vacation leave in excess of the established amount specified in this section may be granted by the City Administrator.

   Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional vacation leave.

2. Accrual
   Vacation begins accumulating in accordance the schedule above with date of hire.

3. Usage
   Vacation leave may be used as earned except that the City Administrator shall approve the time at which the vacation leave may be taken. Vacation shall be requested and approved in advance.

4. Vacation Accumulation
   ~~Vacation accumulation, including the current vacation earned from year to year, may not exceed a total accumulation equal to one and one-half times the number of hours the employee is currently earning in one year. The total number of vacation hours accrued may not exceed 240 hours, except where approved in writing by the City Administrator.~~ Employees must have their vacation balance reduced to 240 hours, or less, by the last pay period in December of each calendar year,

ATTACHMENT #1

7.2 Vacation Leave - Regular Full-time Employees

1. Vacation Accrual
   Regular employees shall earn vacation leave as follows:

   During 1st year through the 5th year of service, 80 hours per year.
   During 6th year through the 10th year of service, 120 hours per year.
   Beginning with the 11th year and each year of service thereafter, 160 hours per year.
   In the best interest of the City, vacation leave in excess of the established amount specified in this section may be granted by the City Administrator.

   Employees using earned vacation or sick leave shall be considered to be working for the purpose of accumulating additional vacation leave.

2. Accrual
   Vacation begins accumulating in accordance the schedule above with date of hire.

3. Usage
   Vacation leave may be used as earned except that the City Administrator shall approve the time at which the vacation leave may be taken. Vacation shall be requested and approved in advance.

4. Vacation Accumulation
   Employees must have their vacation balance reduced to 240 hours, or less, by the last pay period in December of each calendar year.

ATTACHMENT #2

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 8.0 A.1

* *

Agenda Item:
Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

* *

Requested Action:
Consider Approval of Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

* *

Background Information:
East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to apply these regulations for two years. During this period, staff has discovered several areas within the zoning code that need to be refined and areas which require significant changes. The recommended proposed changes will ensure staff has the ability to apply the regulations effectively and efficiently.

On November 24, 2009, Planning Commission held a public hearing on the proposed changes. The Planning Commission continued the public hearing on January 23, 2010. Following the conclusion of the hearing, Planning Commission directed staff, based on comments from the Public Hearing, to make additional changes..

One particular area of note is Section 10, Item 25, Outdoor Dining Area. Planning Commission members suggested that the language that would require fencing for outdoor dining areas at all locations where alcohol or food are served be removed. However, after review and comments from the City Attorney and the Anoka County Sheriff's Department, it would seem that it is in the best interest of the city to require fencing around outdoor patio areas serving intoxicating liquors. These letters are attached for your review as Attachment 4 and 5.

The City Attorney reviewed the proposed changes and provided comments. The comments were not on the substance or content or intent. Rather, the comments addressed some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was significantly different than what was originally approved in 1993. After review of the record, it was determined that the changes to the shore land regulations adopted by Council in 2003 and incorporated into Zoning Ordinance Number 168 was not reviewed or approved by DNR. In the

past several months, staff has worked with the DNR on the proposed language. In a letter dated November 19, 2009, DNR approved the City of East Bethel shore land regulations as proposed.

On March 17, 2010 and April 7, 2010, City Council had a work meetings staff to discuss the proposed changes. City Council directed staff and the City Attorney to address lot definition and exceptions for properties in which lot size has been reduced for public use. The City Attorney has addressed both of these items and the changes have been incorporated into the code. The changes are as follows:

Section 1.9 Definitions

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

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:
A lot as defined in Appendix A, Zoning of the city code and which was in all respects a legal lot at the time established as a lot of record in the Anoka County Property Records but which, prior to April 21, 2010, has been reduced in size by reason of a taking by the city, county, or state or by a donation of a portion thereof by the owner for a public use shall continue to be treated as a legal lot of the size and configuration when established as a 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. This exception will not apply to lots created after April 21, 2010.

After reviewing the final version of Ordinance 19, Second Series, staff identified several changes to the document that were not "accepted" as changes when making the correction to the document. It has been determined the mistake was due to a set up issue with Word. The set up issue has been reported and is being investigated to correct.

The changes are to page 7 of Ordinance 19, Second Series and are highlighted in gray. The changes affect Subsection F and M of Section 10.36 (Subsections A-E, G-L, and N-Q remain unchanged) and Section 12, Subsection B, items 1) and 2).

On April 21, 2010, City Council directed staff to address retreat centers. Specific items to be addressed included screening and roadway access to the retreat center. Staff has prepared proposed language and has incorporated the language in Ordinance 19. Changes are highlighted in gray and include:

Section 01.9 Definitions

Retreat Center: A place designated to serve individuals and groups by offering indoor arts and crafts such as knitting, quilting, scrapbooking and other similar activities.

Staff's intention of a retreat center was to allow for uses such as crafting retreats; therefore, more intense uses such as spiritual centers and camps is not included in this category of uses. Spiritual centers such as Zen and yoga centers are defined as places of worship and are currently

regulated in the East Bethel code. Uses such as health spas are allowed in commercial districts only. The definition has been modified to reflect this change.

Staff has modified and added additional language to reflect the changes to the proposed definition for crafting and similar retreat centers. The proposed language changes are as follows:

Section 10.33 Retreat Center in Rural Residential Districts

33. Retreat center, in rural residential districts.

A. The retreat center structures must be located at a minimum of 500 feet from property lines and must not be located in a platted subdivision.

B. The retreat center must be located and accessed from an arterial or collector roadway.

D. Retreat centers are allowed with an approved IUP.

E. Single family homes may be converted, renovated, or enlarged for the purpose of providing additional guest rooms after an IUP is obtained, and must be owner occupied.

F. The exterior appearance of the structure shall not be altered from its single-family character, nor shall there be any detriment to the residential character of the neighborhood.

G. Occupant load will be determined by building and/or fire department, not to exceed a guest occupancy of 20 persons.

H. Primary guest room entrances shall be through an interior room of the center.

I. Guests are limited to a length of stay of no more than seven consecutive nights.

J. Food preparation and cooking in guest rooms is prohibited.

K. On-site parking, sufficient for all residents and participants shall be provided.

L. Retreat centers shall be landscaped and screened from abutting lots, as determined by City Council.

M. Retreat centers require a yearly health and safety inspection by the fire/building departments.

On April 27, 2010, Planning Commission provided comments to City Council regarding the proposed language change to retreat/craft Centers. A draft of the meeting minutes are provided as attachment #8. Some of the Planning Commission members stated that they think the 500 foot setback requirements and required screening is excessive and would like City Council to consider changes to these items.

With these new changes, the City Attorney is in the opinion that an additional public hearing is not required.

Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code (Attachment 1) is attached with the recommended changes.

Attachments:

1. Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
2. MNDNR Letter, Dated November 19, 2009
3. City Attorney Letter, Dated November 18, 2009, Regarding Proposed Language Changes
4. City Attorney Letter, Dated January 11, 2010, Regarding Fence Regulations
5. Anoka County Sheriff Department Letter, Dated December 28, 2009, Regarding Fence Regulation
6. January 26, 2010 Planning Commission Meeting Minutes
7. November 24, 2009 Planning Commission Meeting Minutes
8. April 27, 2010 DRAFT Planning Commission Meeting Minutes

* *

Fiscal Impact:

None at this time

* *

Recommendation(s):

Planning Commission recommends City Council to approve Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with the condition that all Planning Commission and public comments and concerns are taken into consideration during the approval process.

* *

City Council Action

Motion by: ______________________ Second by: ______________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

ORDINANCE NO. 19, 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 01: 9. Definitions.

Bus means a vehicle designed for carrying passengers and having a seating capacity of at least 12 persons.

Composting:

Agricultural: The direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands.

Residential: A mixture of decaying organic matter used to improve soil structure and provide nutrients being incorporated into the soil surface.

Fish House: A structure set on the ice of state waters to provide shelter while taking fish by angling.

Garden supply store and nursery yard: A building or premises used primarily for the wholesale and retail sale of trees, shrubs, flowers, other plants, and accessory products. Accessory products are those products that are used in the culture, display and decoration of lawns, gardens, and indoor plants.

Habitable space: A space in a building for living, sleeping, eating, or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Motor truck means a single or multiple axle straight frame truck with a maximum gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Retail sales and services: Stores and shops selling goods over-the-counter for use away from the point of purchase, or offering services on the premises. Large items such as motor vehicles, boats, or open sales lots are not included in this category of uses.

Retreat Center: A place designated to serve individuals and groups by offering indoor arts and crafts such as knitting, quilting, scrapbooking, and other similar uses.

Semi-tractor means a vehicle that is designed to pull a trailer attached to a fifth wheel and has a gross vehicle weight rating (GVWR) 20,000 pounds or greater.

Attachment #1

Semi-trailer means a vehicle of the trailer type so designed and used in conjunction with a tractor-trailer that a considerable part of its own weight or that of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor semi-trailer combination.

Story: Vertical distance from top to top of two successive tiers of beams or finished floor surfaces; and for the topmost story, from the top of the finished floor surface to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters of a building or structure.

Swimming pool: Any structure intended for swimming or recreational bathing that contains water over 24 inches deep and 5,000 gallons in capacity. This includes in-ground, above-ground, and on-ground swimming pools.

SECTION 04: 3. General procedures.

D. Applications that require a public hearing. The following applications require public hearings:

5) Subdivision concept plans;

G. Revocation.

1) A violation of any condition set forth in a CUP or IUP shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the permit. The city council may grant an extension of up to sixty (60) days to correct the violation(s).

3) Revocation shall not occur earlier than ten city business days from the time the written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the city council action has been served on the permittee.

4) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain:

a) the effective date of the revocation;

b) the nature of the violation(s) constituting the basis of the revocation;

c) the facts which support the conclusion that a violation(s) have occurred, and:

d) notice that the permittee may appeal the revocation by filing a written request for a hearing with the city administrator within ten city business days following the date of service.

5) The written hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the City of East Bethel by midnight of the tenth city business day following the date of service.

6) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

7) The permittee must satisfy the conditions of the CUP or IUP approved by the city council within 60 days. Unless the permittee requests and receives from the city council an extension of time, failure to satisfy the conditions within 60 days will render the permit void.

SECTION 04: 10. Variances

J. Revocation.

1) A violation of any condition set forth in a variance shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the permit. The city council may grant an extension of up to sixty (60) days to correct the violation(s).

3) Revocation shall not occur earlier than ten city business days from the time the written notice of revocation is served upon the permittee or, if a hearing is requested, until written notice of the city council action has been served on the permittee.

4) Notice to the permittee shall be served personally or by registered or certified mail at the address designated in the permit application. Such written notice of revocation shall contain:

a) the effective date of the revocation;

b) the nature of the violation(s) constituting the basis of the revocation;

c) the facts which support the conclusion that a violation(s) have occurred, and:

d) notice that the permittee may appeal the revocation by filing a written request for a hearing with the city administrator within ten city business days following the date of service.

5) The written hearing request shall be in writing stating the grounds for appeal and served personally or by registered or certified mail on the City of East Bethel by midnight of the tenth city business day following the date of service.

6) Following the receipt of a request for a hearing, the city shall set a time and place for the hearing which shall be conducted in accordance with the procedures to appeal decisions of the city as set forth in this chapter.

7) The permittee must satisfy the conditions of the variance approved by the city council within 60 days. Unless the permittee requests and receives from the city council an extension of time, failure to satisfy the conditions within 60 days will render the permit void.

SECTION 04: 12. Site plan approval.

C. Site plan review. Prior to developing a final site plan for submission, applicants must submit a concept plan to the city for review and comment.

F. Revocation.

1) A violation of any condition set forth in a site plan shall be a violation of this chapter, and failure to correct said violation within 30 days of written notice of the violation from the city may result in revocation of the approved site plan.

7) The permittee must satisfy the conditions of the site plan approved by the city council within 60 days. Unless the permittee requests and receives from the city council an extension of time, failure to satisfy the conditions within 60 days will render the site plan void.

SECTION 05: 3. Nonconforming lot of record.

A. The lot shall have frontage on an improved public road or on a private road approved by the city council. The city council must, by resolution, specify the private road, verify that the private road is capable of supporting emergency vehicles, and specify that provisions exist for ongoing maintenance of the private road.

B. Vacant lots of record may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot(s) was created compliant with official controls in effect at the time, sewage treatment is in compliance with MPCA subsurface sewage treatment system, MN Rules 7080-7083, and setback requirements of this ordinance are met.

SECTION 10: 1. Purpose.

The purpose of this section is to provide minimum standards and regulations for the establishment and use of permitted uses, accessory uses, interim uses, and conditional uses within the zoning districts for the City of East Bethel.

6. Composting.

A. Agricultural composting shall comply with Anoka County composting licensing requirements.

B. In residential districts, composting shall not be allowed within any front, side, or rear yard setbacks.

14. Driveway, and off-street parking and standards.

A. Access requirements.

1) Properties in the R-1 and R-2 districts are allowed one driveway access point to a public street.

2) Properties in the RR district over two acres in size may be allowed two driveway access points to a public street; however, properties located on municipal state aid streets, major thoroughfares, and major streets are allowed one driveway access point to a public street.

B. Surface.

1) In the B-1, B-2, B-3, and I districts, and conditional uses in the RR districts, off-street parking areas and driveways shall be constructed of a bituminous or concrete surface.

2) In the RR, R-1, and R-2 districts, new construction of residential and accessory structures require a bituminous or concrete driveway extending a minimum of 75 feet from the street or to the garage apron, whichever is less. Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right-of-way. If a culvert is required, a minimum culvert

diameter must be 15 inches. A turn-around, located entirely on the lot, will be required for driveways that directly access a street with a posted speed limit greater than 45 miles per hour.

19. Motor vehicle repair.
A. No vehicles shall be parked on the premises other than those used by employees and customers awaiting service. Storage of salvage vehicles shall be prohibited.
B. The exterior storage area for vehicles awaiting service must be fenced and screened from the public right-of-way and neighboring properties.
C. All structures and ground shall be maintained in an orderly, clean, and safe manner.

20. Motor vehicle repair, major.
A. All painting must be conducted in an approved paint booth. All paint booths and all other activities of the operation shall comply with the Minnesota Pollution Control Agency in the control of emission of fumes, dust, or other particulate matter in compliance with Minnesota pollution control standards.
B. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.
C. Outside storage of equipment, parts, or materials used in the conduct of the business is prohibited. The storage of damaged vehicles waiting for repair must be completely inside a building or within an area screened from view of all adjacent properties and the public right-of-way, in accordance with the provisions of Section 23. Screening Regulations.
D. Outdoor display of used vehicles for sale is not permitted.

21. Motor vehicle repair, minor.
A. All flammable materials, including liquids and rags, shall conform to the applicable provisions of the Minnesota Uniform Fire Code.
B. Outside storage of equipment, parts, or materials used in the conduct of the business is prohibited. The storage of damaged vehicles waiting for repair must be completely inside a building, or within an area screened from view of all adjacent properties and the public right-of-way, in accordance with the provisions of Section 23. Screening Regulations.
C. Outdoor display of used vehicles for sale is not permitted.

25. Outdoor dining area.
Outdoor dining shall be allowed accessory to a permitted restaurant, coffee shop, or other eating and drinking facility subject to the following:
A. The outdoor dining area must be a well-defined space, designed and serviced to keep debris from blowing off of the premises.
B. Design of the outdoor dining area shall be compatible with the main structure to which the facility is an accessory use.
C. Outdoor dining establishments serving alcoholic beverages shall be enclosed with a minimum three to six foot fence. Height of fence will be determined at the time of site plan review and will be based on adjacent/abutting zoning districts and site design. Outdoor dining areas not serving alcoholic beverages shall be enclosed with a minimum of a three-foot barrier such as fencing and/or landscape hedges; however, all outdoor dining areas adjacent to or

abutting a residential district must be enclosed with a six-foot fence to provide screening from neighboring properties.
D. Customers must gain entrance to the outdoor area from within the main facility, however, at least one outside fire exit must be provided.
E. Temporary seating on a sidewalk adjacent to the building shall be allowed subject to the following:
1) The seating, including benches and chairs shall be limited to no more than ten seats.
2) Serving of food and beverages in the temporary seating area is prohibited.

30. Swimming pools, permanent and portable.
A. A building permit is required for swimming pools exceeding a depth of 24 inches and exceeding a capacity of 5,000 gallons.
B. Swimming pools may be required to be enclosed by a fence as regulated in Section 25. Fence Regulations of this code.
C. All swimming pools and their accessories must be located a minimum of ten feet from all side and rear property lines abutting other lots, and may not extend into the minimum front yard setback.
D. The noise generated by equipment when operating must satisfy the requirements of Section 34. Environmental Regulations.

33. Retreat center, in rural residential districts.

A. The retreat center structures must be located at a minimum of 500 feet from property lines and not in a platted subdivision.

B. The retreat center must be located and accessed from an arterial or collector roadway.

C. Retreat centers are allowed with an approved IUP.

D. Single family homes may be converted, renovated, or enlarged for the purpose of providing additional guest rooms after an IUP is obtained, and must be owner occupied.

E. The exterior appearance of the structure shall not be altered from its single-family character, nor shall there be any detriment to the residential character of the neighborhood.

F. Occupant load will be determined by building and/or fire department, not to exceed a guest occupancy of 20 persons.

G. Primary guest room entrances shall be through an interior room of the center.

H. Guests are limited to a length of stay of no more than seven consecutive nights.

I. Food preparation and cooking in guest rooms is prohibited.

J. On-site parking sufficient for all residents and participants shall be provided.

K. Retreat centers shall be landscaped and screened from abutting lots, as determined by City Council.

L. Retreat centers require a yearly health and safety inspection by the fire/building departments.

36. Temporary/seasonal sales.

A. Temporary/seasonal sales shall require approval of a certificate of compliance and a license from the city (if applicable) to operate. No license shall be required for any person to sell or take orders for any product grown, produced, cultivated, or raised on any farm. The certificate of compliance for license-exempt operations shall not exceed 75 days.

F. Structures for temporary/seasonal sales must be removed at the expiration of the Certificate of Compliance.

M. Temporary/seasonal sales may occur 150 days during a calendar year on an established business property.

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 established as a lot of record in the Anoka County Property Records but which, prior to April 21, 2010, has been reduced in size by reason of a taking by the city, county, or state or by a donation of a portion thereof by the owner for a public use shall continue to be treated as a legal lot of the size and configuration when established as a 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. This exception will not apply to lots created after April 21, 2010.

SECTION 12. B. Eligibility requirements. To be eligible for using metes and bounds divisions as outlined in this section, the following conditions must be met:

1) The parcel must be a minimum of five acres.

2) The parcel must have a minimum road front of 300 feet.

C. Procedure.

7) Certificate of approval. Following city council approval, payment of park dedication fees and compliance with all condition(s), the instrument creating the division will be certified by the city clerk-treasurer (or designated city representative) that the division has been approved and the city's seal affixed in order for the division to be entered in the county auditor's records and the instrument recorded in the county recorder's records. The metes and bounds division must be filed at Anoka County within sixty (60) days of city council approval of the division. Failure to file or to request an extension to the city council will void the division.

SECTION 13. 1. General regulations.

A. All single-family dwellings and accessory structures in the A, RR, R-1, and R-2 districts shall meet the following design requirements:

3) Single-family dwellings shall have an address according to the numbering system of East Bethel. Numbers shall be at a minimum of three inches in height and displayed in such a way as to clearly identify the building from the roadway. An address plate shall be installed at the right-of-way. A mailbox clearly identifying the address on both sides and an address plate must be installed at the right-of-way.

4) Each dwelling unit shall include, at a minimum, a 24-foot by 24-foot garage. Driveways must meet a minimum setback of 5 feet from abutting lots.

5) Garages shall not be constructed prior to the principal structure and shall be constructed no later than six months after the construction of the dwelling.

SECTION 14. DETACHED ACCESSORY STRUCTURES

These standards have been established to preserve the character of the principal structure, promote building compatibility, and provide for minimal adverse impacts to surrounding property through the implementation of height, size, location, and architectural regulations.

1. Permit regulations.

All accessory buildings and/or structures over 120 square feet in size require a building permit prior to construction, unless specifically exempt under this ordinance. Accessory structures less than 120 square feet shall not require a building permit unless required by any other ordinance or state requirement. Accessory structures less than 120 square feet shall comply with all provisions of this section and zoning district regulations.

2. General regulations

A. No accessory building or structure shall be constructed on any lot prior to construction of the principal structure without prior approval by the city council.

B. Accessory structures located on lots that are subsequently subdivided shall be modified accordingly to maintain compliance with zoning districts and/or acreage requirements.

C. Every exterior wall, foundation, and roof of accessory structure(s) shall be reasonably watertight, weather tight, and rodent proof, and shall be kept in a good state of maintenance and repair. Exterior walls shall be maintained free from extensive dilapidation due to cracks, tears, or breaks of deteriorated plaster, stucco, brick, wood, or other material.

D. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and from decay by painting or other protective covering or treatment. A protective surface of an accessory structure(s) shall be deemed to be out of repair if more than 25 percent of the exterior surface area is unpainted or paint is blistered; it must be painted. If 25 percent or more of the exterior surface of the pointing of any brick, block, or stone wall is loose or has fallen out, the surface shall be repaired.

E. Pole-type, steel frame, or any other accessory structure(s)that contain exterior siding or roof of sheet metal must be on lots with more than three acres and shall be located behind the principal building.

F. Accessory structures shall have a minimum separation of eight feet from all other structure(s).

G. The area of a lean-to shall be included in the allowable square footage of detached accessory structures and will be subject to the square footage restrictions for a lot.

H. Accessory structures on lakeshore lots may be placed between the principal building and the lakeshore or the right-of-way, and are subject to all setbacks and lot coverage.

I. Fish houses shall be included in the calculation of the gross maximum square footage for detached accessory structures. No more than one fish house shall be permitted on a lot. Fish houses must meet all required accessory structure setbacks.

J. The structure must not be designed or used for human habitation and must not contain sewage treatment facilities.

K. Accessory structures shall have exterior doors only at ground level. Accessory structures may not have exterior stairs to a second story.

3. Size and number of accessory structures.

A. Size of accessory structure:

1) All accessory structures greater than 120 square feet in the RR and A districts must comply with the following regulations:

TABLE INSET:

Parcel Size	Maximum Square Feet	Maximum Sidewall Height in the RR and A Districts
1.0 acre or less	580 square feet	10 feet*
1.01 to 2.0 acres	960 square feet	12 feet*
2.01 to 3.0 acres	1,200 square feet	12 feet*
3.01 to 4.99 acres	1,800 square feet	14 feet*
5.0 or more acres	2,400 sq. ft. plus an additional 240 sq. ft., or increment thereof, for each additional acre	14 feet*

*Maximum height is measured from the floor surface to the underside of the ceiling member.

a) Accessory structures greater than 120 square feet in the R-1 and R-2 districts shall be limited to a ten (10) foot sidewall height. Roof pitch and style shall match the principal structure.

b) Accessory structures less than 120 square feet in all districts shall be limited to a sidewall height no greater than eight (8) feet.

SECTION 22. 3. General provisions.

B. Prohibited uses in required parking areas.

Required off-street parking areas in the B-1, B-2, B-3, and I districts, shall not be used for open storage of goods, recreational vehicles and equipment, commercial vehicles and equipment, unlicensed/inoperable vehicles, or vehicles displayed for sale.

C. Prohibited parking.

1) Single-family residential (R-1) and single-family and townhome (R-2) zoning districts:

a) Parking of buses, motor trucks, semi-tractors and/or semi-trailers on city streets and on individual lots is prohibited.

b) Parking of vehicles on lots created after the adoption of [this] Ordinance [No.] 203 is prohibited in any portion of the front, side, or rear yard except on bituminous or concrete driveways or on one open, bituminous, or concrete space located on the side of the driveway.

c) Parking of vehicles on existing R-1 and R-2 parcels is prohibited in any portion of the front, side, or rear yard except on a designated driveway or on one open space located on the side of the driveway.

2) Rural residential (RR) zoning district:

a) Parking of buses, motor trucks, semi-tractors and/or semi-trailers on individual properties longer than 24 hours continuously is prohibited. Parking on city streets is prohibited.

b) Parking of vehicles is prohibited in any front, side, or rear yards except on designated driveways.

7. Required off-street parking spaces and garages.

B. Garage size. The minimum garage size for single and townhome dwellings, attached or detached, shall be, at a minimum, 24 feet by 24 feet for each dwelling unit.

SECTION 24. EXTERIOR STORAGE

1. Exemptions.

D. Landscaping materials and equipment may be stored on a lot if these are used on the lot within a period of three months.

3. A. RR, R-1, and R-2 residential districts.
B. A maximum of five motor vehicles, or recreational vehicles, or boat/trailer combinations, or snowmobile/trailer combinations, or items of lawn equipment, or items of construction equipment with a weight limit of 20,000 GVWR, or other equipment or trailers, or any combination thereof, may be stored outside of structures at any time. The storage of recreational vehicles, items of equipment, or trailers must be on the driveway of the residence or within an outside storage area located in a side or rear yard. The storage area shall be screened from the public right-of-way and from adjacent lots. Motor vehicles stored outside on a designated

driveway must maintain and display current licensing and registration and must be operational and roadworthy.

4. I district.

H. Up to three commercial vehicles, such as delivery and service trucks up to 20,000 GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 20,000 GVWR, construction equipment, and trailers shall require screening.

5. B-3 district.
A. Exterior storage is permitted with a Conditional Use Permit (CUP).

SECTION 25. 1. Fence Regulations

All fences in any district shall conform to the following regulations:

A. Fences within the R-1 and R-2 districts need a Certificate of Compliance in accordance with Section 04. Applications and Procedures.

B. Barbed wire and electrical fences are prohibited, except on lots with an approved Interim Use Permit for use in keeping and confining farm animals, livestock, or for crop protection.

3. Fences around swimming pools.

A. A swimming pool shall be surrounded by a barrier which the top of the barrier shall be at least 48 inches above grade measured on the outside wall from the swimming pool.

B. All fence openings or points of entry into the pool area enclosure shall be equipped with gates. The fence shall comply with all construction specifications pursuant to this section.

C. The fence and gates shall be at least four feet in height and shall be constructed of material approved by the community development department.

D. One gate shall be equipped with self-closing and self-latching devices placed at the top of the gate or otherwise inaccessible to small children. Any other gate in the fence will be presumed to be solely for maintenance purposes and shall remain locked at all times when not used for maintenance purposes. Each such maintenance gate shall be posted that the gate is to remain locked and is for maintenance purposes only.

E. All fence posts shall be decay- or corrosion-resistant and shall be set in concrete bases or other suitable protection.

F. The openings between the bottom of the fence and the ground or other surface shall not be more than four inches.

G. Aboveground pools of four feet or more in wall height shall be exempt from complete enclosure by a type of fence resistant to being climbed. However, aboveground pools shall be equipped with a fence and gate system at all points of entry to the pool. Stairs must be removed when not in use. Such fence and gate system shall effectively control access to the pool and shall be constructed pursuant to the specifications listed in this section.

H. Except where otherwise noted, the following are specifically exempted from this section:

1) Hot tubs or spas that accommodate no more than ten adults and has a locking cover.

4. Placement of fences.

5. Fences on riparian lots.

Fences constructed on riparian lots shall meet structure setbacks from the ordinary high water mark (OHW).

SECTION 27. 3. Minimum landscaping requirements.

In instances where healthy plant materials of acceptable species exist on site prior to its development, the application of the standards in this section may be adjusted by the city to allow credit for such material provided that such adjustment is consistent with the intent of this section. The city may permit the seeding of areas reserved for future expansion of the development if consistent with the intent of this chapter.

A. New subdivisions.

1. Single-family (R-1 and R-2).

a. A minimum of two boulevard trees per lot shall be planted prior to the issuance of a certificate of occupancy.

b. Lots created after the adoption of [this] Ordinance [No.] 203 shall establish groundcover approved by staff throughout the yard within one year after the issuance of the certificate of occupancy.

B. Single-family (RR).

1. A minimum of two boulevard trees per lot shall be planted prior to the issuance of a Certificate of Occupancy.

2. Lots created after the adoption of [this] Ordinance [No.] 203 shall establish groundcover approved by staff in the front yard within one year after the issuance of a Certificate of Occupancy.

6. Landscape guarantee.

All new plants and groundcover shall be guaranteed for one full year from the time planting has been completed. All plants and groundcover shall be alive and in satisfactory growth at the end of the guarantee period or be replaced.

7. Retaining walls.

Retaining walls exceeding four feet in height, including staged walls that cumulatively exceed four feet in height, must receive a certificate of compliance and be constructed in accordance with plans prepared by a registered engineer. Plans shall be submitted to the City of East Bethel Building Department for review and approval. Retaining walls shall not impede drainage.

SECTION 35. GRADING, FILLING, AND EXCAVATION

2. Permit required.

No person shall undertake, authorize, or permit any of the following actions without first having obtained the proper permit from the city:

A. Any excavating, grading, filling, or other change of more than ten cubic yards in the earth's topography in any designated wetlands, floodplain, or shoreland district;

B. Any excavating, grading, filling, or other change in the earth's topography resulting in the movement of more than 500 cubic yards of material;

5. Administrative grading permit application and review.

A. Grading plans that would result in the movement of more than 500 cubic yards but less than 1,000 cubic yards of material may be approved by the zoning administrator. The applicant shall submit the following information unless waived by the zoning administrator:

SECTION 41. AGRICULTURAL DISTRICT (A)

2. Permitted uses.

D. Animal husbandry, including the raising of livestock, or game animals, excluding animal feed lots and commercial stockyards.

3. Accessory use.

C. Temporary/Seasonal sales as permitted in Section 10. General Development Regulations.

4. Conditional uses.

B. Electric power and communications transmission lines.

SECTION 42. RURAL RESIDENTIAL (RR) DISTRICT

4. Conditional uses.

G. Bed and breakfast inn.

H. Electric power and communications transmission lines.

5. Interim uses.

The following interim uses are permitted in the RR district with an interim use permit:

F. Domestic farm animals as regulated by City Code Chapter 10.

G. Retreat center.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

C. Maximum height.

TABLE INSET:

1)	Principal structure	Measured to the eave, maximum height of three stories or 30 feet, whichever is less.
2)	Detached accessory structure	Shall comply with Section 14.3.A. Roof pitch and style shall match the principal structure.

SECTION 43. SINGLE-FAMILY RESIDENTIAL (R-1) DISTRICT

4. Conditional uses.

A. Essential services--governmental.

B. Places of worship.

C Essential services--utility substations.

D. Schools.

E. Other uses similar to those permitted in this section as determined by city council.

F. Bed and breakfast inn.

G. Electric power and communications transmission lines.

5. Interim uses.

The following interim uses are permitted in the R-1 district with an interim use permit:

E. Domestic farm animals as regulated by City Code Chapter 10.

6. Certificate of compliance.

A. Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

B. Fences as permitted in Section 25. Fence Regulations.

7. Development regulations.

B. Setbacks.

TABLE INSET:

1) Principal structure

(a) Front yard

(1) City right-of-way 30 feet

(2)	County/state right-of-way	100 feet
(3)	Shoreland overlay	25 feet

2) Detached accessory structure

(a)	Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street

C. Building height:

TABLE INSET:

1)	Principal structure	Measured to the eave, maximum height of 3 stories or 30 feet, whichever is less.

SECTION 44. SINGLE-FAMILY AND TOWNHOME RESIDENTIAL (R-2) DISTRICT

4. Conditional uses.

G. Electric power and communications transmission lines.

7. Development regulations.

B. Setback.

TABLE INSET:

1) Principal structure

a) Front yard

(1)	City right-of-way	30 feet
(2)	County/state right-of-way	100 feet
(3)	Side yard	10 feet
(4)	Side street	25 feet
(5)	Rear yard	25 feet
(6)	Internal	20 feet between principal structures
(7)	Shoreland overlay	25 feet from public right-of-way

2) Detached accessory structure

a) Front yard	Must meet required setback of principal structure and cannot be located between the principal structure and the street

8. Maximum lot coverage.

TABLE INSET:

A.	R-2 not located in the shoreland overlay district	50 percent
B.	All properties located in the shoreland overlay district	As regulated by Section 57. Shoreland Overlay District

SECTION 45. LIMITED BUSINESS (B-1) DISTRICT

4. Conditional uses.

E. Electric power and communications transmission lines.

F. Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

SECTION 46. CENTRAL BUSINESS (B-2) DISTRICT

4. Conditional uses.
P. Electric power and communication transmission lines.
Q. Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

SECTION 47. HIGHWAY COMMERCIAL (B-3) DISTRICT

4. Conditional uses.

N. Electric power and communications transmission lines.

O. Other uses similar to those permitted in this section as determined by the planning commission and city council.

P. Exterior storage associated with permitted and conditional uses.

5. Interim uses.

D. Other uses similar to those permitted in this section as determined by the city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

SECTION 48. LIGHT INDUSTRIAL (I) DISTRICT

4. Conditional uses.

M. Electric power and communications transmission lines.

M. Other similar uses to those permitted in this section as determined by the planning commission and city council.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations.

7. Development regulations.

B. Setbacks.

TABLE INSET:

2)	Side yard	10 feet

SECTION 49. CITY CENTER (CC) DISTRICT

5. Conditional uses.

A. Electric power and communications transmission lines.

7. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations

SECTION 50. PUBLIC/INSTITUTIONAL (P/I) DISTRICT

5. Conditional uses.

A. Electric power and communications transmission lines.

6. Certificate of compliance.

Temporary/seasonal sales as permitted in Section 10. General Development Regulations

SECTION 55. PLANNED BUSINESS OVERLAY DISTRICT (PBD)

4. Conditional uses.

A. Electric power and communications transmission lines.

SECTION 56. PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

2. Conditional uses.

A. Electric power and communications transmission lines.

SECTION 57. 5. Definitions.

(REMOVE ALL ITEM LETTERS AND SIMPLY ALPHABETIZE)

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Bluff. A line along the top of a slope connecting points at which the slope, proceeding away from the water body or adjoining watershed channel, becomes less than 18 percent and it only includes slopes greater than 18 percent that meet the following criteria:

Conditional use. A use as this term is defined in Minnesota Statutes, chapter 394.

Hardship. A property cannot be put to reasonable use if: the conditions of the zoning ordinances are followed; the landowner's particular circumstances are unique and not self-created; and, granting a variance will not alter the essential character of the locality, as defined in MN Statutes, Chapter 462.

Lake--natural environment. Generally small, often shallow lakes with limited capacities for assimilation of the impacts of development and recreational use. They often have adjacent lands with substantial constraints for development such as high water tables, exposed bedrock, and unsuitable soils.

Lot: A parcel of land designated by plat, metes and bounds, registered land survey, auditors plat, or other legal means and separate and apart from any other parcel or portion of land, and from right-of-way, public or private.

Nonconformity. The same as that term is defined or described in Minnesota Statutes 394.

Non-riparian. A lot with no frontage on a water body.

Planned unit development. A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, campgrounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.

Public waters. Any waters as defined in Minnesota Statutes, section 103G.005, subdivisions 15 and 15a. However, no lake, pond, or flowage of less than ten acres in size will be regulated for the purposes of this code. A body of water created by a private user where there was no previous shoreland may, at the discretion of the local government, be exempted from parts of this code.

Riparian. A lot with frontage on a water body.

Structure. Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.

Subdivision. Land that is divided for the purpose of sale, rent, or lease, including planned unit development.

Surface water-oriented commercial use. The use of land for commercial purposes, where access to and use of a surface water feature is an integral part of the normal conductance of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use.

Water-oriented accessory structure or facility. A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include boathouses, gazebos, screen houses, fish houses, pump houses, and detached decks.

6. Administration.

B. *Permits required*.

3) A water use permit from the City of East Bethel is required for all users withdrawing less than 10,000 gallons of water per day or less than 1 million gallons per year from a public body of water. The pumping system must be enclosed in a structure not to exceed 4 feet by 4 feet and no more than two feet in height.

7. Shoreland classification system and land use districts.

[b) Rivers and streams.]

TABLE INSET:

Tributary Streams

Cedar Creek *

*All protected watercourses in the city shown on the Protected Waters Inventory Map for Anoka County, a copy of which is hereby adopted by reference, not given a classification in items a) and b) above, shall be considered "tributary."

8. Shoreland overlay district standards.

C. *Placement, design, and height of structures*.

1) Lot Area. Only land above the ordinary high water level of public waters can be used to meet lot area standards, and lot width standards must be met at both the ordinary high water level and at the building line.

a) Structure and on-site sewage system setbacks from ordinary high water level:

TABLE INSET:

Setbacks

	Structures		
Classes of Public Waters	*Sewered*	*Unsewered*	*Sewage Treatment System*
Lakes			
Natural Environment	150 feet	150 feet	150 feet
Recreational Dvlp	75 feet	100 feet	75 feet
General Dvlp	50 feet	75 feet	50 feet
Creeks and Streams	100 feet	100 feet	75 feet

3) *Design criteria for structures*.

a) *High water elevations*. Structures must be placed in accordance with any floodplain regulations applicable to the site. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed is at a level at least three feet above the highest known water level or three feet above the ordinary high water level, whichever is less, of the lake, creek, or stream fronted by the property.

Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if the structure is constructed of flood-resistant materials to that elevation, electrical and mechanical equipment is placed above that elevation, and if long-duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

b) *Accessory structures*. Said structures shall meet the normal structure setback in item c) of this subpart and comply with the following provisions:

5) For lakes, rivers, and streams, the lowest floor level must be placed at a level at least three feet above the highest known water level, or three feet above the ordinary high water level, whichever is greater.

D. *Shoreland alterations*. Alterations to vegetation and topography shall be regulated to preserve shoreland aesthetics, preserve historic values, prevent bank slumping, fix nutrients, protect fish and wildlife habitat, and prevent erosion into public waters, according to the MPCA's Best Management Practices.

2) Removal or alteration of vegetation within a SL district, except for agricultural and forest management uses as regulated in subparts b and c of subpart 8 of this subdivision [subsections B. and C. of item 11 of this section 57], respectively, is allowed subject to the following standards:

a) Intensive vegetation clearing within the shore and bluff impact zones and on steep slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas but within a SL District is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

E. *Topographic alterations/grading and filling*.

3) Notwithstanding items 1.) and 2.) above, a grading and filling permit will be required for:

a) The movement of more than ten cubic yards of material on steep slopes or within shore or bluff impact zones; and

b) The movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones within an SL District.

SECTION 58. FLOODPLAIN MANAGEMENT (FP) OVERLAY DISTRICT

2. Conditional uses.
   Electric power and communications transmission lines.

SECTION 59. SIGNIFICANT NATURAL ENVIRONMENTAL AREAS (SNEA) OVERLAY DISTRICT

3, Conditional uses.
   Electric power and communications transmission lines.

Adopted by the City Council of the City of East Bethel, Minnesota, this (insert date), 2010.

For the City:

_____
Greg Hunter, Mayor

ATTEST:

_____
Douglas Sell, City Administrator

Adopted: (Insert Date)
Published: (Insert Date)
Effective: (Insert Date)

Minnesota Department of Natural Resources
Central Region Waters - 1200 Warner Road, St. Paul, MN 55106-6793
Telephone: (651) 259-5845 Fax: (651) 772-7977

November 19, 2009

Stephanie Hanson, City Planner
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: CITY OF EAST BETHEL SHORELAND MANAGEMENT ORDINANCE (SECTION 57. SHORELAND OVERLAY DISTRICT)

Dear Ms. Hanson:

Thank you for submitting the draft amendments to your city's shoreland management ordinance for the Department of Natural Resources' review.

Upon review of the draft amended ordinance submitted to me via email on November 10, 2009, I am pleased to inform you that it substantially complies with Minnesota Rules, Parts 6120.2500 - 6120.3900. A copy of the officially adopted ordinance should be sent to me upon City Council approval.

We remain available to assist the City with implementation and enforcement of the ordinance. As required by the ordinance, notices of all hearings and notices of decisions for variances, conditional uses, and amendments in shoreland areas must be submitted to the Department. These should be sent directly to me at: DNR Waters, 1200 Warner Road, St. Paul, MN 55106.

We appreciate your community's continued cooperation in providing for shoreland protection through the adoption and administration of this ordinance.

Sincerely,

Kate Drewry

Kate Drewry
North Metro Area Hydrologist
DNR Waters

Attachment #2

Zoning Code Amendment - Comments

Section 01:9. Definitions.

- In the definition of **Retail sales and services**, third line, the words "exterior sales lot" s/b changed to "open sales lot," which is a defined term.
- In the definition of **Story**, third line of the new definition, the words "floor finish" s/b changed to "finished floor surface," the same words used in the second line.

Section 04:3. General procedures.

- In G.1) replace the word "terminate" with the words "shall be cause for revocation of the permit."
- In G.6) replace the words "Upon approval by the city council" with " Upon a finding by the city council that a violation of any condition of a CUP or an IUP has occurred and not been corrected within 30days of written notice from the city" and replace the words "satisfy the approved conditions" with "correct the violation(s)."
- Subsection J. appears to be a repeat of G.6).

Section 0.5: Nonconformities.

- In new paragraph B, replace "A vacant parcel" with "Vacant parcels."

Section 10: General Development Regulations.

- In 14. **Driveway and standards.**, B. Surface, 1) add the word "and" after "B-3."
- In 25. **Outdoor dining area.**, C. change the second line to read "(6) foot barrier constructed in such a way <u>that</u> items cannot be passed through <u>the barrier</u>…."
- In 33. **Retreat center.**, G. the word "lodging" is misspelled.
- In 36. **Temporary/seasonal sales.**, M. change word "of" in second line to "that."

Section 14. Detached Accessory Structures.

- Both subsections 1. and 2. are captioned "General regulations."
- Paragraph J. of the first subsection n2 addresses fish houses. I recommend that the words "fish house" be defined to clearly identify the characteristics/specifics of what constitutes a fish house as distinguished from other detached accessory uses.
- There are two subsections numbered 2.
- In the second subsection 2., paragraph L., the word "is" should be "are."

Section 24. Exterior Storage.

- In subsection 5., paragraph A., the words "Conditional Use Permit" are repeated. Is there a reason for this?

Section 27. Landscaping Regulations.

Attachment #3

- Do you want all of the provisions of subsection 3 to apply only to new subdivisions (paragraphs B. and C.)? The same would be true for subsections 4., 5., and 6. This should be clarified.
- Single-family (RR) should be identified as a separate paragraph of subsection 3.

I have reviewed all of the District Provision amendments and find no concerns with any of them.

GMR
November 18, 2009

RANDALL and GOODRICH, P.L.C.
ATTORNEYS AT LAW
2140 FOURTH AVENUE NORTH
ANOKA, MINNESOTA 55303-2268

GERALD M. RANDALL
WILLIAM K. GOODRICH

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Tara K. Jacob, Paralegal
taraj@anokalaw.com

January 11, 2010

BY US MAIL AND E-MAIL
stephanie.hanson@ci.east-bethel.com

Stephanie Hanson
East Bethel City Planner
2241 -2221st Avenue N.E.
East Bethel, MN 55011

Re: Zoning Code Amendments

Dear Stephanie:

You have asked that I write in regard to requiring areas of outdoor sales of alcoholic beverages to be enclosed by fencing.

Minnesota laws impose strict requirements in connection with the sale of alcoholic beverages, both to "off-sale" sales and to sales for consumption of the beverage on the premises. Similarly, the East Bethel ordinances regulating the sale of alcoholic beverages strictly control such sales.

A liquor license must specifically describe the premises where liquor will be served. In cases of sales and consumption of liquor on a patio or other outdoor area, the license must explicitly describe the outdoor area.

There are potential negative effects of moving indoor bar activities to an outdoor area. These include the increased potential for minors to be served and for sales to intoxicated persons. There also is the increased possibility of litter being scattered or blown from the outdoor area onto other properties.

To control and limit the potential negative effects of outdoor sales many cities require the outdoor service/consumption area to be segregated from pedestrian access by fencing, ropes, etc. and that litter be picked up on a regular basis.

For liability reasons and to limit the potential for illegal sales, I recommend the segregation of patios or other outdoor areas where liquor is sold/served from access by persons who are not customers of the pertinent bar and that access to the outdoor areas be limited to one access point

Attachment #4

through the indoor bar area. Fencing the outdoor area would be the most practical means of accomplishing this goal.

Yours truly,

Gerald M. Randall

GMR/tkj

Enclosure

Office of the Sheriff

Anoka County

Sheriff Bruce Andersohn

13301 Hanson Boulevard NW, Andover, MN 55304-4009 (763)323-5000 Fax (763)422-7503

City of East Bethel
Attn: Stephanie Hanson
2241 221st St NE
East Bethel, MN 55011

December 28, 2009

Dear Stephanie;

I am writing this letter to you in support of an ordinance pertaining to having fencing placed around outdoor drinking establishments, from the law enforcement standpoint. The fencing serves the purpose of not allowing alcoholic beverages to be taken off site, including into the parking lot, while keeping patrons safe. It also would help eliminate underage drinking, by not allowing anyone to come onto the patio, without having gone through the bar and id checks first. The fencing would need to have a one way gate attached in case of emergencies. We would recommend a fence that would be approximately four feet tall, presumably made of iron. Thank you for allowing this into your consideration.

Sincerely;

Lt. Shelly Orlando

Lt. Shelly Orlando

Attachment #5

Affirmative Action / Equal Opportunity Employer

EAST BETHEL PLANNING COMMISSION MEETING

January 26, 2010

The East Bethel Planning Commission met on January 26, 2010 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT:	Eldon Holmes	Heidi Moegerle	Lori Pierson	Glenn Terry
	Julie Moline	Tim Landborg	Lorraine Bonin	

MEMBERS ABSENT: None

ALSO PRESENT: Stephanie Hanson, City Planner
Greg Hunter, City Council

Adopt Agenda

The January 26, 2010 meeting was called to order by Chairperson Holmes at 7:00 PM. **Holmes made a motion to adopt the January 26, 2010 agenda. Pierson seconded; all in favor, motion carries.**

Commission Member Appointment

Hanson explained the terms of Commission Members Landborg and Bonin expire February 2010. Members Landborg and Bonin expressed interested to continue to serve on the Planning Commission and on January 20, 2010, City Council reappointed each of them to the commission.

There is currently a vacancy on Planning Commission as Mr. Channer has been appointed to fill the vacancy on City Council. At the January 20, 2010 City Council meeting, Ms. Heidi Moegerle was appointed to fill the vacancy. She will fill the remainder of Mr. Channer's term which expires January 2011.

Terry asked if there is a swearing in for Ms. Moegerle. City Administrator Sell asked Ms. Moegerle to please stand and raise her left hand. Ms. Moegerle took the Oath of Office for the Planning Commission.

Elect 2010 Chairperson

City staff is requesting Planning Commission elect a member of the commission as chairperson for the term of one year, starting on February 23, 2010 and expiring on January 31, 2011. Terry said the Commission would now need to elect a new chairperson.

Terry nominated Holmes as Chair of the Planning Commission for 2010, seconded by Pierson.

Bonin asked do we have a policy where we only serve one year. Hanson said yes, it is only a one-year term. Terry said if there were no other nominations, we would close nominations.

All in favor; motion carries.
Hanson said starting in February, Holmes will be the new chair.

DRAFT

Attachment #6

Continuation Public Hearing/ Proposed Amendments to City Code: Appendix A. Zoning

Hanson explained on November 23, 2009, Planning Commission held a public hearing for proposed changes to the current zoning ordinance. Planning Commission directed staff to make additional changes and bring the changes back to Planning Commission for review. The changes have been incorporated by staff with the exception of language regarding required fencing around outdoor patios for establishments serving intoxicating liquors.

Planning Commission members directed staff to eliminate the wording that would require fencing; however, after review and comments from the City Attorney and the Anoka County Sheriff's Department, staff concluded it is in the best interest of the city to require fencing around outdoor patio areas serving intoxicating liquors. These letters are attached for your review as attachments 4 and 5. If Planning Commission does not agree with the opinions of the City Attorney and Anoka County Sheriff's Department, staff recommends the Planning Commission make a motion to City Council to eliminate the proposed changes. Staff proposed a six-foot fence structure, the ASCO said it should be at least four feet. Holmes said what is the difference between a six-foot fence and a four-foot fence, people can reach over. Landborg said people could walk out the door. Holmes agreed and said you aren't going to stop what will happen. Bonin stated she didn't think a four-foot fence would be a deterrent and it should be higher. Holmes agreed if someone wants to do something illegal they would do it. He said make them as high as possible.

Hanson said Holmes talked at the last meeting about fences around pools, he added pool steps should be removable when not in use. The change is not in the document before the Commission. It will be added to the final document.

Commission Landborg had questions about Section 25; he wanted justification on changes in that area. What had happened in Section 2.B – there were some contradictions in the permitting process. Hanson said she had to clear up the language requirements since they contradicted each other. The section stated there was no permits for less than 50 yards, but permits were required for over 500 yards. There was nothing that stated what occurred between 50 yards and 500 yards. Hanson said there was just a change so there weren't any conflicts. Terry said it might make things consistent, but this doesn't seem like a good rule at this point. Hanson said we don't have the whole section open at this point. Terry questioned number A; any change in topography doesn't make sense to him. Hanson said it is an existing ordinance, so she is unsure what the meaning is. Landborg said 50 yards is absurd. Landborg said the minor is from 500 to 1000. Hanson reiterated the commission does not have the full ordinance in front of them and there are some exemptions.

Resident asked what is the point of the permit. Councilmember Boyer, who was seated in the audience, said the purpose is to ensure there isn't mining, which could have a major impact on a neighborhood. Landborg would possibly consider the 50 yards in a platted subdivision. If in a platted division, for instance a townhouse development that could affect drainage. Hunter said it possibly should be a percentage of the property. Holmes said even 1,000 yards is not much. Hanson said this is a section that could be removed out of zoning because we do have a mining ordinance. Landborg said he would agree with 50 yards in a platted residential area. Terry asked if we could add this section to the development portion of the ordinance and strike this one. Holmes asked if you could use an and/or, to have it make more sense. Such as if you moved 10% of the property, then you would need one.

Moegerle asked who would measure it. Holmes agreed, but you need a basis to start with.

DRAFT

Moegerle said she went online to see what 50 yards is. Landborg said it is about three truckloads. Typically there is 15 yards in a truckload. Hanson said we could change it to how it was. Landborg said he would like to leave it the way it was. Holmes said if we leave it the way it was, you're not going to come back next year and ask us to change it then. Moegerle asked what the exemptions are. Hanson didn't have all the information available.

Moving on, Hanson explained the City Attorney reviewed the proposed changes and has provided comments to staff. The City Attorney did not have comments on the substance of the changes, rather some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was significantly different than what was originally approved in 1993. After staff investigation, it was determined that the changes to the shore land regulations that took place in 2003 as it was incorporated into Zoning Ordinance 168 was not reviewed or approved by DNR. In the past months, staff has worked with the DNR to approve the changes. On November 19, 2009, DNR approved the City of East Bethel shore land regulations.

Hanson also provided a revised agenda write-up, on the second page are comments Moegerle suggested. She was given a copy of the proposed changes to the Zoning Ordinance and has had an opportunity to thoroughly review the document; this document is known as Ordinance 19, Second Series. An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. She is suggesting some changes to make the document more consistent, concise, and easier to interpret. A few examples of those changes include:

1. Section 4, Applications and Procedures, outlines the procedures for revocation of IUP's, CUP's, variances and site plan approvals. The revocation process is similar in each case, however, the language and procedure process in the code is not consistent.

2. "Lot" is defined as a parcel of land; however, throughout the code, the words lot, parcel, properties, and home site are used interchangeably. A parcel of land should be defined as a "lot" throughout the document for consistency.

3. "Agricultural composting" is defined as the direct incorporation by disking or plowing of yard waste into the soil surface of agricultural production lands. Per definition, this type of composting would not be practiced on the majority of lots within the city, however; code states that agricultural composting in the residential districts shall not be permitted in the front, side, or front yard setback. This discrepancy should be addressed.

Ms. Moegerle's changes are considered housekeeping items since the changes do not affect the content but rather makes the document more consistent, concise, and easier to interpret. Staff recommends Ms. Moegerle's changes be reviewed by Planning Commission. Staff suggests the changes be reviewed in one of two ways:

1. Planning Commission set a work session the week of February 1, 2010 to review the changes. Available meeting dates and times are Monday, February 1 from 6-8 P.M., Wednesday, February 3 from 6-7 P.M., or Thursday, February 4 from 6-8 P.M., or

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2. Planning Commission direct staff to make the additional proposed changes and present it at the February 23, 2010 Planning Commission meeting.

Planning Commission could also recommend the document remain unchanged and forward it onto the February 3, 2010 City Council meeting.

The attachments commission members received are:
1. Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
2. MNDNR Letter, Dated November 19, 2009
3. City Attorney Letter, Dated November 18, 2009, Regarding Proposed Language Changes
4. City Attorney Letter, Dated January 11, 2010, Regarding Fence Regulations
5. Anoka County Sheriff Department Letter, Dated December 28, 2009, Regarding Fence Regulation

Terry said it would seem prudent to discuss the changes if it was substance changes, but since they are grammatical and clean-up he doesn't see the need for an additional meeting. Terry confirmed he would be fine with the changes being brought back and then to Council. Moegerle asked what about future housekeeping changes. Terry asked regarding which ordinance. Moegerle was referencing other ordinances. Terry explained that is addressed when then the ordinances come up for revision. Hanson said right now this public hearing has to do with this ordinance. Possibly in another year, the zoning ordinance will be opened up again for review. This may be just a housekeeping item. Holmes said you could almost go through it on a monthly basis and find something to clean up. Hanson said every time we go to work on an ordinance, the City Attorney has recommended having a public hearing. Boyer said you could recommend making the housekeeping changes and sending it to the City Council. Hanson asked if you are comfortable with staff making the changes and moving it forward to Council. Bonin said she would be. Terry had some things that need to be adjusted. Boyer said we aren't going to address this at the March 3, 2010 City Council meeting if you give us a document the fourth Wednesday of February. Terry asked if we are ready to go through this again.

Bonin had a question on Section 33, on residential. Is this something that came up? Hanson said the retreat center is something that has come up. Bonin's question is if there is a retreat center in a residential area, why can't it look like a retreat center. It seems to her people should be aware there is a retreat center. Terry said we are addressing in a residential area, where someone in a residential area wants to come in and create a retreat center. It might be a converted residence. Maybe if it were in a residential district, that would make sense. Bonin said that is what it says. Terry said no, it doesn't say with R1. If they wanted to do it in a commercial district, it would have to be a converted home. Hanson said the intent was to have it in a residential area, not a commercial district. Bonin clarified to take a single family home and convert it into a retreat center. Moegerle said just adding the language of residential areas. Hanson said it is not allowed in commercial areas, it was only proposed for residential areas. Hanson explained retreat centers are defined. Bonin said they should be somewhat isolated from commercial and residential areas. Boyer said he was not sure if it is size that would be the issue. Bonin said it is limited to 20 people. If there were 20 people there, there wouldn't be more than 20 cars. Hanson said Planning Commission recommends 5-acre minimums.

DRAFT

Hanson asked what is it the Planning Commission would like to see? Bonin said she thinks this is something that needs a lot more thought. She thinks it should be more like ten acres or twenty acres. Landborg said acreage doesn't matter. What does it matter the size, how many will we have. We could have a serious problem if there is a lot of traffic. Ten people going into a two-acre lot wouldn't be any different than ten people there. Landborg said we have discussed this to death last time. We didn't have anything before this. So if something comes up next year, then address it again. Boyer said he doesn't think parking is a way to regulate. Landborg said no more than twenty guests, require a parking plan and also have a plan how they handle people. Landborg said we are dealing with the problems, people, parking, landscaping. Bonin said twenty cars parking in a residential area isn't optimal. Landborg said you could only cover so much of your lot, with the lot coverage rules. Hanson said that is why we left it at five acres so you could accommodate parking and screening.

Terry said his only issue is that you cannot create a structure for the sole purpose of creating a retreat center. Bonin said if you are going to allow it in the converted residential, why couldn't they build it. She also thinks it should be a minimum of ten acres. Holmes said you could build a commercial type building in a residential area and that wouldn't look right. Hanson said we could take out the portion on no structures shall be constructed for the sole purpose of having a retreat center.

Terry motioned to strike the sentence in Section 33 Retreat Center, B. No structure shall be constructed for the sole purpose of being utilized as a retreat center; an existing structure enlarged for the purpose of providing additional rooms for guest must be specifically approved by the CUP. Moegerle seconded; all in favor, motion carries.

Bonin motioned to make the minimum acreage 10 instead of 5. Motion fails for lack of a second.

Boyer wanted to know why the Planning Commission wasn't allowing them in the Commercial District. Terry said it does not say it isn't allowed. Hanson said they were taken out of the section.

At 7:40 p.m. the public hearing was officially opened.

Landborg said there should be a site plan. Resident asked what is the ultimate goal of the ordinance. Landborg said these are guidelines on what direction the City will go. Hanson said the reason this came up is because someone approached the Council about having a scrap booking retreat center or a quilting retreat center. The City didn't have anything to govern this sort of item.

Hanson said the way it was viewed is it might be a home occupation and you can't impact the neighborhoods. Boyer said what if it is a yoga retreat center. Hanson reminded the commission the couple at the last meeting talked about the quilting retreat center. Resident said the concerns are: impact of the neighborhood, parking, and impact on neighbors. Hanson said we don't want the residents to feel like there is a business in the neighborhood and it is not in the commercial district. Would planning commission want it in the Commercial district?

DRAFT

Terry motioned to have it added to the Agricultural District and Commercial District. Bonin seconded; all in favor, motion carries.

Landborg said if it is in a Commercial district, does it then change it to a true business. Hanson said why would you list them as a CUP in the business district. Landborg said we have areas that are considered commercial right now; there are existing houses where they could do something like this with the house. Boyer said maybe then you give them an IUP.

Boyer wanted to thank everyone for his or her contributions.

Terry wanted to look at Page 9, Section 14. Driveway, B. Surface, 2. He wanted clarification on the sentence about "Driveway width shall be a minimum of 12 feet wide and cannot exceed 24 feet in width at the right of way with a minimum culvert diameter of 15 inches. He wanted to add, "if required" at the end of the sentence.

Holmes said if you redo your driveway going over it, then you have to change it. He is unsure if it is the DNR that requires this. Bonin said 15 inches is a good size culvert. Holmes said where there is a lot of leaves requires a larger culvert. Landborg said there are a lot of ditches where you wouldn't be able to put in a 15-inch culvert. Terry wanted to know if there was a standards manual. Hanson said the City doesn't have a standards manual. Hanson will make it as a separate sentence. She will play with the sentence, to make sure it reads "if required."

Terry said he has a question on Page 13 Section 13, General Regulations, A. "All single-family dwelling and accessory structures", he doesn't know that they should be linked that way. Hanson said she believed with what it had to do with roof pitch. That is the next thing Terry had a question on, on Page 15. Terry's thought was after last meeting, we changed it all to be the same. Terry said Page 15.3, Size and Number of Accessory Structures, 1.a) Accessory structures greater than 120 square feet in the R-1 and R-2 districts shall be limited to a ten (10) foot sidewall height. Roof pitch and style match the principal structure. Landborg said it is because that is the new high-density area. Terry said that is correct, we did want it that way. Terry said if we struck accessory structure it would be ok. Hanson said she would prefer not to do that.

Hunter asked if the residents had a particular interest they wanted to discuss this evening. The residents stated they are very interested in watching this but were not at the meeting to discuss anything in particular.

Hanson said the first two items in Section 13. General Regulations, A, reference two items not referenced in the section of the ordinance you are reviewing: (1) an anchored treated foundation, and (2) must conform with building codes.

Terry said we have covered everything he had wanted to discuss.

Moegerle said she has a few items. Number 10, dirty pools, that is exclusively about outdoor swimming pools. She thinks that the title should be changed to outdoor swimming pools. Hanson said that is a change she has on her change sheet that will be incorporated.

DRAFT

Terry said regarding excavating and grading, that he would need a permit if he planted a tree because he lives in a shoreland district. Moegerle reminded him there are some exceptions. Hunter said that is in the grading permit area. Moline asked how would you know that. Terry said if you live in East Bethel, you probably are. Bonin said you aren't changing the topography if you are planting a tree. Moline asked if these are state laws that we need to follow.

Hanson said this is not the time to omit section 35, staff does think this section could be omitted in the future, and it could be added to the mining ordinance. Landborg said he thinks some of this came from the mining ordinance.

Moegerle asked about page 39, E. Topographic alterations/grading and filling, 3, A. Could we adopt in this section the 10 cubic yards, because we are talking here about the districts. Hanson said it could be, but it is already dealt with in shoreland section. She said it is more of a DNR and Anoka County issue for enforcement. Terry said he would be inclined to make a motion to strike this section. Hanson would like to have staff take a look at it and compare the changes.

Terry said he is still concerned about A. saying any excavating. Anything more than 10 cubic yards might be more appropriate. Landborg said it is a little contradictory. Moegerle said it could be changed to in excess of 10 cubic years would require a permit. Hunter said you wouldn't be able to rake your leaves. Moegerle said do you have 10 cubic yards of leaves. He said yes.

Hanson said staff is recommending leaving it as is. Terry said if you leave in language like this, it leaves us open. It is bad language. He would rather have this be cleaned up. Hanson said it doesn't include trees after looking more closely at the rest of the ordinance.

Terry motioned to change in E. Topographic alterations/grading and filling, Section A from more than 10 cubic yards to in excess of 10 cubic yards. Moegerle seconded; all in favor, motion carries.

Public hearing was closed at 8:20.

Terry motioned to recommend approval to City Council of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code with changes as indicated, including housekeeping changes that are consistent with staff review and for this to be heard at the March 3, 2010 City Council meeting. Pierson seconded; all in favor, motion carries.

Approve November 24, 2009 Minutes

Terry said on page 50 in the middle, change, "Terry explained there is only the administrative aspect of saying how come they can do it but we can't." to "Terry explained there is only the administrative aspect of saying how could they can do it but others can't."

Pierson made a motion to approve the Planning Committee November 24, 2009 minutes with said changes. Holmes seconded; all in favor, motion carries.

DRAFT

Adjourn **Pierson made a motion to adjourn the meeting at 8:25 PM. Holmes seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT

EAST BETHEL PLANNING COMMISSION MEETING

November 24, 2009

The East Bethel Planning Commission met on November 24, 2009 at 7:00 P.M for their regular meeting at City Hall.

MEMBERS PRESENT:	Eldon Holmes	Steve Channer	Lori Pierson	Glenn Terry
	Julie Moline	Tim Landborg	Lorraine Bonin	

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt Agenda

The November 24, 2009 meeting was called to order by Chairperson Terry at 7:00 PM. **Terry made a motion to adopt the November 24, 2009 agenda. Holmes seconded; all in favor, motion carries.**

Public Hearing Variance – Oversized Garage

Hanson said on October 27, 2009, Planning Commission conducted a public hearing for a variance request to allow increased square footage of a detached accessory structure by the applicants. Planning Commission tabled the request with the recommendation to Ms. Bielefeld to seek alternatives such as attaching a garage to the principal structure thus eliminating the variance request. The applicants have made the decision to continue with the variance request.

Therefore, the applicants are requesting a variance to increase the square footage of a detached accessory structure from 580 square feet (24 feet by 24 feet) to 784 square feet (28 feet by 28 feet) on a parcel 0.28 (12,004 square feet) acres in size.

The parcel is located in the Coon Lake Beach area, however, is not located within the shore land overlay district so the 25 percent impervious rule does not apply to this particular parcel.

Currently, there is a 12 foot by 20 foot detached accessory structure that is dilapidated. The applicants would like to remove the existing structure and replace it with a 28 foot by 28 foot detached accessory structure.

The applicants are requesting the variance to build a larger structure allowed by code because they have a son with special needs; they need the extra space to store his equipment, and because it has been especially challenging loading and unloading him into the vehicle outside during adverse conditions such as rain and snow. The current structure is not large enough to park vehicles in and store the necessary equipment needed to assist their son with his special needs. The applicants have submitted a letter and photos (attachment 3) that describe the type of equipment currently in use.

It was discussed at the October Planning Commission meeting.

Variance Findings of Fact:

1. The applicants would like to use the property in a reasonable manner. Questions to ask:
    a. Is the proposed use of a detached accessory structure on the parcel reasonable?

Attachment #7

An accessory structure is a reasonable and permitted use. City Code Appendix A, Zoning, allows parcels less than an acre in size to have a 580 square foot structure. The applicants are not being denied a larger accessory structure, however, there are size limitations regulated by city code.

b. Will the size of the accessory structure alter the character of the neighborhood? The slight increase in size may not alter the character of the residential neighborhood.

2. The circumstances requiring the variance request are not unique to the property. The applicants are permitted to construct a 580 square foot detached accessory structure. The applicants' son has equipment needed for his special needs and the existing 12 foot by 20 foot structure is not large enough to store the equipment and vehicles. The applicants do not think a 580 square foot structure is large enough to store the equipment either.

3. The property owners did not create the unique situation that warranted the variance request.

4. The variance would not be harmful to neighboring properties or depreciate values, however, the increase in size may set precedence.

5. The variance may/may not be in the keeping with the spirit and intent of the code. The intent of granting variances is because a hardship has been established.

If Planning Commission recommends approval to City Council of a variance to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property, staff recommends the conditions in the staff memo.

Planning Commission may recommend denial to City Council for a variance request to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property based on the findings of fact.

Hanson explained the applicants are here to answer any questions you may have.

The Bielefeld's said they had two contractors out to provide ideas for adding the structure and having it attached. Both of the plans would really hinder their son's independence. He has learned how to get around on his own and it took him quite a while to learn that, such as getting to the bus in a timely fashion. But both of the plans would really hinder his independence. One of the plans would not make it easy for him to get around the house alone and he would actually need assistance to get through some of the new structure.

Commissioners asked, were you looking at options of attaching the garage. The Bielefeld's said yes. One contractor recommended making the mud room longer but the room is really narrow and their son would need quite a bit of help to get through that area. Bonin clarified now he can get out by himself or into the garage by himself by what you are planning.

Mr. Bielefeld does not want his son to have to relearn how to get to the bus by himself and also need other persons help to get there. Mrs. Bielefeld explained it would really hinder his independence. We had two designers come out to the house. One guy said it really isn't feasible. The other guy took a long time to try to figure it out. Mr. Bielefeld said all we are asking for is to be able to unload him in the garage and make it easer on him. We have

pictures of all of his stuff. Mr. Bielefeld declared all we want the addition for is our son's needs. Every inch you can spare, it would be a big help. Bonin stated we are not sparing it, you are from your yard.

Bonin made a motion to recommend approval to the City Council the variance to increase the square footage requirements for a detached accessory structure from 580 square feet to 784 square feet at the property known as 345 Elm Road, East Bethel, PIN 363323240044 with staff's recommended conditions.

1. The exterior design and color of the structure must be compatible with that of the principal structure and meet all other zoning code requirements.
2. The applicants must obtain a building permit prior to the construction of the structure.
3. A Variance Agreement must be signed prior to the issuance of a building permit and by no later than November 18, 2009. Failure to execute the variance agreement will void City Council's motion of approval.

This recommendation is based on the special needs of the resident and the special situation due to the difficulties of making a ramp that would be usable for him and the configuration of the house makes it a hardship for a variance. Seconded by Holmes; Channer and Landborg, nay; Holmes; Pierson; Terry; Moline and Bonin, aye; motion carries.

Landborg said he has been out to the property, but how do you justify this variance. Terry explained there is only the administrative aspect of saying how could they do it but others can't. Landborg clarified there are obviously some special reasons.

Public Hearing/ Proposed Amendment to City Code: Appendix A. Zoning

Hanson passed out a revised draft of the changes to the City Code: Appendix A - Zoning. She explained there are a couple of changes in this revision versus the one in your packet of information. One change is located on page 9, section 14.3.A. – 1, 2 and 3 were added to it. Another change was on page 12, section 27.1, a minor change was made under single family residential. The changes was two trees would be required not one would be required.

Hanson explained East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to enforce the regulations for two years. During the past two years of enforcement staff found areas within the zoning code that need to be fine tuned and areas in which significant changes and additions are needed. The recommended proposed changes by staff will ensure staff has the ability to enforce the regulations efficiently and to regulate uses that have not been previously regulated by code.

The City Attorney reviewed the proposed changes and has provided comments to staff. The City Attorney did not have comments on the substance of the changes, rather some housekeeping items such as grammar, definitions, etc.

State law requires that the Minnesota Department of Natural Resources (DNR) review and approve any changes to municipal shore land regulations. Initially, staff submitted the changes to the DNR. However, DNR staff would not accept the changes since the document was significantly different than what was originally approved in 1993. After staff investigation it was determined that the changes to the shore land regulation that took place in 2003 as it was incorporated into Zoning Ordinance 168 was not reviewed or approved by

the DNR. In the past months, staff has worked with DNR to approve the changes. On November 19, 2009, the DNR approved the City of East Bethel shore land regulations.

For Planning Commissions review is Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the City of East Bethel City Code (attachment 1) with the recommended staff changes.

Hanson presented the proposed amendments with explanations as part of a PowerPoint presentation.

Section 01:9 Definitions
Hanson said after two years of enforcement there were a number of housekeeping issues, clarification of language, expansion of regulations and new regulations. There were some changes in the definitions, a number of definitions added and the building official really wanted to change the definition of story.

Bonin asked in the retreat center definition in the way it was written, it should say retreat centers may be located in the rural residential area.

Section 04:3. General procedures
Terry asked in the general procedures of revocation it states 60 days. He asked is that for new construction. Hanson clarified it would be for a CUP or IUP. We really had nothing for enforcement in the old code. It is not for building, it is if they are in violation of the CUP. There was not much in the code for non-compliance.

Hanson said there was not a timeline for completion of conditions, so we added that in this section 2. They have 60 days to meet those conditions, unless they come in and ask for an extension.

Section 04-10. Variances
Hanson explained again in variances we added the same language as in the CUP. Again we added the same thing with site plan approval.

Landborg said the dates drag on. The City grants the variance at the final plat, so the 60 days could drag on. Hanson said if they had to finalize a plat, the City Council would probably go ahead and give an additional 60 days. Landborg declared with platting it doesn't normally get done within 60 days. Hanson acknowledged that is something we would have to work out with City Council.

Section 05-3.A
Hanson said regarding non-conformities you cannot build on them if it is deemed non-conforming properties.

Section 10-6. Agricultural composting.
Hanson explained we are short on composting regulations. This section came about because neighbors are dumping compost on property lines.

Section 10-14. Driveway, and off-street parking and standards.
Hanson said the driveway and off-street parking regulations were changed a little bit.

Section 10-14B. Surface

Hanson explained regarding the parking lots at churches and businesses need to be bituminous. Additionally in RR, R-1 and R-2 driveways are required to be bituminous.

Hanson elaborated if they are doing a 24 x 24 structure, the driveway would have to be paved. The reason being is to keep the dirt off the road. Hanson clarified a lot of people do not have a second driveway.

Channer asked regarding the two driveways, should we say are allowed or may be allowed. The Commission agreed it should state may be allowed. Hanson agreed, it should be may be. Channer said he was thinking the long skinny lots off of Viking.

Section 10-25.B
Hanson explained the outdoor dining areas section was brought forward by the Fire Chief. Items to consider is making sure the outdoor dining area would have a six foot barrier, so items cannot be passed outside the area.

Landborg asked what is the reason for this change. Hanson said so alcoholic beverages are not given away and new construction would require this. Bonin said that is only if you have a seating area that is close to the area. Landborg declared that is kind of ugly and defeats the purpose of sitting outside. Terry asked if this is a problem. Hanson confirmed this is a problem and is in other cities code. Landborg asked do you think it will really make a difference. Hanson said it doesn't have to be an ugly wood fence, for example Boston's in Coon Rapids has a clear glass fence. Holmes asked like at Hidden Haven if they are on the deck that wouldn't need a six-foot fence. He said if you are ten feet off the ground, then you don't need a fence. Hanson said in a case like that you would look at site plan review.

Channer said a four-foot barrier seems kind of high. Hanson explained that is what is required. Bonin said you could have plexi-glass. Landborg asked do we have anything that says they can't serve alcohol outside of the building. He asked what do you do when they have a tent party or a party in the parking lot. Hanson said they are governed by their permit. Landborg said the reason you sit outside is because you want to be outside and enjoy the outdoors. Channer asked would you take a four-foot fence with barb wire. Landborg said if it is illegal to have alcohol in the parking lot, give them a ticket for the rule they are already breaking, not make more rules. Channer said they are taking alcohol off the premises and somewhere else it is illegal. Landborg reiterated it is not going to stop someone that wants to get rid of it.

Terry made a motion to remove in section 10.25.b to strike the six-foot fence. Landborg seconded; all in favor, motion carries.

Landborg asked do we have something that spells out they need a four-foot fence. Hanson said no we do not.

Temporary seating on sidewalks and waiting areas. Hanson said seating cannot be left out overnight or when the business is closed. However now businesses have permanent benches, they do not have to bring it in every night. Bonin asked do you want to make a distinction between permanent and non-permanent seating. Holmes asked 10 seats, do you want to clarify that. Hanson explained that was in the ordinance before. Bonin asked you are saying no more than 10 seats, would that depend on the size of the business. Channer inquired how do we handle it based on fire safety. Hanson responded this is just for waiting overflow to get your table. Holmes asked why do we even need it. Channer said they will

put out as many seats as they need. Bonin said they cannot be served food there, but cannot bring things out to you. Landborg asked are you sure you want to strike that area about seating, should it be temporary. Bonin said should you care if they leave them out there or should they. Channer said it is probably illegal to steal those benches. Landborg explained they probably would want to bring them in so they don't disappear. Holmes said if they want them they are going to put them inside. Holmes explained like Outback they leave their benches out all the time.

Channer made a motion to strike Section 10-25.B. E 1. Terry seconded; all in favor, motion carries.

Bonin said this section would need to be renumbered, change 2 to 1 is that okay. Hanson explained we do have a lot of areas in the code where there is only one under it. Hanson stated are you comfortable with how the beverage area is stated. Channer said it sounds like it is taking orders. Holmes said wouldn't this be the health departments concern. Landborg asked is this regarding the seating capacity. Channer said if there are 20 people there he wasn't going to wait. Bonin explained it seems kind of inconsistent in that part. Channer said if you took out the refill part, then you could go inside to get a refill. Hanson clarified to change 2 to titled beverages and strike the section.

Section 10-30. Pools.
Hanson explained on pools we had no regulations on them. She does not know much about the building code and that was the reason for many of the changes. Biggest issues would some pools would need permits, if they exceed 24 inches in depth or 5,000 gallon capacity. The pool cannot generate a lot of noise and must meet the environmental issues. Terry asked why would you need a fence. Hanson said this is probably due to the state building code. Holmes explained in Otsego you need to remove the steps going to a pool.

Holmes said this goes back to the definitions, we should put in there artificially enclosed regarding swimming pools. He said if someone left out a wash tub and it filled, then it is a swimming pool. Holmes said this is kind of picky, but we probably should have it. Hanson clarified we are just adding a definition of pool. Holmes said, yes add it to the definition of pool. Terry asked why is a swimming pool dangerous and a pond is not. Bonin explained there is generally a slope going into a pond, but pools do not have that. Holmes elaborated a swimming pool is a magnet to kids. Bonin said when something is natural, you can't control them.

Section 10-33. Retreat center.
Hanson said retreat centers were added. She said this was brought forward because in 2008, an applicant wanted to do a scrap booking retreat out of their home. Hanson said currently they are not allowed in the City. She said this is something that staff came up with regarding it because we have had quite a few inquiries on it. Terry asked are you familiar with a retreat center, you couldn't have a retreat center where people stayed in cabins. Hanson explained staff worked on this and proposed it would have to be a single family residence where there was a retreat center component to it. Terry asked what about a retreat center that is a business, or a religious retreat center. Bonin said so you could have a lot of meetings. Terry said we do have beautiful land that would support that. Landborg asked section 10-33 H, what is that all about. He said if you have the place, why couldn't you have an outside wedding for 30 people. Terry said he thinks this area needs more consideration. Landborg said we need to address parking and how many people can stay there. Holmes said look at the Boy Scout area. Bonin said maybe it should be regulated by

acreage and how many people can attend.

Resident explained the scrap booking and sewing retreats they aren't leaving the building.

Landborg said there could be a 40 person wedding and 20 will stay overnight. Bonin said that is not a retreat. Holmes read the definition of a retreat center. Resident explained there are state guidelines to be able to have a bed and breakfast in your home. She said most retreat centers are on a Friday, Saturday and Sunday. Resident said her passion is quilting, so that is what she would be looking at, but would not limit it. Bonin said this whole idea of a retreat center is very different. Terry said regardless of that he doesn't see what we are trying to regulate. Hanson explained we do not allow them at all and we have had people come forward that would like to have a retreat center. Terry said it seems like we are trying to keep a certain type. Resident explained she is concerned about the 8 acres, she has 6 acres and that should be enough. She said most of the homeowners have an average of 5 acres. Holmes said if a boy scout camp wanted to come in would this be allowed. Bonin said that is a camp. Landborg said he would change this to 5 acres. Bonin said that term retreat center is too broad of a definition. Landborg explained a retreat center falls under the state code for bed and breakfast.

Resident said the State has a license and then Anoka County has a license. Landborg explained section H states how any people are at a banquet. He said he doesn't see the point in defining. Channer said this sounds like we are regulating events. Landborg clarified if it was a house and they were just living there, they would need a special permit.

Hanson ask should we omit H. Consensus was to omit H.

Terry explained it should be 5 acres and are we striking rural residential and he doesn't think we should we should restrict this to a residential area. Hanson stated the intention was to only have them in a rural residential area. Bonin said if it is a retreat center it would be an area that already allows it to happen. Terry declared that it should be amended to have a section that is a retreat center in a rural residential area. Landborg said anything new would be a commercial operation. He said if it is something that is zoned now R1, would it be allowed now. Hanson stated no, that would not be allowed now.

Hanson clarified the commission would like to change section A to a residential area, five acre minimum. Consensus was to change it to residential area, five acre minimum.

The commission members also wanted the spelling of lodging corrected.

Section 10-36.F.
Hanson explained temporary seasonal sales may occur should be changed from 120 to 150, and we added M. An owner wanted to put up a seasonal sales structure, they aren't allowed to put up a temporary structure and sale. Channer asked would you have to deal with parking. Hanson replied yes.

Section 12. Platted, and Unplatted Land
Hanson declared the metes and bounds ordinance has been deleted. What Met Council requires of us contradicts what our code requires. The changes are required to be in compliance with Met Council. Landborg asked why would you want to plat a 20-acre area, why wouldn't you want to still be able to split it with metes and bounds. He said we should

clean up the language and leave the metes and bounds. Landborg said otherwise you really have no code to change the lots around. Channer said we will be continually re-platting. Consensus of the Commission agrees.

Section 13. General Regulations
Building standards, section 13, this is cleaning up language. Also making sure all mailboxes are clearly identified and that all houses will have numbers on the houses. Currently the fire department is applying for a grant for address plates. Landborg asked is this something new for having them on the houses. Hanson stated yes, the name plate would be on the house and on the mailbox. Holmes asked doesn't the postal service make you have your address on it.

Hanson said the next change was for driveway setbacks and a setback of five feet from the property line. This is also for drainage purposes. The City Code was not clear on accessory structures. Bonin said she cannot imagine why someone wouldn't want an attached garage. Holmes said a lot of communities require you to have them attached. Terry declared he doesn't believe it is a one size fits all.

Terry made a motion to remove specifying it needs to be attached. Pierson seconded; Landborg, Channer and Holmes in opposition, motion carries.

Terry asked he wanted to know why the opposition. Channer said people were upset because people wanted to build an attached garage. He has a hard time with it in the modern construction. Landborg stated he agrees with the attached garage. Terry asked if someone has a different vision where the garage is not in the front of the house. Holmes said you may not be the only one living there and your property is worth less. Bonin clarified this is saying you have to have a garage and you have to have it attached.

Channer said there seems to be more stuff lying around when they are not attached. Moline said there are lots of outbuildings where there is nothing in the garage and it is all outside. Channer said for him it is an aesthetic problem. Bonin explained we would do more good for aesthetics if we limit the amount of cars outside. Channer said in some of the smaller lot areas, this might really tie the hands of the landowner.

Section 14-1 Permit Regulations
Hanson explained some language was added in Section 14. Channer stated it doesn't make any sense and the language needs to be clarified. Hanson said it won't occur on a lot by Coon Lake. On the larger lots on some of the lakes, you wouldn't be able to build a garage behind your house. Terry explained it is prohibiting normal living.

Terry stated strike 14-1 2 I. Consensus was in agreement.

Holmes asked why do you have it is as a calculation of an accessory structure. Hanson explained this came to a head because we always are getting complaints on a number of fish houses. It is because it isn't defined. Landborg declared we are creating another law and we can tell you what to do, like your detached garage.

Moline asked why only one fish house. Hanson said there are properties that rent out their properties to store fish houses and we do have that issue here. This will be enforced based on complaints. Terry said he doesn't understand number O. Hanson said it is due to K, we have that because people are building their detached accessory structures into apartments.

Landborg asked why can't a resident have water and sewer at that location. Hanson explained that would restrict the ability to have a mother-in-law apartment. Hanson explained on K you could strike and must not contain water supply or sewage treatment facilities, so it reads "The structure must not be designed or used for human habitation." Bonin asked if you live in an area like this, why can't you have a guest house. Landborg said why do we care, as long as it matches a house. Terry said we are trying to prevent two families living on a property. Landborg said you still should regulate access and egress. Terry said people might be more likely to have another person living there on their property if they don't have to see them every day. Terry asked what is the issue with stairs and doors, letter L. Hanson explained exterior stairs and doors would not be allowed, for people having an apartment on the second story. They cannot have an exterior door on the second story. Landborg said we already have the code that doesn't allow for two principal structures on a property.

The commission recommended omitting L.

Hanson explained in accessory structures what we added the language of RR and A districts. Staff discussed in the smaller lots and the larger lots, do you allow them to go higher than the 16 feet. Holmes said that 16 feet can't be at the ceiling top. Hanson said it was suppose to be the peak. Landborg said it should be at the sidewall height. Hanson explained she cannot comment on it because it is the building department, and to change it back to the sidewall height. Everyone agreed on that change.

Section 22
Hanson said in section 22, businesses cannot use their parking lots for open storage of their goods. Also the section regulates parking in their driveways and yard, permanent parking. Holmes asked don't we allow people to sell cars on their property. Hanson explained yes the City does, but they have to be parked on their driveway.

Section 24
Hanson said for exterior storage, section 24, this section changed the gross weight from 12,000 pounds to 9,000 pounds. Landborg asked why 9,000. He said most larger trucks are 12,000 pounds.

The Commission recommends leaving it at 12,000 pounds.

Hanson said 24.3.2 is to make sure it is not stacked right on the property line. Terry explained he is concerned about not allowing residents to stack wood in their front yard. He said he doesn't not know where the boundaries are, but on 229th there is stacked firewood and he is not sure if it is in their front or side yard. Bonin asked the zoning setback is it five feet or is it ten feet. Hanson answered ten feet. Bonin asked why do they have to have it set back ten feet. Landborg said if his fence is on the line, why can't his wood be there. Terry explained he would motion to remove the side and rear yard element and just focus on set back. Bonin asked why you have any concern about what anyone else is doing. Landborg said it looks trashy. Moline said there are people selling it by where she lives. Bonin said there is one neighbor that has it on the side lot, and stacked and it is just as visible as if it was in there front yard. Landborg said he thinks we should just leave it the way it was and it is has been in here forever. He said he could put eight truck loads out there and there is nothing that could be done. Channer said we shouldn't define stacked. Terry explained piles are not regulated under this ordinance.

Section 24.1.B.
Hanson said do we want to put a weight limit on what people can store outside. Terry asked about screening, how would you screen this. Hanson explained if it is on the driveway they wouldn't need to be screened. This area would need to be changed to 12,000 pounds also. Holmes asked what about a dump truck with a blade. He said they would need to be screened.

Section 24.1.4.H
Hanson explained this section has to do with the industrial district and it clarifies what needs to be screened.

Section 25.1.b
Hanson explained this section was recommended for change for electrical fences.

Section 25.3.A
Hanson explained fences around pools are code requirements. Holmes said if the pool is above ground, if there is a fence around the pool when the pool is not in use, the steps should be removed.

Section 25.5
Terry asked fences in the shoreland setback, are you referring to the 75 foot setback area. Hanson replied yes. Hanson said at this time we do not have any regulations on fences in shoreland area. This is something we get complaints on and also the DNR does not regulate them. Bonin asked "All fence materials must be treated so as to blend with the natural surroundings of the setback", how would you do that.

Hanson stated we could strike that section out "All fence materials must be treated so as to blend with the natural surroundings of the setback." It was agreed it should be.

Section 27. Single-family (RR).
Hanson said a minimum of two boulevard trees per residential lot shall be planted prior to the Certificate of Occupancy being issued. Landborg asked what is this grass requirement, not everyone can grow grass. Channer said he agrees, not everyone can grow grass. Hanson explained that our ordinance requires trees for new construction, but we didn't have any requirements for ground cover established. Hanson said there are huge erosion problems in some areas. She said this is to make sure something is established.

Section 27.7 Retaining walls.
Hanson said staff wanted to make sure retaining walls do not restrict drainage. The City does not want to have the flow of water going onto a neighbor's property. Channer said we should modify the language to "shall not change the natural flow of water." Terry said he doesn't believe residents should have to consult with an engineer. Landborg explained there are engineering standards books that you can purchase that say how to build a retaining wall.

Section 35.2 Permit required.
Hanson explained this was changed to 50 cubic yards. Landborg said it probably stated 1000 yards and it is contradictory to go to 50 cubic yards. He said if someone puts three truckloads of black dirt on your yard, you would need to get a permit. Hanson said she needs to look at this further. Landborg said he thinks it should stay at 1,000. Hanson said there is a reason for this. Landborg said when someone starts digging in a pond, people are

probably complaining about removal and digging. Hanson was directed to look into this.

Section 41.4. Electric power and communications transmission lines.
Hanson explained this section needed to be added to be in compliance with the transmission line ordinance.

Section 42.4 Bed and breakfast inn.
Hanson clarified the City code didn't address these, we allowed them, but we didn't have any district they were allowed in.

Section 42.6 Certificate of Compliance
Hanson explained this section was added to make sure it was compliant with the table. 42.6 making sure they comply with the table. Same with in the single family sections adding the transmission line and the accessory structures. She said regulating building height and setbacks and also saying how they will be measured. Hanson will make sure this area is clarified.

Terry asked why do the roof pitch and style need to match. Moline said so they match. Terry said a shed doesn't have the same pitch. Holmes said the ones behind don't have to match, but the ones in front have to be the same. Landborg said the accessory structure cannot be located between the principal structure and the street. He said so you cannot build it by the street. Hanson stated no you cannot. Landborg asked is it R1. Hanson stated yes. Terry asked are we permitted to change that roof pitch matching. Terry said there are so many types of accessory structures. Landborg stated if you are going to R1, 3 units per acre, then we should have rules. He said there is a difference between R1 now and developed R1. Landborg asked if the structure is in front of the house they don't have to match. Hanson stated you can put it front of the structure but it needs to meet the 40 foot setback. Holmes said mine is in front of the house but on the side.

Section 43.8 Maximum lot coverage.
Hanson said staff is concerned about reducing hard surface run off on the properties and thinking of the natural resource areas. She said when a new development comes in, we are thinking of reducing it to 40%. Terry said on the one hand you want to reduce run off, but other the other hand properties are required to have bituminous driveways. He said the consensus of the Commission was to leave it at 50%.

Section 44.4 G. Electric power and communications transmission lines.
Hanson explained this section needed to be added to be in compliance with the transmission line ordinance.

Hanson explained the shoreland area changes are to make it consistent with what has been in place.

Sections 46-48
Hanson explained Sections 46 – 48 changed from 80 percent to 65 percent, but they can be changed back to 80%. Consensus was to change them back.

Hanson said the shoreland overland district is regulated by the DNR. Many of the changes in this section were required by the DRN and were adopted from the MN Rules which we have to abide by.

Section 57.6 3).
Hanson said a water use permit would be required for anything less than 10,000 gallons. Terry asked is it really supposed to be less than 10,000 gallons. Hanson stated yes, everything over 10,000 is regulated by the DNR.

Section 57.8.C 1).
Hanson explained this section is defined by the DNR. Holmes asked shouldn't that be the ordinary water level. Channer said no, they are now going by the high water level.

Section 57.8.C 5).
Channer asked the "highest known" is that standard language. Hanson stated yes it is from the Minnesota rules.

Hanson said she was originally recommending approval of changes, however she now is going to recommend the commission table this, staff make changes and bring back to Planning Commission before going to City Council.

Holmes motioned to table this item until the next Planning Commission meeting. Terry seconded; all in favor, motion carries.

Approve Minutes **Terry made a motion to approve the Planning Committee October 27, 2009 minutes. Holmes seconded; all in favor, motion carries.**

Adjourn **Pierson made a motion to adjourn the meeting at 9:45 PM. Terry seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel
Recording Secretary

Discussion Pertaining to Retreat Centers

On April 21, 2010, City Council directed staff to address "retreat centers" and make some modifications. Specific items to be addressed included screening and roadway access to the retreat center. Staff has prepared proposed language and has incorporated the language in Ordinance 19, Second Series. City Council has not seen this yet; they will see it next Wednesday, May 5, 2010. Changes are highlighted in gray and include:

Section 01.9 Definitions

Retreat Center: A place designated to serve individuals and groups by offering indoor crafts such as knitting, quilting, scrapbooking, and other similar uses.

Staff's intention of a retreat center was to allow for uses such as crafting retreats; therefore, more intense uses such as spiritual centers and camps is not included in this category of uses. Spiritual centers such as Zen and yoga centers are defined as places of worship and are currently regulated in the East Bethel code. Uses such as health spas are allowed in commercial districts only. The definition has been modified to reflect this change.

Bonin said the City has to be careful when saying a yoga retreat center is spiritual because it may not be. Moegerle said we could substitute meditation for yoga. Landborg clarified spiritual is already defined in the ordinance. Bonin said all yoga might not be spiritual. Hanson said maybe if we take out the last sentence "Spiritual retreat centers such as health spas, places of worship, and Zen and yoga centers are not included in this category of uses." Landborg said yes, we should remove it. Moline agreed. It was decided it should be removed.

Moegerle said this statement makes her think of boy scouts. Bonin asked what is meant by interaction. Hanson said we could remove the word interactions.

Landborg said he laughs because this is like the home occupation ordinance. Like the statements about 500 feet, where did this come from and that means the property would need to be a 40-acre parcel and the building would need to be in the center. What is crafting, is chainsaw carving a craft. It is going to be a noise that the neighbors will not want.

Bonin said the crafting definition needs to be narrowed down. Moegerle suggested indoor crafting.

Landborg brought up traffic also. Twenty people off of Viking Boulevard versus five off of a cul-de-sac are very different.

Hanson said they have had a few requests for retreat centers; two were for quilting and one scrap booking. Bonin asked if the Commission should suggest putting quilting or scrap booking in the definition. Hanson said she likes the idea of indoor crafting as part of the definition. Moegerle confirmed we want to keep camping out of the definition.

Holmes said he is not sure of what would be done outside.

Attachment #8

Hanson said we could leave it as is, and if someone comes forward with a different request we can address that when it does come in.

Moline asked if a resident had a glass blowing furnace in their garage would that be a business. Hanson said the City would have to address that when an application comes in and it would need to be checked out.

Holmes said he knows most of the retreats would be inside. Hanson said we cannot cover everything in the code, and sometimes people have to come forward and we have to present it to City Council and Planning Commission.

Hanson said staff has made some other recommendations also.

Staff has modified and added additional language to reflect the changes to the proposed definition for crafting and similar retreat centers. The proposed language changes are as follows:

Section 10.33 Retreat Center in Rural Residential Districts

33. Retreat center, in rural residential districts.

A. The retreat center structures must be located at a minimum of 500 feet from property lines and must not be located in a platted subdivision.

B. The retreat center must be located and accessed from an arterial or collector roadway.

C. Retreat centers are allowed with an approved IUP.

D. Single family homes may be converted, renovated, or enlarged for the purpose of providing additional guest rooms after an IUP is obtained, and must be owner occupied.

E. The exterior appearance of the structure shall not be altered from its single-family character, nor shall there be any detriment to the residential character of the neighborhood.

F. Occupant load will be determined by the building and/or fire department, not to exceed guest occupancy of 20 persons.

G. Primary guest room entrances shall be through an interior room of the center.

H. Guests are limited to a length of stay of no more than seven consecutive nights.

I. Food preparation and cooking in guest rooms is prohibited.

J. On-site parking, sufficient for all residents and participants shall be provided.

K. Retreat centers shall be landscaped and screened from abutting lots, as determined by City Council.

L. Retreat centers require a yearly health and safety inspection by the fire/building departments.

Holmes asked about the upgrade to the fire codes, is that suppose to take care of that option. Hanson said she added section L. Holmes clarified the Fire Chief is fine but what about updating electrical and plumbing. Hanson stated the Building Department would be involved and make the calls on updating electrical and plumbing.

Hanson said screening is a concern. Moegerle said she is concerned about this one and 500 feet seems unreasonable. To require all that screening and a 500 foot setback is excessive. Landborg agrees. Landborg said if you are coming for the weekend, you stay there for the weekend and then you leave. You stay inside, do crafting, not to drive around East Bethel. Moegerle said screening should be limited to the areas that will be used, such as where you are doing the activities like grilling and the parking areas. Bonin concurred the screening needs to be closer to the activity.

Landborg said one concern was for the cars and screening for those areas. We really should be screening for what is related to the retreat center like the parking areas.

Voss said he would recommend not getting too hung up on the 500-foot comment that was made by Council. The approach Council has taken is to ensure there isn't an impact to the residents. He said Council asks applicants how many times the UPS truck comes in a day, for impact to the neighbors. What has evolved is trying to find a way so those neighborhoods are not affected. If it is a large lot, it is not really going to be an impact. Some of the discussion Council has had pertains to some of the factors of a home business include traffic, signage, screening. Maybe it is not the number of cars, but are there other ways to look at it. We can always consider the type of the road the location is off of.

Moegerle said if we said adequate screening of parking and activities, there are plenty places on fully wooded lots, to go into a small development is an impact to the development.

Voss stated Council doesn't like to be specific, but to have a broad set of rules.

Moegerle said an example like Whispering Pines would be a hard development to enforce this in.

Landborg said twenty people added to a place on Viking Boulevard, would increase traffic, but a resident next to a home business on Viking Boulevard wouldn't notice an increase of traffic on Viking Boulevard. Holmes said the other thing about the screening is that it sounds like we are penalizing the retreat centers.

No other comments.

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 8.0 A.2

* *

Agenda Item:
Summary of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

* *

Requested Action:
Consider adopting the Summary of Ordinance 19, 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 19, 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. A summary of Ordinance No. 19 will be published upon approval of the summary by City Council.

Attachments:

1. Summary of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code

* *

Fiscal Impact:
None at this time

* *

Recommendation:
Staff recommends adoption the Summary of Ordinance 19, 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. 19, 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 May 5, 2010, the East Bethel City Council adopted Ordinance No. 19, Second Series. Ordinance No. 19, Second Series amends certain provisions of the City's zoning code. A summary of Ordinance No. 19, 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 763-367-7840. The following is only a summary of the ordinance.

1. The East Bethel City Council has adopted an ordinance amending certain provisions of the City's zoning code. 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.
Amends certain definitions in Section 1, 9. Definitions and adds new definitions.

SECTION 4.
Amends Section 4, 3. General procedures as to land use applications that require a public hearing, provisions relating to revocation of conditional and interim use permits, and provisions relating to site plan approval.

SECTION 5.
Amends Section 5. Nonconformities as to nonconforming lots of record.

SECTION 10.
Amends Section 10. General Development Regulations as to agricultural composting, driveway standards, motor vehicle repair (major and minor), outdoor dining, retreat centers, and temporary/seasonal sales. Adds provisions relating to pools and retreat centers.

SECTION 11.
Amends Section 11. Measurements, Encroachments, and Lot Area by allowing exemptions for certain parcels from size requirements when lot area is reduced for a public use.

Attachment #1

SECTION 12.
Amends Section 12. Platted and Unplatted Land by deleting provisions relating to divisions of land by metes and bounds descriptions.

SECTION 13.
Amends Section 13. General Residential Building Standards relating to accessory structures, addresses of single-family dwellings, and garages.

SECTION 14.
Amends Section 14. Detached Accessory Structures as to setback and placement requirements, architectural and design requirements, and size and number limitations in certain districts.

SECTION 22.
Amends Section 22. Off-Street Parking and Loading Requirements as to prohibited uses in off-street parking areas in certain districts and the parking of vehicles in the front yard or the rear yard in certain districts.

SECTION 24.
Amends Section 24. Exterior Storage as to exemptions, stacked firewood, weight limit of construction equipment stored outdoors, outdoor storage of motor vehicles, and outdoor parking of commercial vehicles.

SECTION 25.
Amends Section 25. Fence Regulations relating to fences around swimming pools, placement of fences, and construction of fences in the Shoreland District.

SECTION 27.
Amends Section 27. Landscaping Regulations as to new subdivisions, landscape guarantees, and retaining walls.

SECTION 35.
Amends Section 35. Grading, Filling, and Excavation as to required permits and administrative permit applications and review.

SECTION 41.
Amends Section 41. Agricultural District (A) as to permitted and accessory uses.

SECTION 42.
Amends Section 42. Rural Residential (RR) District as to conditional uses, interim uses, certificates of compliance, and development regulations (maximum height).

SECTION 43.
Amends Section 43. Single-Family Residential (R-1) District as to conditional uses, interim uses, certificates of compliance, development regulations (setbacks and building height), and maximum lot coverage.

SECTION 44.
Amends Section 44. Single-Family and Townhome Residential (R-2) District as to development regulations (setbacks and building height), and maximum lot coverage.

SECTION 45.
Amends Section 45. Limited Business (B-1) District as to certificates of compliance.

SECTION 46.
Amends Section 46. Central Business (B-2) District as to certificates of compliance and development regulations (maximum lot coverage).

SECTION 47.
Amends Section 47. Highway Commercial (B-3) District as to interim uses, certificates of compliance, and development regulations (maximum lot coverage).

SECTION 48.
Amends Section 48. Light Industrial (I) District as to interim uses, certificates of compliance, and development regulations (side yard and maximum lot coverage).

SECTION 49.
Amends Section 49. City Center (CC) District as to certificates of compliance.

SECTION 50.
Amends Section 50. Public/Institutional (P/I) District as to certificates of compliance.

3. The City Council has determined that publication of the title and a summary of Ordinance No. 19, 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 5th day of May, 2010.

ATTEST: _____
Mayor

_____
City Clerk

Introduced: _____
Public Hearing: _____
Adopted: _____
Published: _____

Approved as to form:

_____

City Attorney

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 8.0 C.1

* *

Agenda Item:
MSA Mileage Designation

* *

Requested Action:
Consider Re-designating MSA Mileage for City Streets

* *

Background Information:
To address pavement issues and street repair needs in Coon Lake Beach, the Road Commission and staff have explored options to extend MSA street designation to Lincoln and Longfellow Drives. The City has recently received its 2009 Annual Certificate of Mileage from MnDOT and 0.25 miles has become available for additional MSA designation. This certification is listed in Attachment #1. This additional MSA mileage presents an opportunity to re-assign some of our existing MSA eligible streets to address our current needs and provide an additional financing option for street improvements in Coon Lake Beach. There are currently no MSA streets in Coon Lake Beach.

To meet these needs and create MSA designations for Lincoln Drive and Longfellow Drive and to create an MSA street loop around Coon Lake Beach, other MSA city streets would to be removed from MSA status. The reassignment of existing MSA street status in addition to the extra MSA mileage acquired as a result of our 2009 Annual Certification of Mileage would allow the Coon Lake Beach streets to receive the MSA designation.

A review of the existing MSA City street designations indicates that there are 6.8 miles of proposed but unconstructed roads with MSA designation. Of these 6.8 miles, 3.9 miles are designated as MSA streets and are candidates for removal from our current MSA street list. These 3.9 miles are not part of the City's frontage road projects, have no dedicated right of way and are those whose construction would likely be developer driven when these roads are constructed.

These sections include the proposed extension of 197th Avenue between Polk Street and TH 65; the extension of 217th Avenue between East Bethel Blvd and Durant Street; and, the proposed extension of Baltimore Street between Briarwood Lane and TH 65 at 187th Lane. These road segments are identified as a tabular summary in Attachment #2 and in by map location in Attachment #3. The total mileage for the streets to be removed from the MSA designation is 2.1 miles or approximately 11,200 lineal feet.

Should Council direct that these sections identified above be removed from MSA designation, it would permit the designation of an additional 2.1 miles plus the 0.25 mile in the system. These changes could be applied to the streets in the Coon Lake Beach area and include Lincoln Drive, Lakeshore Drive, Laurel Road, Maple Road and Longfellow Drive as the total mileage is 2.35 miles. The addition of these roads segments are identified on Attachment #4.

The proposed MSA designation for road segments in the Coon Lake Beach area would be a loop route and as such would require approval from MnDOT. Current program requirements recommend connectivity on each end of an MSA street with a county road, county state aid highway or state trunk highway. However, the City can apply for a variance to this requirement with justification being the traffic count on Lincoln Drive and Longfellow Drive; its connection with Lexington Avenue which is a county state aid highway (CSAH); and, the fact that these streets provide the primary access to Coon Lake Beach for residents and emergency services.

Attachments:

1. 2009 Certificate of Mileage
2. MSA Street Segment Descriptions
3. Re-Designation Location Maps
4. Coon Lake MSA Designation Location Map

* *

Fiscal Impact:
Approving this loop as a MSA street would provide the City an alternative to financing improvements to Longfellow Drive and Lincoln Drive. The projected cost for the reconstruction of the Longfellow and Lincoln Drive segment of this loop is estimated at $1.0 to $1.2 million.

* *

Recommendation(s):
Road Commission recommends the deletion the proposed 197th Avenue extension, segment # 203-117-010; 217th Avenue extension, segment # 203-105-005; and, the Baltimore Street extension segment #'s 203-111-060, 201-113-020, 203-113-030 as MSA streets. It is further recommended that the mileage now available be applied to the Coon Lake Beach Loop including Longfellow Drive, Lincoln Drive, Lakeshore Drive and Laurel Road and Maple Road. Staff is directed to request a variance from MnDOT for the reassignment of the MSA mileage as outlined above.

* *

City Council Action

Motion by: ________________ Second by: ________________

____

____

____

Vote Yes: _____ Vote No: _____

No Action Required:_____

2009
ANNUAL CERTIFICATION OF MILEAGE

SEE INSTRUCTIONS INCLUDED IN PACKET
*RECORD REVISIONS ON BACK OF FORM

	Municipal Mileage as of Dec. 31, 2008				Revisions During Current Year (+ or -)				Municipal Mileage as of Dec. 31, 2009			
	Non-Existing I	Unimproved II	Improved III	Total IV	Non-Existing V	Unimproved VI	Improved VII	Total VIII	Non-Existing IX	Unimproved X	Improved XI	Total XII
MILEAGE NOT CONSIDERED IN THE COMPUTATION OF BASIC MILEAGE												
1. Trunk Highways			8.02	8.02							8.02	8.02
2. Trunk Highways Turnbacks (Designated as MSAS - mileage above 20%)												
3. County State Aid Highways (Exclude mileage designated as MSAS)			16.68	16.68							16.68	16.68
4. County State Aid Highway Turnbacks (Designated as MSAS - mileage above 20%)												
5. Total Mileage of Line 1 Thru 4	Previous =		24.70		(+ or -) Adjustment =				Current =		24.70	
BASIC MILEAGE: MILEAGE CONSIDERED IN THE COMPUTATION OF ALLOWABLE MILEAGE												
6. Municipal State Aid Streets (Exclude Trunk and County Highway Turnbacks and Mileage Partly Outside the City Limits)	6.80		21.98	28.78	(0.23)		0.23		6.57		22.21	28.78
7. County Road Turnbacks (Designated as MSAS)												
8. County Roads (Exclude mileage designated as MSAS)			14.19	14.19							14.19	14.19
9. Other Local Roads And Streets - not designated (Include T.H. & CSAH frontage roads)			108.74	108.74							108.74	108.74
10. Total Improved Basic Mileage (lines 6 + 7 + 8 + 9)	Previous =		144.91		(+ or -) Adjustment =		0.23		Current =		145.14	

11. Percentage Limitation Allowed by Statute	x	0.20
12. MAXIMUM MILEAGE ALLOWED FOR M.S.A.S. DESIGNATIONS (Col XI, Line 10 Times Line 11).		29.03
13. Total Municipal State Aid Street Designated (Colum XII, Line 2 + 4 + 6 + 7).	28.78	
14. Total Miles of T.H. & County Highway Turnbacks designated as MSAS Above 20% (Col. XII Line 2 + 4 + 7).	(-)	
15. Mileage designated MSAS - not including T.H. and C.R. Turnback mileage (Line 13 minus Line 14).	(-)	28.78
16. MSAS Mileage Partly Outside the City Limits	(-)	
17. Municipal State Aid Street Mileage Over/Under Maximum Allowed. (Line 12 minus line 15 minus Line 16).		0.25

I hereby certify that the total Improved Mileage (Col.XI. Line 5 + 10) in the Municipality of EAST BETHEL as of December 31, 2009 is 169.84 Miles.

Signed Craig A. [illegible] Title City Engineer Date 12/31/09

N:\MSAS\EXCEL\MILEAGE CERTIFICATION\2009 CERTIFICATION OF MILEAGE FORM.XLS

ATTACHMENT # 1

MSAS ROAD SEGMENT SUMMARY

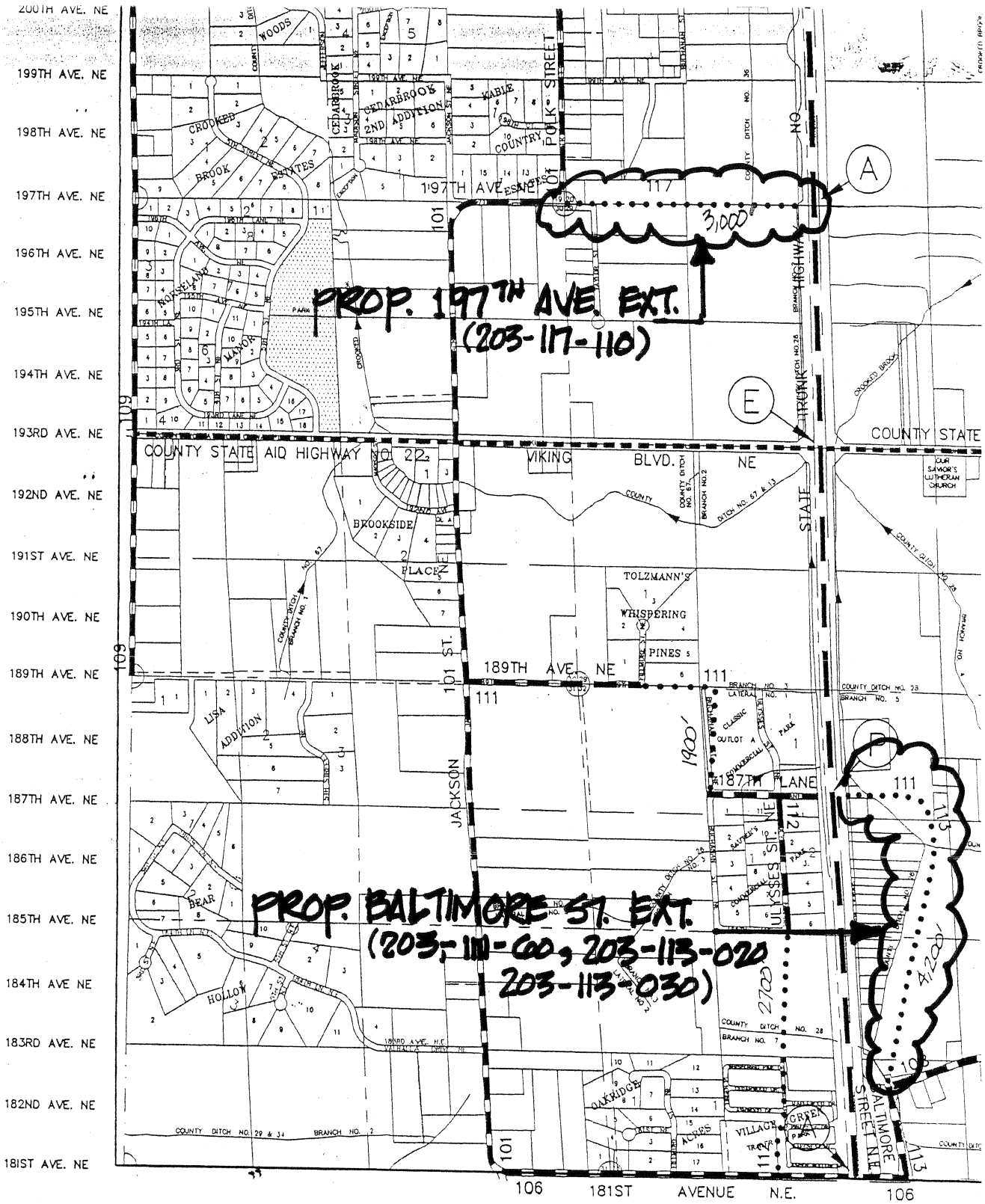
MSAS ROAD SEGMENT	STREET NAME	TERMINI	LENGTH (MILES)	LATEST YEAR STATE AID FUNDS
203-101-005	JACKSON ST NE	181ST AVE NE TO 1.11 MILES NORTH OF 181ST AVE NE	1.11	1990
203-101-008	JACKSON ST NE	1.11 MILES NORTH OF 181ST AVE NE TO VIKING BLVD	0.39	1990
203-101-010	JACKSON ST NE	VIKING BLVD TO 197TH AVE NE	0.49	2003
203-101-020	197TH AVE NE	JACKSON ST NE TO POLK ST NE	0.22	2003
203-101-030	POLK ST NE	197TH AVE NE TO KLONDIKE DRIVE NE	0.49	2003
203-101-035	POLK ST NE	KLONDIKE DR NE TO 0.43 MILES NORTH OF KLONDIKE DR NE	0.43	2003
203-101-040	POLK ST NE	0.43 MILES NORTH OF KLONDIKE DR NE TO 207TH AVE NE	0.26	2003
203-101-045	POLK ST NE	207TH AVE NE TO SIMS ROAD NE	0.81	2003
203-102-011	DAVENPORT ST NE	KLONDIKE DR NE TO 205TH AVE NE	0.66	N/A
203-102-021	DAVENPORT ST NE	205TH AVE NE TO 207TH AVE NE	0.23	N/A
203-102-031	DAVENPORT ST NE	207TH AVE NE TO 209TH AVE NE	0.36	2008
203-102-040	DAVENPORT ST NE	209TH AVE NE TO SIMS ROAD NE	0.51	N/A
203-102-050	DAVENPORT ST NE	SIMS RD NE TO ABERDEEN ST NE	0.17	2003
203-102-060	ABERDEEN ST NE	DAVENPORT ST NE TO 215TH AVE NE	0.14	2003
203-102-070	ABERDEEN ST NE	215TH AVE NE TO 217TH AVE NE	0.26	N/A
203-102-080	ABERDEEN AVE NE	217TH AVE NE TO 221ST AVE NE (CR 74)	0.58	N/A
203-102-090	SANDY DR	221ST AVE NE TO 1300 FT NORTH OF 221ST AVE NE	0.25	1992
203-102-100	SANDY DR	1300 FT NORTH OF 221ST AVE NE TO 229TH AVE NE	0.97	1992
203-102-110	229TH AVE NE	SANDY DR TO 0.36 MILES EAST OF SANDY DR	0.36	1992
203-102-120	229TH AVE NE	0.36 MILES EAST OF SANDY DR TO CSAH 26	0.27	1992
203-103-005	KLONDIKE DRIVE NE	POLK ST NE TO TH 65	0.50	2003
203-103-010	KLONDIKE DRIVE NE	TH 65 TO 1.72 MILES EAST OF TH 65	1.72	N/A
203-103-020	KLONDIKE DRIVE NE	1.72 MILES EAST OF TH 65 TO EAST BETHEL BLVD	0.28	2007
203-104-030	EAST BETHEL BLVD	216TH AVE NE TO 221ST AVE NE	0.80	1987
203-104-040	EAST BETHEL BLVD	221ST AVE NE TO 229TH AVE NE	1.18	1988
203-105-005	217TH AVE NE	EAST BETHEL BLVD TO DURANT ST	0.75	N/A
203-105-020	DURANT ST NE	213TH AVE NE TO WILD RICE DRIVE	1.16	1985
203-105-030	WILD RICE DRIVE	DURANT ST TO VIKING BLVD (CSAH 22)	1.36	1984
203-106-010	181ST AVE NE	JACKSON ST NE TO 0.22 MILES EAST OF JACKSON ST NE (1/2 HAM LAKE)	0.11	1992
203-106-020	181ST AVE NE	0.22 MILES EAST OF JACKSON ST NE TO 0.29 MILES EAST OF JACKSON ST NE (1/2 HAM LAKE)	0.04	1992
203-106-030	181ST AVE NE	0.29 MILES EAST OF JACKSON ST NE TO 0.58 MILES EAST OF JACKSON ST NE (1/2 HAM LAKE)	0.14	1992
203-106-038	181ST AVE NE	0.58 MILES EAST OF JACKSON ST NE TO TH 65 (1/2 HAM LAKE)	0.09	2000
203-106-040	181ST AVE NE	TH 65 TO BALTIMORE STREET NE (1/2 HAM LAKE)	0.06	2000
203-107-010	JACKSON ST NE	237TH AVE NE TO 229TH AVE NE	1.00	1989

ATTACHMENT #2

MSAS ROAD SEGMENT SUMMARY

MSAS ROAD SEGMENT	STREET NAME	TERMINI	LENGTH (MILES)	LATEST YEAR STATE AID FUNDS
203-107-020	229TH AVE NE	JACKSON ST NE TO POLK ST NE	0.26	1989
203-107-030	229TH AVE NE	POLK STREET NE TO TH 65	0.40	1989
203-108-010	BRIARWOOD LANE NE	BALTIMORE ST TO 0.27 MILES EAST OF BALTIMORE ST	0.27	1999
203-108-020	BRIARWOOD LANE NE	0.27 MILES EAST OF BALTIMORE ST TO GREENBROOK RD	0.92	1999
203-109-005	UNIVERSITY AVE	189TH AVE NE TO CSAH 22 (VIKING BLVD)	0.25	N/A
203-109-010	UNIVERSITY AVE	CSAH 22 (VIKING BLVD) TO 201ST AVE NW	0.49	N/A
203-109-020	UNIVERSITY AVE	CO RD 86 (SIMS RD) TO CO RD 74 (221ST AVE)	0.50	N/A
203-109-030	UNIVERSITY AVE NE	221ST AVE NE TO NORTH CITY LIMITS	0.48	2004
203-110-010	BATAAN ST NE	221ST AVE NE TO 229TH AVE NE	1.03	1994
203-111-010	189TH AVE NE	JACKSON ST NE TO FILLMORE ST NE	0.36	N/A
203-111-020	189TH AVE NE	FILLMORE ST NE TO BUCHANAN ST NE	0.14	N/A
203-111-030	BUCHANAN ST NE	189TH AVE NE TO 187TH LANE NE	0.21	N/A
203-111-040	187TH LANE NE	BUCHANAN ST NE TO ULYSSES ST NE	0.15	N/A
203-111-050	187TH LANE NE	ULYSSES ST NE TO TH 65	0.11	N/A
203-111-060	187TH LANE NE	TH 65 TO BALTIMORE ST NE	0.21	N/A
203-112-005	ULYSSES ST NE	181ST AVE NE TO 0.17 MILES NORTH OF 181ST AVE NE	0.17	N/A
203-112-010	ULYSSES ST NE	0.17 MILES NORTH OF 181ST AVE NE TO 0.27 MILES NORTH OF 181ST AVE NE	0.10	N/A
203-112-015	ULYSSES ST NE	0.27 MILES NORTH OF 181ST AVE NE TO 185TH AVE NE	0.24	N/A
203-112-020	ULYSSES ST NE	185TH AVE NE TO 187TH LANE NE	0.29	N/A
203-113-010	BALTIMORE ST NE	181ST AVE NE TO BRIARWOOD LANE NE	0.21	2000
203-113-020	BALTIMORE ST NE	BRIARWOOD LANE NE TO 0.09 MILES SOUTH OF 187TH LN NE	0.51	N/A
203-113-030	BALTIMORE ST NE	0.09 MILES SOUTH OF 187TH LN NE TO 187TH LN NE	0.09	N/A
203-114-010	ULYSSES ST NE	229TH AVE NE TO 233RD AVE NE	0.51	N/A
203-114-020	233RD AVE NE	ULYSSES ST NE TO TH 65	0.14	N/A
203-115-010	SIMS ROAD NE	TH 65 TO ABERDEEN ST NE	0.08	N/A
203-115-020	SIMS ROAD NE	ABERDEEN ST NE TO DAVENPORT ST NE	0.09	N/A
203-116-010	BUCHANAN ST NE	213TH AVE NE TO 216TH AVE NE	0.33	N/A
203-116-020	BUCHANAN ST NE	216TH AVE NE TO 219TH AVE NE	0.43	N/A
203-116-030	BUCHANAN ST NE	219TH AVE NE TO 221ST AVE NE	0.23	N/A
203-117-010	197TH AVE NE	POLK ST NE TO TH 65	0.50	N/A
203-118-010	241ST AVE NE	TH 65 TO BALTIMORE ST NE	0.16	N/A
203-119-010	BALTIMORE ST NE	237TH AVE NE TO 241ST AVE NE	0.51	N/A
203-120-010	217TH AVE NE	TH 65 TO ABERDEEN ST NE	0.08	N/A
203-121-010	209TH AVE NE	TH 65 TO DAVENPORT ST NE	0.18	N/A
		TOTAL	28.78	

ATTACHMENT #2



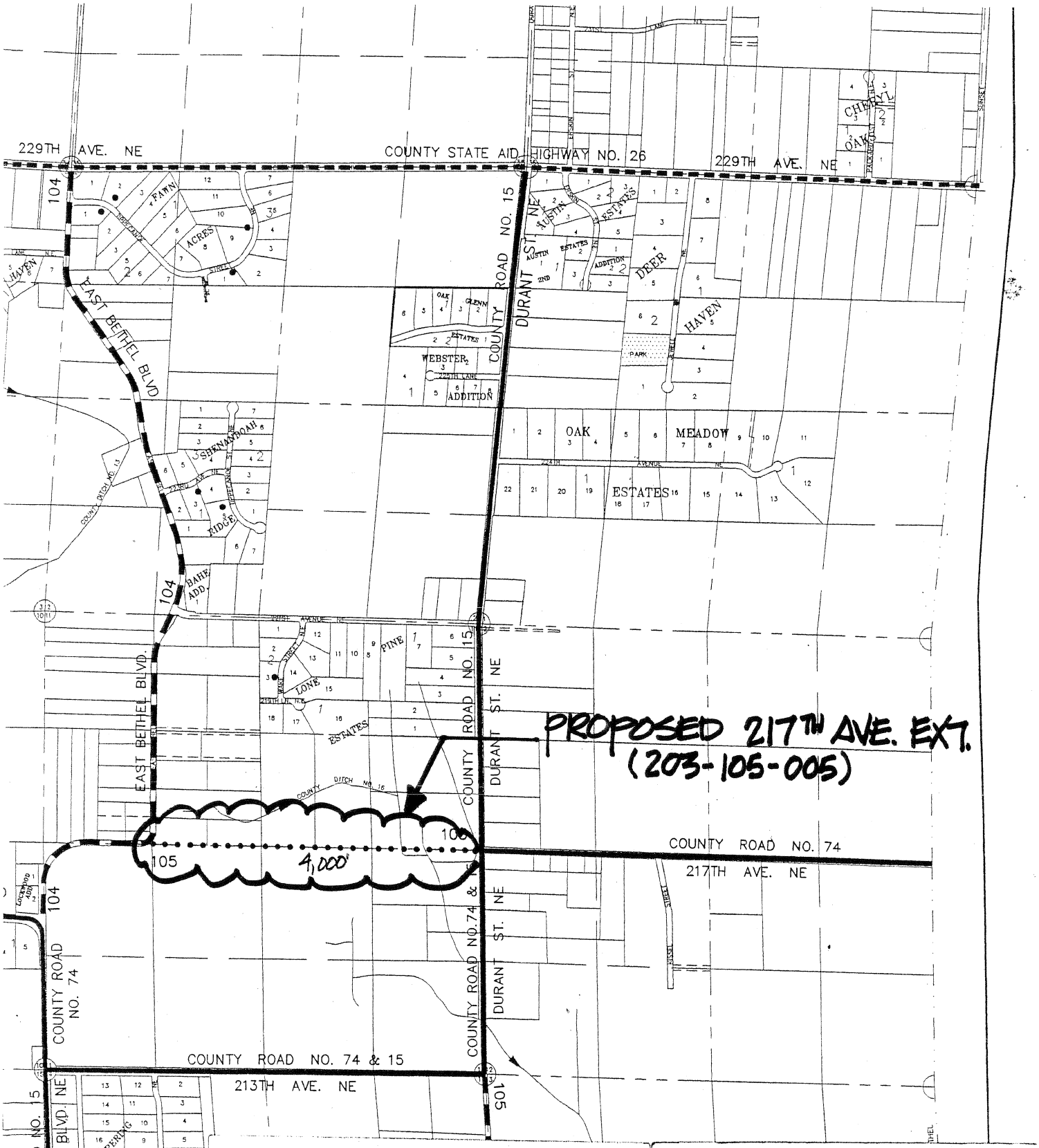
0 1500 3000
SCALE IN FEET

Hakanson Anderson Assoc., Inc.
Engineers, Surveyors & Landscape Architects
3601 Thurston Ave., Anoka, Minnesota 55303

N

PROPOSED NON-EXISTING MSA STREETS FOR DE-DESIGNATION

ATTACHMENT #3

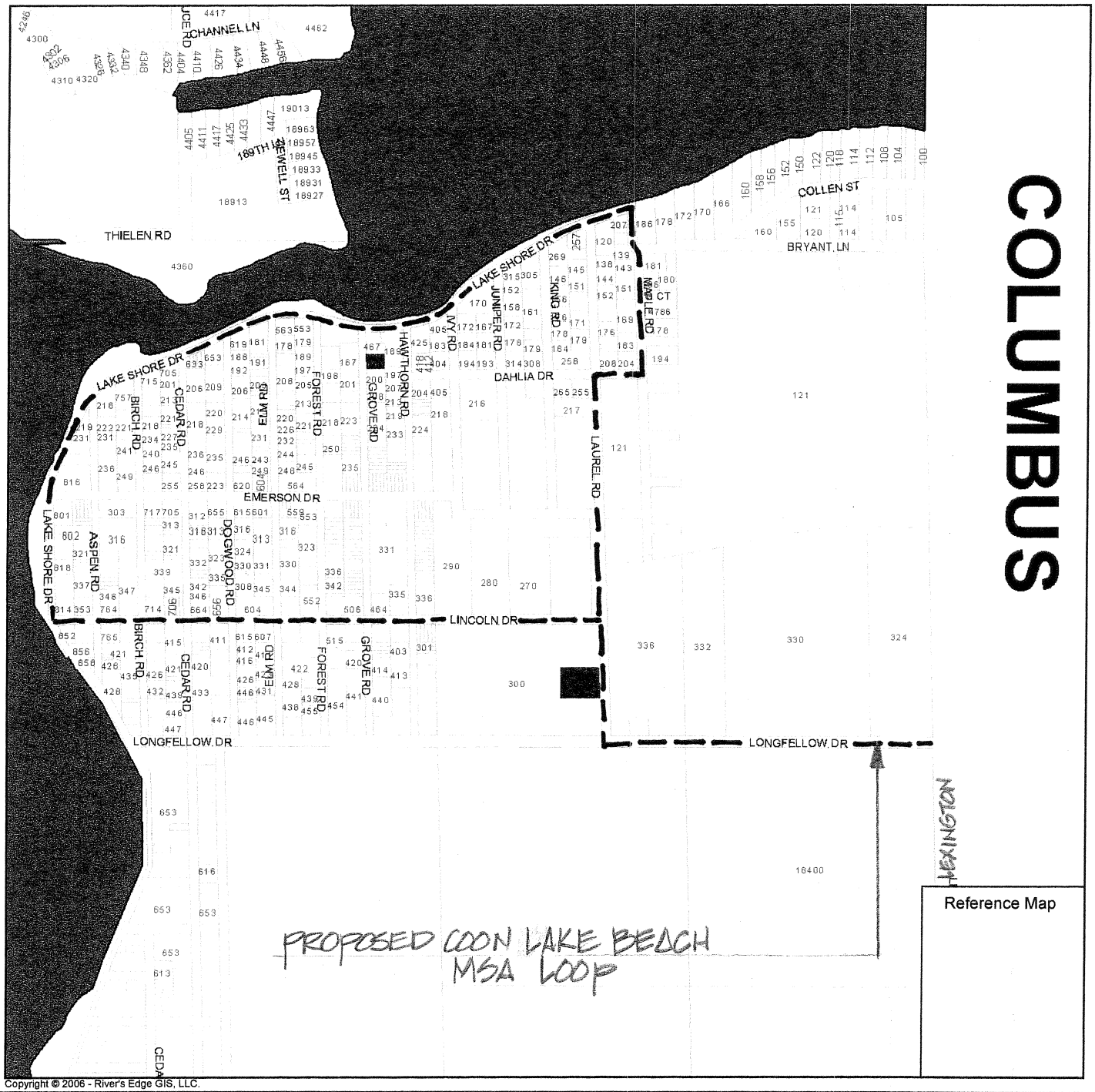


PROPOSED NON-EXISTING MSA STREETS FOR DE-DESIGNATION

N

SCALE 1" = 1,500'

ATTACHMENT #3



Reference Map

Copyright © 2006 - River's Edge GIS, LLC.

CITY OF EAST BETHEL
CivicSight Map

MAP LEGEND:

- WATER
- PARKS
- PARCELS

COON LAKE BEACH MSA LOCATION MAP ATTACHMENT #4

Map Scale: 1 inch = 788 feet
Map Date: 4/27/2010
Data Date: April 23, 2010

Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
Enter Map Disclaimer Here

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 9.0 A.1

* *

Agenda Item:
Pay Estimate No. 1 for Well No. 2 Construction, Well Pump, Piping and Electrical Modifications to Pumphouse No. 1

* *

Requested Action:
Consider approval of Pay Estimate No. 1

* *

Background Information:
Attached is a copy of Pay Estimate No. 1 to Municipal Builders, Inc. for Well No. 2 Construction, Well Pump, Piping and Electrical Modifications to Pumphouse No. 1. The major pay items for this pay request include completion of the test well and water analysis; installation of the 24 inch casing for Well No. 2; and, the water main and hydrant installation. The Pay Estimate includes payment for work completed to date less the five percent retainage. We recommend partial payment of $67,162.10. A summary of the recommended payment is as follows:

Total Work Completed to Date	$ 70,696.95
Less 5% Retainage	$ 3,534.85
Total payment	$ 67,162.10

Attachments:

1. Project Location Map
2. Pay Estimate No. 1

* *

Fiscal Impact:
Funding for this project is through the PFA and includes a grant for $298,403 and a low interest loan of $74,601.

* *

Recommendation(s):
Staff recommends approval of Pay Estimate No. 1 in the amount of $67,162.10 for Well No. 2 Construction, Well Pump, Piping and Electrical Revisions to Pumphouse No. 1.

* *

City Council Action

Motion by:________________ Second by:________________

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

LOCATION MAP
ATTACHMENT 1

Apr 23, 2010 – 10:23am
K:\cad_eng\CLIENT_FOLDERS\East Bethel\AnokaCountyMap.dwg

PAY ESTIMATE #1
CITY OF EAST BETHEL
Improvement Project No. 2009-02, Well No. 2 Construction, Well Pump, Piping and Pumphouse No. 1 Electrical Revisions

Date: May 5, 2010

Honorable Mayor & City Council
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: Improvement Project No. 2009-02, Well No. 2 Construction, Well Pump, Piping and Pumphouse No. 1 Electrical Revisions

Contractor: Municipal Builders, Inc.
Award Date: January 21, 2010
Completion Date: July 30, 2010

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Municipal Builders, Inc..

Bid Schedule "A" - Test Well Construction

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	Mobilization & Demobilization	1	LS	$3,000.00	$ 3,000.00	1	$ 3,000.00
2	Drill & Drive 4" Steel Casing	180	FT	$37.50	$ 6,750.00	160	$ 6,000.00
3	Drill 4" Open Hole	95	FT	$15.00	$ 1,425.00	125	$ 1,875.00
4	Gamma Log & Report	1	LS	$2,025.00	$ 2,025.00	1	$ 2,025.00
5	F.I.R. Packer & Test Pump	1	LS	$6,000.00	$ 6,000.00	1	$ 6,000.00
6	Test Pump	10	HR	$225.00	$ 2,250.00	10	$ 2,250.00
7	Water Quality Tests and Report	1	LS	$3,000.00	$ 3,000.00	1	$ 3,000.00
8	Seal Test Well	1	LS	$2,700.00	$ 2,700.00		$ -
	Total Bid Schedule "A"						**$ 24,150.00**

Bid Schedule "B" - Construct Municipal Well No. 2

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	Mobilization	1	LS	$17,850.00	$ 17,850.00	0.75	$ 13,387.50
2	Drill/Drive 24" Outer Casing	110	LF	$210.00	$ 23,100.00	85	$ 17,850.00
3	Drill 23" nominal open hole	180	LF	$115.50	$ 20,790.00		$ -
4	Fill/Bail Open Hole	20	CY	$105.00	$ 2,100.00		$ -
5	Set 18" Inner Casing	185	LF	$94.50	$ 17,482.50		$ -
6	Furnish & Install Neat Cement Grout	10	CY	$472.50	$ 4,725.00		$ -
7	Explosive Development	200	LBS	$26.25	$ 5,250.00		$ -
8	F.I.R. Development Equipment	1	LS	$5,775.00	$ 5,775.00		$ -
9	Develop Well (Decompressing/Surging)	100	HR	$183.75	$ 18,375.00		$ -
10	Sandstone Removal	500	CY	$63.00	$ 31,500.00		$ -
11	F.I.R. Test Pump Equipment	1	LS	$5,250.00	$ 5,250.00		$ -
12	Test Pump Well, Drawdown and Recovery	60	HR	$157.50	$ 9,450.00		$ -
13	Disinfect Well	1	LS	$157.50	$ 157.50		$ -
14	Video Record Well	1	LS	$997.50	$ 997.50		$ -
15	Water Analysis - Report/Permit/Submittals	1	LS	$1,260.00	$ 1,260.00		$ -
16	Plumbness and Alignment Test	1	LS	$525.00	$ 525.00		$ -
17	Furnish and Install Submersible Well Pump & Motor	1	EACH	$10,237.50	$ 10,237.50		$ -
18	Electric Cable Submersible (Pump to Well Head)	160	LF	$6.30	$ 1,008.00		$ -
19	6" Drop Pipe	160	LF	$36.75	$ 5,880.00		$ -
20	18" Pitless Adapter Unit	1	EACH	$25,725.00	$ 25,725.00		$ -
21	Variable Frequency Drive, Power and Control Conduits & Wiring for Well Pump and Flow Meter	1	LS	$23,799.00	$ 23,799.00		$ -
22	Miscellaneous Piping, Valves and Fittings	1	LS	$34,021.00	$ 34,021.00	0.45	$ 15,309.45
23	Demobilization & Site Restoration	1	LS	$8,252.00	$ 8,252.00		$ -
	Total Bid Schedule "B"						**$ 46,546.95**

ATTACHMENT #2

PAY ESTIMATE #1
CITY OF EAST BETHEL
Improvement Project No. 2009-02, Well No. 2 Construction, Well Pump, Piping and Pumphouse No. 1 Electrical Revisions

Bid Schedule "A"	$	24,150.00
Bid Schedule "B"	$	46,546.95
TOTAL	$	70,696.95
Total Work Completed to Date	$	70,696.95
LESS 5% RETAINAGE:	$	3,534.85
WE RECOMMEND PAYMENT OF:	$	67,162.10

APPROVALS:

CONTRACTOR: MUNICIPAL BUILDERS, INC.

Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed: Nathan Neubauer

Title: PROJECT COORDINATOR Date 4/26/10

ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed: Craig H.

Title: City Engineer Date 4/23/10

OWNER: CITY OF EAST BETHEL

Signed: _____

Title: _____ Date _____

City of East Bethel
City Council
Agenda Information

* *

Date:
May 5, 2010

* *

Agenda Item Number:
Item 9.0 A.2

* *

Agenda Item:
Pay Estimate No. 1 for the Wild Rice Drive Reconstruction Project

* *

Requested Action:
Consider approval of Pay Estimate No. 1

* *

Background Information:
Attached is a copy of Pay Estimate No.1 to Dresel Contracting, Inc. for the Wild Rice Drive Reconstruction Project. The major pay items for this pay request include clearing and grubbing; bituminous pavement reclamation; traffic control; and, common excavation. The Pay Estimate includes payment for work completed to date less a five percent retainage. We recommend partial payment of $85,399.87. A summary of the recommended payment is as follows:

Total Work Completed to Date	$ 89,894.60
Less 5% Retainage	$ 4,494.73
Total payment	$ 85,399.87

Attachments:

1. Project Location Map
2. Pay Estimate No. 1

* *

Fiscal Impact:
The total construction cost for this project is estimated to be $935,470.78. Construction costs for this project are financed through the City's State Aid Construction fund.

* *

Recommendation(s):
Staff recommends approval of Pay Estimate No. 1 in the amount of $85,399.87 for the Wild Rice Drive Reconstruction Project.

* *

City Council Action

Motion by:_____ Second by:_____

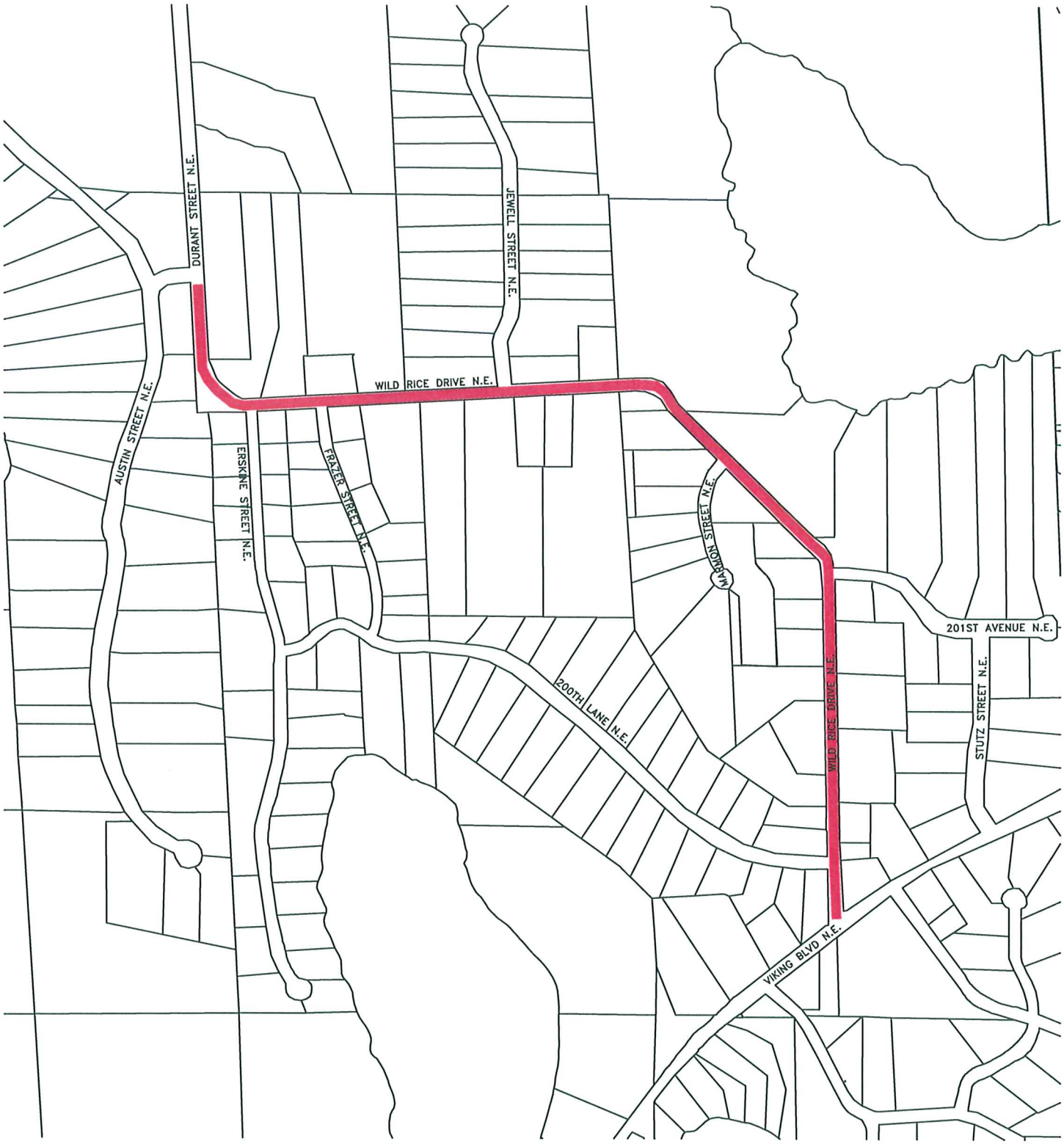
_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____



PROJECT LOCATION

N

LOCATION MAP
ATTACHMENT 1

Apr 23, 2010 – 3:58pm
K:\cad_eng\CLIENT_FOLDERS\East Bethel\AnokaCountyMap.dwg

PAY ESTIMATE #1
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project

Date: May 5, 2010

Honorable Mayor & City Council
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: Wild Rice Drive Reconstruction Project

Contractor: Dresel Contracting, Inc.
Award Date: September 23, 2009
Completion Date: July 30, 2010

Dear Honorable Mayor and Council Members:

The following work has been completed on the above-referenced project by Dresel Contracting, Inc.

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
1	MOBILIZATION	1	LUMP SUM	$42,500.00	$ 42,500.00	0.50	$ 21,250.00
2	CLEARING	1.65	ACRE	$1,100.00	$ 1,815.00	1.60	$ 1,760.00
3	CLEARING	17	TREE	$55.00	$ 935.00	46	$ 2,530.00
4	GRUBBING	1.30	ACRE	$1,100.00	$ 1,430.00	1.25	$ 1,375.00
5	GRUBBING	17	TREE	$55.00	$ 935.00	46	$ 2,530.00
6	REMOVE PIPE CULVERTS	647	LIN FT	$5.00	$ 3,235.00		$ -
7	REMOVE RETAINING WALL	18	LIN FT	$10.00	$ 180.00		$ -
8	REMOVE CONCRETE PAVEMENT	149	SQ YD	$3.00	$ 447.00	58	$ 174.00
9	REMOVE BITUMINOUS PAVEMENT	22,308	SQ YD	$1.20	$ 26,769.60	873	$ 1,047.60
10	REMOVE CONCRETE APRON	1	EACH	$50.00	$ 50.00		$ -
11	REMOVE SEPTIC TANK	1	EACH	$500.00	$ 500.00		$ -
12	REMOVE SIGN	23	EACH	$31.00	$ 713.00	24	$ 744.00
13	SAWING CONCRETE PAVEMENT (FULL DEPTH)	83	LIN FT	$5.00	$ 415.00	56	$ 280.00
14	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	593	LIN FT	$4.00	$ 2,372.00	207	$ 828.00
15	SALVAGE FENCE	244	LIN FT	$6.00	$ 1,464.00	244	$ 1,464.00
16	SALVAGE SIGN	2	EACH	$31.00	$ 62.00		$ -
17	COMMON EXCAVATION (P)	20,345	CU YD	$4.60	$ 93,587.00	3,000	$ 13,800.00
18	MUCK EXCAVATION	9,434	CU YD	$4.85	$ 45,754.90		$ -
19	GRANULAR BORROW (LV)	9,377	CU YD	$0.01	$ 93.77		$ -
20	DEWATERING	1	LUMP SUM	$1.00	$ 1.00		$ -
21	HAUL & STOCKPILE EXCESS MATERIAL (LV)	4,405	CU YD	$1.00	$ 4,405.00		$ -
22	WOOD CHIPS (LV)	11	CU YD	$65.00	$ 715.00		$ -
23	AGGREGATE BASE CLASS 5	8,539	TON	$9.60	$ 81,974.40		$ -
24	MILL BITUMINOUS SURFACE (2")	72.5	SQ YD	$30.00	$ 2,175.00		$ -
25	BITUMINOUS PAVEMENT RECLAMATION	1,973	SQ YD	$1.50	$ 2,959.50	23,408	$ 35,112.00
26	TYPE MV 3 WEARING COURSE MIXTURE (B)	4,167	TON	$52.40	$ 218,350.80		$ -
27	TYPE MV 3 NON WEARING COURSE MIXTURE (B)	3,795	TON	$48.70	$ 184,816.50		$ -
28	CONCRETE FLUME	6	EACH	$500.00	$ 3,000.00		$ -
29	15" CS PIPE CULVERT	477	LIN FT	$21.00	$ 10,017.00		$ -
30	24" CS PIPE CULVERT	40	LIN FT	$40.00	$ 1,600.00		$ -
31	15" GS PIPE APRON	30	EACH	$225.00	$ 6,750.00		$ -
32	24" GS PIPE APRON	2	EACH	$450.00	$ 900.00		$ -
33	15" RC PIPE APRON	9	EACH	$425.00	$ 3,825.00		$ -
34	18" RC PIPE APRON	4	EACH	$500.00	$ 2,000.00		$ -
35	21" RC PIPE APRON	2	EACH	$575.00	$ 1,150.00		$ -

ATTACHMENT #2

PAY ESTIMATE #1
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project

ITEM NO.	ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT	CONTRACT UNIT PRICE	CONTRACT AMOUNT	USED TO DATE	EXTENSION
36	24" RC PIPE APRON	6	EACH	$650.00	$ 3,900.00		$ -
37	18" RC SAFETY APRON	2	EACH	$650.00	$ 1,300.00		$ -
38	TRASH GUARD FOR 15" PIPE APRON	3	EACH	$300.00	$ 900.00		$ -
39	TRASH GUARD FOR 18" PIPE APRON	2	EACH	$350.00	$ 700.00		$ -
40	TRASH GUARD FOR 21" PIPE APRON	2	EACH	$400.00	$ 800.00		$ -
41	15" RC PIPE SEWER DESIGN 3006, CL V	1081	LIN FT	$19.00	$ 20,539.00		$ -
42	18" RC PIPE SEWER DESIGN 3006, CL III	535	LIN FT	$22.00	$ 11,770.00		$ -
43	21" RC PIPE SEWER DESIGN 3006, CL III	429	LIN FT	$26.00	$ 11,154.00		$ -
44	24" RC PIPE SEWER DESIGN 3006, CL III	168	LIN FT	$38.00	$ 6,384.00		$ -
45	SEPTIC TANK	1	EACH	$9,500.00	$ 9,500.00		$ -
46	CONSTRUCT DRAINAGE STRUCTURE DESIGN 48 - 4020	39.47	LIN FT	$215.00	$ 8,486.05		$ -
47	CONSTRUCT DRAINAGE STRUCTURE DESIGN H	2.81	LIN FT	$350.00	$ 983.50		$ -
48	CONSTRUCT DRAINAGE STRUCTURE DESIGN N	14.42	LIN FT	$210.00	$ 3,028.20		$ -
49	CASTING ASSEMBLY	12	EACH	$425.00	$ 5,100.00		$ -
50	RANDOM RIPRAP CLASS III	17.6	CU YD	$50.00	$ 880.00		$ -
51	SIDEWALK	72	SQ FT	$7.00	$ 504.00		$ -
52	CONCRETE CURB & GUTTER DESIGN B418	3,041	LIN FT	$10.25	$ 31,170.25		$ -
53	6" CONCRETE DRIVEWAY PAVEMENT	203.5	SQ YD	$40.00	$ 8,140.00		$ -
54	8" CONCRETE DRIVEWAY PAVEMENT	20.7	SQ YD	$50.00	$ 1,035.00		$ -
55	PEDESTRIAN CURB RAMP	1	EACH	$525.00	$ 525.00		$ -
56	MAILBOX SUPPORT	24	EACH	$125.00	$ 3,000.00		$ -
57	LANDSCAPE EDGER	140	LIN FT	$10.00	$ 1,400.00		$ -
58	GUIDE POST TYPE B	25	EACH	$51.00	$ 1,275.00		$ -
59	TRAFFIC CONTROL	1	LUMP SUM	$10,000.00	$ 10,000.00	0.70	$ 7,000.00
60	SIGN PANELS TYPE C	330.0	SQ FT	$33.00	$ 10,890.00		$ -
61	SIGN PANELS TYPE D	101.9	SQ FT	$36.00	$ 3,668.40		$ -
62	CONIFEROUS TREE 4' HT B&B	12	TREE	$250.00	$ 3,000.00		$ -
63	DECIDUOUS TREE 4' HT B&B	5	TREE	$250.00	$ 1,250.00		$ -
64	CONIFEROUS SHRUB 2' HT CONT	12	SHRUB	$200.00	$ 2,400.00		$ -
65	SILT FENCE, TYPE MACHINE SLICED	6,410	LIN FT	$1.10	$ 7,051.00		$ -
66	STORM DRAIN INLET PROTECTION	23	EACH	$75.00	$ 1,725.00		$ -
67	FILTER LOG TYPE STRAW BIOROLL	1,152	LIN FT	$1.00	$ 1,152.00		$ -
68	TEMPORARY ROCK CONSTRUCTION ENTRANCE	2	EACH	$500.00	$ 1,000.00		$ -
69	EROSION CONTROL BLANKETS CATEGORY 3	829	SQ YD	$1.25	$ 1,036.25		$ -
70	EROSION STABILIZATION MAT CLASS 2	180	SQ YD	$5.00	$ 900.00		$ -
71	TURF ESTABLISHMENT	8.7	ACRE	$600.00	$ 5,220.00		$ -
72	4" SOLID LINE WHITE - EPOXY	13,940	LIN FT	$0.20	$ 2,788.00		$ -
73	4" DOUBLE SOLID LINE YELLOW - EPOXY	6,726	LIN FT	$0.41	$ 2,757.66		$ -
74	24" STOP LINE WHITE - EPOXY	36	LIN FT	$7.25	$ 261.00		$ -

TOTAL WORK COMPLETED TO DATE	**$ 89,894.60**
LESS 5% RETAINAGE:	**$ 4,494.73**
WE RECOMMEND PAYMENT OF:	**$ 85,399.87**

PAY ESTIMATE #1
CITY OF EAST BETHEL
Wild Rice Drive Reconstruction Project

APPROVALS:

CONTRACTOR: DRESEL CONTRACTING, INC.

Certification by Contractor: I certify that all items and amounts are correct for the work completed to date.

Signed:_____

Title:_____ Date_____

ENGINEER: HAKANSON ANDERSON ASSOCIATES, INC.

Certification by Engineer: We recommend payment for work and quantities as shown.

Signed:_____

Title:_____ Date_____

OWNER: CITY OF EAST BETHEL

Signed:_____

Title:_____ Date_____

City of East Bethel
City Council
Agenda Information

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Date:
May 5, 2010

* *

Agenda Item Number:
Item 9.0 C.1

* *

Agenda Item:
2010 Budget Amendments

* *

Requested Action:
Consider Resolution 2010-21 providing for an amendment to the 2010 General Fund budget.

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Background Information:
As the 2010 Budget was prepared in late 2009, the State provided its estimate for Market Value Homestead Credit (MVHC) to the City for payments to be made in 2010. This was followed by notice from the State that the City would <u>not</u> receive all of the allocation originally estimated at $240,497. Instead, the State indicated it would reduce the MVHC payments to the City by $228, 932. This would have resulted in a payment of $11,565 for 2010.

The State, as a result of its budgetary issues, has subsequently notified the City that it will not receive any MVHC payments in 2010. This results in a budget "out-of-balance" condition in the City's General Fund of $11,565.

Staff has reviewed each budget within General Fund and developed recommendations to City Council to address the revenue shortfall by amending the 2010 General Fund Budget. These changes to the 2010 adopted budget are proposed as follows:

<u>City Administration</u>
434-Conferences and Meetings
Approved: $250
Proposed: $100
Savings: $150
Attendance at City Manager's conference in the spring has been eliminated.

<u>Elections</u>
331-Travel Expenses
Approved: $200
Proposed: $100
Savings: $100
434-Conferences and Meetings
Approved: $200
Proposed: $100
Savings: $100

City Clerk

434-Conferences and Meetings

Approved:	$250
Proposed:	$ 50
Savings:	$200

Attendance at the City Clerk's annual conference in March was eliminated.

Finance Department

331-Travel Expenses

Approved:	$300
Proposed:	$ 50
Savings:	$250

Eliminating conferences and most training will also avoid travel expenses, leaving $50 for required travel.

434-Conferences/Meetings

Approved:	$500
Proposed:	$100
Savings:	$400

Elimination of the MN GFOA annual conference. A balance of $100 would be available for any required training that maybe be mandated by the State.

Human Resources

434-Conferences/Schools

Approved:	$200
Proposed:	$ 95
Savings:	$105

Staff will take advantage of the no-cost training sessions provided by TUG, as well as training provided by the League of Minnesota Cities.

Planning and Zoning

331-Travel Expenses

Approved:	$200
Proposed:	$0
Savings:	$200

434-Conferences/Meetings

Approved:	$500
Proposed:	$ 50
Savings:	$450

Staff will take advantage of the no-cost training sessions provided by LMC and the State Planning Organization.

Fire Department

331-Travel Expenses

Adopted:	$3,000
Proposed:	$1,860
Savings:	$1,140

Fewer fire fighters will attend out of the area training as the Department has many qualified training instructors to provide home station training.

434-Conferences and Meetings

Adopted: $7,500
Proposed: $6,140
Savings: $1,360

The reduction is due in part to the SAFER Grant training reimbursements.

421-Software Licensing

Adopted: $1,600
Proposed: $ 400
Savings: $1,200

The budget included the purchase of Firehouse System license, which is no longer required.

Inspection Division

231-Small Tools & Minor Equipment

Adopted: $50
Proposed: $0
Savings: $50

331-Travel Expenses

Adopted: $800
Proposed: $0
Savings: $800

434-Conferences/Schools

Approved: $2,500
Proposed: $1,000
Savings: $1,500

Building Official and Building Inspector will limit training expenses to those necessary to maintain current CEU's or those offered at no cost.

Park Maintenance Department

222-Tires

Approved: $1,200
Proposed: $900
Savings: $300

Street Maintenance Department

203-Books and Reference Materials

Approved: $100
Proposed: $0
Savings: $100

222-Tires

Approved: $5,000
Proposed: $4,600
Savings: $ 400

434-Conferences/Schools

Approved: $400
Proposed: $0
Savings: $400

Risk Management Division
In the Risk Management Division, insurance charges of a general nature are expensed for the following items.

361-General Liability Insurance
362-Property Insurance
363-Automotive Insurance

Approved:	$93,585
Proposed:	$91,225
Savings:	$ 2,360

With the issuance of the policies for 2010 in January, a $1,860 reduction was realized over estimated premiums. In addition, the City's insurance agent services were $500 less than budgeted.

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Fiscal Impact:

As noted.

* *

Recommendation(s):

Staff is recommending adoption of Resolution 2010-21 amending the 2010 General Fund Budget as detailed above.

* *

City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-21

RESOLUTION AMENDING THE 2010 GENERAL FUND BUDGET

WHEREAS, the City Council approved the 2010 General Fund budget on December 2, 2009; and

WHEREAS, initially the Governor of the State of Minnesota un-alloted the estimated Market Value Homestead Credit (MVHC) portion of the City's tax levy in the amount of $228,932 that was expected to be received in 2010; and

WHEERAS, the estimated MVHC portion of the City's tax levy has increased by $11,565 for a total of $240,497; and

WHEREAS, with to the State of Minnesota's current budget deficit, an additional reduction of $11,565 has been made to the expected MVHC to be withheld; and

WHEREAS, a number of budgeted expenditures have been identified that can be reduced to balance the 2010 General Fund Budget as a result of the loss of MVHC revenue; and

WHEREAS, these proposed budget reductions specifically target conferences and travel expenses in all departments.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: the General Fund Budget for 2010 is hereby amended as follows:

GENERAL FUND DEPARTMENT	2010 Adopted Budget	2010 Changes	2010 Amended Budget
Mayor/City Council	$74,860	$0	$74,860
City Administration	$188,719	($150)	$188,569
Elections	$11,340	($200)	$11,140
City Clerk	$87,510	($200)	$87,310
Finance	$222,176	($650)	$221,526
Assessing	$50,000	$0	$50,000
Legal	$145,000	$0	$145,000
Human Resources	$110,230	($105)	$110,125
Planning and Zoning	$207,000	($650)	$206,350
General Govt Buildings/Plant	$53,500	$0	$53,500
Police	$1,019,790	$0	$1,019,790
Fire Department	$581,935	($3,700)	$578,235
Building Inspection	$260,747	($2,350)	$258,397

Engineering	$48,000	$0	$48,000
Park Maintenance	$396,621	($300)	$396,321
Street Maintenance	$779,393	($900)	$778,493
Civic Events	$5,000	$0	$5,000
Risk Management	$93,585	($2,360)	$91,225
Central Services/Supplies	$89,901	$0	$89,901
Transfers Out	$770,938	$0	$770,938
TOTAL GENERAL FUND	$5,196,245	($11,565)	$5,184,680

BE IT FURTHER RESOLVED THAT: These amendments will be effective May 6, 2010 and represent a decrease of $11,565 as detailed above.

Adopted this 5th day of May, 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

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Date:
May 5, 2010

* *

Agenda Item Number:
Item 9.0 G.1

* *

Agenda Item:
Extended Office Hours

* *

Requested Action:
Staff seeks direction on extended office hours

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Background Information:
The City of East Bethel offered expanded service hours in 2009. The pilot program began in January and ran through December. Residents were able to stop by City Hall from 4:00 p.m. – 7:00 p.m. on the first Wednesday of the month (These coincide with Council meeting evenings). Work schedules were adjusted such that no additional overtime was necessary for the extended hours on these days. Staff worked with management to facilitate these extended hours.

Representatives from the inspection and/or planning departments as well as a finance department representative were available to the public for permits (roofing, siding and windows), payments of utility bills, pet license, burning permits, etc.

In December, 2009, City Council reviewed traffic volume and determined it wasn't practicable to continue offer extended service hours at that time. City Council discussed the possibility of offering extended hours during the summer months (i.e. June through September).

Below is a recap of the traffic volume during the expanded service hours for May through August 2009:

May 6, 2009

4:00 p.m. – 5:00 p.m.	Phone call concerning the HRA Public Hearing.
5:00 p.m. – 6:00 p.m.	Sales call for Public Works
	Resident stopped in regarding the proposed power line installation.
6:00 p.m. – 7:00 p.m.	No phone calls or walk-ins
	Total of two phone calls and one walk-in for May 6, 2009.

June 3, 2009

4:00 p.m. – 5:00 p.m.	Phone call for Planning Department
5:00 p.m. – 6:00 p.m.	Phone call for Building Official
6:00 p.m. – 7:00 p.m.	Issued two Dog Licenses
	Resident stopped by to pick-up building permit.
	Total of two phone calls and two walk-ins for June 3, 2009.

July 1, 2009

4:00 p.m. – 5:00 p.m.	Two phone calls for Building Department
	Two phone calls for Administration Department
5:00 p.m. – 6:00 p.m.	No phone calls or walk-ins
6:00 p.m. - 7:00 p.m.	Scheduled appointments (3) to have planning documents notarized
	Total of four phone calls and three scheduled appointments.

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4:00 p.m. – 5:00 p.m.	Two phone calls for Building Department
5:00 p.m. – 6:00 p.m.	Scheduled appointments (2) to have planning documents notarized
	Phone call for Administration Department
6:00 p.m. – 7:00 p.m.	Walk-in for driveway permit
	Total of three phone calls, one walk-in and two scheduled appointments.

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Fiscal Impact:
None at this time

* *

Recommendation(s):
Staff is seeking Council direction on extending office hours.

* *

City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____