City of East Bethel
City Council Agenda

Regular Council Meeting – 7:30 p.m.
Date: April 21, 2010

	Item		
7:30 PM	**1.0**	**Call to Order**	
7:31 PM	**2.0**	**Pledge of Allegiance**	
7:32 PM	**3.0**	**Adopt Agenda**	
7:33 PM	**4.0**	**Reports**	
Page 1-3		A.	Sheriff's Monthly Report
7:38 PM	**5.0**	**Fire Department Explorer Program**	
Page 4-7		A.	Introduction and Awards
7:48 PM	**6.0**	**Public Forum**	
7:58 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 10-13	A.	Approve Bills
Page 14-22	B.	Meeting Minutes, April 7, 2010 Regular Meeting
Page 23-27	C.	Meeting Minutes, April 7, City Council Work Meeting
Page 28-30	D.	Resolution 2010-16 Accepting Donation – C and R Properties
	E.	Appoint Seasonal Maintenance Workers
Page 31	F.	Resolution 2010-17 Accepting Donation from East Bethel Resident

New Business

	8.0	**Commission, Association and Task Force Reports**	
8:03 PM		A.	Planning Commission
Page 32-35		1.	Meeting Minutes, March 23, 2010
Page 36-86		2.	Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code
Page 87-92		3.	Summary for Publication of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code
8:23 PM		B.	Park Commission
Page 93-100		1.	Meeting Minutes, March 10, 2010
8:25 PM		C.	Road Commission
Page 101-107		1.	Meeting Minutes, March 9, 2010
	9.0	**Department Reports**	
		A.	Engineer **(No Report)**
		B.	Attorney **(No Report)**
		C.	Finance **(No Report)**
		D.	Public Works **(No Report)**
8:27 PM		E.	Planning and Inspection/Code Enforcement

	Page 108-112	1.	Code Enforcement Report
	Page 113-127	2.	Magda Properties - Extension to Export Materials Off-Site at NW Quadrant of Highway 65 and C.R. 22
8:43 PM		F.	Fire Department
	Page 128-137	1.	April Monthly Meeting and March Reports
8:48 PM		G.	City Administrator
	Page 138	1.	Bolton and Menk – Project Update
	Page 139-140	2.	On-Sale Liquor License

10.0 Other

9:10 PM A. Council Reports

9:15 PM B. Other

9:20 PM **11.0 Closed Session**

Page 141-143 A. Closed Session pursuant to Minnesota Statutes 13D.05, Subd. 3 (City Council to discuss land acquisition.)

9:45 PM **12.0 Adjourn**

City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

* *

Agenda Item Number:
Item 4.0 A

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Agenda Item:
Monthly Sheriff's Report

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Requested Action:
Information Only

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Background Information:
Lieutenant Orlando will review the monthly statistics and report on activities for the month of March, 2010.

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Fiscal Impact:
None

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Recommendation(s):
Information Only

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City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required: _X

CITY OF EAST BETHEL – MARCH 2010

ITEM	MARCH	FEBRUARY	YTD 2010	MARCH YTD 2009
Radio Calls	390	291	1,028	1,001
Incident Reports	376	332	1,070	1,046
Burglaries	3	3	7	5
Thefts	20	11	48	45
Crim.Sex. Cond.	1	0	3	1
Assault	1	2	5	8
Dam to Prop.	4	2	11	17
Harr. Comm.	1	3	5	9
Felony Arrests	5	1	9	7
GM. Arrests	0	0	1	3
Misd. Arrests	11	5	26	43
DUI Arrests	10	7	21	16
Domestic Arr.	2	0	4	7
Warrant Arr.	3	5	18	13
Traffic Arrests	90	85	255	207

CITY OF EAST BETHEL - MARCH 2010
COMMUNITY SERVICE OFFICERS

ITEM	MARCH	FEBRUARY	YTD 2010	MARCH YTD 2009
Radio Calls	17	5	40	42
Incident Reports	20	6	47	25
Accident Assist	1	0	3	5
Veh. Lock Out	1	0	3	6
Extra Patrol	29	20	84	76
House Check	0	1	1	3
Bus. Check	1	4	22	26
Animal Compl.	5	5	18	24
Traffic Assist	3	8	22	4
Aids: Agency	63	72	237	121
Aids: Public	44	4	64	64
Paper Service	0	1	2	6
Inspections	0	0	0	0
Ordinance Viol.	0	0	2	0

City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

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Agenda Item Number:
Item 5.0 A

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Agenda Item:
Introduction of the East Bethel Fire Explorers and Award Recognition

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Requested Action:
Information Only

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Background Information:
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 are 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.

Attachment(s):

1. Award- New Post of the Year Award
2. Award- Exploring Excellence Award

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Fiscal Impact:
As noted above

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Recommendation(s):
Information Only

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City Council Action

Motion by:_____ Second by:_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:____X

Exploring
New Post of the Year Award
Presented to:
East Bethel Fire Department

March 18, 2010

NORTHERN STAR COUNCIL
EXPLORING

Exploring Committee Chair

Jenny Hedal
Exploring Executive

National
Exploring Excellence Award
Presented to:
East Bethel Fire Department

March 18, 2010

NORTHERN STAR COUNCIL
EXPLORING

Roger E Green
Exploring Committee Chair

Jenny Hedal
Exploring Executive

City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

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Agenda Item Number:
Item 7.0 A-F

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Agenda Item:
Consent Agenda

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Requested Action:
Consider approving Consent Agenda as presented

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Background Information:
Item A

Bills/Claims

Item B

Meeting Minutes, April 7, 2010 Regular City Council

Meeting minutes from the April 7, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, April 7, 2010, City Council Work Meeting

Meeting minutes from the April 7, 2010 City Council Work Meeting are attached for your review and approval.

Item D

Resolution 2010-16 Accepting Donation – C and R Properties

The City wished to acquire part of the real property shown on the attached exhibit for right-of-way purposes in connection with the improvement of Wild Rice Drive. C and R Properties, the fee owner of the property, offered to donate the entire parcel to the City as a gift. At the July 15, 2009 meeting, Council directed staff to accept the gift contingent on the completion of a Phase 1 Site Assessment. The Phase 1 Site Assessment determined there were no recognized environmental conditions associated with the subject property. Staff has completed the property transfer and filed the warranty deed. Resolution 2010-16 accepts and acknowledges the donation as required by statute.

Item E

Appointment of Public Works Seasonal Employees

The City Council recently approved the hiring of two seasonal maintenance employees. The City advertised for two positions, receiving fifteen applications. The Public Works Manager and the Assistant City Administrator/HR Director interviewed six individuals for the position over

the past two weeks and have identified two of the individuals for the seasonal maintenance position that will best meet our needs.

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

City staff is requesting approval to re-hire Colin Bartz and hire Matthew Scheeler. Mr. Scheeler will begin work on May 17, 2010. Mr. Bartz will begin work after June 1, 2009. The rate of pay is $8.85 an hour and funding for these positions is provided for in the General Fund Budget for 2010 under the Parks Department budget.

Item F

Resolution 2010-17 Accepting Donation from East Bethel Resident

An individual who wishes to remain anonymous, has provided the City with a donation of $1,800 for the purchase of a portable defibrillator for use by the Fire Department. The donation is in recognition of the outstanding service provided by the Fire Department in response to an emergency call to the residence where a child was suffering from life threatening issues. The child is fully recovered and the resident is expressing his appreciation of the service provided with the donation.

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Fiscal Impact:

As noted above.

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Recommendation(s):

Recommend approval of the Consent Agenda as presented.

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City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

Bills to be Approved for Payment April 21, 2010	$68,937.96
Electronic Payments	$28,555.10
Payroll Fire Dept - April 15, 2010	$7,828.19
Payroll City Staff - April 15, 2010	$36,456.53

Total to be Approved for Payment April 21, 2010	$141,777.78

Approved by Council Member:

Steve Voss	Kathy Paavola	Greg Hunter	Steve Channer	Bill Boyer

City of East Bethel

April 21, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Arena Operations	Bldg/Facility Repair Supplies	31359	Menards Cambridge	615	49851	373.64
Arena Operations	Bldgs/Facilities Repair/Maint	31108	Menards Cambridge	615	49851	118.73
Arena Operations	Concession for Resale	128271425	Midwest Coca Cola Bottling	615	49851	-492.56
Arena Operations	Concession for Resale	118279521	Midwest Coca Cola Bottling	615	49851	807.85
Arena Operations	Professional Services Fees	20	Gibson's Management Company	615	49851	5,655.70
Arena Operations	Telephone	40110	Qwest	615	49851	100.87
Assessing	Professional Services Fees	1st Qtr 2011	Kenneth A. Tolzmann	101	41550	11,348.73
Building Inspection	Conferences/Meetings	40610	Laurence Martin	101	42410	375.00
Building Inspection	Motor Fuels	173732	Egan Oil Company	101	42410	331.12
Building Inspection	Surcharge Remittance	1st Qtr 10	MN Dept Labor & Industry	101		143.61
Cedar Creek Trail Project	Architect/Engineering Fees	26607	Hakanson Anderson Assoc. Inc.	402	43124	1,006.86
Central Services/Supplies	Information Systems	10665	City of Roseville	101	48150	1,251.83
Central Services/Supplies	Information Systems	40278	US Cable	101	48150	1,331.44
Central Services/Supplies	Legal Notices	IQ 01767567	ECM Publishers, Inc.	101	48150	35.88
Central Services/Supplies	Office Supplies	513756212001	Office Depot	101	48150	28.82
Central Services/Supplies	Office Supplies	514168760001	Office Depot	101	48150	98.33
Central Services/Supplies	Office Supplies	514168915001	Office Depot	101	48150	5.68
Central Services/Supplies	Office Supplies	514168760002	Office Depot	101	48150	6.65
Central Services/Supplies	Office Supplies	514867563001	Office Depot	101	48150	-7.56
Central Services/Supplies	Printing and Duplicating	58000002900	FedEx Kinko's	101	48150	309.85
Central Services/Supplies	Telephone	32810	Qwest	101	48150	214.92
City Administration	Telephone	685525149-0000	Verizon Wireless	101	41320	59.79
City Administration	Unemploy Benefit Payments	6118884	MN Dept of Employment and	101	41320	2,784.00
Engineering	Architect/Engineering Fees	26608	Hakanson Anderson Assoc. Inc.	101	43110	2,002.77
Fire Department	Disability Insurance	171306	Bearence Management Group	101	42210	890.43
Fire Department	Employer Paid Expenses	87382	South Central College	231	42210	520.00
Fire Department	Motor Fuels	173733	Egan Oil Company	101	42210	267.54
Fire Department	Motor Fuels	173732	Egan Oil Company	101	42210	526.79
Fire Department	Personnel/Labor Relations	629748	LexisNexis Risk Solutions Inc.	101	42210	223.85
Fire Department	Repairs/Maint Machinery/Equip	1644	Andover Small Engine Service	101	42210	162.08
Fire Department	Safety Supplies	80397163	Bound Tree Medical, LLC	101	42210	30.87
Fire Department	Safety Supplies	80396502	Bound Tree Medical, LLC	101	42210	509.37
Fire Department	Small Tools and Minor Equip	17881	Alex Air Apparatus, Inc.	101	42210	531.77
Fire Department	Telephone	40110	Qwest	101	42210	404.89
Fire Department	Travel Expenses	40510	Arden Anderson	231	42210	463.17
Fire Department	Travel Expenses	40610	Mark Duchene	101	42210	24.90
Fire Department	Travel Expenses	40710	Randy Vados	231	42210	221.72
Fire Department	Unemploy Benefit Payments	6118884	MN Dept of Employment and	101	42210	151.85
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14597	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-03-10	Premium Waters, Inc.	101	41940	28.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	113979	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Park/Landscaping Materials	41528	Hoffman Bros. Sod, Inc	101	41940	173.67
Legal	Legal Fees	33110	Carson, Clelland & Schreder	101	41610	8,222.81
Legal	Legal Fees	41310	Randall and Goodrich, P.L.C.	101	41610	3,175.72
Mayor/City Council	Professional Services Fees	122012	Municipal Code Corp.	101	41110	2,170.72
MSA Street Construction	Architect/Engineering Fees	26606	Hakanson Anderson Assoc. Inc.	402	40200	270.00
Park Maintenance	Bldg/Facility Repair Supplies	9110	Smith Iron Works	101	43201	162.45
Park Maintenance	Clothing & Personal Equipment	470443358	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Clothing & Personal Equipment	470446911	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Equipment Parts	1539-380627	O'Reilly Auto Parts	101	43201	24.84
Park Maintenance	Equipment Parts	1539-383782	O'Reilly Auto Parts	101	43201	125.92

City of East Bethel

April 21, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Park Maintenance	Equipment Parts	1-955859	Pioneer Rim & Wheel Co	101	43201	232.27
Park Maintenance	Equipment Parts	1-954583	Pioneer Rim & Wheel Co	101	43201	262.61
Park Maintenance	General Operating Supplies	2196369	Dalco	101	43201	515.99
Park Maintenance	Motor Fuels	173732	Egan Oil Company	101	43201	451.53
Park Maintenance	Motor Fuels	173733	Egan Oil Company	101	43201	514.50
Park Maintenance	Personnel/Labor Relations	629748	LexisNexis Risk Solutions Inc.	101	43201	32.00
Park Maintenance	Telephone	40110	Qwest	101	43201	90.47
Park Maintenance	Tires	8408	M & L Auto Repair	101	43201	287.19
Payroll	Union Dues	40278	MN Teamsters No. 320	101		642.70
Planning and Zoning	Architect/Engineering Fees	26603	Hakanson Anderson Assoc. Inc.	816		233.28
Planning and Zoning	Architect/Engineering Fees	26630	Hakanson Anderson Assoc. Inc.	864		63.75
Planning and Zoning	Filing Fees	40110	Anoka County Property Records	101	41910	46.00
Planning and Zoning	Professional Services Fees	261	GIS Rangers	101	41910	729.00
Planning and Zoning	Professional Services Fees	254	GIS Rangers	101	41910	956.81
Police	Professional Services Fees	40110	Gratitude Farms	101	42110	172.91
Recycling Operations	Hazardous Waste Disposal	2024036	OSI Environmental, Inc.	226	43235	90.00
Recycling Operations	Professional Services Fees	41210	Cedar East Bethel Lions	226	43235	1,000.00
Street Capital Projects	Architect/Engineering Fees	26608	Hakanson Anderson Assoc. Inc.	406	40600	181.98
Street Maintenance	Bldgs/Facilities Repair/Maint	470443358	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470446911	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-03-10	Premium Waters, Inc.	101	43220	28.00
Street Maintenance	Clothing & Personal Equipment	470446911	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470443358	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Equipment Parts	1539-384004	O'Reilly Auto Parts	101	43220	324.90
Street Maintenance	Equipment Parts	1539-381841	O'Reilly Auto Parts	101	43220	10.30
Street Maintenance	Equipment Parts	127115-IN	Zarnoth Brush Works, Inc.	101	43220	512.79
Street Maintenance	Motor Fuels	173732	Egan Oil Company	101	43220	195.66
Street Maintenance	Motor Fuels	173733	Egan Oil Company	101	43220	1,275.96
Street Maintenance	Office Supplies	513980289001	Office Depot	101	43220	59.52
Street Maintenance	Personnel/Labor Relations	629748	LexisNexis Risk Solutions Inc.	101	43220	58.00
Street Maintenance	Small Tools and Minor Equip	28978	Menards Cambridge	101	43220	155.80
Street Maintenance	Small Tools and Minor Equip	513969422002	Office Depot	101	43220	118.31
Street Maintenance	Small Tools and Minor Equip	12657	St Francis True Value Hdw	101	43220	81.21
Street Maintenance	Street Maint Materials	113591	City of St. Paul	101	43220	604.14
Street Maintenance	Telephone	32810	Qwest	101	43220	66.52
Street Maintenance	Welding Supplies	105558568	Airgas North Central	101	43220	135.92
Transfers Out	Contingency	1756	The Tinklenberg Group	101	49360	4,000.00
Water Utility Operations	Chemicals and Chem Products	110632	Utility Supply of America	601	49401	184.18
Water Utility Operations	Office Supplies	513756212001	Office Depot	601	49401	72.12
Water Utility Operations	Professional Services Fees	30461	Gopher State One-Call	601	49401	5.80
Water Utility Operations	Professional Services Fees	75678	Utility Consultants, Inc.	601	49401	546.25
Water Utility Operations	Small Tools and Minor Equip	1160341	LaMotte Company	601	49401	49.58
Water Utility Operations	Telephone	40110	Qwest	601	49401	108.29
Whispering Aspen Well Project	Architect/Engineering Fees	903554	Wenck Associates, Inc.	432	43200	700.00
Wild Rice Drive	Architect/Engineering Fees	26608	Hakanson Anderson Assoc. Inc.	402	43123	4,514.15
	Sales Tax Payable	1st Qtr 10	Minnesota Dept of Revenue	101		828.00
						$68,937.96

City of East Bethel

April 21, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
		PERA				$6,329.88
		Federal Withholding				$5,856.11
		Medicare Withholding				$1,849.20
		FICA Tax Withholding				$7,906.62
		State Withholding				$2,422.27
		MSRS				$4,191.02
						$28,555.10

EAST BETHEL CITY COUNCIL MEETING

April 7, 2010

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

MEMBERS PRESENT:	Bill Boyer Steve Voss	Steven Channer	Kathy Paavola
MEMBERS ABSENT:	Greg Hunter		
ALSO PRESENT:	Douglas Sell, City Administrator Jerry Randall, City Attorney Craig Jochum, City Engineer		

Call to Order

The April 7, 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 7, 2010 City Council agenda. Paavola seconded; all in favor, motion carries.

Public Forum

Voss opened the Public Forum for any comments or concerns that were not listed on the agenda. There were no comments so the public forum was closed.

Senator Michael Jungbauer

Sell explained that Senator Jungbauer had a conflict come up and he called and explained that he couldn't make it to the Council meeting tonight.

Consent Agenda

Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, March 17, 2010, Regular CC Meeting; C) Meeting Minutes, March 17, 2010, City Council Work Meeting; D) Resolution 2010-13 Administrative Subdivisions; E) Escrow Agreement Firebird Land LLC and Bethel Properties, Inc.; F) Accept Firefighter Resignation. Paavola seconded; all in favor, motion carries.

Class V Project Bids for 2010

Sell explained that at the March 9th Road Commission meeting, they recommended approval of Zumbrota Street, Skylark Drive and Allen Street for Class V placement work in 2010. In addition, they recommended that Jewell Street be added if the cost for material was within the project budget of $35,000.

As part of the 2009 Class V projects, staff investigated alternative resurfacing materials for unpaved roads, a lime rock mix. This material performs better where roads have drainage issues or where higher travel speeds are a factor. In 2009, Council authorized the lime rock mix on a portion of Xylite Street. The material has exceeded expectations including wear, drainage and maintenance. With the lime rock mix, there is a marked improvement in the durability of the surface (less shifting of materials during plow operations, rain events, etc.); ease of maintenance when grading these road surfaces; and, the improvement in dust control as there is less dust generated when using this material. For 2010, staff is recommending that Zumbrota Street be resurfaced with lime rock. With lower traffic counts and road alignment Skylark Drive, Allen and Jewell Street, budget permitting, can be adequately resurfaced with Class V.

It is estimated that the Class V material will cost approximately $10/ton and the lime rock

DRAFT

will be in the $14-16 per ton. It is anticipated that the lime rock mix can be expected to have useful life of 5-8 year as opposed to a 1-3 years for Class V on the roads with the higher speeds and traffic volumes. Staff is proposing to solicit bids for these materials as outlined. City crews will grade and compact the material in place.

$35,000 is provided for in the 2010 General Fund Street Maintenance Budget. The Road Commission recommends bidding lime rock material for resurfacing Zumbrota Street and Class V material for Skylark Drive and Allen Streets. Cost permitting, Jewell Street can be added to the list for 2010 as a Class V projects not to exceed $35,000.

Boyer made a motion to put out for bid the Class V projects (Skylark and Allen Streets) and Lime Rock Material project (Zumbrota Street). Cost permitting, Jewell Street can be added to the list as a Class V project to be completed in 2010 not to exceed $35,000. Paavola seconded. Boyer asked is this a savings from seal coating projects. Sell said no, these projects are paid for from the general fund street maintenance budget. **All in favor, motion carries.**

City Engineer Contract Addendum #5

Sell explained that with the adoption of Resolution 2010-12, the City Council has indicated acceptance of the $594,000 Cooperative Agreement Grant from Mn/DOT for construction of the service road from 215th Avenue to 221st Avenue. As required by the Engineering Service Contract between the City and Hakanson Anderson, a Contract Addendum that indentifies the cost for engineering services for this project is required. The amount quoted in the addendum is a not to exceed amount. Total engineering services will be $199,115 for this project including project design, surveying and staking, plans and specifications, advertising and bidding, bid evaluation, construction supervision, contractor payment verification, project close out, preparation of State Aid documents, draw requests, obtaining quotes for sub-contractor services, as built drawings, coordination with the County, and facilitating right-of-way acquisition. The City will be responsible for other costs including soil borings and material testing and attorney fees for right-of-way acquisition estimated at $20,500. The contract addendum is included as Attachment 2. These cost are available from the City's MSA Construction funds.

Staff is recommending approval of Addendum #5 to the Contract for City Engineering Services dated September 3, 2008.

Boyer made a motion to approve Addendum #5 to the Contract for City Engineering Services dated September 3, 2008 not to exceed $199,115. Paavola seconded.

Boyer asked can you fill me in on how this works. He said you lost me when you got to the percentages. Boyer asked can we charge up to 25% for engineering services. Jochum said yes, you can be reimbursed up to 25%. Boyer asked do we take some for City staff time. Jochum said yes, we do typically take about 1% for City staff time. Sell said we like to leave as much as possible in there for construction costs.

Jochum said to date we have met with the Kurak's and Anoka County to discuss the project. He said the current plan shows the new access at 221st Avenue to align with Sandy Drive which is ¼ mile of TH 65. Jochum said the Kurak's would prefer to have the access closer to ½ mile off TH 65. He said the county is okay with the access anywhere between ¼ mile and ½ mile. Jochum said we are currently reviewing possible alignments. He said the next step is to meet with the Sylvester's to get their input. Jochum said if the right-of-way acquisition goes as planned, preparation of construction plans would begin early this summer. He said

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the project has to be awarded by June 2011. **All in favor, motion carries.**

Resolution 2010-14 Ordering Improvement and Preparation of Plans for 2010 Improvement Projects

Sell explained that the Parks and Trails Capital Improvement Program (CIP) and Street Capital Improvement Program (CIP) were approved at the October 7, 2009 City Council meeting. The CIP identified three projects that require the preparation of Plans and Specifications for bid. Resolution 2010-14 provides for ordering the improvements and directing plans and specifications be prepared. The three projects are Booster West Parking Lot Expansion, 5th Street Surface and Drainage Improvements, and Bataan Street Surface Maintenance. These are noted in attachments 1 through 3 of your agenda materials. Plans and Specifications will be returned to Council for review and approval.

The major components and estimated costs for each of the projects are Booster West Parking Lot Expansion with the construction of an additional 65 parking stalls, concrete curb and gutter and bituminous surface and, parking lot lighting. The estimated cost is $95,000 with funding from the Parks Capital Fund. The 5th Street Surface and Drainage Improvements include 2 inch bituminous overlay, isolated patching, replace or repair drainage pipe and structures and match existing driveways and intersections. The estimated cost is $255,000 with funding from the Street Capital Fund. The Bataan Street Surface Maintenance project includes isolated patching, joint repair and seal coating. The estimated cost is $44,000 from the City's MSA Construction Account.

Plans and Specifications should be available for Council review and consideration at the May 19, 2010 City Council meeting. At that time staff will request approval of plans and specifications with direction to solicit bids for these projects.

Staff recommends approval of Resolution 2010-14 Ordering Improvements and Direction to Prepare Plans and Specifications for 2010 Improvement Projects.

Paavola made a motion to adopt Resolution 2010-14 Ordering Improvements and Direction to Prepare Plans and Specifications for 2010 Improvement Projects. Boyer seconded. Boyer asked why are we seal coating. He said he thought Bataan was up for reconstruction in 2011. Jochum said other than the joints that are separated it is a fairly decent road yet. Boyer said maybe he has lived here long enough, but he remembers when it was new, it was such a joy to drive on.

Voss said he has a question about the Booster West parking lot, why is lighting added. Jochum said his understanding from the Public Works Manager is he wanted to add three lights on the west side of the lot. Voss said but we don't light now. Jochum said he thought the Public Works Manager said there was one lighter there now. Boyer said there is one light on the shelter. Voss said the park is closed at 10:00 PM. He said there is a resident on that side of the park, and he doesn't think they would appreciate it.

Paavola said she thought putting lights there would be for security. Sell said we could have the lights put in the specs as an option for bid. Voss said since there is a resident that lives right there if they see a problem they will call the sheriff. He said he thought the cost of the parking lost was $65,000 and now it is $95,000. Jochum said the Public Works Manager developed the cost, and this is what was in the CIP that was approved. Voss asked was the dollar amount in there. Jochum said yes, that is correct.

Paavola said when she thinks about putting lights in the parking lot, maybe we should ask the resident that lives right next to the park what they think about the lights. Voss said to

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him the cost of the lights and the cost of electricity are prohibitive, maybe we can do this sometime down the road. He said right now he doesn't want the kids using the park after dark. Boyer said he would be happy if they would close the gates after dark. Sell said he will have the lights bid as an option. Boyer asked if the Public Works Manager can add the lights for this project on the next Park Commission agenda. He said he is suspicious that this came from a few years ago and it just rolled onto the five year plan. **All in favor, motion carries.**

City Engineer Contract Addendum #6

Sell explained that with the adoption of Resolution 2010-14, City Council has ordered three improvement projects to include a Parking Lot Expansion at Booster West, 5th Street Surface and Drainage Improvements and, Bataan Street Surface Maintenance. Plans and specifications are to be prepared. As required by the Engineering Service Contract between the City and Hakanson Anderson, a Contract Addendum that indentifies the cost for engineering services for this project is required. The amount quoted in the addendum is a not to exceed amount. Total engineering services will be $41,464 for these projects including project design, surveying and staking, plans and specifications, advertising and bidding, bid evaluation, construction supervision, contractor payment verification, project close out, preparation of State Aid documents, draw requests, obtaining quotes for sub-contractor services, as built drawings, coordination with the County, and facilitating right-of-way acquisition. The contract addendum is included as Attachment 1. These costs are available from the Park Capital Fund, Street Capital Fund and the City's MSA Construction Account.

Staff is recommending approval of Addendum #6 to the Contract for City Engineering Services dated September 3, 2008.

Boyer made a motion to approve the Addendum #6 to the Contract for City Engineering Services dated September 3, 2008 in an amount not to exceed $41,464. Channer seconded; all in favor, motion carries.

Recovery Zone – Economic Development Bonds

Sell explained that in the provisions of the American Recovery and Reinvestment Act (ARRA), 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. $11.4 million has been allocated to Anoka County.

Recovery Zone Economic Development Bonds allow local governments to borrow funds for eligible projects with lower overall 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 as well as promotion of economic development through the construction of public infrastructure. Bonds must be issued by December 31, 2010.

Anoka County has indicated that it will accept requests for City projects that would utilize this bonding authority until April 14, 2010. The Anoka County Finance and Capital Improvements committee will meet on April 20, 2010 to discuss whether the County will use some or all of the bonding authority and/or consider municipal projects. If the County does not use the $11.4 million of bonding authority by sub-allocating to other County

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jurisdictions (cities), the bonding authority must be returned to the State.

Should the Anoka County use all of the bonding authority or return all of the bonding authority to the State of Minnesota, the City would be eligible to make application for an allocation of this bonding authority. The unused bonding authority from all counties and cities that goes unused must be returned to the State of Minnesota by June 1, 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.

Based on the criteria made available by Anoka County, the City should be eligible for this bonding authority. The city's utility Engineers have estimated the cost of the Project 1 Phase I water system to be $10.9 million this includes construction and land acquisition costs for water towers, wells, a water treatment plant and the trunk distribution system. Attachment #1 is a summary of these estimated costs. Springsted, Inc., the City's Fiscal Advisor, calculated an interest savings of $838,672 by using Recovery Zone Bonds based on $9 million bond over 20 years. Savings would be slightly higher for a bond issue of $10.9 million.

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

Staff recommends approval of Resolution 2010-15 Recovery Zone Economic Development Bonds requesting bonding authority from the County or State, as appropriate, for the estimated water system costs for Project 1, Phase I.

Sell wants to make it clear this in no way authorizes debt issuance, this would reserve bonding authority. The only criteria we have to meet is debt has to be issued by December 31, 2010.

Boyer made motion to approve Resolution 2010-15 Supporting Recovery Zone Economic Development Bonding Authority Allocation for Phase 1, Project 1, Utility Infrastructure Project Water System. Paavola seconded.

Voss said he assumes we have had some discussion with the county. Sell said the county's highest priority is access to health care. He said we don't know if this fits into this or not. Sell said four other cities have requested this from the county, so the chances of us getting this from the county are slim. He said one of those cities is Ramsey and they are proposing a VA center which fits in with the access to health care. Sell said Springsted has indicated if the county provides Ramsey with everything they need and leaves nothing for us, they are reasonably sure we would be able to capture something from the state.

Voss said what you are saying if we do this and the county overlooks us we can make a request to the state. Boyer said it strikes him that it might be more opportune for our Economic Development Authority (EDA) to make this request. Sell said that is not possible, it has to come from the City. He said that is one of the requirements. Voss said he assumes we have set this dollar amount in the resolution, because it is in line with what the county has been allocated. Sell said yes. Voss said so what if we can't swim in that pool. Sell said we can take our $18 million request and swim in the state pool. Boyer asked would we

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make the request from the EDA to the state. Sell said he believes it is strictly municipalities. He said one thing Springsted cautioned is if the county offered so much and state offered so much, you would have two separate cost of issuance and unless you get all of it or a significant share, you might just want to go to the state for all of it. Sell said we would have to demonstrate to the state that we have the ability to repay the debt. He said one thing the Council needs to remember is you are not authorizing staff to issue debt by adopting the resolution that is a whole other process. **All in favor, motion carries.**

SNEA Overlay District

Sell explained that at the work session on March 3rd, Council directed that a goal statement and objectives be indentified for the SNEA Overlay Districts in the City. Section 59 of the City's Zoning Ordinance provides for purpose and intent of a SNEA overlay district but lacks some of the specifics to effectively implement the provisions of this section of City Code. For example, there is no calculation process for determining how many lots will be permitted in certain areas identified as a SNEA. This is an item that Council must discuss to determine how it will apply density calculations such that this aspect of development is applied uniformly for across all developer requests.

The framework for this ordinance was adopted in the City Comprehensive Plan that was adopted in August, 2007. From this framework, the current SNEA ordinance was drafted. Again, the basic ordinance is in place. There are four specific areas that need refining within the structure of the current ordinance that make it effective.

First, dimensional standards, separation distances, maximum densities, and means of calculation of allowed units need to be established. Second, open space requirements and landscape design standards need to be established. Third, low impact design (LID) standards need to be established and should be incorporated into all proposed developments. And, fourth, storm water management design techniques should be established to implement LID standards. Details and suggestions for these four areas were provided in your agenda materials.

We have included a copy of Section 59 of the City's Zoning ordinance for your review and information. Suggestions noted in your agenda materials are predicated, in part, on the City of Hanover's Conservation Design ordinance that was adopted in January, 2010.

We are asking that Council review the suggestions and provide feedback such that amendment(s) to the current ordinance can be developed and presented for Council consideration. Following adoption of the amendment(s) to the current SNEA Ordinance, several other documents/plans will require updating or change. These include the Water Management Plan; the addition of a Storm Water Management Ordinance and the Planned Unit Development (PUD) section of the zoning ordinance. As noted, these are separate actions by the City Council following the adoption of SNEA Ordinance amendments.

The proposed ordinance amendments would <u>not</u> change those areas on the City's Official Zoning Map that have been identified as SNEA's including those that may contain natural resource corridors. Should Council wish to make changes to the Zoning Map by adding additional natural resource corridors or SNEA parcels, this is a separate process and are <u>not</u> included as part of Section 59 of the Zoning Ordinance. Any Zoning Map amendments would require identification of the areas to be included as SNEA's, a public hearing before the Planning Commission and presentation to City Council for adoption. Any such change to the Zoning Map will require 2/3rds majority vote by the City Council.

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Staff requests City Council review the suggestions and provide feedback such that the amendment(s) to the current SNEA Overlay District can be developed and presented to Council for consideration.

Boyer said he suggests we schedule a work meeting to discuss this. Voss said how about the 1st Council meeting in June at 6:30 pm. Boyer said he will not be here the 1st meeting in May; he will be missing a meeting for the first time in many years. After much discussion, Council consensus was to schedule a work meeting to discuss SNEA Overlay District ordinance amendments can be discussed on June 2, 2010 at 6:30 pm.

Trane – Ice Arena Maintenance Agreement

Sell explained that the new refrigeration systems have been installed and operational for one and one-half seasons. Trane, Inc., the manufacturer of the equipment, has approached the City with a proposed maintenance agreement for this equipment. This maintenance agreement will provide priority response for all service requirements. This means a factory trained technician will respond within six hours of a service call, 24/7. Trane, Inc. will provide only factory trained service technicians to service and/or repair the refrigeration and related equipment. And, Trane, Inc. will provide scheduled maintenance for all refrigeration equipment to include checking of all refrigeration components (compressors, pumps, switches, etc.); testing of coolant levels; testing of refrigerant levels/viscosity; cleaning of all exposed equipment (compressors, air exchangers, etc.); changing of all oil/lubricants; and a review of all issues from the ice arena management staff.

This service includes removal and disposal of all contaminated oils, coolants and fluids in an EPA/MPCA approved manner. They prepare all required state and federal reports regarding coolant leaks and/or disposal.
They provide start up and shut down assistance to ensure that all components are operating efficiently. We have attached a copy of the proposed service agreement. The agreement is for a three year period beginning in July, 2010. The annual cost is $3,500 per year. The agreement may be canceled with 90 days notice or if Council fails to appropriate monies for the agreement as part of the ice arena operating budget. Funds are available in the operating budget for this service.

Benefits from this service agreement include a prompt response for any issues relating to mechanical refrigeration systems minimizing any down time; reduced cost for repair services and parts; professional start-up and shut down for the systems; and, all scheduled maintenance in accordance with factory requirements. These services will minimize the potential for down time and critical mechanical malfunctions.

Staff recommends approval of the Service Agreement with Trane, inc. for a three year period effective July 1, 2010 in an amount not to exceed $3,500 per year.

Boyer made a motion to approve the Service Agreement with Trane, Inc. for a three year period effective July 1, 2010 in an amount not to exceed $3,500 per year. Paavola seconded. Voss asked how does this compare to what we have been doing. Sell said we haven't been doing anything and that is what caused the problem. Voss said so basically our current manager has been taking care of the equipment. Sell said yes and they are not mechanics. Voss said and what was our investment in our equipment. Sell said $180,000. Voss said he is just making a point. **All in favor, motion carries.**

Fire Dept. Update

Channer said we had a Fire Department meeting on Monday. He said the men and women at Station Two provided a meal for all the fire fighters. Channer said it was Ardie Anderson's

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birthday. He said they made a cake, but he wouldn't allow singing. Channer said and they wouldn't allow candles. He said they have agility training coming up. Channer said the officers have already taken it.

Fires

Paavola said she is glad we haven't had anymore fires. She said with the wind the way it is, I am glad we haven't had any fires at the beach.

Veterans Project

Boyer said we are making headway with the Veterans Service Organization (VSO) at the state on the Veteran's Project. Sell said we are meeting with the county VSO on Friday. Boyer said maybe by our next meeting we will have some skeleton framework.

Wild Rice Drive Project

Voss said the road closure signs are up for Wild Rice Drive to close on Tuesday. He said he is already getting calls from residents. Sell said we have information on the web site and we have sent out an e-mail notification to the people that are signed up for it. He said we will keep up-to-date information on the web site. Paavola said and road restrictions are going off soon. Jochum said on Monday.

Met Council Update/Waste Water Treatment Plant

Voss asked is there any status update in terms of the Met Council and the waste water treatment plant. Sell said we had a meeting with Met Council on the facility. He said they have submitted the facility plan and the Environmental Assessment Worksheet (EAW) to the MPCA and they already have feedback from the MPCA that the EAW needs to be modified. Sell said they will get that done and it will go back Friday along with the Waste Water Treatment Facility (WWTF) Permit application. He said it takes time for the MPCA to review. Sell said Met Council met with the Health Department and the DNR. He said the DNR is supportive. Sell said the Health Department dug their heels in, they said no way, no how they don't want injection wells. He said Met Council has its work cut out for them with the Health Department.

Sell said with that information our engineers will make a request of Gene Erickson at the MPCA to begin review of our facility plan and EAW. At issue is that the MPCA will not issue a permit to transport waste water until there is a permit for a facility to accept waste water. He said at our request we are going to be meeting every other week now. Sell said the plans and specs for the water reclamation plant are preceding and at the Town Hall meeting Met Council will have updates. He said Met Council will have an RFP on the streets by the end of April for equipment. Sell said they will be soliciting quotes from vendors for material to get preliminary cost information. He said Bolton and Menk are looking for well information from the DNR and the Department of Health. Sell said we will be meeting again on April 22nd at 10:30 in the morning. He said he will put the meeting dates in the update.

Closed Session Pursuant to MN Statute 13D.05, Subd.3 Land Acquisition Discussion

Sell asked the City attorney if it would be appropriate to close the meeting at this time to discuss land acquisition.

Boyer made a motion to move to closed session pursuant to MN Statute 13D.05, Subd. 3, to discuss land acquisition on the west side of Trunk Highway 65 in Phase 1 of the proposed sewer district. Paavola seconded; all in favor, motion carries.

Boyer made a motion to return to the regular April 7, 2010 City Council meeting. Paavola seconded; all in favor, motion carries. The City Attorney explained that land acquisition was discussed in very general terms regarding property on the west side of Trunk Highway 65 in Phase 1 of the proposed sewer district.

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Adjourn **Boyer made a motion to adjourn at 8:30 PM. Channer seconded; all in favor, motion carries.**

Attest:

Wendy Warren
Deputy City Clerk

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EAST BETHEL CITY COUNCIL WORK MEETING

April 7, 2010

The East Bethel City Council met on April 7, 2010 at 6:30 PM for a work session meeting at City Hall.

MEMBERS PRESENT:	Bill Boyer	Steve Channer	Kathy Paavola
	Steve Voss (at 6:40 PM)		
MEMBERS ABSENT:	Greg Hunter		
ALSO PRESENT:	Douglas Sell, City Administrator		
	Stephanie Hanson, City Planner		

Call to Order

The April 7, 2010 City Council work meeting was called to order by Acting Mayor Boyer at 6:32 PM.

Adopt Agenda

Paavola made a motion to adopt the April 7, 2010 City Council Work Session Agenda. Channer seconded; all in favor, motion carries.

Ordinance 19, Second Series, Zoning Code Changes

Boyer said we left off on page 11 at the last meeting. Sell said you were basically going page by page, and if there was a question or issue, you raised it. Boyer said he has brought up this issue before about detached structures but in his neck of the woods, rural area, they tend to be located as far away from the residence as possible and as near to the neighbors as possible, it might be better to not allow so them so close to the rear and side setbacks. Hanson said we changed the setback requirement to 25 feet, they used to be 10 feet and that is why we changed it. Channer said it is difficult to come up with equation for every situation because every lot is different.

Boyer said he doesn't want to say you have to finish your accessory structure the same as your house because if you have 40 or 60 acres what difference does it make, but it is becoming an issue. He said he has talked to Hanson about dividing rural residential into multiple rural residential areas. Boyer said it makes little sense to him that he is zoned the same as Whispering Oaks when he can't see a neighbors lights unless he looks across the street. Paavola said and then you get into the smaller lots such as at Coon Lake Beach (CLB) and if they have accessory buildings where are they going to be. Channer said his neighbor's house is way at the back of his property and because of that there would be no place for Channer to put an accessory building in his lot, because of where his neighbor built his house. He said he doesn't know if we want to tackle subzones. Channer said he understands what Boyer is getting at, take your own problem and then you are giving it to your neighbor. Boyer said yes; with this you get to look at a sheet metal side wall, not very pretty. He said he would like to look at the idea of dividing this. Hanson said she will take a look around at other cities ordinances. Channer said and we will stick with the 25 feet setback for now.

Boyer asked if everyone was okay with the square foot allowed for accessory buildings as follows: 1.0 acre or less – 580 square feet, 1.01 to 2.0 acres – 960 square feet, 2.01 to 3.0 acres – 1200 square feet, 3.01 to 4.99 acres – 1,800 square feet, 5.0 or more acres – 2,400 square feet plus an additional 240 square foot, or increment thereof, for each additional acre. Council present was fine with this for now. Channer indicated there was a small error on parcel size.

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Boyer said we treat the seven (7) acre lot in a subdivision lot exactly the same as if it was in a rural residential area. Hanson said yes that is correct.

Boyer said on Page 13, under 2, Rural Residential (RR) Zoning District, a. add as follows: ***Parking of buses, motor trucks, semi-tractors on city streets and on individual properties longer than 24 hours continuously is prohibited.***

Boyer said on page 14, 3.B ***with a weight limit of 20,000 pounds GVWR*** and again under 4.H ***service trucks up to 20,000 pounds GVWR … and Vehicles over 20,000 pounds GVWR.***

Boyer said he has a question on page 14 number 5.A, why is this a Conditional Use Permit (CUP), he could see doing it as a CUP in some cases, but he could also see doing as Interim Use Permit (IUP) in other cases. Hanson said she thinks we have done this as a CUP because of the financial commitment; to have this as an IUP with the possibility of the City Council revoking it would be too much of a risk for the business owner. She said and when it is a CUP it runs with the property. Sell said you will have one of these coming before you soon. Voss said it doesn't go away if it is an IUP; they just have to come into compliance. Sell said if there are issues you can revoke a CUP. Boyer asked what types of businesses are there for. Hanson said for larger retail stores, nurseries, supply stores, commercial florists, health clubs, retail offices, banks, bars, motor vehicle service stations, etc. She said conditional uses are funeral homes, veterinary services, commercial recreation, etc.

Channer said on page 15 3.C change as follows: ***The fence and gates shall be at least four feet in height and shall be ~~constructed or a minimum No. 11 gauge woven wire mesh erosion resistant material or other material~~ approved by the building department.***

Channer said also on page 15, 3.D change as follows: ***Each such maintenance gate shall <u>post signage</u> that the gate is to remain locked and is for maintenance purposes only***.

Boyer read the changes on page 15 3.A as follows: ***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.*** He said this is from the Building Code. Voss said so this doesn't apply to portable pools. Hanson said four feet is the barrier so they wouldn't have to be fenced. Voss asked Boyer to read it again. Boyer gave it to Voss. Voss asked to have ***barrier*** changed to ***outside wall***. Council consensus was to make the change to outside wall.

Boyer asked on page 15, under 5. Fences in Shoreland District, why do we have this. Hanson said we have a lot of residents calling and asking to put up fences that live on a lake. She said we wanted to have some regulations regarding this. Hanson said we called the DNR and they did not see fences as structures. Voss asked what the intention is. Hanson said to allow fencing in the shoreland district to the Ordinary High Water Level (OHW), on lakes. Voss said that is fine but why is it limited to four feet. Hanson said so it is not blocking the view of others. Voss said if it is 1,000 feet from lake then four feet won't block it. Hanson said this is for people who are on the lake. Voss asked where it says that. Hanson said we will have to add it. Boyer said he can see not fencing to obstruct peoples view, but he also thinks people have a right to privacy. He said they also have a right to fence in an area for a dog. Boyer said they should be able to construct fencing just like the other areas of the City. Hanson said but if we enforce the 75 foot setback then a lot of people can't have fences such as people on Coon

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Lake Beach (CLB). She said this happened to people with small children. Voss said to him the homes on the lake, there are certain things you give up by living on the lake such as not having pole buildings, not having fences on the water line, these things would take away from the neighborhood feel. He said he can understand wanting to fence in your yard to keep in animals and kids.

Channer said he gets concerned about people wanting to have a view over someone else's property because you don't' have a right to it. He said he is pretty sure there is nothing that gives you a right to a view over someone else's property. Channer said he doesn't think there is a Minnesota statute that gives you a right to a view over someone else's property. Voss said if you are on the lake it takes away from the overall feeling of being on the lake. He said you have to look at the example of what if everyone had six (6) foot cedar fences down their property lines of the lake. Channer said he is more comfortable with having no fences then saying what kind of fence there can be. Voss said there should be a different way to have screening; you could have shrubs or something. Boyer said you have to be careful with this, because a lot of properties got classified as shoreland that weren't before and they are just by wetlands. Voss said how about we change it to you can do it on certain lakes, recreational, etc. Hanson said it is broken down in our code. Hanson said so we will just leave the code as it reads now, delete this section.

Boyer asked on page 16, Section 27, does this comply with the Tree Ordinance. Hanson said yes it does. Channer asked on page 16 under 1.b why did we get rid of groundcover. Hanson said because it can be anything. Channer asked can we say groundcover approved by staff and then come up with a list of approved groundcovers. He said in dry summers some groundcovers might work better than others, we would have to have different options for different situations.

Boyer asked page 18, Agricultural District, did you work with the 4H Club on this. Hanson said yes she did.

Voss said on page 19, he sees we are back to Retreat Center. Sell said at the last work meeting there was a lengthy discussion and he doesn't know that Council came to any conclusion. Voss said he thought where we were heading at the end in regards to Retreat Center was in the Commercial District there they were fine, but in Residential we were not going to allow them. Boyer said his thought is similar, except he would have no problem with someone doing it on 40 acres. Paavola said it would have to be on some acreage. She said wouldn't have a problem with it being on a larger lot. Voss said it would have to be on a 40 acre parcel. Boyer said we could do it with setbacks such as 500 feet from the nearest residence. Sell asked do you have two different standards, one for commercial and one for agricultural lots. Hanson said you wouldn't have to have two different, it is permitted in commercial. Voss said if something comes in, we could do it as it comes in. Boyer said he is fine with saying it has to be so far from a residence, doing it with setbacks. He said what about 400 foot setback from the residence on all sides.

Sell said so you want 400 foot setbacks on any zoning on anything zoned other than commercial. Boyer said it is easier to do with setbacks. Voss said lets do 500 foot setback from the structure to the property line all the way around for Retreat Center. Sharon Lawrence, a resident, asked why Council is doing this. Boyer said Council was uncomfortable with someone having five (5) or more cars parked at a Retreat Center and wanted them to have

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more acreage. Lawrence said she is thinking about having a Bed and Breakfast. Boyer said that is different. Lawrence said so a Retreat Center would be big. Boyer said or could be small, but we look at it as having an impact on a neighborhood and we feel more comfortable with them in a Commercial Center. Lawrence said her goal is to have a Bed and Breakfast for crafters, a weekend thing. She said she would like to have them on Friday, Saturday and Sunday, probably ten (10) people. Hanson said Bed and Breakfasts have always been allowed.

Hanson said so for Retreat Centers in the RR District you want a 500 foot setback from all the lines, any other requirements. She said the other requirements are on page 8. Hanson said she is assuming we would switch this to an Interim Use Permit (IUP). Boyer said he would vastly prefer it to be an IUP. Hanson asked do you want to limit the number of nights of stay. Boyer said he is not comfortable with seven (7) consecutive nights. Voss said he can see how this could be like a vacation, so it could be a week. He said they would always have twenty (20) people, just turnover, so seven (7) nights would prevent people from living there. Hanson said so on page 8 we will strike 33. a, add the 500 foot setback all the way around, change to an IUP. Boyer asked did we touch on the outside parking. Voss said it needs to be screened. Boyer asked does it need to be impervious surface. He asked none of this is running afoul of the building codes. Hanson said she will put this as one of the requirements and also the fire code. She said she will put must meet all building and fire codes. Voss said part of the process would be the Fire Chief would determine maximum occupancy.

Boyer asked do you want Bed and Breakfasts in the R1 District. Voss asked why not. He said he is fine with it. Boyer asked what the minimum lot size in R1 is. Hanson said with City water it is 3 to an acre. Voss said all the Bed and Breakfasts in Stillwater are less than that. Boyer said Stillwater is pretty urban. Voss said the only difference with the Bed and Breakfasts is the rest of these conditional uses are more planned out, where a Bed and Breakfast can just sprout up. He said most of these are low impact.

Voss said on page 33 under 6. Administration, B. Permits required, for users drawing less than 10,000 gallons of water per day, what is this for, why is this here. Hanson said it came from the building official; he has had a lot of calls and seen a lot of people pumping out of the lake, so he suggested we require permits so that we have records of this.

Voss asked do we want to tackle the definition of "lot" issue. Boyer said he doesn't think we are going to get this done in five minutes and wants to tackle lot issue. Voss said he has a long history of battling this with City staff. He said he would like to get legal language from the City Attorney on this.

Recess Meeting

Boyer made a motion to recess the City Council Work meeting at 7:25 PM until the conclusion of the April 7, 2010 Regular City Council Meeting. Paavola seconded; all in favor, motion carries.

Reopen Work Meeting

Boyer made a motion to reopen the April 7, 2010 City Council Work Session. Paavola seconded; all in favor, motion carries.

Voss said you have heard this in the past discussion of what a lot size is 16 lots per 40 acres, 2 ½ acre lots. He said since we are going through Ordinance 19, he wants to hear from the City Attorney, what a lot is. Voss asked what is the legal definition of a lot, he wants his perspective, is there anything we need to consider before defining a lot. Boyer said we would

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be shooting ourselves in the foot if we are requiring people to have 10 acres to split into 2 - 5 acre lots for metes and bounds and they aren't 5 acres after we take right of way. He said we are looking at some ways not to do that with some definition of what a lot is.

Boyer said if you look at his place as an example, he had 10 acres until he gave Anoka County some land to expand the county road on. Randall said a lot is anything outside of the traveled right of way. He said he is sure they think they own the ditch. Randall said a definition should be clear of where it starts and stops. He said then remember you have easements for utilities and such.

Boyer said we are looking for a way to define a lot so people aren't penalized by donating land to the City. Voss said he knows we haven't had a plat forever, but we want the language clear, a lot is defined by the lines at final plat. Randall said how about: final lot is exclusive to right of way as platted or metes of bounds, but not penalized by platting. Boyer said look at Coon Lake Beach (CLB) if we wanted to increase the roads there why would we penalize the property owners just because we want to build on the right of way. Randall said you might have to have a double standard for lots such as the ones at CLB. Sell asked can't you have a lot that is established by a certain date you apply these standards, and then after this date you apply these other standards.

Boyer said he is wondering if we can use language such as a 2.0 acre nominal lot. Voss said he is thinking we can only do this going forward. He said this is going to be important particularly now, we get into R1 lots and they are really getting small now, and we want to make sure the definition of lot does not include the right of way. Voss said his suggestion is to have Randall and Hanson work together and look at this. He said the criticism he had when he was working on this before is he was just trying to get the lots smaller. Boyer said we are just shooting ourselves in the foot when we want to get anything to do to our streets.

Randall asked what about something as follow: additional right of way given to the City after platting shall not apply to determination of size of the lot when building accessory structures or other uses. Voss said if the land owner was astute enough they would make that part of the agreement when they gave the land. He said if the County or the City came to him and asked him for land he would make that part of the agreement. Boyer said but that is his point, why would we shoot ourselves in the foot, why would we want to take something like that away from a property owner. He said that would make him feel like a weasel to do this. Voss said we could set developing standards on original plat size. He said the bad side of that is if someone had 20 acres then developed it and then wants to do something with it. Voss said so we could say it is off the plat size if you replat or subdivide. Channer said just like a legal non-conforming; if you redevelop then you have to conform.

Sell said so you want Randall and Hanson to work together and come up with something to define lot. He said and you want them to use this as an example: if you had 10 acres and you lost .3 to the County for roads, it wouldn't affect it for land use. But they subdivide it, and then it goes by the lot size when it is subdivided. Voss said yes, if we went to them for land for a trail, we wouldn't take that land that they gave us away from them for land use. He said but once they develop it then it is different. Boyer said the easiest way would be to set a date, from this date forward. He said we are going to give you a date, your lot as of this date if you have within 5% of a 10 acre parcel, if you dedicate land or sell land to the City for purposes of right of way, public purpose, for trails, that will not affect what you can do with your land in

DRAFT

the future as long as it remains in one parcel.

Boyer said on page 34 under 3.a we added language under wetland protection.

Boyer made a motion to adjourn the April 7, 2010 City Council Work Session at 8:55 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

DRAFT

EXHIBIT A

That part of Government Lot 2, Section 24, Township 33, Range 23, lying Northeasterly of the center line of Wild Rice Drive as described in Document No. 773746 filed in the Anoka County Recorders Office, except that part thereof now dated platted as Dellwood Acres.

PROPERTY LOCATION

N

EXHIBIT

Apr 13, 2010 – 2:07pm
K:\cad_eng\CLIENT_FOLDERS\East Bethel\AnokaCountyMap.dwg

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-16

RESOLUTION ACCEPTING AND ACKNOWLEDGING CONTRIBUTION OF CERTAIN REAL PROPERTY TO THE CITY OF EAST BETHEL BY C and R PROPERTIES, LP, A MINNESOTA LIMITED PARTNERSHIP

WHEREAS, the City of East Bethel expressed an interest in acquiring an part of the real property described on Exhibit A attached to and made part of this resolution for right-of-way purposes in connection with the improvement of Wild Rice Drive; and

WHEREAS, C and R Properties, LP, a Minnesota Limited Partnership and fee owner of the Property in the Wild Rice Drive reconstruction project area, has offered to donate all of the Property described on Exhibit A to the City as a gift; and

WHEREAS, the City is required by statute to accept and acknowledge the charitable contribution of the property.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA, THAT: The City of East Bethel hereby accepts and acknowledges the gift of Property described on Exhibit A attached to and made part of this resolution from C and R Properties, LP, a Minnesota limited partnership, to the City, effective the date hereof.

Adopted this 21st day of April 2010, by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-17

RESOLUTION ACKNOWLEDGING THE DONATION FROM AN EAST BETHEL RESIDENT

WHEREAS, the City of East Bethel has received a donation in the amount of $1,800.00 from an East Bethel resident, who wishes to be anonymous, to be used towards the purchase of an Automatic External Defibrillator for the City of East Bethel Fire Department.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF EAST BETHEL, MINNESOTA THAT: the City Council of the City of East Bethel acknowledges and accepts the $1,800.00 donation from the East Bethel Resident.

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

Adopted this 21st day of April, 2010 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____
Greg Hunter, Mayor

ATTEST:

_____
Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010
* *

Agenda Item Number:
Item 8.0 A.1
* *

Agenda Item:
Planning Commission Meeting Minutes for March 23, 2010
* *

Requested Action:
Information Only
* *

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

Fiscal Impact:
None
* *

Recommendation(s):
Information Only
* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:__X___

EAST BETHEL PLANNING COMMISSION MEETING

March 23, 2010

The East Bethel Planning Commission met on March 23, 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	Lorraine Bonin		

MEMBERS ABSENT: Tim Landborg

ALSO PRESENT: Stephanie Hanson, City Planner
Steve Voss, City Council

Adopt Agenda

The March 23, 2010 meeting was called to order by Chairperson Holmes at 7:00 PM.

Holmes made a motion to adopt the March 23, 2010 agenda. Pierson seconded; all in favor, motion carries.

Public Hearing/Conditional Use Permit Amendment – Blue Ribbon Pines Disc Golf Course

Property Owner:
Ray Jordan
Ray Jordan and Sons, Inc.
1901 Klondike Drive NE
East Bethel, MN 55011
PIN 21-33-23-23-0001

Owner/Applicant, Ray Jordan, Ray Jordan and Sons, Inc. is requesting a Conditional Use Permit (CUP) Amendment to allow the addition of a restaurant facility at Blue Ribbons Pines Disc Golf Course the location being 1901 Klondike Drive NE, East Bethel, MN 55011, PIN 21 33 23 23 0001. The Zoning Classification is R-1 Single Family Residential.

In June 2006, City Council approved a CUP to allow a recreational golf course. It is in the opinion of City Staff and the City Attorney that the operation of a restaurant in conjunction with a golf course constitutes a permissible accessory use, that is, a use that either is clearly incidental to, customarily found in connection with, and located on the same parcel as the principal use to which it is related. Also, City Staff and the City Attorney are in the opinion that a CUP Amendment would be a way to ensure that such things as hours of operation and future expansions are regulated. The City Attorney's letter has been provided for Planning Commission review.

In the three years since opening, the business has been recognized as one of the best courses in the state and has been rated in the top ten in the country. Summer months are the busy time of year; however, the course is open year-round with many individuals taking advantage of winter disc golf. Currently, Blue Ribbon Pines has a 3.2 On Sale Liquor License from the City of East Bethel and would like to also incorporate a restaurant to serve sandwiches and appetizers as part of the business.

Currently, most players leave the city limits to eat and then come back to the course to

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continue playing disc golf. Mr. Jordan sees adding a restaurant to the golf course as a positive asset as it will expand the business and will keep customers in the city. It is proposed that the restaurant will be open year-round. Hours of operation include Sunday – Thursday 11:00 A.M. – 11:00 P.M., and Friday – Saturday 11:00A.M. – 12:00 A.M. (midnight). It is anticipated that the restaurant will close earlier on slower weekdays and weekends depending on clientele.

The site has an existing 5,850 square foot building on-site that is used for offices, a golf pro shop, and equipment storage for the existing agricultural business known as Ray Jordan and Sons, Inc. Mr. Jordan is proposing to use a portion of the existing space, 40 feet by 50 feet or 2,000 square feet, as the restaurant facility. The existing offices will continue to occupy 600 square feet and 3,250 square feet will remain as storage. Attachment 4 that was provided to the Planning Commission indicates the proposed and existing uses of the building.

As part of the approval process for the restaurant expansion, Mr. Jordan will be required to submit a site plan to be reviewed and approved by City Council. Site plan review submittal must meet East Bethel Code requirements set forth in Appendix A, Zoning, Section 4.12, Applications and Procedures, and Section 22, Off-Street Parking and Loading. Submittal includes but is not limited to the following requirements: site plan, lighting plan, parking plan, grading and drainage plan for the expanded parking lot, and landscape plan. Building permits will not be issued until the approval of a site plan.

Holmes opened the public hearing at 7:05 p.m. There was no public comment. The public hearing was closed at 7:06 p.m.

Bonin asked how much business do you anticipate being golf course users versus other people. Jordan said they are setting this restaurant for the people who are already at the course. The food is going to be really, really good. The site currently has a large cedar deck that overlooks the golf course. It is trendy to eat and sit outside, but our main drive is to cater to the people that are already there. Jordan explained disc golf is mainly a south metro sport; most players don't get much farther north than 694. Players generally go through the course twice, which takes 6-8 hours to play (it takes about 3-4 hours to get through the course once). When the players leave, they are always asking where they can go to eat. By adding a restaurant, they are hoping to keep business in East Bethel and make the course that much better. It would really be an asset to the course and the community.

Moline asked how many people they are looking to seat in the restaurant. Jordan said the deck will probably seat 20 people, the restaurant 25 or 30, and the patio space would seat more. Jordan stated they have been looking at other restaurants and are going to bring in some experts to design the restaurant.

Moegerle asked how soon do they plan on opening. Jordan said they will be taking their time on this project, but plan on opening sometime between August of 2010 and spring of 2011. He knows a lot of restaurant people and is looking to get good prices on used restaurant equipment.

Pierson motioned to recommend approval to City Council for a CUP Amendment to allow the addition of a restaurant facility at the business known as Blue Ribbon Pines Disc Golf Course, located at 1901 Klondike Drive, East Bethel, MN, PIN 21-33-23-23-

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0001 with the following conditions:

1. **Property owner must meet all approved conditions no later than June 7, 2010 or approval will be voided.**
2. **Property owner must sign and execute a CUP Amendment Agreement no later than June 7, 2010.**
3. **CUP shall be reviewed by City Staff on a biannual basis, at which time, City Staff could require a CUP Amendment with additional conditions, as deemed fit.**
4. **CUP Amendment Agreement must be executed prior to the submittal of a site plan review.**
5. **Current site plan and code requirements set forth in East Bethel Code Appendix A, Zoning are required to be met at the time of submittal of the site plan.**
6. **No building permits for building modifications will be issued until site plan approval by City Council.**
7. **Operations of the restaurant includes: Year round, Sunday – Thursday 11:00 A.M. – 11:00 P.M., and Friday – Saturday 11:00A.M. – 12:00 A.M. (midnight). Intensification to the approved hours and expansion of the restaurant facility must be approved by City Council by a CUP Amendment.**

Terry seconded, all in favor, motion carries.

This matter will be heard at the April 7, 2010 City Council meeting.

Moline asked if the course brings in tournaments. Jordan explained they have had two big tournaments nad have had players come from all over the United States and Europe. One of the biggest tournaments was in East Bethel for two years in a row. The neat thing about it, the best pros in the United States played here two years in a row.

Bonin asked if other courses have places to eat. Jordan said this is one of two places that will have places to eat. At Hyland Hills it is more of a cafeteria. By adding the disc golf course at Hyland, they make just as much money on the disc golf course as they do on their skiing.

Approve February 23, 2010 Planning Commission Meeting Minutes

Pierson motioned to approve the February 23, 2010 minutes. Moegerle seconded; all in favor, motion carries.

Adjourn

Pierson made a motion to adjourn the meeting at 7:18 PM. Moline seconded; all in favor, motion carries.

Submitted by:
Jill Teetzel
Recording Secretary

DRAFT

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 8.0 A.2 Addendum

* *

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

* *

Requested Action:
Replace Page 7 to Attachment #1 of original agenda materials for Ordinance 19, Second Series

* *

Background Information:
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 glitch only affected changes to sections on page 7 of Ordinance 19, Second Series. The set up issue has been reported and is being investigated to correct.

The changes to page 7 are attached as Attachment 1 to this Addendum. We have highlighted the changes in gray. The changes affect Sub-section F and M of Section 10.36 and Section 12, Sub-Section B, items 1) and 2).

Attachment:

1. Page 7 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 requests City Council replace page 7 of Ordinance 19, Second Series, an Ordinance Amending Appendix A, Zoning, of the East Bethel City Code.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

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 or proper securement of any 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.

Attachment #1

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 designed to serve individuals and groups by offering a natural setting for study, interaction, and reflection.

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 structure must be set back at a minimum of 500 feet from all property lines.

B. Retreat centers are allowed with an approved IUP.

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

C. 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.

D. The maximum overnight guest occupancy is 20 persons.

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

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

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

H. On-site parking, sufficient for all residents and a maximum of 20 guests, shall be provided.

I. Retreat centers shall be landscaped and screened from abutting lots.

J. Retreat centers require a life 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 or proper securement of any 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

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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.

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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.

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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.

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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?

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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.

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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.

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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

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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

City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

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Agenda Item Number:
Item 8.0A.2

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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 01.9 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:
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.

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

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Fiscal Impact:
None at this time

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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.
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City Council Action

Motion by: ______________________ Second by: ______________________

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Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

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Agenda Item Number:
Item 8.0 A.3

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

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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.

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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

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Fiscal Impact:
None at this time

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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.

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City Council Action

Motion by:_____ Second by:_____

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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 April 21, 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 21 day of April, 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:
April 21, 2010
* *

Agenda Item Number:
Item 8.0 B.1
* *

Agenda Item:
Park Commission Meeting Minutes for March 10, 2010
* *

Requested Action:
Information Only
* *

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

Fiscal Impact:
None
* *

Recommendation(s):
Information Only
* *

City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:__X___

EAST BETHEL PARKS COMMISSION MEETING
March 10, 2010

The East Bethel Parks Commission met on March 10, 2010 at 7:04 P.M at the City Hall for their regular monthly meeting.

MEMBERS PRESENT: Dan Kretchmar Dan Butler Kenneth Langmade Barb Hagenson

MEMBERS EXCUSED: Sue Jefferson Tim Hoffman Bonnie Harvey

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

Adopt Agenda

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

Approve February 10, 2010 Minutes

Langmade recommended a change on page 3, third paragraph, first sentence, remove "was directly". Butler recommended a change on page 3, fourth paragraph, second last paragraph change if to be. On page 6, third paragraph third sentence change to we have no power to negotiate this, there is not a lease, and there is no lessor and lessee. Also on page 6 fifth paragraph, second line change the balance to $26,269

Butler made a motion to approve the February 10, 2010 minutes with said changes on page three and six. Hagenson seconded; all in favor, motion carries.

Parks Financial Info – Parks Capitol Funds Summary

Davis pointed the electrical utility bills are $1350.00 dollars lower this year versus this time last year. The modifications in the building have made a great improvement. Davis said there are smaller heaters on the floor and insulation was put in. Butler stated maybe we should look at signing up at off-peak.

Butler had a question on full time employee's regular, our February payroll was twice as what the January payroll was. He wanted to know why there is a difference. Boyer said we are on a cost basis, so there could be three payrolls in the month. Davis said some of the payroll periods are are adjusted on January. It is an accounting function. Hagenson asked for clarification on what the cafeteria contribution is. Davis said it is for the health insurance contribution. Butler said we were going to get a 2009 budget close out status. Langmade asked if we got a refund on equipment rentals. Davis said no we went over on that line item. The recycle center charge had to be backed out because it was inadvertently charged to Parks.

Davis said we closed out 2009 and finished the year $17,000 under our budget.

Butler motioned to accept the financial report as presented. Kretchmar seconded; all in favor, motion carries.

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2010 Park Projects

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

Facility	**Start Date**	**Completion Date**
Maynard Peterson Skate Park	March 2010	April 2010
Cedar Creek Pavilion	October 2009	May 2010
Hidden Haven Irrigation	April 2010	May 2010
Whispering Oaks Irrigation	April 2010	May 2010
John Anderson Playground	May 2010	June 2010
Coon Lake Beach Park	October 2009	June 2010
Hidden Haven Playground	June 2010	July 2010
Booster West Parking Lot	July 2010	August 2010
Booster/Cedar Creek Trail	June 2010	August 2010
Eveleth Park Improvements	August 2010	September 2010

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

We have started work on a couple of the projects today, clearing snow off. We did this at Maynard Peterson, Coon Lake Beach and Hidden Haven. Sometime next week we will have all the equipment moved from Hidden Have to Maynard Peterson. At the same time we will move equipment from Coon Lake Beach to Hidden Haven. We will also do some clean up of the asphalt and painting.

The Cedar Creek Pavilion all of the materials have been picked out. They want to start work next week and it would only take a week or so to get all of the work done other than the floor. His contract deadline is May 15, but he anticipates finishing sooner. They will have to wait til road restrictions are lifted to do the flooring (concrete).

Boyer said the Governor was doing something with road restrictions. Davis said unfortunately Anoka County's road restrictions are 7 tons, and the City of East Bethel's are 5 tons.

Hidden Haven and Whispering Oaks irrigation projects we will be meeting with the contractors next week to get their projects organized, but we will need to pour pads at the sites. The electrical work will not be completed until after April 1, to avoid the winter rates. We will get our electrician in there to work with the irrigation contractor.

The John Anderson playground and the playground at Coon Lake Beach and Whispering Aspen as soon as we can work on them, we will make progress on them.

The Booster West parking lot, we will get some plans together. We will wait until after the baseball season and Booster Days. We will expand the parking lot to create another 80 spaces. The additional parking will go to the north. This is where the old BMX track was. Butler said there were certain deposits of different types of materials at the location. Davis said there use to be a BMX track at the location, but there isn't anymore. Kretchmar said

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there have been some scandals recently where BMX tracks have been built on fill locations.

Eveleth park we will probably get to by August. As scheduled right now we will install the fence as a safety precaution. We will move the playground piece and also the backstop. The fence part he would like to get done as soon as possible.

Booster East/Cedar Creek Trail, we are going through some revisions and review at the Council level. We are hoping for approvals at the next meeting or hopefully by the next meeting. WE hope to get it out to bid by the first of May.

Butler stated bicyclers are supposed to go with traffic. Davis said if it is a street but is designated part of a trail, then the local authority can designated the way of the traffic on the trail Butler said so we are going to tell our youth to ride one way on the street and a different way on the trail. Council's opinion of three and four feet is not an adequate separation.

Coon Lake Beach park project we started last fall, all the playground equipment has been removed. All the old bark and pea gravel has been removed. There will be grading work done, and form work for sidewalks. As soon as road restrictions are lifted, we want to push this project and get it done. This will be a drastic improvement than it was. Butler said Harvey would want him to make sure the bricks that worked on the project are preserved. Davis said yes they are.

These projects are carrying over work from the 2009 Parks CIP or 2010 Parks CIP projects and are funded through the Parks Capital, Acquisition and Development or the Trails Development Fund as approved by City Council. The probable total cost for these projects is $455,000.

Hagenson compliment to Davis and his crew to get this large list done. Thank you for this. Davis said it is an ambitious schedule but we do want to get it done. We do have two seasonal workers. As long as we can keep the ability to fund these things, we will see a lot of improvements in our parks. The commitment of council and the foresight of this group have to be commended.

2011 – 2015 Parks CIP

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

This is something we typically do in the fall, but we have been asked to accelerate this for this year's budget process.

Attached is the 2010-2014 Parks CIP. We will discuss those projects that are listed for 2011 and determine if they need to stay in their current funding year or be rearranged to reflect any changes in our park priorities. Other projects can be added and existing ones can be deleted if there is a need for restructuring the schedule.

We need to complete this work by our April 2010 meeting.

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Davis wanted to go through each of the items in the CIP.

Parking lot at Northern Boundaries Park. This is quite popular with the sliding hill in the winter; and it is used by more than just the immediate neighbors. Boyer would like to get away from using asphalt at every location. Davis said he would be in favor of non-asphalt parking areas. We would want to make sure we have the edge outlined. Butler said he was thinking about Anderson Park would not be accessible due to traffic. We were looking at upgrading the equipment at Whispering Oaks equipment in the long range plan. Davis said the Wild Rice Drive project should be completed by July 15. That is a good point, but the job will be done before anything could be done at Whispering Oaks.

Norseland Manor Park parking lot needs to be done as it is used for baseball. It is one of the best baseball fields, but we need to get fencing in there.

Davis said we have included and discussed Norseland as an internal contained trail/park. It would be inexpensive trail that could be put in. This one is more of a regional park, versus a neighborhood park.

In 2011 we have plans to replace some of the playground equipment in Norseland park.

2011 we will be adding some equipment at Whispering Oaks Park. There are a couple of pieces of equipment they would want to see added.

At Booster park we need to do some work, like adding a variable frequency drive and replace some sprinkler lines. The variable frequency drives and sprinkler lines we would contract out.

2011 Booster East/Cedar Creek trail 224th lane and Xylite portion of this project is in the final design and easement acquisition phase.

Davis said the projects for 2011 are fairly sound and go along with the goals that we established. The total amount of projects scheduled for 2011 is $253,000.

Hagenson said these funds are all based on 40 homes being built. Davis said yes, that is correct. The next phase will be to look at the budget numbers and see if we can afford to do those. Right now we probably won't have 40 homes built in 2009. Hagenson said the recovery generally will start in the city, and move out. Boyer said we will have a sewer system which we are getting close to breaking ground on. That can be a driver of development. The dedication fees are due when final plat is completed.
Butler said he thinks what is set down for 2011 looks really good, but we need to wait until we get the budget is done.

Langmade wanted to talk about the sign at the community center and people want to use the facility at Whispering Aspen. There is no signage at the community center building. Davis will check into to. Davis said there is $3000.00 in sign budget and we can look at this, and see what we want to do there.

Boyer said to make Council's life easier when you look at this you might want to rank these projects so that they can be reduced easily. Davis said he will assign his priorities to

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them and they can be removed at the next meeting. Boyer said you might want to have one or two projects more than you can afford. Hagenson said you have not listed them in any order of priority at this time. Davis said the only one that he would like to make sure we do is the Booster West irrigation repair. Hagenson said that the priorities are almost budget driven. Davis said he will break down the costs for each project for options.

Conservation Design Development

Langmade thanked the Park Committee for attending the meeting we had last week and Davis for getting the information to the Committee.

Davis thanked the Parks Committee for attending. There was a great turnout. The biggest thing that pertains to Parks is the greenways. We will need to review open space and trail plans. For now, the Parks will be looking at the comp plan that we developed and the greenways and corridors. This is just information only. Does anyone have any questions or want to discuss it further.

Hagenson had a question on the low impact section, reducing road with and sharing parking facilities. Are they talking parking lots of business or residents sharing driveways. Davis said this would be more for residential. The shared driveways that could be discussed. Hagenson said these are not in place, but being considered. Kretchmar said some people do share driveways. Boyer said they are non-conforming. This would refer to future development and not existing development. Hagenson said they call them clusters; they are gearing on the 50% open land and are they are going to cramp houses in an area.

Davis said this is all draft at this point, but we want to have Parks input on what directly affects Parks. Boyer said he doesn't not think Council has made any decisions on this at this point. He believes every committee will be involved in one aspect or another. His personal belief should review this entire ordinance that is his expectation, and may not be everyone else's opinion on council. A good part of conservation design is based on not connecting roads. There will be certain tension between the ways things were/are in the past to move forward to conservation design.

Boyer said this was done once in the past, and it didn't succeed. Boyer hopes this is taken slowly. Langmade asked about ownership of property along Cedar Creek. Davis said it is about 1/3 private, a 1/3 the City and 1/3 the University.

Hagenson said with the estimation of having a minimum of 20 acres, how many would it affect. Davis said this would be more for the PUD developments. Boyer said the City is about 52% wetlands and about 50% developed. Butler asked how many residential units we have currently and how many would this impact in the future. Boyer said there are about 4,600 housing units in the City and if you would assume we are 50% full, you double the amount and you could put in another 4,600 units. Boyer said this is a fluid entity. Boyer this is where issues arose before. There is no one has a 40 can't carve it up into 2 acre lots. In the previous proposal, it offered people a bonus. How the formulas will work, Boyer can't say. He doesn't want to talk about cluster housing. He will talk about conservation design, neighborhoods, but we will not talk about cluster housing. He wants to talk about them in the community meetings. Boyer said people tell him how much they really like the meetings coming out to them. He would like to see the meetings scheduled to be in the parks May through September.

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Conservation design refers to a subdivision design process and set of principles that preserve the rural landscape and the city's natural resources. Conservation design requires careful attention to site planning and delineate areas to be protected as open space and areas to be developed as home sites. Ideally, a conservation design will identify unique, scenic or significant natural features of a site to be preserved in large contiguous blocks. Homes and lots are then laid out to maximize visual and physical access to the open space by the residents. Homes are typically clustered together on smaller lots, usually in a few areas of the site, to maximize each resident's access to the open space.

Conservation design is an ecological way to treat storm water as it utilizes low impact development (LID) techniques. LID mimics pre-settlement hydrology and treats storm water as close to its source as possible by preserving natural drainage systems, soil infiltration capacity, and vegetated open space. LID approached incorporate small-scale storm water treatment systems that replicate natural processes in detaining and filtering storm water. These design techniques along with reduced impervious surfaces, result in reduced runoff volumes and rates. The more open, rural character of conservation design allows for reduced street widths, no or few curbs, and treatment of most, if not all, storm water on site.

Preserving and restoring the natural world, especially where we live and work, is one of the nation's most important conservation goals – and providing greenways (ecological corridors) may be one of the most beneficial and effective conservation strategies to accomplish it. We are learning more about the importance of the "linkage" that greenways provide in maintaining and restoring ecological processes. In order for greenways to fulfill their ecological potential and to decrease the impacts of development, there needs to be a connectivity of greenways throughout the landscape.

As part of the creation of a Conservation Design Ordinance, there are other significant documents that play an integral part in the success and the ability to enforce a conservation design ordinance. These documents include an update to the Water Management Plan, create a Storm Water Management Ordinance, refine the future greenway and significant natural environmental areas (SNEA), update SNEA and PUD sections of the zoning code and create guidance/educational documents for stakeholders, residents, developers, etc.

Council Report

Council approved temporary workers for parks.

Davis said he will be meeting with the Linwood Park and Recreation Commission on the 21st. We are going to see if we have any mutual interests. Butler asked if this would be via Durant. Davis is not sure what way they are proposing coming up there. Boyer said before they have talked about coming up County Road 15. Davis said we are going to meet with them and see what they have planned.

Adjourn

Butler made a motion to adjourn the March 10, 2010 meeting at 8:18 PM. Hagenson seconded; all in favor, motion carries.

Submitted by:
Jill Teetzel
Recording Secretary

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City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

* *

Agenda Item Number:
Item 8.0 C.1

* *

Agenda Item:
Road Commission Meeting Minutes for March 9, 2010

* *

Requested Action:
Information Only

* *

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

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Fiscal Impact:
None

* *

Recommendation(s):
Information Only

* *

City Council Action

Motion by:________________ Second by:________________

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Vote Yes:_____ Vote No:_____

No Action Required:__X___

EAST BETHEL ROAD COMMISSION MEETING
March 9, 2010

The East Bethel Road Commission met on March 9, 2010 at 6:30 PM at the City Hall for their regular monthly meeting.

MEMBERS PRESENT: Roger Virta Pat Monnier Al Thunberg
Michael Warsko Deny Murphy

MEMBERS EXCUSED: Jeff Jensen No members absent

ALSO PRESENT: Jack Davis, City Public Works Manager
Kathy Paavola, Council Liaison

Adopt Agenda

The March 9, 2010 meeting was called to order by Chairman at 6:30 PM.

Monnier made a motion to adopt the March 9, 2010 agenda. Virta seconded; all in favor, motion carries.

Approve – February 9, 2010 Meeting Minutes

Virta made a motion to approve the February 9, 2010 minutes as written. Murphy seconded; all in favor, motion carries.

Road Financial Information – Roads Capital Funds Summary

Monnier asked what street maintenance materials, what is in that? Salt, all expenditures to date have been for salt. $8,500 for miscellaneous gravel. Money for culverts, black dirt, etc. The street maintenance materials $31,000 of it is for salt. To date we have $24,000 in salt already this year. The reason it seems disproportionate is because most of salt purchases are done in January and February. We hopefully will have 100 tons of salt to carry over till the fall. Right now we have 120 tons of straight salt and another 100 tons of sand/salt mixture. Hopefully this will carry this to the first couple storms of next winter. Paavola asked how often the City purchase sand/salt. Davis said we can store about 300 tons. It takes about three days to get the salt and the sand can come generally the next day. Murphy asked if there is any advantage to getting the salt now before fall. Davis said we are on the State contract for salt, we have to purchase at least 80% of what we submitted for and can only go over by 20%. Otherwise we have to pay market price. We will be on a new State contract price in the fall. The salt prices have gone up significantly over the past three years. Monnier asked if we would have enough money in the budget for the summer time projects. Davis said yes, because a lot of it comes out of street maintenance services and street capital budget.

Class V Projects

Davis stated each year we review the projects.

The following streets were resurfaced as Class V/Lime Rock projects in 2009:

1.) Xylite and 216th Street…….. 4,800’
2.) Nassau Court……. 1,100’
3.) Packard Street……... 1,800’
4.) 189th Avenue……..1,800’

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5.) Taylor Street……...1,500'

The remaining unpaved streets that are in the 2006-2012 cycle for resurfacing treatment are:

1.) Skylark Ave……..3,000'
2.) Allen Street……...1,500'
3.) Jewell Street……..3,000'
4.) Palisade Street……...2,700'
5.) Klondike Dr.…… 5,300'
6.) Kissel Street……..1,100'
7.) Edison Street……. 800'
8.) Xylite Street……...2,900'

It is recommended that Skylark Avenue and Allen Street be resurfaced with Class V material and that Xylite Street be resurfaced with lime rock. Estimated costs for Skylark and Allen Streets are $15,000 and $18,000 for Xylite Street. There is $35,000 in the 2010 budget for these projects. If the bids for this work should be less than the estimates it is recommended that Jewell Street be considered as the next priority.

Klondike Drive is another candidate for resurfacing, but due to the traffic volume on this street resurfacing other than paving may be only a temporary solution to the problem on this road. Class V would not be a suitable product for resurfacing on this road and lime rock application would cost approximately $45,000. Selection of this road for a non-paving resurfacing would have to be done over a two-year period and postpone any other work on other unpaved road improvements until 2011. There really is no easy answer for Klondike, the ultimate solution is to pave Klondike.

The costs for these projects are for material and delivery and the cost would be $33,000. The City absorbs the cost of the grading and compaction of this material. If the bids are low enough, the next street he would recommend would be Jewell Street. Davis stated he anticipates these prices are conservative.

Thunberg stated if we have a smaller amount, would we look at doing a different street like Kissel versus Jewel. Davis said both Kissel and Edison only have a couple houses on the street and they could wait a couple of years. They are very low traffic counts.

Thunberg asked what portion of Palisade. That is the one by the gun club. Davis said there is one resident that is served back there, but all of the traffic is due to the gun club. They have not volunteered to participate, and they do not complain about it. Klondike is a lot worse than Palisade. Palisade, Kissel and Edison are at the bottom of the list based on traffic count and need.

Murphy stated last month we discussed Xylite, and it was paved last year. Isn't the street we are referring to Zumbrota. Davis said yes, that is correct.

Wasko asked if they are bid individually or all as one. Davis stated all as one.

Monnier motioned to recommend to the City Council approve Skylark, Allen and Xylite Streets for resurfacing projects and adding Jewell Street as the next priority if budget funds are available. Murphy seconded; all in favor, motion passes.

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MSA Mileage Designation

Attached is the annual certification of mileage that is submitted to MnDOT. The certification is used to calculate MSA mileage for the City. We have 0.25 miles that we can add to the MSA system.

Roads Commission at their February meeting recommended that Longfellow Drive be named an MSA street and that the 0.25 miles available for assignment be designated to Longfellow Drive. It has been brought to staff's attention that a partial designation of a route is not permissible under the program regulations and an entire route must be declared an MSA Street.

In order to accomplish this designation for Longfellow Drive another MSA city street would have to be removed from the MSA status. A review of the existing MSA streets indicates that East Bethel Boulevard between 216th and 229th Avenue is a candidate for removal from our current MSA street list. If this street were removed from MSA designation it would allow an additional 10,500' of additional street plus the 0.25 mile (1,320') available for new MSA mileage to be applied to another street in the City. If we added Lincoln, Lakeshore and Laurel along with Longfellow we would have an additional 11,600' that could be designated as an MSA route. This mileage would match the mileage of East Bethel Boulevard plus the additional mileage (0.25) allowed from the 2009 Annual Certification. This would be a loop route and as such would not meet existing MSA program regulations which state their must be connectivity on each end with a county road, county state aid highway or state trunk highway. However, there may be a possibility of obtaining a variance to this requirement due to the traffic count on Lincoln and Longfellow and the fact that this street is the essentially the basic access to this area. The area in Coon Lake Beach has about 1000 residents. This is a populous area. Monnier these are streets that probably wouldn't be affected for sewer and water. Davis said some of it would be, but the area that we are concerned about needs a lot of work. Longfellow and Lincoln is almost as bad as Jackson Street to the south. Lakeshore is in pretty good shape. Paavola stated there is definitely a lot of traffic on Lakeshore.

As far as any other streets that needs it. There are very few that meet the qualifications. Thunberg asked about University Avenue, if it is MSA. Davis stated yes it is, but the City is trying to do a cooperative project with the City of Oak Grove. Davis stated the roads need to designate for 20 years. Virta said East Bethel Boulevard has been designated for 20 years. Davis said yes it has been.

Paavola asked you have to ask it from MnDOT. Davis stated if we approve this, then City Council will approve a resolution and then we will go for a variance.

Monnier confirmed if you can advance the funds up to two years in advance. Davis stated yes. Thunberg asked if you have to upgrade the roads to the standards. Davis said you have to designate the loop route to even qualify for the variance. Virta so the process of designating requires a loop. Davis said yes, we need the look for the connectivity. Virta stated assuming the loop is approved; we could do portions as they are needed.

Monnier motioned to recommend to council removing the MSA designation for East Bethel Boulevard and allocating this MSA mileage to the Coon Lake Beach Loop (Lincoln, Lakeshore and Laurel). Murphy seconded; all in favor, motion carries.

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TH65 – CH74 Signalization Project

In 2007, Anoka County applied for a Highway Safety Improvement Program (HSIP) grant that provided for a signalization project at the intersection of State Trunk Highway and 221st Avenue NE (County road 74). Monies for the project were not approved in this funding round as the project did not receive the necessary ranking required for funding.

This project was submitted again for the 2009 funding cycle. The project ranked 4th out of 30 projects in the County that were considered for improvements. The project has been identified for funding estimated at $1.2 million dollars as part of Federal Fiscal Year 2013 or 2014. Construction would include improvements to left turn lanes along Trunk Highway 65; addition of left turn lanes on County Road 74 and signalization for this intersection. Construction under scheduled guidelines would begin in 2013 or 2014 depending on the County's schedule. They try to schedule these projects over a 2-year work period, completing in 2015.

Recognizing the need to accelerate this project, City Council had discussed several options and directed staff to initiate discussions with the Anoka County Highway Department (ACHD) to examine alternatives to "fast track" the project. Staff discussed this matter with Mr. Doug Fischer, Anoka County Engineer. Mr. Fischer provided three options and associated costs for the project for Council review.

On the attached worksheet provides for the three options as follows:

Option #1
The County would manage the entire project including all design, environmental, permits, inspection and construction activities. There would be no advance construction considerations under this option. The construction phase would be in 2013 or 2014. This would be completed in 2015.

Option #2
The County would manage the entire project including all design, environmental, permits, and construction activities. Inspection services would contract for $100,000 and, there would be a "financing charge" of $30,000 for advancing the project one year. The City would be responsible for these additional costs of $130,000. The project, with advanced construction, would be completed in 2012 or one year earlier than Option #1.

Option #3
The County would manage the entire project but would contract for all design, environmental, permits, inspection and construction activities. These contracted services would $100,000 for inspection services, $140,000 for design and environmental services, $20,000 for ROW Acquisition services and a "financing charge" of $60,000 for advancing the project two years. The City would be responsible for these additional costs of $280,000. This project would be completed in 2011.

The County has indicated that the construction cost of $1.2 million includes $120,000, 10%, in a local match. They have assumed that the City would contribute $60,000 of the $120,000 in addition to any other costs the County may incur for advancing this project. The City responded that this is a County Road intersecting a State Highway. This is not a City road.

Under Option #1, the City would be responsible for only $60,000. Under Option #2, the City would be responsible for the advance funding costs of $130,000 plus the local match of

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$60,000 or $190,000. Under Option #3, the City would be responsible for the advance funding costs of $280,000 plus the local match of $60,000 or $340,000.

This project could be delayed as far out as 2015 if the County schedules the project based on their perception of need. Further, that the City would be expected to invest up to $340,000 in a road project that is at the intersection of a State Highway and a County Road if the project is moved to 2011. Council had indicated a willingness to share in the reasonable cost of advancing this project.

City Administrator Sell has requested a meeting with our County Commissioner and Doug Fischer to answer some of our questions about cost assignment. The City was not informed about the local share of project until the grant was apporved. This project is about an 8 week project. The City Engineer said construction inspection and environmental costs seems high. We would like to get some more detail and get some relief from the numbers they are stating here. Murphy said when he read through this at home, it really upset him. Paavola stated it is there way or no way. Thunberg said if they are reducing their internal cost, why do we have to pay this. There is still the grant they are receiving. Virta is it someone pushing back, based on our attempts to direct the time frame of the project. Paavola said it is not fair. It makes her very frustrated that we cannot work with them at all. This is not right. Five years from now how many people will be dead. Thunberg stated we are on the right track right now. Davis stated we are going to try to work with our County Commissioner. Monnier said I have no faith in the County or our County Commissioner. This is a safety improvement. Virta said it is like it is the County's deal and they don't care. Davis said it is a County Road and a State Road and the City is expected to pay a local share. Thunberg said we don't have to pay on any other County Roads. Paavola said we are being fought tooth and nail. This is what we get when we are trying to do the right thing. Thunberg said they are only concerned about the southern part of the County where there is population. Monnier said since our last meeting there has been more accidents at that intersection.

There are no funds available from City sources to fund the advance construction costs under Options #2 and #3. Bonds could be issued but there are no grant funds to reimburse the City for these costs.

Thunberg asked if there is a meeting set up already. Davis said no they are trying to get something set up. Thunberg said will Commissioner Lang be there. Davis said they are trying to make sure he is there.

Davis stated we found out that our grant proposal for the service road from 221st Ave. to 215th Ave. has been tentatively approved. That would be started in 2012.

Thunberg had a question of the City Council meeting minutes about when the roads would be marking all the roads. Wasn't the recommendation to mark them on an as needed basis. Davis stated yes, that is not correct.

Adjourn **Monnier made a motion to adjourn the March 9, 2010 meeting at 7:25 PM. Murphy seconded; all in favor, motion carries.**

Submitted by:

Jill Teetzel
Recording Secretary

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City of East Bethel
City Council
Agenda Information

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Date:
April 21, 2010

* *

Agenda Item Number:
Item 9.0.E.1

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Agenda Item:
Code Enforcement Report

* *

Requested Action:
Informational Only

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

Attachments:
Code Enforcement Report

* *

Fiscal Impact:
None

* *

Recommendation(s):
Information Only

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:__X___

POSTED UNFIT/HAZARDOUS PROPERTIES 04/21/10

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
607 Viking Blvd.	2/20/08 Posted unfit	5/28/09 court approved abatement	Tracking	Currently tracking for activity, owner has not been cooperative. Property has remained secure therefore it is currently a low priority for the cost to raze the structure is estimated between 10 - $15k.
22906 Jackson St.	3/19/08 Posted unfit	Demo permit issued 4/29/08, Haz. Excavation orders sent 6/29/09	Tracking	New buyer states that they have a purchase agreement with owner. Site survey was conducted last week for placement of new home, buyer plans to submit plans for new home by 1 June 2010.
19245 Greenbrook Dr NE	5/23/08 Posted unfit	4/9/09	Closed	New owner has removed accessory structures and paid outstanding City assessments.
191 Elm RD	6/6/08 Posted unfit	11/15/08 exterior abatement	Closed	Principle structure has been razed by the county.
2403 Viking Blvd.	7/18/08 Posted unfit		Closed	New owner has razed the structure and cleaned exterior of property
220 Dogwood Rd.	11/6/08 Posted unfit	11/26/08	Closed	Structures removed
204 Dahlia Dr. NE	11/6/08 Posted unfit	7/6/09 Court ordered abatement.	01/15/09 Tracking	Court will hear case, order for abatement, 04/26/2010.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
619 Lakeshore Dr.	11/13/08 Post as a Hazardous structure	12/04/08	Closed	Structure removed
348 Aspen/ Rev. Bullock property	11/13/08 Blight/Public Nuisance	6/10/09 Meeting with new property owner	Closed	Owner has abated nuisance
172 Juniper Rd.	11/6/08 Posted Unfit	11/24/08	Closed	Structure removed
Castle Towers Trailer Park	Eleven structures posted as Unfit/Hazardous since Oct 2008	01/27/09 Compliance letters for hazardous structures	Tracking	3/9/10 City staff began sweep of park for compliance related issues.
22568 Sandy Dr.	12/10/08 Hazardous/Unfit Structures	02/8/10 Final Compliance letter sent	Tracking	Initial letter to abate forwarded February 8, 2010 with a March 31, 2010 compliance date. Some correction has been made. Revised letter sent to abate final nuisances by June 1, 2010.
234 Birch Rd.	3/10/09	6/10/09	Closed	New owner has abated nuisance.
4631 Viking Blvd.	3/13/09 Posted Unfit	4/1/09 Contractor Abated Property	Closed	Property sold and assessments have been paid. New owner plans on rehabilitating the property.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
604 Lincoln Dr.	Posted principle structure located on east end of lot 3/16/09	5/8/09 Demo permit issued on May 8, 2009	Closed	Structure has been removed.
221 Birch Rd.	Demo permit issued 6/24/08	Building permit issued 4/16/09	Tracking	Building Official currently working with representatives from Well Fargo property preservation department. Wells Fargo intent is to clean up the property. The owner is currently in the redemption period and is to return to court the April 29th for the public nuisance charges.
191 Elm Rd. Garage	Posted structure (Garage) as unfit for human habitation on 9/22/09		Tracking	Owner was ordered not to reside in the garage and given 14 days to clean out the interior. Currently tracking. Have asked Anoka Co. Sheriff to cite individuals with trespass if staying on the property.
421 Cedar Rd	11/17/09 Sent letter to owner to abate nuisance	Issued demo permits 12/02/09	Closed	Demolition permits issued on 12/2/09. Contractor started razing the structure on 12/2/09. Work completed on 12/7/09.

ADDRESS	ACTION INITIATED	LAST ACTION	STATUS	COMMENTS
4306 Channel Ln.	11/19/09 Residential structure posted as unfit for human habitation due to fire damage	12/08/10 Owner reviewing permit requirements with Building Official	Tracking	Building permits issues 04/2010
330 Dogwood Rd.	12/1/09 Primary residence unfit to occupy, public health issue,	Letter sent to owner on 12/02/09	Tracking	On 12/1/09 Building Official met with property care taker who represents the owner's interest. Building department found that the home was being occupied without having compliant sanitary facilities. It was determined by the building official that continued use of the home would be a public health issue. The occupant is moved out of the home on 12/5/09. Permits will be required to improve the sanitary facilities before occupancy is permitted
19079 Greenbrook Dr.	01/05/10 Residential structure posted as Unfit to Occupy	Spoke with maintenance Co. for mortgage lender on 01/11/10	Tracking	Property sold, outstanding assessments paid to city, building permits issued for repairs.
775 199th Ave NE.	02/17/10 Residential structure posted as Unfit to Occupy	02/22/10 Sent abatement letter to mortgage company	Tracking	Building and Fire department responded to a call from a utilities company employee from the property which was vacant. They stated that they could hear the water running in the home. Building and Fire forced entry and found that the basement had about eight inches of standing water. Staff secured the power and water.

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 9.0 E.2

* *

Agenda Item:
Magda Properties – Extension of Material Export from C.R. 22 and Highway 65

* *

Requested Action:
Consider Approving Extension to Export Materials off Site at C.R. 22 and Highway 65

* *

Background Information:

Property Owner:
Magda Properties
Tim Landborg
1507 205th Avenue NE
East Bethel, MN 55011

Property Location:
NW Quadrant of Trunk Highway 65 and County Road 22

On March 18, 2009, City Council approved Mr. Landborg's request to export 10 loads of material per day and once a year exporting 10,000 yards over a two week period. City Council minutes are attached for your review as attachment 1.

Mr. Landborg has requested a two year extension to continue exporting materials from the site. Mr. Landborg is not requesting to increase the amount of materials removed from the property; it is a continuation of the original project. He has been unable to remove all the materials as originally proposed.

The City Engineer has reviewed and commented on Mr. Landborg's request. On September 9, 2008, a Mining Performance Agreement (attachment 3) was executed. The City Engineer has no issues with the current request. However, the City Engineer recommends the Mining Performance Agreement be amended to reflect the changes in dates. The City Engineer comments are attached as attachment 2.

Mr. 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 the approval, Mr. Landborg will be required to extend the LOC until this has been completed. Staff recommends the LOC is extended until July 1, 2012. This will allow time for vegetation establishment once the project is complete.

Mr. Landborg is in compliance with the conditions set forth in the Mining Performance Agreement section 6, Conditions of Permits. One of the conditions holds Mr. 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 are continuing to be monitored. The monitoring reports are 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. Mr. Landborg has completed the excavation of the soils; therefore, the City Attorney is in 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.

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

Attachments:

1. March 18, 2009 City Council Meeting Minutes
2. City Engineer Comments
3. September 9, 2008 Mining Performance Agreement

* *

Fiscal Impact:

None at this time

* *

Recommendation(s):

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 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 requirements of the Mining Performance Agreement.
2. City Engineer comments must be satisfactorily met prior to the continuation of hauling.
3. City Attorney will need to amend 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 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.

* *

City Council Action

Motion by:_____ Second by:_____

_____

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_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

that 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. Staff will review this annually; 13) As part of the IUP, Mr. Friday will be required to obtain the appropriate permits with Ham Lake for grazable acreage on portions of the parcel not zoned rural residential. Mr. Friday will be required to submit the appropriate permits to the City of East Bethel, to be placed in the address file, prior to the IUP being issued.; 14) If Mr. Friday disagrees with staff calculations of grazable acres, Mr. Friday must submit a survey from a licensed surveyor to verify grazable acres; 15) Mr. Friday must submit a manure disposal plan to the City for review and approval. City staff may periodically inspect the property for compliance; 16) All conditions of the IUP must be met no later than May 18, 2009 except for condition 7. Failure to comply with all conditions will result in the revocation of the IUP. 17) The IUP has a term limit of three (3) years. Voss seconded. Hunter, nay; Boyer, Paavola and Voss, aye; motion carries.

Tim Landborg – Material Export from CR 22 and Highway 65

Sell explained that Tim Landborg is proposing to export 10 loads of material per day and possibly once a year exporting 10,000 yards over a two week period. Landborg is proposing to use the existing access onto County Road 22 from the previous Decker Lumber site located at 937 Viking Blvd.

On September 9, 2008, Landborg and the City of East Bethel executed a Mining Performance Agreement, Attachment 2, for the properties located at the northwestern corner of County Road 22 and State Highway 65. Part 6 K of the Mining Performance Agreement states that no export of material off site will be allowed until a traffic control plan is submitted and approved by the city.

The City Engineer has reviewed and commented on Landborg's request, Attachment 3. In Jochum's opinion, 10 loads per day would not have a significant impact on Viking Blvd and would not require additional traffic control measures. However, the export of more than 10 loads per day should require compliance with all county permits and requirements.

Staff and Landborg have been in contact with Anoka County Transportation Department, Attachment 4, in which Landborg and staff have additional questions yet to be answered by the county. At this time, the county has requested Landborg build a westbound right turn lane and an eastbound bypass lane if he is to utilize the previous Decker Lumber site. As an alternative, the county has suggested Landborg use Jackson Street NE as the haul access route. Staff and Landborg question the reasoning behind the request for a right turn lane and bypass lane if he is to use the existing access point for the previous Decker Lumber site but not if he uses Jackson Street NE as the hauling route. Jackson Street is a City street and is under the control of the City for traffic control purposes. Staff and Landborg do not see an increase of truck traffic from what the previous Decker Lumber business generated.

Staff is recommending City Council approve the export of materials off the site of County Road 22 and State Truck Highway 65 per the Mining Performance Agreement executed on September 9, 2008 with the following conditions:

1. Landborg is required to comply with all requirements of the Mining Performance Agreement.
2. City Engineer comments must be satisfactorily met prior to the commencement of hauling.
3. City Attorney may need to amend the Mining Performance Agreement.

4. No more than 10 loads per day are to be exported from the site.
5. More than 10 loads per day shall require Anoka County permits and must meet Anoka County requirements.
6. The export of materials shall expire on May 1, 2010; the same date the amended mining operation expires as outlined in the Mining Performance Agreement part 6.O.
7. 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.

Voss made a motion to approve the request of Tim Landborg to export materials off the site of County Road 22 and State Trunk Highway 65 per the Mining Performance Agreement executed on September 9, 2008 with the following conditions: Landborg is required to comply with all requirements of the Mining Performance Agreement. 1) City Engineer comments must be satisfactorily met prior to the commencement of hauling; 2) City Attorney may need to amend the Mining Performance Agreement; 3) No more than 10 loads per day are to be exported from the site; 4) More than 10 loads per day shall require Anoka County permits and must meet Anoka County requirements; 5) The export of materials shall expire on May 1, 2010; the same date the amended mining operation expires as outlined in the Mining Performance Agreement part 6.O; 6) 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; 7) Access must be off Viking from the Decker parcel; 8) Property erosion control needs to be maintained so there is no tracking on Viking Blvd.; 9) No staging of vehicles on Viking Blvd. is allowed: 10) Hours of export will be from 8:00 am to 4:00 p.m. Monday through Friday. Paavola seconded.

Boyer asked why Landborg wants to export 10,000 yards. Landborg said the Hoffman's are one of the examples and the state of economy this is one situation. He said one other person wanted to take it to the their property and use it for septics. Landborg said it is only three trucks hauling 8 hours a day for 5 days. He said it takes about 500 loads, at 20 yards a load and belly dumps and side dumps are over 20 yards a load. Voss said he would rather that Landborg minimize the impact or stretch it out. Hunter said this has good sight distance, etc. Landborg said he would rather just get it done. Boyer said he would be more restrictive in the hours. Voss said this is Monday through Friday. Landborg said he would like to start at 7:00 a.m. instead of 8:00 a.m. He said if he is doing 10 loads a day it isn't likely you are going to line them up.

Voss made an amendment to his motion 10) Hours of export are 7:00 a.m. to 7:00 p.m. if there is only 10 loads a day, otherwise it will be from 8:00 a.m. to 4:00 p.m., Monday through Friday. Paavola seconded the amendment; all in favor, motion carries.

Fire Dept Reports

Mr. Sell explained that the Fire Department reports of activities for the month of February, 2009 are provided for your review and information.

US Cable Contract for Fiber and Internet

Sell explained that this contract provides for a number of services including dedicated fiber between the Fire Station on Viking and City Hall and upgraded internet services. The proposed monthly charge for these services is $1278.00 which is provided for in the 2009 Budget.

Hakanson
Anderson
Assoc., Inc.

3601 Thurston Avenue, Anoka, MN 55303
Phone: 763/427-5860 Fax: 763/427-0520

April 14, 2010

Stephanie Hanson, City Planner
City of East Bethel
2241 - 221st Avenue N.E.
East Bethel, MN 55011-9631

RE: Landborg Mining Performance Agreement

Dear Stephanie:

Mr. Tim Landborg has an approved Mining Performance Agreement that will expire on May 1, 2010. We understand that Mr. Landborg would like to extend this agreement for two years. This letter is regarding the requested extension.

The majority of the work outlined in the Agreement has been completed. As we understand it, Mr. Landborg is requesting additional time to export topsoil materials that were excavated during the correction of the building pad area in the northwest corner of Viking Boulevard and Trunk Highway 65. The original Agreement stated that no off site export of material will be allowed without prior City Council approval. At the March 18, 2009 City Council meeting, Mr. Landborg requested exporting excess material off site. This request was approved by Council with ten conditions, which are outlined in the March 18, 2009 City Council meeting minutes.

We recommend approval of the Mining Performance Agreement extension with the following conditions:

1. The Agreement is revised with the ten conditions as outlined in the March 18, 2009 City Council meeting minutes.

2. The applicant provides a summary of the remaining work including a map that identifies the locations and estimated quantities of the material proposed to be exported.

3. All erosion control measures must be maintained. All disturbed areas must be provided with permanent stabilization within 7 days of final grading.

It should also be noted that the current letter of credit, $193,900 expires on July 1, 2010. As stated in the Agreement the letter of credit can be reduced to $54,000 upon showing proof that no neighboring wells or adjacent wetlands were impacted by the mining operation.

Attachment #2

If you have any questions regarding these comments, please call me at 763-852-0485.

Sincerely,
Hakanson Anderson Associates, Inc.

Craig J. Jochum, City Engineer

CJJ:dmb

Attachments

cc: Douglas Sell, City Administrator
Jack Davis, Public Works Manager
Gerald Randall, City Attorney
Tim Landborg, Applicant

COPY

MINING PERFORMANCE AGREEMENT

AGREEMENT, made this 9th day of September, 2008, between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota, ("City") and Timothy Landborg ("Permittee").

1. **Request for Mining and Conditional Use Permits.** The Permittee has requested that the City approve a mining and an amended interim use permit for the following lands being legally described as:

The Southeast Quarter of the Northwest Quarter of Section 29, Township 33, Range 23, Anoka County, Minnesota, EXCEPT Parcel 35, as shown on Anoka County Highway Right-of-way Plat No. 13.

AND

The Southwest Quarter of the Northwest Quarter of Section 29, Township 33, Range 23, Anoka County, Minnesota, EXCEPT the north 300 feet of the west 726 feet thereof.

AND

The Southeast Quarter of the Northeast Quarter of Section 30, Township 33, Range 23, Anoka County, Minnesota, EXCEPT the west 370 feet of the north 888.65 feet thereof.

2. **Conditions of Approval of Permits.** The City agrees to approve and issue the mining and amended interim use permit on condition (i) that the Permittee enter into this Agreement and perform the undertakings and furnish the security required herein; (ii) that the Permittee comply with all requirements of the City's approval and the **Conditions of the Permits** and (iii) that the Permittee comply with all applicable requirements of the City's ordinances for the permits.

3. **Right to Proceed.** The Permittee may not proceed under the permits until the following conditions have been satisfied: (i) this Agreement has been fully executed by all parties and filed with the City Clerk; (ii) all conditions contained in the Agreement have been met; and (iii) the security required pursuant to Section 12 hereof has been received by the City.

4. **Mining Plans.** The mining will be performed in accordance with the plans on file in the office of the City Clerk and the conditions stated below. If the plans vary from the written terms of this Agreement, the written terms will control. The plans (hereinafter the "**Plans**") are:

A. Grading, Drainage and Erosion Control Plan for Viking Boulevard Site (six sheets total) by RLK, Incorporated, dated March 8, 2007 (Sheets 2, 3 and 6) and April 2, 2008 (Sheets 1, 4 and 5).

B. Geotechnical Evaluation Report, Landborg Property, prepared by Braun Intertec Corporation, dated April 14, 2006.

Attachment #3

All written comments and requirements of the City Engineer prior to the date of this Amended and Restated Agreement also are part of the **Plans** and are incorporated herein by reference, including but not limited to the City Engineer's letter to Stephanie Hanson, City Planner, dated May 15, 2008; Anoka Conservation District letter to Stephanie Hanson, dated February 11, 2008. RLK letter to Lawrence Zdon of MPCA, dated April 3, 2008; Technical Evaluation Panel "Finding of Fact" dated 4/2/08 and MPCA review letter by Lawrence Zdon dated March 10, 2008.

In the case of any dispute regarding any of the **Plans** and the Permittee's obligations under the **Plans** and this Agreement, the decision of the City Engineer will control and be final.

5. **Mining Operations.** The Permittee will perform, install, and pay for all the mining operations (hereinafter the "**Operations**") as shown in the **Plans**. Security will be provided for the **Operations** listed below:

A. Strip topsoil and organic soil over approximately 45 acres and stockpile for reuse

B Excavate two ponding areas to fill the building pads

C. Haul and place the granular material on the building pad area

D. Replace the stripped topsoil and restore vegetation

The **Operations** will be performed in accordance with City ordinances and standards and the **Plans**. The Permittee will obtain all necessary permits. The City, when reasonably required to do so and at the Permittee's expense, may have one or more City inspectors and a soil engineer inspect the work. Within 30 days after the completion of the **Operations** for either parcel, and before any security is released, the Permittee will supply the City with a complete set of reproducible "as built" plans on electronic disc and two complete sets of blue line "as built" plans, all prepared in accordance with City standards.

The **Operations** will be guaranteed and secured as provided in Sections 12 and 13.

6. **Conditions of Permits.** The Permittee agrees to abide by and perform all **Operations** consistently with the following **Conditions of the Permits**:

A. All equipment used in conjunction with the **Operations** must be maintained and operated in such a manner as to minimize noise levels at and adjacent to the site. Maximum noise levels at the site must be within limits set by the MPCA and the EPA;

B. **Operations** and hauling hours must be between 7:00 a.m. and 7:00 p.m., Mondays through Fridays, or as otherwise approved by the City Council;

C. The Permittee must comply with all applicable City, County, State, and Federal regulations for the protection of air and water quality;

D. Dust control must be provided at all times during excavation operations;

E. Temporary safety fencing may be required where unsafe conditions warrant. If unsafe conditions persist, perimeter fencing may be required;

F. A revised site survey may be required by the City to update any modifications, and a final survey reflecting "as built" conditions is required;

G. City Staff and other agencies will have access to the subject property at reasonable times to monitor site activities;

H. Approval of the permits is contingent on comments from the City Engineer being met;

I. The Permittee will be responsible for the remediation of neighboring wells if the **Operations** result in the failure of any well in close proximity (within 1000 feet) to the subject property;

J. No export of material off site will be allowed without prior City Council approval;

K. All WCA Technical Evaluation Panel (TEP) comments must be addressed and approved by TEP prior to the issuance of the amended interim use permit and the grading/mining permit, including final wetland delineations and water monitoring plan;

L. All comments and concerns of the City Engineer must be addressed to his satisfaction prior to the City issuing the amended interim use permit and the grading/mining permit;

M. Commencing the first Monday of the **Operations**, at 9:00 a.m., bi-weekly meetings will be conducted on site by the Permittee with City residents owning property or residing within 1,000 feet of the subject property to address matters of concern and questions the residents may have concerning the **Operations**;

N. The amended interim use permit will expire on May 1, 2010;

O. The Permittee must obtain a water appropriations permit from the Minnesota Department of Natural Resources prior to the City issuing the amended interim use permit and grading/mining permit; and

P. This project contains wetlands within and adjacent to the property boundaries that are not proposed to be impacted by fill or excavation. There is a potential, however, for these wetlands to be permanently impacted by the Permittee's dewatering operation. If additional wetland impacts occur, the Permittee will be required to replace all impacted wetlands in accordance with the Wetland Conservation Act.

7. **Time of Performance.** The Permittee must complete all **Operations** by May 1, 2010.

8. **Right of Entry and Final Inspection.** The Permittee hereby grants to the City, its agents, employees, officers, and contractors, the right of entry to enter all of the subject property to perform any and all work and inspections necessary pursuant to this Agreement or deemed appropriate by the City during the course of the **Operations** by the Permittee or the City or to make any corrective action deemed necessary by the City.

At such time as the Permittee believes the **Operations** for either parcel have been completed, the Permittee will petition the City in writing for a preliminary final inspection of the subject property and the preparation of a punch list of items of work that must be corrected or are incomplete. The City will perform the inspection and furnish the punch list within 15 days of receipt of the petition. The Permittee will promptly undertake correction/completion of all items on the list and notify the City in writing when all such work has been completed. The City will perform a final inspection of the **Operations** within 15 days of receipt of such notice.

9. **Erosion Control.** After the site of the **Operations** for either parcel is rough graded, but before any mining is commenced, the Erosion Control Plan will be implemented by the Permittee and inspected and approved by the City. The City may impose additional erosion control requirements if, in the opinion of the City Engineer, they would be beneficial. All areas disturbed by mining and backfilling operations will be reseeded forthwith after the completion of the work in that area. If the Permittee does not comply with the Erosion Control Plan and schedule or any supplementary instructions, the City, with reasonable notice, may take such action as it deems appropriate.

10. **Grading, Drainage, and Erosion Control Plans.** Grading will be in accordance with the approved plans listed in Section 4. Within 30 days after completion of grading and before any security is released, the Permittee will provide the City with an "as built" grading plan. The "as built" plan will include field verified elevations of the location of the Operations.

11. **Clean Up.** The Permittee will promptly clean any and all dirt and debris from streets resulting from work by the Permittee, its agents, or assigns.

12. **Security.** To ensure compliance with the terms of this Agreement and performance of the **Operations** as herein provided, the Permittee will furnish to the City an irrevocable standby letter of credit, from a bank, ("security") as follows:

Complete Grading	$20,000
Replace Topsoil (36,300 C.Y. x $2.50)	$72,600
Restore Seed (45 Acres x $800)	$36,000
Subtotal	$128,600
Total (150%)	$193,900

The term of the letter of credit must be for a period commencing the date hereof and expiring no earlier than July 1, 2010. The Permittee may reduce the letter of credit to $54,000.00 upon a) completion and acceptance by the City of the grading and replacement of topsoil and b) showing proof satisfactory to the City Engineer that no neighboring wells have been impacted by the **Operations** and that there have been no additional wetland impacts as noted in Section 6, paragraphs I and P. In the event that any wells or any additional wetlands have been impacted, any excess of Permittee's security may be drawn down and applied toward remediation of those impacts. If reduced, the letter of credit must remain in place until September 1, 2011. The applicant may be required to extend the letter of credit if the turf is not established 30 days prior to the expiration date.

The City may draw down on the security for any violation of the terms of this Agreement. Before drawing down on the security, the City will make a reasonable effort to give

timely notice to the Permittee, but such notice will not be a condition precedent to drawing down the security. If the required **Operations** are not completed at least 30 days prior to the expiration of a letter of credit, the City may also draw down the letter of credit. With City approval the security may be reduced from time to time as the Permittee's obligations under this Agreement are met.

The Permittee also must deposit with the City upon the signing and delivery of this Agreement the amount of $99.75 to cover the negative balance in its escrow account on the date hereof plus an additional $1,500.00 to cover the cost of all future City staff services (administrative, legal, engineering, and inspection) to be incurred in the performance of this Agreement. The total deposit will be $1,599.75. The City may draw down on said deposit as costs for such services are incurred by the City upon timely notice to the Permittee. If the costs for such City staff services exceed the additional $1,599.75, the Permittee will pay the excess upon presentation of a statement or statements for the same. Amounts not paid within 15 days from the date of a statement will be assessed a ten percent late payment charge and bear interest on the total then due at the rate of eight percent per annum from the date of the statement until paid in full. Any balance in said fund at such time as the Permittee is released from all its obligations hereunder will be refunded to the Permittee.

13. Warranty. All restored grass and vegetation is warranted to be alive, of good quality, and disease free on July 1, 2011.

For such purposes as may be necessary in connection with execution and enforcement of this Agreement, warranty, and guarantee, and any dispute as to what is meant by the **Plans**, the decision of the City Engineer shall be final.

14. **Responsibility for Costs.**

A. The Permittee will hold the City and its officers and employees harmless from claims made by itself and third parties for damages sustained or costs incurred resulting from the **Operations** or any work performed by the City as a result of the Permittee's default hereunder. The Permittee will indemnify the City and its officers and employees for all costs, damages, or expenses which the City may pay or incur in consequence of such claims or work, including attorney's fees;

B. The Permittee will pay in full all bills submitted to it by the City for obligations incurred under this Agreement within 30 days after receipt. If the bills are not paid on time, the City may halt the **Operations**, until all bills are paid in full. Bills not paid within 30 days will accrue interest at the rate of 10% per year.

15. **Permittee's Default.** In the event of default by the Permittee as to any of the work to be performed by it hereunder, the City, at its option, may perform the work and the City may then drawn down the security established in Paragraph 12 to pay for any work undertaken, provided the Permittee is first given notice of the work in default, not less than seven days in advance. This notice provision does not apply if the work performed by the City or its contractors is of an emergency nature, as determined at the sole discretion of the City. Should such emergency work be required, the City will make all reasonable efforts to notify the Permittee as soon as possible. Should the City perform any of the work, the Permittee will hold the City harmless from any and all liability in connection with completion of the work.

16. **Miscellaneous.**

A. Third parties will have no recourse against the City under this Agreement;

B. Breach of any of the terms of this Agreement by the Permittee will be grounds for denial or revocation of the mining and the conditional use permit;

C. If any portion, section, subsection, sentence, clause, paragraph, or phrase of this Agreement is for any reason held invalid, such decision will not affect the validity of the remaining portion of this Agreement;

D. The action or inaction of the City will not constitute a waiver or amendment to the provisions of this Agreement. To be binding, amendments or waivers must be in writing, signed by the parties, and approved by written resolution of the City Council. The City's failure to promptly take legal action to enforce this Agreement will not be a waiver or release;

E. This Agreement will run with the land, will be recorded against the title to the property, and will be binding on all parties having any right, title, or interest in the land or any part thereof, their heirs, successors, and assigns. After the Permittee has completed the work required of it under this Agreement, at the Permittee's request, the City will execute and deliver to the Permittee a release or partial release(s) of this Agreement, and, at the City's request, the Permittee will execute and deliver to the City an agreement in recordable form that the conditional use permit is no longer in effect and is null and void.

F. The Permittee will take out and maintain until one year after the completion of the mining operations public liability and property damage insurance covering personal injury, including death, and any claims for property damage which may arise out of the Permittee's work or the work of its subcontractors or by one directly or indirectly employed by the Permittee. Limits for bodily injury and death will not be less than $500,000.00 for one person and $1,500,000.00 for each occurrence; limits for property damage will be not less than $200,000.00 for each occurrence. The City will be named as an additional named insured on said policy, and the Permittee will file a copy of the insurance coverage with the City prior to the City issuing further building permits;

G. A breach or default in the performance of this agreement by the Permittee may be enforced by legal or equitable remedies. Each right, power, or remedy herein conferred upon the City is cumulative and in addition to every other right, power, or remedy, express or implied, now or hereafter arising, available to City, at law or in equity, or under any other agreement, and each and every right, power, and remedy herein set forth or otherwise so existing may be exercised from time to time as often and in such order as may be deemed expedient by the City and will not be a waiver of the right to exercise at any time thereafter any other right, power or remedy;

H. In the event of default hereunder the Permittee will reimburse the City for costs incurred in the enforcement of this Agreement, including reasonable engineering and attorney's fees.

17. **Notices.** Notices to the City will be in writing and will be either hand delivered to the City Clerk or Deputy City Clerk or mailed to the City by registered mail at the following address, Attention: City Clerk or Deputy City Clerk.

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

With a copy to:
Gerald M. Randall
City Attorney
Randall and Goodrich, P.L.C.
2140 Fourth Avenue North
Anoka, MN 55303

Required notices to the Permittee will be in writing and will be either hand delivered to the Permittee, its employees or agents, or mailed to the Permittee by registered mail at the following addresses:

Timothy Landborg
1507 – 205th Avenue NE
East Bethel, MN 55011

CITY OF EAST BETHEL

By:_____
Its Mayor

By:_____
Its City Clerk

_____
Timothy Landborg

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this ____ day of _____, 2008, by Greg Hunter and Doug Sell, the Mayor and City Clerk/Administrator of the City of East Bethel, a Minnesota municipal corporation, on behalf of the City and pursuant to the authority of the City Council.

_____
Notary Public

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

STATE OF MINNESOTA)
) ss.
COUNTY OF ANOKA)

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Timothy Landborg, an unmarried man.

_____
Notary Public

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)

THIS INSTRUMENT WAS DRAFTED BY:
Randall and Goodrich, P.L.C.
2140 Fourth Avenue North
Anoka, Minnesota 55303
Telephone: (763) 421-5424

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 9.0 F.1

* *

Agenda Item:
Fire Department Staff Monthly Meeting Notes and Reports

* *

Requested Action:
Informational only

* *

Background Information:
April Fire Department Monthly Meeting Notes and March Reports are included for your review.

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

* *

Fiscal Impact:
None

* *

Recommendation(s):
Informational only.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

INCIDENT TYPE CODES

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

Attachment #1

EAST BETHEL > View Station Info

I want to: - Select from the following -

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

Search (*Station Name*): Go

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

Records 1-7 of 7

Goto Page: 1

Add a Station

ImageTrend Service Bridge v4.0

East Bethel Fire Department

Monthly Staff Meeting

April 5, 2010

Call to Order:

Chief DuCharme called the meeting to order at 7pm. There were 24 Fire Fighters (including the day staff) and Council Liaison, Steve Channer present for the meeting.

Meeting minutes from March 1, 2010 were posted previously.

Royalty:

Dan Berry welcomed the East Bethel Royalty to the meeting. The girls introduced themselves and thanked the Fire Fighters for their continued support.

Cedar Creek Presentation – Troy:

Cedar Creek Ecosystem Science Reserve (CCESR) is a University of MN Research Center located here in East Bethel. The area is approximately 5,500 acres and they do prescribed burns on about 500 – 600 acres per year. All their fires self extinguish but are controlled by their trained personnel. For all prescribed burns they are required to submit a prescription, including plans to the DNR. They also advise City Hall and the Fire Chief of all dates and times of these burns. There are gates along the perimeter of CCESR in case emergency personnel would need to gain access to the area. Locks have been changed so they will provide the Fire Department with new keys for these locks. Radio towers are also present in the Reserve. Anderson asked, "Where is the irrigation well and do we have access to it if we ever needed it?" Troy stated that he would have to check on the accessibility but it is located near Gate 4.

They staff a crew of about 50 – 60 people during the summer months with most of them being undergraduate students from the University. Stanley asked, "Do most of them stay there for the summer months in the housing facility?" Troy responded that about one half of them do. CCESR also has 2 of the top 5 ecologists involved in their studies.

CCESR has walking trails around Fish Lake and also cross country ski trails in the winter months. They provide tours and do many outreach programs as well.

DRAFT

Chief's Report:

Payroll needs to be signed before you leave tonight. Pay day is March 15, 2010.

<u>The schedule for this month is:</u>

April 5	Meeting & payroll signing
April 8	Med Compass
April 8	St. Croix Valley
April 12	Agility Training
April 14	NIMS 300-400
April 15	Taxes Due
April 19	Maintenance Night
April 22	Town Hall Meeting
April 26	Medical Training
	Officer Meeting

<u>The schedule for May is:</u>

May 1	Hose Testing
May 3	Meeting & payroll signing
May 6	NIMS 300-400
May 10	Training
May 17	Maintenance Night
May 31	Memorial Day
June 1	Officer Meeting (Tuesday)

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

Explorers:

The Explorers recently received 2 awards
New Post of the Year & Exploring Excellence

Explorers will meet the Council on April 21, 2010 at the City Council Meeting

Chief DuCharme would also like the Explorers to be present at the Town Hall Meeting on April 22, 2010.

Upcoming events:

4/6	Get to know the truck
4/20	SCBA Trailer
4/21	Council Meeting

DRAFT

Town Hall Meeting:

Town Hall Meeting is scheduled for April 22, 2010

6-7pm	Displays & Open House
7-8pm	Questions & Answers
8-9pm	Displays & Open House

Chief would like Rescue 21, all table top displays, and the Explorers at the meeting.

Congratulations & Anniversaries

Dan Meinen	3 years
Jeremy Wall	3 years
Doug Doebbert	11 years

Fire Fighter Updates:

Steve Arzdorf	Resigned
Stef Nutter	Leave of Absence
Jamie Ostmoe	Leave of Absence
Paul Bermudez	Extension of Leave

Agility Testing:

You will need the following for your agility test:

Turn out coat
Turn out pants (optional)
Helmet
Gloves
SCBA
* No mask

The test will include:

1. Ladder Raise – raise to beam and lower
2. Hard Suction Connection
3. Hose Drag – drag 2 ½" hose for 100ft
4. Chopping Block – pound block 4ft
5. Fire Equipment Carry – pick up fan and carry
6. Smoke Crawl – crawl under 4 tables and then back
7. Dummy Drag – drag 25ft around a mark and then back

Pass/No Pass
Timed: Be under 6:35
Up to 3 chances to go through

DRAFT

Med Compass

Med Compass will be here April 8, 2010 from 4pm – 7:30pm to do our testing. The appointment times are scheduled 6 minutes apart. The sign up sheet is going around tonight so please make sure that you sign up for a time that fits your schedule.

Updates:

7th Annual St. Francis Water Ball Tourney will be held June 13th if you are interested please let us know.

Clean out your mailboxes in the communications room.

No more car or clothes washing - for Fire Department use only.

New truck: Chassis of Rescue 11 is in.

Review of Calls

Chief DuCharme provided a year to date call comparison for the last 5 years.
2010=138 2009=122 2008=118 2007=128 2006=96

Rumor Control

Bladder bags have been received. These replace the equipment damaged at the last wildland fire.

Administration Report

Please make sure to turn in all reimbursement requests for lodging, fuel, and food as soon as possible so that we can get them on the next bill run.

Med Compass – If you have not signed up for a time please do so. I also handed out the forms you will need to have completed when you come on Thursday. If you did not get one please come see me.

Health Insurance Reimbursement Requests are due by April 15, 2010.

Re-certification cards were handed out.

Chief 2 – Ardie

Make sure that you are continuing to size up when you arrive on scene.
March 19 was Chief Conference – Sprint is offering 22% discount to Fire Fighters

DRAFT

Fire Marshall Office now has a Facebook for upcoming events, Fire Fighter of the month, etc…

April 17 – St. Cloud Meeting
April 27 – North Suburban Meeting
April 29 – Anoka County Meeting

Chief 3 – Ron

Station hydrant is up and running

Chief 4 - Dan

Thanks to Station 2 for putting on the dinner tonight, this is part of the retention plan in the SAFER Grant.

May 1, 2010 Oak Grove Drill has been postponed at this time

Training Report

NIMS 300 & 400 is required for all supervisory positions

Relief Association Presentation: Troy Lachinski

Quarterly meeting will be posted soon.

Pictures for the wall will be taken before the next meeting

Old Business

SOG's are being worked on with the City Staff.

New Business

There are a couple of 2 ½" – 5" adapters that are missing.

Council Report

Steve Channer stated that the Council thanks and congratulates the Explorers for their hard work.

Frontage Rd from Sims to 221st Ave on the east side has been approved

The Hwy 65 & 221st Ave project is likely to be moved up about 1 year

Adjournment – The meeting was adjourned at 8:30pm

DRAFT

City of East Bethel

Subject: Fire Inspector Report

April 1–30, 2010

City of East Bethel Fire Inspection List		
Name	**Address**	**Comments**
American Tool	23773 Johnson St	Inspection: Emergency lights
Shade Tree Comp.	23035 Ulysses St.	Inspection: No Violations
Tek Steel Fab.	23020 Ulysses St.	Inspection: No Violations
Economy Canvas	40 Viking Blvd.	Inspection: No Violations
River City Co op	1341 187th Ave	Inspection: No Violations
Landmark Concrete Inc.	18600 Ulysses St.	Inspection: No Violations
G & K Machining	18529 Hwy 65	Inspection: No Violations
Corner Express	4825 Viking Blvd.	Inspection: GFI Outlet
Becks Market and Liquors (LB gas & Liquors)	3255 Viking Blvd.	Inspection: Sign on door says “Closed till further notice”
Viking Meadows Golf	1788 Viking Blvd	Inspection: Extension cords and obstructed extinguisher
Gordy’s Custom Cabinets	1861 Viking Blvd	Inspection: Sprinkler system tested
Ekvall Engineering	4720 Viking Blvd	Inspection: Exit signs, Remove lock or label door “Unlocked when building is occupied”
NOTE: First Inspections Unless Noted		

12 Businesses Inspected

Reported by: Mark Duchene
Fire Inspectors

IMAGETREND FIRE BRIDGE

Fire Incident By Street Address
From 03/01/10 To 03/31/10
Report Printed On: 04/14/2010

Incident Number	Incident Date	Alarm Time	Location	Primary Station	Incident Type
EAST BETHEL					
138	03/31/2010	20:30	3651 Edmar LN	99	142 Brush or brush-and-grass mixture fire
137	03/31/2010	14:05	3351 229th AVE NE	99	651 Smoke scare, odor of smoke
136	03/31/2010	09:45	21020 Eveleth	40	321 EMS call, excluding vehicle accident with injury
135	03/30/2010	21:46	18654 3rd ST	99	141 Forest, woods or wildland fire
134	03/30/2010	20:09	18366 5th ST NE	12	141 Forest, woods or wildland fire
133	03/30/2010	19:07	21040 Kissel ST	22	143 Grass fire
132	03/30/2010	17:06	20175 Erksin ST NE	99	611 Dispatched and cancelled en route
131	03/30/2010	16:23	18421 3rd ST NE	40	141 Forest, woods or wildland fire
130	03/30/2010	16:10	1900 Butternut ST NW	40	611 Dispatched and cancelled en route
129	03/30/2010	15:15	2751 Viking BLVD	40	500 Service Call, other
128	03/29/2010	20:46	2653 185th LN NE	12	321 EMS call, excluding vehicle accident with injury
127	03/29/2010	07:30	146 King RD NE	40	321 EMS call, excluding vehicle accident with injury
126	03/28/2010	18:17	930 203rd LN NE	11	321 EMS call, excluding vehicle accident with injury
125	03/28/2010	00:11	21805 Zumbrota ST NE	99	743 Smoke detector activation, no fire - unintentional
124	03/27/2010	11:22	18421 3rd ST NE	11	141 Forest, woods or wildland fire
123	03/26/2010	02:34	24355 Hwy 65 NE	22	321 EMS call, excluding vehicle accident with injury
122	03/24/2010	16:16	Greenbrook	40	143 Grass fire
121	03/24/2010	15:49	East Bethel BLVD	40	143 Grass fire
120	03/24/2010	14:14	23062 E Martin Lake DR	40	111 Building fire
119	03/23/2010	21:56	18346 Yancy ST NE	99	736 CO detector activation due to malfunction
118	03/23/2010	14:52	4440 231st LN NE	40	143 Grass fire
117	03/22/2010	13:33	1812 237th AVE NE	40	143 Grass fire
116	03/22/2010	00:22	24355 Hwy 65	21	321 EMS call, excluding vehicle accident with injury
115	03/21/2010	16:50	19450 Rochester ST NE	11	321 EMS call, excluding vehicle accident with injury
114	03/21/2010	16:49	24355 Hwy 65 NE	21	321 EMS call, excluding vehicle accident with injury
113	03/20/2010	16:27	1732 209th AVE NE	88	111 Building fire
112	03/16/2010	11:00	-	40	611 Dispatched and cancelled en route
111	03/16/2010	07:46	East Bethel BLVD	40	322 Motor vehicle accident with injuries
110	03/15/2010	12:37	19800 Madison ST NE	40	321 EMS call, excluding vehicle accident with injury
109	03/15/2010	10:06	3605 Viking BLVD NE	40	321 EMS call, excluding vehicle accident with injury
108	03/14/2010	11:21	21656 Tyler ST NE	99	100 Fire, other
107	03/14/2010	11:17	18164 Hwy 65	11	611 Dispatched and cancelled en route
106	03/14/2010	04:54	420 Cedar RD NE	11	321 EMS call, excluding vehicle accident with injury
105	03/13/2010	20:41	-	88	600 Good intent call, other
104	03/12/2010	17:13	22779 Sandy DR NE	22	321 EMS call, excluding vehicle accident with injury
103	03/11/2010	10:46	22531 Jewell ST NE	40	321 EMS call, excluding vehicle accident with injury
102	03/11/2010	10:39	4825 Viking BLVD NE	40	321 EMS call, excluding vehicle accident with injury
101	03/09/2010	22:19	18344 Jackson ST NE	12	321 EMS call, excluding vehicle accident with injury
100	03/09/2010	18:27	19164 Hwy 65	12	321 EMS call, excluding vehicle accident with injury
0000099	03/07/2010	11:01	18164 Hwy 65 NE	11	321 EMS call, excluding vehicle accident with injury
98	03/06/2010	22:16	5455 193 AVE NE	11	651 Smoke scare, odor of smoke
0000097	03/06/2010	21:32	24355 65 HWY	22	321 EMS call, excluding vehicle accident with injury
0000096	03/06/2010	13:44	21108 Polk ST NE	21	321 EMS call, excluding vehicle accident with injury
0000095	03/04/2010	09:14	3518 Viking Blvd BLVD NE	40	321 EMS call, excluding vehicle accident with injury
0000094	03/03/2010	13:23	18164 Hwy 65 HWY NE	40	321 EMS call, excluding vehicle accident with injury
0000093	03/03/2010	05:58	22816 NE Buchanan ST	40	321 EMS call, excluding vehicle accident with injury
0000092	03/02/2010	18:10	19800 NE madison ST NE	12	321 EMS call, excluding vehicle accident with injury
0000091	03/02/2010	17:10	18816 NE Greenbrook DR	88	111 Building fire
0000090	03/02/2010	10:07	330 Laurel RD NE	40	611 Dispatched and cancelled en route
0000089	03/01/2010	21:10	20925 Jenkins ST NE	12	321 EMS call, excluding vehicle accident with injury
088	03/01/2010	19:00	330 Laurel RD	12	321 EMS call, excluding vehicle accident with injury
Total					**51**

Search Criteria	
Dates	From 03/01/2010 To 03/31/2010
Service	EAST BETHEL
Incident Address	All
Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

Report Description

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 9.0 G.1

* *

Agenda Item:
Bolton and Menk – Project Update

* *

Requested Action:
Informational only

* *

Background Information:
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.

* *

Fiscal Impact:
None at this time

* *

Recommendation(s):
Informational only

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 9.0 G.2

* *

Agenda Item:
On-Sale Liquor License

* *

Requested Action:
Consider providing staff direction on additional on-sale liquor license.

* *

Background Information:
Staff has been approached by a business asking 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.

* *

Fiscal Impact:
None at this time

* *

Recommendation(s):
Staff is seeking Council direction regarding the number of on-sale liquor licenses that are permitted in the City.

* *

City Council Action

Motion by:_____ Second by:_____

_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Addendum

* *

Agenda Item:
Recovery Zone Economic Development Bonds
Compliance with the Reimbursement Bond Regulations under the Internal Revenue Code

* *

Requested Action:
Consider approving Resolution 2010-18 Recovery Zone Economic Development Bonds.
Consider approving 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.

* *

Background Information:
City Council recently approved Resolution 2010-15 requesting bonding authority from Anoka County for the water system costs for Project 1, Phase 1 of the Utility Infrastructure Project.

City Staff presented this project to the Anoka County Finance and Capital Improvements Committee on Tuesday, April 20, 2010. The Committee unanimously approved allocating up to $11,466,000 of its Recovery Zone Economic Development Bond Authority to the City of East Bethel. Anoka County Board of Commissioners will consider their recommendation on Tuesday, April 27, 2010.

Attached is Resolution 2010-18. This resolution provides the basis for the bonding authority, the allocation to the City of East Bethel and the assurance that the City will issue the debt on or before December 31, 2010.

The second resolution is a standard resolution required by the Internal Revenue Code as it relates to reimbursement from bond proceeds for costs incurred prior to the bond sale that are project related. Without this resolution in place, any cost incurred prior to the sale of such bonds could not be reimbursed from the bond proceeds. This resolution simply grants the City the authority to reimburse itself from bond proceeds for costs incurred prior to the bond sale.

Attachment:

1. Resolution 2010-18 Designating Recovery Zone Economic Development Bond Volume Cap
2. 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

* *

Fiscal Impact:
None at this time
*** ***

Recommendation(s):
Staff recommends approval of 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.

Staff recommends approval of 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.
* *

City Council Action

Motion by:________________ Second by:________________

____

____

____

Vote Yes:_____ Vote No:_____

No Action Required:_____

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA

RESOLUTION NO. 2010-18

RESOLUTION 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 UTILTY INFRASTRUCTURE PROJECT

WHEREAS, The American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, 123 Stat. 115 (ARRA) authorizes municipalities to issue Recovery Zone Economic Development Bonds (RZED) under the Internal Revenue Code of 1986, as amended (the Code). RZED bonds receive a direct payment subsidy of 45% from the federal government for the interest cost of taxable bonds designed as RZED bonds. ARRA requires that projects financed with RZED bonds must comply with the federal Davis-Bacon requirements; and

WHEREAS, the corporate limits of the City of East Bethel are located within the Anoka County Recovery Zone territorial limits and are wholly located within the jurisdictional limits of the County; and

WHEREAS, Section 1400U-2 of the Code provides that the proceeds of RZED bonds are to be used for one or more "qualified economic development purposes" undertaken in a designated recovery zone; and

WHEREAS, a "qualified economic development purpose" includes: (i) capital expenditures paid or incurred with respect to property located in a recovery zone; (ii) expenditures for public infrastructure and construction of public facilities; and (iii) expenditures for job training and education programs; and

WHEREAS, Anoka County may allocate their RZED bond authority under these provisions to other municipalities in any reasonable manner as determined in good faith to pay eligible costs for qualified economic development purposes or recovery zone property as applicable; and

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 directed that a Facility Plan for Utility Infrastructure Needs be prepared; and

WHEREAS, the City Council has approved the Facility plan for Utility infrastructure and submitted the plan to the MPCA for review and approval; and

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

WHEREAS, the estimated costs for the water utility including a water treatment facility, wells, water tower and trunk distribution system for Phase 1, Project 1 of the Utility Infrastructure Project is estimated to be $10,944,118; and

WHEREAS, if approved by the Anoka County Board and the City is awarded $11,466,000 of Anoka County's RZED bond authority, the City of East Bethel will issue bonds allocated under this authority on or before December 31, 2010.

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 Development Bonds in an amount not to exceed the authority of $11,466,000 for construction of a water utility system to include a water treatment facility, wells, water tower and trunk distribution system for Phase 1, Project 1 of the Utility Infrastructure Project.

Adopted this 21st day of April 2010, by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____

Greg Hunter, Mayor

ATTEST:

_____

Douglas Sell, City Administrator

CITY OF EAST BETHEL
EAST BETHEL, MINNESOTA
RESOLUTION NO. 2010-19

RESOLUTION 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

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

WHEREAS, the Internal Revenue Service has issued Section 1.150-2 of the Income Tax Regulations (the "Regulations") dealing with the issuance of bonds, all or a portion of the proceeds of which are to be used to reimburse the City for project expenditures made by the City prior to the date of issuance; and

WHEREAS, the Regulations generally require that the City make a declaration of its official intent to reimburse itself for such prior expenditures out of the proceeds of a subsequently issued series of bonds within 60 days after payment of the expenditures, that the bonds be issued and the reimbursement allocation be made from the proceeds of such bonds within the reimbursement period (as defined in the Regulations), and that the expenditures reimbursed be capital expenditures or costs of issuance of the bonds; and

WHEREAS, the City desires to comply with requirements of the Regulations with respect to certain projects hereinafter identified.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA AS FOLLOWS:

I. Official Intent Declaration.

(a) The City proposes to undertake the following project and to make original expenditures with respect thereto prior to the issuance of reimbursement bonds, and reasonably expects to issue reimbursement bonds for such project or projects in the maximum principal amounts shown below:

Project	Maximum Amount of Bonds/Debt Expected to be Issued for Project Amount
Water System Utility Infrastructure Project Phase 1, Project 1, within the City	$11,466,000

(b) Other than (i) de minimus amounts permitted to be reimbursed pursuant to Section 1.150-2(f)(l) of the Regulations or (ii) expenditures constituting preliminary expenditures as defined in Section 1.150-2(f)(2) of the Regulations, the City will not seek reimbursement for any original expenditures with respect to the foregoing projects paid more than 60 days prior to the date of adoption of this resolution. All original expenditures for which reimbursement is sought will be

capital expenditures or costs of issuance of the reimbursement bonds.

1. Budgetary Matters. As of the date hereof, there are no City funds reserved, pledged, allocated on a long term basis or otherwise set aside (or reasonably expected to be reserved, pledged, allocated on a long term basis or otherwise set aside) to provide permanent financing for the original expenditures related to the projects, other than pursuant to the issuance of the reimbursement bonds. Consequently, it is not expected that the issuance of the reimbursement bonds will result in the creation of any replacement proceeds.

2. Reimbursement Allocations. The City's financial officer shall be responsible for making the "reimbursement allocations" described in the Regulations, being generally the transfer of the appropriate amount of proceeds of the reimbursement bonds to reimburse the source of temporary financing used by the City to make payment of the original expenditures relating to the projects. Each reimbursement allocation shall be made within 30 days of the date of issuance of the reimbursement bonds, shall be evidenced by an entry on the official books and records of the City maintained for the reimbursement bonds and shall specifically identify the original expenditures being reimbursed.

Adopted this 21st day of April 2010, by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

_____
Greg Hunter, Mayor

ATTEST:

_____
Douglas Sell, City Administrator

City of East Bethel
City Council
Agenda Information

* *

Date:
April 21, 2010

* *

Agenda Item Number:
Item 11.0 A

* *

Agenda Item:
Closed Session Land Acquisition (Minnesota Statutes 13D.05, Subd. 3)

* *

Requested Action:
Staff is seeking City Council direction

* *

Background Information:
At the last City Council meeting, Council had a discussion regarding land acquisition for municipal utility infrastructure facilities. A map of the suggested sites is included with this agenda item.

Mr. Kreg Schmidt will be present to explain the basis for these suggested sites. Following discussion, staff is seeking direction to move forward with negotiations for the acquisition of parcels to meet facility needs.

Attachment(s):

1. Potential Water Treatment Facilities and Water Tower site map

* *

Fiscal Impact:
None at this time

* *

Recommendation(s):
Staff is seeking City Council direction to move forward with negotiation for purchase of parcels suitable for municipal infrastructure facilities.

* *

City Council Action

Motion by:_____ Second by:_____

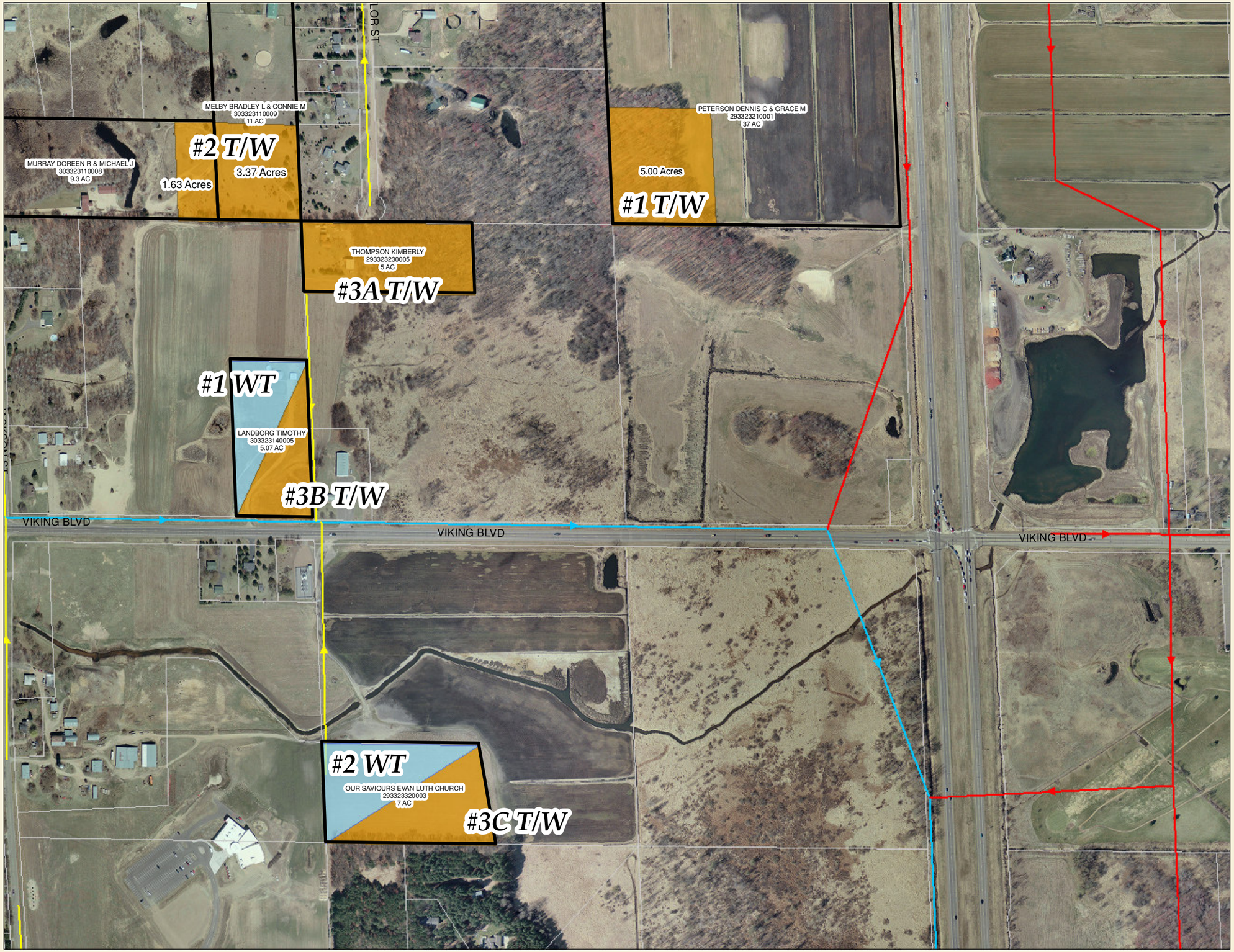
_____

_____

_____

Vote Yes:_____ Vote No:_____

No Action Required:_____



CITY OF EAST BETHEL

POTENTIAL WATER TREATMENT FACILITY SITES & OWNERSHIP

Legend

- Parcel Boundaries
- Potential Plant Sites
- Potential Tower Sites

WT Water Tower Suitability Ranking

T/W Treatment Plant/Wells Suitability Ranking

0 400 Feet

POTENTIAL WTF SITES

Figure 1.0

April, 2010

BOLTON & MENK Engineers & Surveyors www.bolton-menk.com

Map Document: (H:\EBET\C12101329\Display\Potential WTF Site Ownership v2.mxd)
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