

City of East Bethel

City Council Agenda

Regular Council Meeting – 7:30 p.m.

Date: March 17, 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/Introductions**

Page 1-3 A. Sheriff's Monthly Report

7:38 PM **5.0 Public Forum**

7:48 PM **6.0 Consent Agenda**

Any item on the consent agenda may be removed for consideration by request of any one Council Member and put on the regular agenda for discussion and consideration.

Page 6-9 A. Approve Bills

Page 10-14 B. Meeting Minutes, March 3, 2010 Regular Meeting

Page 15-19 C. Meeting Minutes, March 3, 2010, Joint Work Meeting

Page 20-27 D. Wild Rice Drive – Material Testing Contract

Page 28 E. Personnel Policy Amendment – Health Insurance

New Business

7.0 Commission, Association and Task Force Reports

7:53 PM A. Planning Commission

Page 29-33 1. Meeting Minutes, February 23, 2010

Page 34-43 2. Terry & Mary Hartin – 2110 Deerwood Lane – IUP/Home Occupation

Page 44-90 3. Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code

Page 91-95 4. 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 96-104 1. Meeting Minutes, February 10, 2010

8:28 PM C. Road Commission

Page 105-111 1. Meeting Minutes, February 9, 2010

8.0 Department Reports

8:33 PM A. Engineer

Page 112-117 1. Resolution 2010-12 Acceptance – MnDOT Cooperative Agreement

8:30 PM B. Attorney

Page 118 1. Update – Whispering Aspen/Castle Towers Boundary Adjustment

C. Finance (**No Report**)

8:35 PM D. Public Works

Page 119-125 1. 2010 JPA Agreement

8:40 PM E. Planning and Inspection/Code Enforcement

- Page 126-130 1. Code Enforcement Report
- Page 131-136 2. Ordinance 20, Second Series, An Ordinance Amending Chapter 70 of the East Bethel City Code
- 9:00 PM F. Fire Department
 - Page 137-145 1. March Monthly Meeting and February Reports
- 9:05 PM G. City Administrator
 - Page 146-166 1. Sunrise River WMO Joint Powers Agreement (JPA)

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

- 9:20 PM **10.0 Adjourn**



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 4.0 A

Agenda Item:

Monthly Sheriff's Report

Requested Action:

Information Only

Background Information:

Lieutenant Orlando will review the monthly statistics and report on activities for the month of February, 2010.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

CITY OF EAST BETHEL – FEBRUARY 2010

ITEM	FEBRUARY	JANUARY	YTD 2010	FEBRUARY YTD 2009
Radio Calls	291	347	638	650
Incident Reports	332	362	694	670
Burglaries	3	1	4	5
Thefts	11	17	28	27
Crim.Sex. Cond.	0	2	2	1
Assault	2	2	4	7
Dam to Prop.	2	5	7	8
Harr. Comm.	3	1	4	7
Felony Arrests	1	3	4	3
GM. Arrests	0	1	1	3
Misd. Arrests	5	10	15	34
DUI Arrests	7	4	11	7
Domestic Arr.	0	2	2	6
Warrant Arr.	5	10	15	10
Traffic Arrests	85	80	165	140

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

ITEM	FEBRUARY	JANUARY	YTD 2010	FEBRUARY YTD 2009
Radio Calls	5	18	23	27
Incident Reports	6	21	27	15
Accident Assist	0	2	2	5
Veh. Lock Out	0	2	2	2
Extra Patrol	20	35	55	52
House Check	1	0	1	3
Bus. Check	4	17	21	16
Animal Compl.	5	8	13	14
Traffic Assist	8	11	19	4
Aids: Agency	72	102	174	100
Aids: Public	4	16	20	38
Paper Service	1	1	2	5
Inspections	0	0	0	0
Ordinance Viol.	0	2	2	0



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 6.0 A-E

Agenda Item:

Consent Agenda

Requested Action:

Consider approving Consent Agenda as presented

Background Information:

Item A

Bills/Claims

Item B

Meeting Minutes, March 3, 2009 Regular City Council

Meeting minutes from the March 3, 2010 Regular City Council Meeting are attached for your review and approval.

Item C

Meeting Minutes, March 3, 2010, Joint Work Meeting

Meeting minutes from the March 3, 2010 Joint City Council, Planning Commission and Park Commission Work Meeting are attached for your review and approval.

Item D

Wild Rice Drive Materials Testing Contract

Approve Proposal from Northern Technologies, Inc. for material testing services for the Wild Rice Drive reconstruction project. Staff requested three quotes for the material testing for the proposed project. Two quotes were submitted and are summarized as follows:

Northern Technologies	\$8,588
Independent Testing Technologies	\$9,560

Staff recommends approving the proposal from Northern Technologies, Inc. in the amount not to exceed \$8,588 for material testing services for the Wild Rice Drive reconstruction project. Copies of the proposals are attached.

Item E

Health Coverage

It's been past practice to allow employees to waive health insurance coverage if they showed proof of other group health insurance. The personnel policy has been silent.

Section 6.1 Health Coverage – Cafeteria Benefits Plan is being amended to reflect this requirement. The policy will require employees to carry a minimum of single coverage health insurance unless they show acceptable proof of coverage through another group plan.

Fiscal Impact:

As noted above.

Recommendation(s):

Recommend approval of the Consent Agenda as presented.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____



Bills to be Approved for Payment March 17, 2010	\$82,791.23
Electronic Payments	\$28,672.82
Payroll City Staff - March 4, 2010	\$38,263.64
Payroll Fire Department - March 15, 2010	\$7,128.04
Total to be Approved for Payment March 17, 2010	\$156,855.73

Approved by Council Member:

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

City of East Bethel

March 17, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
2005A Public Safety Bonds	Fiscal Agent's Fees	2578779	US Bank	301	30100	402.50
2005B 207th Serv Rd SA Bonds	Fiscal Agent's Fees	2578780	US Bank	303	30300	402.50
2008A GO SEWER REV BONDS	Fiscal Agent's Fees	2580839	US Bank	308	30800	425.00
Arena Operations	Bldgs/Facilities Repair/Maint	22210	Connexus Energy	615	49851	21.32
Arena Operations	Concession for Resale	128270610	Midwest Coca Cola Bottling	615	49851	661.40
Arena Operations	Electric Utilities	22210	Connexus Energy	615	49851	4,653.38
Arena Operations	Professional Services Fees	19	Gibson's Management Company	615	49851	6,747.20
Arena Operations	Telephone	50110	Qwest	615	49851	100.69
Building Inspection	Conferences/Meetings	8770	University of Minnesota	101	42410	110.00
Building Inspections	Surcharge Remittance	4th Qtr 09	MN Dept Labor & Industry	101		237.66
Cedar Creek Trail Project	Architect/Engineering Fees	26501	Hakanson Anderson Assoc. Inc.	402	43124	23,385.11
Central Services/Supplies	Bldg/Facility Repair Supplies	240940	Ham Lake Hardware	101	48150	3.95
Central Services/Supplies	Information Systems	10609	City of Roseville	101	48150	1,251.83
Central Services/Supplies	Information Systems	40247	US Cable	101	48150	1,331.44
Central Services/Supplies	Office Supplies	509479754001	Office Depot	101	48150	68.41
Central Services/Supplies	Office Supplies	509479864001	Office Depot	101	48150	6.62
Central Services/Supplies	Telephone	6507628	Integra Telecom	101	48150	229.46
Central Services/Supplies	Telephone	50110	Qwest	101	48150	214.66
Engineering	Architect/Engineering Fees	26502	Hakanson Anderson Assoc. Inc.	101	43110	1,802.20
Fire Department	Bldgs/Facilities Repair/Maint	22210	Connexus Energy	101	42210	5.32
Fire Department	Dues and Subscriptions	30410	MN Fire Serv Cert Board	101	42210	220.00
Fire Department	Electric Utilities	22210	Connexus Energy	101	42210	742.15
Fire Department	Equipment Parts	13548	Ancom Communications	101	42210	13.36
Fire Department	Equipment Parts	34884	Fire Safety USA, Inc.	101	42210	46.00
Fire Department	General Operating Supplies	37257	Metro Fire, Inc.	101	42210	400.00
Fire Department	Motor Fuels	180734	Egan Oil Company	101	42210	260.00
Fire Department	Personnel Advertising	12110	Soderquist's Market	231	42210	29.61
Fire Department	Personnel Advertising	12010	Soderquist's Market	231	42210	130.16
Fire Department	Professional Services Fees	22610	City of East Bethel	231	42210	1,666.67
Fire Department	Small Tools and Minor Equip	240951	Ham Lake Hardware	101	42210	47.00
Fire Department	Telephone	6507628	Integra Telecom	101	42210	143.44
Fire Department	Telephone	50110	Qwest	101	42210	404.73
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	14587	GHP Enterprises, Inc.	101	41940	368.72
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	455408-02-10	Premium Waters, Inc.	101	41940	21.00
General Govt Buildings/Plant	Bldgs/Facilities Repair/Maint	113828	Robert B. Hill Company	101	41940	19.24
General Govt Buildings/Plant	Electric Utilities	22210	Connexus Energy	101	41940	769.29
Legal	Legal Fees	22610	Carson, Clelland & Schreder	101	41610	5,935.57
Legal	Legal Fees	31010	Randall and Goodrich, P.L.C.	101	41610	1,598.00
Mayor/City Council	Professional Services Fees	1745	Tinklenberg	101	41110	6,171.71
MSA Street Construction	Architect/Engineering Fees	26495	Hakanson Anderson Assoc. Inc.	402	40200	1,578.80
Park Maintenance	Bldg/Facility Repair Supplies	22649	Menards Cambridge	101	43201	31.55
Park Maintenance	Clothing & Personal Equipment	470425830	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Clothing & Personal Equipment	470422322	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Clothing & Personal Equipment	470429350	Cintas Corporation #470	101	43201	45.81
Park Maintenance	Electric Utilities	22210	Connexus Energy	101	43201	863.23
Park Maintenance	Motor Fuels	180734	Egan Oil Company	101	43201	500.00
Park Maintenance	Safety Supplies	9187925715	Grainger	101	43201	40.59
Park Maintenance	Telephone	6507628	Integra Telecom	101	43201	52.58
Park Maintenance	Telephone	50110	Qwest	101	43201	90.29
Payroll	Insurance Premiums	40247	MN NCPERS Life Ins	101		144.00

City of East Bethel

March 17, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
Payroll	Union Dues	40247	MN Teamsters No. 320	101		642.70
Planning and Zoning	Architect/Engineering Fees	26494	Hakanson Anderson Assoc. Inc.	897		297.50
Police	Professional Services Fees	30110	Gratitude Farms	101	42110	50.00
Recycling Operations	Electric Utilities	22210	Connexus Energy	226	43235	122.13
Recycling Operations	Hazardous Waste Disposal	2023510	OSI Environmental, Inc.	226	43235	120.00
Recycling Operations	Professional Services Fees	30510	Cedar East Bethel Lions	226	43235	1,000.00
Recycling Operations	Travel Expenses	21710	Lori Elfering	226	43235	9.15
Sewer Operations	Bldgs/Facilities Repair/Maint	22210	Connexus Energy	602	49451	24.53
Sewer Operations	Chemicals and Chem Products	3092716 RI	Hawkins, Inc	602	49451	3,174.19
Sewer Operations	Electric Utilities	22210	Connexus Energy	602	49451	797.42
Street Capital Projects	Architect/Engineering Fees	26496	Hakanson Anderson Assoc. Inc.	406	40600	1,381.24
Street Maintenance	Auto/Misc Licensing Fees/Taxes	2010	MN State Patrol, CMV Section	101	43220	26.00
Street Maintenance	Bldgs/Facilities Repair/Maint	70227	Aker Doors, Inc.	101	43220	985.00
Street Maintenance	Bldgs/Facilities Repair/Maint	470429350	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470422322	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	470425830	Cintas Corporation #470	101	43220	26.48
Street Maintenance	Bldgs/Facilities Repair/Maint	22210	Connexus Energy	101	43220	21.29
Street Maintenance	Bldgs/Facilities Repair/Maint	455408-02-10	Premium Waters, Inc.	101	43220	49.00
Street Maintenance	Cleaning Supplies	22649	Menards Cambridge	101	43220	41.00
Street Maintenance	Cleaning Supplies	22649	Menards Cambridge	101	43220	35.00
Street Maintenance	Clothing & Personal Equipment	470422322	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470425830	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Clothing & Personal Equipment	470429350	Cintas Corporation #470	101	43220	45.86
Street Maintenance	Dues and Subscriptions	2010	MSSA	101	43220	35.00
Street Maintenance	Electric Utilities	22210	Connexus Energy	101	43220	1,420.69
Street Maintenance	Equipment Parts	1539-373697	O'Reilly Auto Parts	101	43220	8.19
Street Maintenance	Equipment Parts	211726	S & S Industrial Supply	101	43220	72.74
Street Maintenance	Motor Fuels	180734	Egan Oil Company	101	43220	1,240.00
Street Maintenance	Motor Vehicles Parts	FP136689	Crysteel Truck Equipment	101	43220	201.99
Street Maintenance	Safety Supplies	9187925715	Grainger	101	43220	40.59
Street Maintenance	Shop Supplies	9187925715	Grainger	101	43220	53.21
Street Maintenance	Shop Supplies	1539-374870	O'Reilly Auto Parts	101	43220	102.69
Street Maintenance	Shop Supplies	212116	S & S Industrial Supply	101	43220	21.38
Street Maintenance	Sign/Striping Repair Materials	90538-IN	Earl F. Anderson, Inc.	101	43220	254.47
Street Maintenance	Small Tools and Minor Equip	22649	Menards Cambridge	101	43220	71.00
Street Maintenance	Telephone	6507628	Integra Telecom	101	43220	52.58
Street Maintenance	Telephone	50110	Qwest	101	43220	66.52
Street Maintenance	Tires	381264	Pomp's Tire Service, Inc.	101	43220	115.43
Street Maintenance	Welding Supplies	MG 87934	Minneapolis Oxygen Co.	101	43220	415.66
Water Utility Operations	Bldgs/Facilities Repair/Maint	22210	Connexus Energy	601	49401	26.67
Water Utility Operations	Bldgs/Facilities Repair/Maint	993464	Utility Supply of America	601	49401	305.87
Water Utility Operations	Electric Utilities	22210	Connexus Energy	601	49401	337.50
Water Utility Operations	Gas Utilities	21610	CenterPoint Energy	601	49401	286.28
Water Utility Operations	Professional Services Fees	20462	Gopher State One-Call	601	49401	2.90
Water Utility Operations	Professional Services Fees	75631	Utility Consultants, Inc.	601	49401	437.00
Water Utility Operations	Service Connection Fee	2010	MN Dept of Health	601		267.00
Water Utility Operations	Telephone	50110	Qwest	601	49401	108.14
Whispering Aspen Well Project	Architect/Engineering Fees	26499	Hakanson Anderson Assoc. Inc.	432	43200	3,058.20
Wild Rice Drive	Architect/Engineering Fees	26497	Hakanson Anderson Assoc. Inc.	402	43123	310.59
						\$82,791.23

City of East Bethel

March 17, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount

City of East Bethel

March 17, 2010

Payment Summary

Department	Description	Invoice	Vendor	Fund	Dept	Amount
	Electronic Payments - Payroll					
		PERA				\$6,370.95
		Federal Withholding				\$5,790.61
		Medicare Withholding				\$1,835.68
		FICA Tax Withholding				\$7,849.10
		State Withholding				\$2,403.31
		MSRS				\$4,423.17
						\$28,672.82

EAST BETHEL CITY COUNCIL MEETING

March 3, 2010

The East Bethel City Council met on March 3, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steven Channer Greg Hunter
Kathy Paavola Steve Voss

ALSO PRESENT: Douglas Sell, City Administrator
Bill Goodrich, Acting City Attorney
Craig Jochum, City Engineer

Call to Order **The March 3, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Boyer made a motion to adopt the March 3, 2010 City Council agenda. Voss seconded; all in favor, motion carries.**

Public Forum Hunter 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.

Consent Agenda **Boyer made a motion to approve the Consent Agenda including: A) Approve Bills; B) Meeting Minutes, February 17, 2010, Regular CC Meeting; C) Ordinance 21, Second Series, Amending Chapter 2, Article 4, Division 1, Section 2-71 Advisory Bodies and Appendix A – Zoning, Section 03, Establishments of Commissions of the City Code; D) Memorandum of Agreement – Specialty Pay; E) Approve Cable Technician Job Description and Direction to Advertise; F) Sunset Road – JPA Project – Linwood Township Agreement. Voss seconded; all in favor, motion carries.**

Wild Rice Drive NE Project – Trees/Curb Cost Comparison Sell explained that at the February 17, 2010 Council meeting, staff was directed to review the cost difference between removing trees on the north end of the Wild Rice Drive reconstruction project as shown on the current plans as compared to constructing additional concrete curb and gutter in an attempt to save a number of trees along this route.

The required clear zone based on State Aid Operation Rules for the current ditch design is 32 feet from the centerline of the roadway. Applying this standard, all trees within 32 feet of the centerline and all trees that interfere with the ditch construction would be cleared. With the construction of curb and gutter the clear zone reduces to 21.5 feet from the centerline of the roadway or 2 feet from the face of the curb.

The location of the proposed addition curb is shown on Attachment 2. Construction of the curb and elimination of the ditch in this area will save approximately 9 red oak trees which are 12 to 24 inches in diameter. The net cost to add the concrete curb and gutter and associated improvements as shown on Attachment 2 is \$3,269.

The additional cost to add the concrete curb and gutter and associated improvements is \$3,269. These additional costs would be financed with the City's Municipal State Aid Construction Funds. Funds are available for this additional project work.

Staff is requesting direction regarding construction of the additional curb and gutter as presented above.

Boyer made a motion to approve the additional expenditure of \$3,269 for the additional concrete curb and gutter as shown on attachment #2 and associated improvements for the Wild Rice Drive NE Reconstruction Project financed from the City's Municipal State Aid Construction Fund. Paavola seconded.

Channer asked what is the difference, curb and gutter and clear and grub, the difference in cost. Jochum said about \$600. He said for the whole project to clear and grub it is costing about \$6,000. Channer asked how close are the trees to the curb. He said his concern is we will kill the trees anyways. Channer said we can put in curb and gutter and kill the trees anyways. Hunter said yes, oaks are weird that way.

Channer asked what about the oak trees that are specifically slated here, the ones south of the driveway, are we trying to save them. Jochum said those are slated for removal. Channer asked about the north end of it, he doesn't know if we are gaining anything. He said we are going to spend \$3,269 and might kill the trees anyways. Channer said behind that area there are about 100 trees. He said north of that area is loaded with trees. Paavola asked are we talking about killing all the trees. Channer said he is really having a problem with this. He said it is not so pat for him. Channer said so we tried but then we have to go in and remove the trees we killed. Jochum said the property owner did come out when we went out to inspect and he said do what you can. He said the property owner is more concerned about the three trees to the south of his driveway. Channer said that is what he figured.

Paavola said so do we leave them or do they stay. She said if we put curb and gutter in they might die anyways. Hunter said with oaks, sometimes it kills them when you are 30 feet away and sometimes it doesn't. Boyer asked is this where we have all the flooding problems. Jochum said it is just south of there. He said another option would be to end the curb and gutter just north of there. Jochum said the water will go north. He said you would cut your cost 30% if you end your curb north of the driveway, but you might need to take some oaks down north of the driveway. Boyer asked will the curb have an impact on the water. Jochum said there is curb on the other side of the road to stay within the easement. He said there is a culvert on 204th Lane. Voss said he would rather put it in and if they die, they die. Channer said but then we have to take them down. Voss said but this is something we can do, we can take them down. Channer said he is thinking about the dollars here.

Channer, nay; Boyer, Hunter, Paavola, Voss, aye; motion carries.

Signal Project
Costs CR74 at
TH 65

Sell explained that 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 semaphores for this intersection. Construction under scheduled guidelines would begin in 2013 or 2014 depending on the County's schedule.

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.

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.

Option #2

The County would manage the entire project including all design, environmental, permits, and construction activities. Inspection services would be contracted for at \$100,000 and, there would be a “financing charge” of \$30,000 for advancing the project one year into 2012. The City would be responsible for these additional costs of \$130,000.

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 be \$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. 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 \$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.

It is interesting that 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.

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. Staff is seeking direction from Council.

Voss said so if he understands this right, the reason they are asking the City to pay these costs is the county would use their staff. He said there is a three year savings why is that not reflected here. Hunter said it is a whole cost they want to put on the City. He said they are not giving us any benefit. Voss said he understands the bonding benefit. He said if we are doing the construction now instead of three years from now, why is there not a cost savings shown here. Channer said and if we are purchasing the property now instead of three years from now, there is even more of a cost savings.

Voss asked does the county not want this to happen now. Sell said it is not in any capital

improvement project plan they have. He said they got grant money to do this and they want to do it in 2015. Channer said he did design work and usually you work on one project at a time. He said it is tough to do more than one project at a time. Boyer asked is it normal to be charged back like this. Jochum said when he thinks about the Wild Rice job, there are a lot more challenges, and we have 17% for engineering, testing, etc., theirs is on the high side. Sell said he doesn't think the land acquisition is on Hwy. 65, he thinks it is on the County Road. Boyer said this project is on a County Road and a State Highway, why are we being asked to pay 20% of the costs. Hunter said meanwhile we don't want to put a value on a life; we want to facilitate this project getting started as soon as possible.

Voss said in our first discussions with them they said if we would bond it to go ahead. Sell said under Option #3 you are looking at providing 30% of the funding for the project. Voss said he has a hard time providing anything other than the bonding for the job. He said he thinks this needs to be discussed with Commissioner Lang, Commissioner Berg because he is involved in transportation and Doug Fischer from the Anoka County Highway Department to see why they have changed their minds on this. Voss said he would like the City Administrator to set up a meeting with the three from the county and one council member and the city administrator. He said tell them we said yes to their request of were we willing to bond, and now why are they bumping up the cost to us.

Seasonal
Employees

Sell explained that increased demands for road and park maintenance in the spring and through the early summer has traditionally required hiring of seasonal personnel to support these activities. Increased work load during this time on projects in parks and on streets along with scheduled leave time for full time employees creates a situation where the seasonal workers provide additional staff to assist in project and maintenance activities schedules.

During the upcoming spring and summer, there are park projects scheduled for Hidden Haven, Whispering Oaks, Maynard Peterson, Coon Lake Beach and Booster West which will require City personnel and equipment for completion. The extra staffing will enable the Department to complete the projects as well as ensure adequate maintenance for existing parks. Road projects include crack sealing, seal coating and overlay work on approximately eight miles of City streets. These projects are in addition to the normal maintenance activities that generally require the significant staff time.

To complete the work scheduled, staff is requesting approval to hire two seasonal employees to work from mid-May through the end of July 2010. These seasonal employees would permit the normal park and street maintenance to proceed while the more experienced staff work in those construction activities that require additional experience. Seasonal employees would also be used for general labor and to back up the schedule when full time personnel are scheduled for vacation. These positions are limited to approximately 13 weeks.

Funding for these positions in the amount of \$10,800 is provided for in the 2010 General Fund under the Parks Department budget. Staff is recommending approval to hire two seasonal works for the period mid-May to the end of July, 2010.

Boyer made a motion to authorize hiring two seasonal workers for the period mid-May to the end of July, 2010 in the amount of \$10,800. Paavola seconded; all in favor, motion carries.

Fire

Channer said he went to the Fire Department meeting on Monday and the sheriff's

Department
Issues

department was present and they discussed traffic management at accident scenes and who was in charge. He said this has never been worked out before. Channer said they will have training at the sheriff's office. He said we have asked that the sheriff's office take control when they get there. Channer said it went well and at least we got a discussion going.

Acknowledge
Staff

Voss said he wanted to acknowledge that the public works staff has been out there taking care of the roads. He said the ice is built up really bad and he has seen them out there on his street three times this week. Channer said yes, they sanded his street and it was a good thing because it is really bad out there.

Booster Day
Meeting

Hunter said we had a Booster Day meeting last week. He said we decided we are going to promote East Bethel businesses by offering them a free booth at Booster Day. Hunter said this is not a ploy to find home businesses in the City and make them register or anything. He said we just want to help them with their business and are giving them a free spot at Booster Day. Hunter said watch for more information in your City newsletter.

Adjourn

Boyer made a motion to adjourn at 8:01 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk

EAST BETHEL CITY COUNCIL JOINT WORK MEETING

March 3, 2010

The East Bethel City Council met on March 3, 2010 at 6:14 PM for a joint work meeting at the Community/Senior Center.

CITY COUNCIL MEMBERS PRESENT: Bill Boyer Steve Voss Steven Channer Kathy Paavola

CITY COUNCIL MEMBERS EXCUSED: Greg Hunter

PARK COMMISSION MEMBERS PRESENT: Kenneth Langmade Sue Jefferson Barb Hagenson Daniel Kretchmar Tim Hoffman

PARK COMMISSION MEMBERS EXCUSED: Dan Butler Bonnie Harvey

PLANNING COMMISSION MEMBERS PRESENT: Lorraine Bonin Lori Pierson Eldon Holmes Glenn Terry Julie Moline

PLANNING COMMISSION MEMBERS EXCUSED: Tim Landborg Heidi Moegerle

ALSO PRESENT: Douglas Sell, City Administrator
Stephanie Hanson, City Planner
Jack Davis, Public Works Manager

Call to Order **The March 3, 2010 City Council Joint Work Meeting was called to order by Acting Mayor Boyer at 6:14 PM.**

Adopt Agenda **Paavola made a motion to adopt the March 3, 2010 City Council Joint Work Meeting Agenda. Channer seconded; all in favor, motion carries.**

Presentation – Conservation Design (CD) Development Hanson explained that she is going to show a PowerPoint presentation that she hopes helps explain Conservation Design Development.

Hanson said Conservation Design is typically based on your comprehensive plan goals. She said some of the City of East Bethel comprehensive plan goals are reinforcing the rural character, preserving and regenerating natural resources, reducing impacts to ground and surface water caused by past development/agricultural uses, restoring the natural hydrological functioning-increasing infiltration, reducing runoff pollutants to the Rum River and creating better connections between neighborhoods. Hanson said these were just based on reviews.

Hanson said Conservation Design principals are just based on review and are reinforced by reducing impacts on the ground. She said keep in mind, there are principles that are used in general. Hanson said we will use flexible design standards, protect and create natural landscapes and ecological corridors, reduce impervious surface, implement LID storm water management techniques and use collaboration to achieve high quality development. She said this last one, using collaboration to achieve high quality development is very important.

Hanson explained that it is critical that when creating project elements, the other documents

are not in conflict with each other, such as if you create one ordinance, and then create another they need to not be in conflict with each other. She said we need to create a Conservation Design Ordinance, update our Water Management Plan, create a Storm Water Management Ordinance, Refine SNEA boundaries – connectivity and greenways/open space (update the Parks/Trails Plan, Comprehensive Plan, Zoning Map), Update SNEA and PUD sections of zoning code and create guidance/education documents.

Hanson said the project approach is to effectively implement this we have to have a conservation design ordinance in place. She said we need to recognize the relationships between project components. Hanson said it is the trickle down effect. She said we need effective implementation of conservation design and SNEA Ordinances. Hanson said we need to assure consistency and update our WMP goals and policies. She said we need to create a Storm Water Ordinance and required Storm Water Ordinance.

Hanson said the project outcomes are that in the end we will have a Conservation Design Ordinance to implement vision: high- quality development, flexibility through collaboration and improve water quality.

Hanson said and another project outcome is we will have a Water Management Plan an educational resource for understanding water, decision making, policies that align with and support our Comp Plan CD/LID policies and provides direction for creating Storm water Management Ordinance.

Hanson said in the end we are hoping to redefine the SNEA boundaries, update the SNEA and PUD sections of the code, and creates educational documents/brochures for staff, stakeholders/developers, land owners, etc. of what the expectations are, outlining the process and such.

Hanson said she will explain the difference between Conservation Design (CD) and Low Impact Development (LID) She said the goals for conservation design are not specific it is site planning and designing process Hanson said Low Impact Development is to reduce the amount of storm water runoff and to integrate storm water management techniques into site design, minimize volume, improve water quality, emphasis on BMP's, reduce impervious surface, conserve natural areas and use pervious area to treat storm water runoff.

Greenway and SNEA Maps and Outline of the Conservation Design Ordinance

Hanson said she placed a map of environmentally sensitive areas in front of you. She said one important thing we all need to understand is ecological corridors. She said one important thing we all need to understand is ecological corridors. Hanson said the map shows high quality habitat patches, future greenway corridor which runs all along Cedar Creek. She said the next layer is future trail connections. Hanson said and the last layer is significant natural environmental area overlay district (zoning). She said ACD supplied a lot of this information to us. Hanson said when she takes these three components some of the questions that come to mind are is there space to expand this, should we connect the high quality habitats, does the existing corridor function as a ecological corridor, does it provide movement.

Hanson said as far as the value of ecological corridors they enhance opportunities for wildlife, creates trail links and human connections, anesthetics – rural character, ecological systems – infiltration, nutrient sink and frame/buffer views.

Hanson said the functions of an ecological corridor is they serve as a habitat for native species, plants, animals, movement of wildlife, dispersal of seeds, ecological sink, traps sediments,

nutrients and toxins.

Hanson said the impacts of development is loss of natural space, fragmentation of natural space, degradation of water resources, decreased ability for nature to respond to change and edge habitat. She said as we know water resources provide a variety of functions. Hanson said it decreases the ability for nature to control change. She said as far as these edge habitats, where two types of cover meet, this is something that we want to keep on our mind when we decide on development.

Hanson said as far as the ecological corridor, what is next. She said staff seeks direction. Hanson said this is something we need to think about and address.

Hanson said we have a Conservation CD outline, ordinance concept. She asked do we have goals within a range of acceptability. Hanson said it is pretty straightforward and there are common standards across the board, storm water standards. She said one thing we need to talk about is density, what is acceptable, cluster development, higher density in some areas, do we allow 30-50% open space. Hanson said what about Low Impact Design Standards. She said what about Storm Water Management Techniques. Hanson asked are there other ideas.

Hanson said she has a project timeline of the 1st draft of the Conservation Design Ordinance and the 1st draft of the updated SNEA boundaries map will be done by April 7, 2010. She said the 2nd draft of the Conservation Design Ordinance will be done by May, 2010 and the update of the PUD/SNEA districts and zoning map will be done May, 2010 to August, 2010. The 1st draft of the Storm Water Ordinance will be done by May, 2010. Update the Water Management Plan by June, 2010. Hanson said with a tentative completion date of the project by October, 2010.

Hanson said the education material was published by the National Park Service and she has it electronically if you are interested.

Boyer said he thinks this is a little too aggressive on the timetable, he would prefer to run this through the commissions. Voss said he thought this also. Hanson said this is the framework. Boyer said there are some serious policy issues here; he thinks those need to go through the commissions. Voss said he thinks with any approach we take those are considerations we need to take. He said he thinks if staff wants to propose the framework that is fine. Voss said it could be done by August. He said if we were doing this three or four years ago, then it might take a long time, but there is a lot of experience out there of communities doing it.

Hanson said we are half way into doing this. She said we have inventories of vegetation, overlay districts, etc. Boyer said that is one way of looking at it. He said he thinks there is an element of community education in this, and that is the element of putting this through the commissions that it filters out that you are working on this and it gets peoples attention. Boyer said this is the same as the sewer system; you need to get information out there on what is happening and how is this going to impact our residents. He said you can remember back on cluster housing, the misconceptions and how we were terrible for doing it. Bonin said as someone that lives in one of the sensitive areas, she is concerned how this will impact her property. Voss said think back when we did Wildwood by Fish Lake, which was a well attended meeting, and we actually implemented conservation design and we had 100 people there and everyone was against it when we got into the meeting but by the time we were done, half the people understood what we were doing and were with us.

Boyer said and now we are talking about a City wide policy and this is a different kettle of fish. He said he knows with the Park Commission when we talked about the corridors we talked about connecting just areas like Sandhill Crane to Cedar Creek, which was the idea behind the corridors; there was no greater idea about the animal communities, which was as far as we went with it. Boyer said he doesn't think we have given any thought to connecting smaller communities and he knows that the smaller communities will cease to exist if we don't connect them. He asked but how much of the City will support this. Boyer said who will support this when we say by the way you can't mow there, he think that speaks to not racing through the process.

Voss asked so what is your suggestion. Boyer said that we take our time and start talking about it at Town Hall meetings. He said have a public hearing. Boyer said aim to have it done in a year. He said he is just picking a number that seems reasonable. Bonin said we have to make a list of the things that are important. She said if we are scattered in various places, at least keep it somewhere so when we are asked questions we have answers. Boyer said he thinks we need to make a list of what people are going to fear about this. Hagenson said she has only been on the Park Commission a couple of years, but the last meeting was the first time she heard of this, and she agrees with Boyer, we need to slow this down, do some education, beginning with her, she doesn't have a clue what effect it would have on her and her property.

Hanson said a true Conservation Design Ordinance is developer driven, if the property is in the overlay district, then they might have to follow certain plans or some cities give them the option. She said some cities require and some give them the option. Moline asked what the Met Council has to say about that. Hanson said it is in our comp plan, but when it comes to conservation design, they are starting to dabble. She said they are starting to put guidelines together that cities might have to follow. Moline asked does that affect our timeframe. Hanson said we would just have to update our comp plan.

Sell said as to the deadline we had to get something out there to get the discussion going, we hear you want education, planning, Town Hall meetings, special meetings, share this information, so the public understands it. Voss said it is never good to go before the public before we know what we are thinking about doing. He said as a City, staff, and elected officials we need to present a plan, a dynamic at this stage and then shape it. Bonin said it is possible to have some meetings just for certain neighborhoods to talk about what is just going on in that neighborhood. Boyer said that would be great. He said one thing we were talking about is the City has no center we think could use those in some places, but the problem becomes Hwy. 65 is this place with no focus area. Bonin said it might be advantageous at some time that if a neighborhood had a concern at some time they could come to the City and let us know. Boyer said there are neighborhood watch groups.

Sell said it is important to remember that this is not pre-existing neighborhoods that will be affected by this; it is primarily new developments as Hanson has pointed out. He said it doesn't mean existing neighborhoods need to be ignored, but it is for new developments. Boyer said with all due respect, if you look at this map he thinks there is a huge impact on the Rural Residential area. He said if you are realistically going to try to connect these areas, there will be impact. Boyer said he can point right behind his property as an example. Hanson said that might be something you want to consider when we sit down and talk. She said do we just talk about certain size properties. Boyer said yes, maybe can just get people not to hunt there.

Set Work Meeting

Hanson said it sounds like she is hearing that we need to set a work session to discuss what the criteria are going to be. She said she likes the idea of not rushing it through, but we need to give ourselves a pat on the back we have taken great strides on this, doing the comprehensive plan and at this point it is more than fine tuning the details but we are halfway there and now we just need to hammer out the details. Boyer said the Park Commission meeting is a week from tonight maybe they could take a look at this, add it to their agenda.

Jefferson asked is there another City close by that has done this. Hanson said Hanover, Elk River, and others. Hagenson said it is not something you can visually see. Boyer said but Elk River was pretty much developed before they did this. Voss said they still have land left. He said they have had their ordinances for a long time. Hanson asked what the suggestion for staff is. She said our suggestion is to get everyone back together in April as a work group to talk about it together. Voss asked would that be to talk about the map. Hanson said yes. She said she thinks that you need to sit down as a group and come up with some goals, objectives and criteria.

Boyer said he thinks it would be nice for Council to come up with policy decisions of how far we are willing to go. He said rather than dump this on the commissions and then say we won't do that after they send the policies to us. Boyer said he thinks we need to have a consensus at Council first. Paavola asked are you suggesting that Council have a special meeting. Voss said he would have staff put together policy framework then we go over it.

Jefferson asked why staff is doing all the legwork on this type of project. She said versus on how we did it for the comprehensive plan, hired someone. Jefferson said she is confused on how we are going to get to this, when we hired someone for the Park Comp Plan, we relied on them to do everything. She asked why are we doing it this way, rather than hiring a consultant. Sell said when we did the Park Comp Plan there was one person you interacted with. He said that person had access to others that you didn't see. Sell said we have a staff person that is more than capable of doing this and if she has questions, she has resources to find the answers. Holmes asked is it possible we could get someone from Elk River or one of the communities that has done this to come talk to us. Hanson said yes.

Boyer said he would like to see a wetland map and what would happen if we put 100 foot buffers around it. Terry said he would like to see a map of the exiting parks and how this affects that. Hagenson asked what a wildlife corridor is. Boyer said it is a 300' wild trail. Voss said and it is not contiguous. He said the whole idea is to find a balance of keeping certain land undeveloped but at the same time it is not a taking of land. Voss said a lot is done on an individual property owner's basis. Hanson asked what you would think about inviting the MPCA to come in and answer some of your questions and then move forward from there. Sell said maybe let Council do their policy and objections and let the others know what that is. Voss said last thing he wants to do is talk about map because it will stop everything in its tracks. Boyer said in practical terms, Council would have a meeting. Sell said you could do that or do it as part of your regular meeting. He said staff can develop something and get your feedback. Sell said then the second meeting in April you can look at it. He said then the first meeting in May have the MPCA person out here.

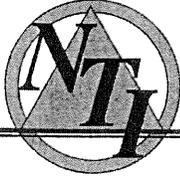
Adjourn

Pierson made a motion to adjourn at 7:16 PM. Paavola seconded; all in favor, motion carries.

Attest:

Wendy Warren

Deputy City Clerk



NORTHERN TECHNOLOGIES, INC.

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

February 25, 2010

City of East Bethel c/o
Hakanson Anderson Associates, Inc.
3601 Thurston Avenue
Anoka, Minnesota 55303

Attn: Mr. Tim Eggerichs

RE: Materials Testing Services Proposal
Wild Rice Drive Reconstruction
East Bethel, Minnesota
NTI Proposal #0049

Northern Technologies, Inc. (NTI) is pleased to submit a Materials Testing Proposal for the above project. We understand the testing will be on an intermittent basis as required by the construction documents as requested by your representative.

Project Information

The proposed project consists of the reconstruction of Wild Rice Drive from Viking Boulevard to 204th Lane in the City of East Bethel. The project will include subgrade preparation, storm sewer, and street construction. We understand we would be providing the QA services during this construction with the exception of plant inspections which will be performed by representatives of Mn/DOT.

Scope of Work-Construction Materials Testing & Special Inspections

We have had specific experience with this type of project and have provided similar services in the local area. The following presents a general description of daily duties performed by our site representative. We propose staffing this project on an intermittent basis as project progress dictates. Such service needs will be coordinated with your on-site representative. All testing will be performed following the Mn/DOT materials engineering schedule of materials control dated April 3, 2009.

Anticipated Schedule and Fees

Included with your RFP was a Quotation Form outlining the anticipated testing as well as the estimated test quantities. We have listed our proposed unit rates on the form which is attached to the back of this proposal. Any additional testing for items not listed but requested by your representative will be provided at our current 2010 fee schedule with your authorization in advance.

Based on your estimated quantities and our proposed unit rates with contingency, the total fees for this project will be \$8,588. The total cost of services will dependant upon contractor scheduling, requested services, and the actual amount of testing performed.

Wait time over 15 minutes from the scheduled time will be invoiced at our technician rate of \$50/hour.

Invoicing of construction services will be submitted to "Client" monthly and due within 30 days of receipt. The attached GENERAL CONDITIONS are an integral part of this proposal for services. This proposal is valid through August 31, 2010.

Acceptance

Please indicate your acceptance of this proposal by endorsing the enclosed copy and returning it to us. We look forward to working with you and being part of your team. If you have any questions, feel free to contact us at 763-433-9175.

NORTHERN TECHNOLOGIES, INC.



Anthony Francis, E.I.T.
Project Engineer



Steve Johnston, P.E.
Regional Manager

CITY OF EAST BETHEL

By: _____

Printed Name: _____

Title: _____

Date: _____

Attachments: General Conditions
Quotation Form

QUOTATION FORM
City of East Bethel
Wild Rice Drive Reconstruction Project

Schedule "A" - AGGREGATE BASE CLASS 5

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	4	EACH	\$100	\$400
2	MODIFIED PENETRATION INDEX METHOD (DCP)	10	EACH	\$45	\$450
3	MOISTURE CONTENT	5	EACH	\$10	\$50

Total Schedule "A" \$900

Schedule "B" - BITUMINOUS PAVEMENT RECLAMATION

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	1	EACH	\$100	\$100
2	PENETRATION INDEX METHOD (DCP)	2	EACH	\$45	\$90
3	MOISTURE CONTENT	1	EACH	\$10	\$10

Total Schedule "B" \$200

Schedule "C" - BITUMINOUS NON-WEAR COURSE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	MIXTURE PROPERTIES	3	EACH	\$250	\$750
2	CORES (DENSITY & THICKNESS, CUTTING BY OTHERS)	6	EACH	\$30	\$180

Total Schedule "C" \$930

Schedule "D" - BITUMINOUS WEAR COURSE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	MIXTURE PROPERTIES	4	EACH	\$250	\$1,000
2	CORES (DENSITY & THICKNESS, CUTTING BY OTHERS)	6	EACH	\$30	\$180

Total Schedule "D" \$1,180

Schedule "E" - CONCRETE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	AIR CONTENT	4	EACH	\$55	\$220
2	SLUMP	4	EACH	\$55	\$220
3	FLEXURAL/COMPRESSIVE STRENGTHS (CYLINDER)	4	EACH	\$40	\$160

Set of 3

Total Schedule "E" \$600

QUOTATION FORM
City of East Bethel
Wild Rice Drive Reconstruction Project

Schedule "F" - EMBANKMENT SOIL - SUBGRADE FILL

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	RELATIVE DENSITY TEST (SAND CONE)	15	EACH	\$ 56	\$ 840
2	MOISTURE-DENSITY TEST (PROCTOR)	1	EACH	\$ 115	\$ 115
3	RELATIVE MOISTURE	3	EACH	\$ 35	\$ 105

Total Schedule "F" \$ 1,060

Schedule "G" - EMBANKMENT SOIL - STORM SEWER

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	RELATIVE DENSITY TEST (SAND CONE)	3	EACH	\$ 56	\$ 168
2	MOISTURE-DENSITY TEST (PROCTOR)	1	EACH	\$ 115	\$ 115
3	RELATIVE MOISTURE	1	EACH	\$ 35	\$ 35

Total Schedule "G" \$ 318

Schedule "H" - SELECT GRANULAR BORROW

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	1	EACH	\$ 100	\$ 100
2	MODIFIED PENETRATION INDEX METHOD (DCP)	6	EACH	\$ 45	\$ 270
3	MOISTURE CONTENT	3	EACH	\$ 10	\$ 30

Total Schedule "H" \$ 400

Schedule "I" - TOPSOIL

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	2	EACH	\$ 100	\$ 200
2	ORGANIC MATTER	2	EACH	\$ 70	\$ 140
3	pH	2	EACH	\$ 20	\$ 40

Total Schedule "I" \$ 380

Schedule "J" - TRANSPORTATION

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	SITE VISIT	16	EACH	\$ 70	\$ 1,120

Total Schedule "J" \$ 1,120

Total All Schedules \$ 7,088

Contingency \$ 1,500.00

Total Field Testing Cost \$ 8,588

GENERAL CONDITIONS

SECTION 1: PROJECT INFORMATION

- 1.1 Client will make available to NTI all known information regarding existing and proposed requirements which affects the work, including but not limited to: specifications, contracts, recommendations, plans and change orders.
- 1.2 Client will immediately transmit to NTI any new information that becomes available to it or its subcontractors, so that recommended actions can be reviewed.
- 1.3 Client will provide a representative to answer questions about the project when required by NTI upon 24-hour notice.
- 1.4 NTI will not be liable for any incorrect advice, judgment, or decision based on any inaccurate information furnished by Client, and Client will indemnify NTI against liability arising out of or contributed to by such information.

SECTION 2: SAMPLES

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

SECTION 3: FEE PAYMENT

- 3.1 NTI will submit invoices to client monthly, and a final invoice upon completion of services. Invoices will show charges based on current NTI Fee Schedule or other agreed upon basis. A detailed separation of charges and backup data will be at Client's request.
- 3.2 The Client will pay the balance stated on the invoices unless Client notifies NTI in writing of the particular item that is alleged to be incorrect within fifteen (15) days from the invoice date.
- 3.3 Payment is due upon receipt of invoice and is past due thirty (30) days from invoice date. On past due accounts, Client will pay a late charge of 1.5(%) per month, or the maximum allowed by law. In the event of litigation, resulting from Client's refusal to make payment, without just cause, then all warranties and representations, expressed or implied, by NTI shall be void.
- 3.4 In the event Client fails to pay NTI within sixty (60) days following invoice date, NTI may consider the default a total breach of this agreement and all duties of NTI under this agreement will be terminated.

SECTION 4: OWNERSHIP OF DOCUMENTS

- 4.1 All documents prepared by NTI as instruments of service will remain the property of NTI.
- 4.2 Client agrees that all reports and other work furnished to the Client or his agents, which are not paid for, will be returned upon demand and will not be used by the Client for any purpose.
- 4.3 NTI will retain all pertinent records concerning services performed for a period of two (2) years after the report is sent; during that time the records will be made available to the Client during NTI's normal business hours.

SECTION 5: DISPUTES

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

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

SECTION 6: STANDARD OF CARE

- 6.1 NTI will perform consistent with the level of care and skill ordinarily exercised by members of the geotechnical and materials testing profession currently practicing under similar conditions. No other warranty, expressed or implied, is made.
- 6.2 NTI will be responsible for it's data, interpretation and recommendations, but will not be responsible for interpretation by others.

SECTION 7: LIMITATION OF LIABILITY

- 7.1 NTI's liability to the Client and all contractors and subcontractors on the project, for damages due to professional negligence, negligence or breach of any other obligation to Client or others, will be limited to an amount not to exceed \$20,000 or the NTI fee, whichever is less.
- 7.2 Client will notify any contractor or subcontractor who performs work in connection with any work done by NTI of the limitation of liability for design defects, errors, omissions, or professional negligence, and to require as a condition precedent to their performing their work, a like indemnity and limitations of liability on their part as against NTI. In the event the Client fails to obtain a like limitation and indemnity, Client agrees to indemnify NTI for any liability to any third party.

SECTION 8: INSURANCE

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

SECTION 9: TERMINATION

- 9.1 This agreement may be terminated by either party upon seven (7) days written notice if there is substantial failure by the other part to perform. Termination will not be effective if substantial failure is remedied before expiration of the seven days. Upon termination, NTI will be paid for services rendered plus reasonable termination expenses.
- 9.2 If the contract is terminated prior to completion of all reports contemplated by the agreement, or suspended for more than three (3) months, NTI may complete analysis and records as are necessary to complete it's files and may complete a report on the services performed. Termination or suspension expenses will include direct costs of completing analysis, records and report.

SECTION 10: ASSIGNS

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



RECEIVED FEB 24 2010

Independent Testing Technologies, Inc.

PROPOSAL FOR CONSTRUCTION MATERIAL TESTING SERVICES

February 22, 2010

Mr. Tim Eggerichs
Hakanson Anderson Associates, Inc.
3601 Thurston Avenue
Anoka, MN 55303

RE: **Proposal #02-15** **Wild Rice Drive, East Bethel, Minnesota**
SAP 203-105-003
Bid Date: February 26, 2010

Dear Mr. Eggerichs:

We are pleased to submit this proposal to provide construction material testing services for the above referenced project in East Bethel, Minnesota. We will provide, on an on-call basis, experienced field and laboratory consultants to conduct the necessary testing services at the cost given on the enclosed Quotation Form.

Based upon the provided quantities and scope of services, the cost to provide the necessary services will not exceed \$9,560.00. If all the tests estimated are not conducted, you will only be billed for the tests actually conducted.

Mr. Eggerichs, we would be pleased to work with you on this project. If you have any questions about our company or the scope of service we offer, please feel free to contact me.

Sincerely,

Daryl J. Dhein,
Construction Materials Testing Manager

QUOTATION FORM
City of East Bethel
Wild Rice Drive Reconstruction Project

Schedule "A" - AGGREGATE BASE CLASS 5

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	4	EACH	70.00	280.00
2	MODIFIED PENETRATION INDEX METHOD (DCP)	10	EACH	50.00	500.00
3	MOISTURE CONTENT	5	EACH	40.00	200.00

Total Schedule "A" 980.00

Schedule "B" - BITUMINOUS PAVEMENT RECLAMATION

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	1	EACH	70.00	70.00
2	PENETRATION INDEX METHOD (DCP)	2	EACH	50.00	100.00
3	MOISTURE CONTENT	1	EACH	40.00	40.00

Total Schedule "B" 210.00

Schedule "C" - BITUMINOUS NON-WEAR COURSE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	MIXTURE PROPERTIES	3	EACH	300.00	900.00
2	CORES (DENSITY & THICKNESS, CUTTING BY OTHERS)	6	EACH	45.00	270.00

Total Schedule "C" 1170.00

Schedule "D" - BITUMINOUS WEAR COURSE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	MIXTURE PROPERTIES	4	EACH	300.00	1200.00
2	CORES (DENSITY & THICKNESS, CUTTING BY OTHERS)	6	EACH	45.00	270.00

Total Schedule "D" 1470.00

Schedule "E" - CONCRETE

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	AIR CONTENT	4	EACH	40.00	160.00
2	SLUMP	4	EACH	40.00	160.00
3	FLEXURAL/COMPRESSIVE STRENGTHS (CYLINDER)	4	EACH	15.00	60.00

Total Schedule "E" 380.00

QUOTATION FORM
City of East Bethel
Wild Rice Drive Reconstruction Project

Schedule "F" - EMBANKMENT SOIL - SUBGRADE FILL

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	RELATIVE DENSITY TEST (SAND CONE)	15	EACH	50.00	750.00
2	MOISTURE-DENSITY TEST (PROCTOR)	1	EACH	120.00	120.00
3	RELATIVE MOISTURE	3	EACH	40.00	120.00

Total Schedule "F" 990.00

Schedule "G" - EMBANKMENT SOIL - STORM SEWER

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	RELATIVE DENSITY TEST (SAND CONE)	3	EACH	50.00	150.00
2	MOISTURE-DENSITY TEST (PROCTOR)	1	EACH	120.00	120.00
3	RELATIVE MOISTURE	1	EACH	40.00	40.00

Total Schedule "G" 310.00

Schedule "H" - SELECT GRANULAR BORROW

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	1	EACH	70.00	70.00
2	MODIFIED PENETRATION INDEX METHOD (DCP)	6	EACH	50.00	300.00
3	MOISTURE CONTENT	3	EACH	40.00	120.00

Total Schedule "H" 490.00

Schedule "I" - TOPSOIL

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	GRADATION	2	EACH	70.00	140.00
2	ORGANIC MATTER	2	EACH	40.00	80.00
3	pH	2	EACH	40.00	80.00

Total Schedule "I" 300.00

Schedule "J" - TRANSPORTATION

ITEM NO.	ITEM DESCRIPTION	ESTIMATED TEST		UNIT PRICE	EXTENSION
1	SITE VISIT	16	EACH	110.00	1760.00

Total Schedule "J" 1760.00

Total All Schedules 8060.00

Contingency \$1,500.00

Total Field Testing Cost 9560.00

6.1 Health Coverage - Cafeteria Benefits Plan

The City will provide a contribution for regular full-time employees. Benefits may be purchased by employee as made available through the Employer's Cafeteria Benefit Plan. A set dollar amount for benefits will be included in the compensation plan approved by City Council as a separate document. The City will review its contribution on an annual ~~regular~~ basis.

Single health insurance coverage is required for all employees eligible for City contributions to a Cafeteria Benefit Plan. Employees are permitted to opt out health insurance coverage under the City's policy with acceptable proof of health insurance coverage through another group health plan.



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 7.0 A.1

Agenda Item:

Planning Commission Meeting Minutes for February 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

February 23, 2010

The East Bethel Planning Commission met on February 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

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

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

Public Hearing/Interim Use Permit Home Occupation
Property Owner(s)/Applicant(s):
Terry and Mary Hartin
2110 Deerwood Lane NE
East Bethel, MN 55092
Pine Grove Estates, Lot 9, Block 2
PIN 33-33-23-34-0034

The property owners/applicants are requesting an IUP for a home occupation that would allow handgun safety, National Rifle Association (NRA), and Permit to Carry classes to be conducted from the existing 24 foot by 40-foot workshop located on the property. Mr. Hartin currently instructs classes at the property, as he was unaware that an IUP was required. As part of the home occupation, Mr. Hartin has applied for a Federal Firearms License in which he plans to purchase firearms and associated supplies at wholesale, and retailing to students primarily.

Mr. Hartin schedules two (2) classes per month; typically on the 2nd and 4th Saturdays. Ideal class size is 12 students; however, typical class size is 1 to 8 students. The class schedule varies because of holidays, conflicts in the range use at Beaverbrook Tri-County Sportsmens Club, and vacations. Proposed classroom hours at 8:00 AM – 4:30 PM. Mr. Hartin has the 2010 schedule available on his website. As part of the Federal Firearms License, Mr. Hartin is required to have business hours. He is proposing the following hours of operation:

Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.
Saturday: 4:30 P.M – 7:00 P.M.
Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY

City staff did conduct a site inspection on the property. There are no issues with parking accommodations since there is a concrete driveway and parking between the house and the

shop that can accommodate student and customer parking.

Mr. Martin, the Building Official, conducted a site visit to ensure the building is suitable for classes. Mr. Martin provided staff with a list of what is required for Mr. Hartin to instruct classes in the building. The items will need to be satisfied prior to the issuance of the IUP. The applicant stated they have all been taken care of today, and we will just have the Building Official reinstatement.

Home occupations are a permitted use in the R1-Single family Residential District as long as the Applicant can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation known as Hartin Services, Inc., located at 2110 Deerwood Lane NE, Pine Grove Estates, Lot 9, Block 2, PIN 33-33-23-34-0034 with the recommended conditions.

Hanson stated Mr. Hartin is here to answer any questions.

The public hearing was opened at 7:05 p.m.

Mr. Hartin stated he has been teaching this class for two and one-half years. He has been teaching other classes for over eight years. Bonin questioned if gun handling was done at his location but the shooting is done at other locations. Mr. Hartin said he uses Beaverbrook and also a location in Circle Pines. Moline asked when he would know when he would have his Federal Firearms License. Mr. Hartin stated he would know in six to eight weeks.

Mr. Drummond stated he was a dealer for many years. When he relocated to Minnesota, he also applied for a Federal Firearms License and is a co-instructor with Mr. Hartin.

Moline asked if there is handling of any weapons in the class. Mr. Hartin stated there is no live ammunition in the class, but they do handle the weapons. All weapons that are brought to qualify are left in the car unloaded.

Holmes stated this applications looks like you are going to sell firearms. Mr. Hartin stated he is looking to sell items to his students for a reasonable price. They aren't going to maintain a large amount of firearms.

Moegerle stated along the same lines, her question is, are you going to sell things up to and including assault weapons. Mr. Hartin stated he wouldn't be selling anything that is an assault weapon. There are things that look like assault weapons. We won't be dealing with things such as military types of weapons or police weapons. Mr. Hartin stated their license would not be for selling anything automatic and they would be a Class 1 dealer. Mr. Hartin stated they have a lot of requests for the sale of weapons and accessories, including lock boxes.

Mr. Hartin said he has had 260 students and of those 75 didn't have a gun, they will qualify with his guns and then he goes with them to purchase a gun. He will go to the range with his students until they are comfortable with the guns. Moegerle said she is not anti-guns. Holmes asked if the classes you have already had, are they full. Mr. Hartin said his largest class was 18. He doesn't require persons to prepay, so sometimes people don't show up. He has done classes that are just one student. He always provides a full lunch for the students. He is fine with his class size being limited to 12 and has only had three classes over 12.

Public hearing closed at 7:20.

Terry made a motion to recommend approval to City Council for an IUP for a home occupation known as Hartin Services, Inc., located at 2110 Deerwood Lane NE, Pine Grove Estates, Lot 9, Block 2, PIN 33-33-23-34-0034 with the following conditions:

1. **Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:**
 - a. **No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.**
 - b. **No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.**
 - c. **Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).**
 - d. **The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.**
 - e. **A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.**
 - f. **The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.**
 - g. **There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.**
 - h. **Parking needs generated by the home occupation shall be provided on-site.**
 - i. **A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.**
 - j. **No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.**
 - k. **There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.**
2. **Mr. Hartin must supply staff with a yearly schedule of classes, no later than March 1st of each year.**
3. **Class size is limited to twelve (12) persons.**
4. **Class schedule is limited to two (2) weekend days per month, from 8:00 AM –**

4:30 PM.

- 5. **Changes to hours of operation or class schedules must be approved by staff.**
- 6. **Hours of operation is limited to the following:**
 - Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.**
 - Saturday: 4:30 P.M – 7:00 P.M.**
 - Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY**
- 7. **Violation of conditions and City Codes shall result in the revocation of the IUP.**
- 8. **All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP. All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP.**

Pierson seconded; all in favor, motion carries.

Approve
January 26,
2010
Planning
Commission
Meeting
Minutes

Holmes stated there was one change on page one in the Adopt Agenda section. Chairperson Holmes should be Chairperson Terry. Moegerle stated on page 6 of 8, last paragraph, Number 10, should be Section 30.

Holmes motioned to approve the January 26, 2010 minutes with said changes. Terry seconded; all in favor, motion carries.

Adjourn

Pierson made a motion to adjourn the meeting at 7:35 PM. Moegerle seconded; all in favor, motion carries.

Submitted by:
Jill Teetzel
Recording Secretary



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 7.A.2

Agenda Item:

Interim Use Permit (IUP) for Home Occupation in the R1-Single Family Residential District

Requested Action:

Consider Approval for an IUP for a Home Occupation Known as Hartin Services, Inc.

Background Information:

Property Owner(s)/Applicant(s)

Terry and Mary Hartin
2110 Deerwood Lane NE
East Bethel, MN 55092
Pine Grove Estates, Lot 9, Block 2
PIN 33-33-23-34-0034

The property owners/applicants are requesting an IUP for a home occupation that would allow handgun safety, National Rifle Association (NRA), and Permit to Carry classes to be conducted from the existing 24 foot by 40 foot workshop located on the property. Mr. Hartin currently instructs classes at the property as he was unaware that an IUP was required.

As part of the home occupation, Mr. Hartin has applied for a Class 1 Federal Firearms License (FFL). A Class 1 FFL allows for the sales of civilian use weapons such as pistols, rifles, and shot guns. Federal law does not allow Class 1 license holders to sell automatics. Mr. Hartin also intends to sell associated accessories such as lock boxes, holsters, and cleaning supplies. These items will be available for purchase primarily from his students.

Mr. Hartin schedules two (2) classes per month; typically on the 2nd and 4th Saturday of the month. Ideal class size is 12 students, however, typical class size is 1 to 8 students. The class schedule varies because of holidays, conflicts in the range use at Beaverbrook Tri-County Sportsmens Club, and vacations. Proposed classroom hours are 8:00 AM – 4:30 PM. Mr. Hartin has the 2010 schedule available on his website and it is attached for your review as attachment 4. As part of the Federal Firearms License, Mr. Hartin is required to have business hours. He is proposing the following hours of operation:

- Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.
- Saturday: 4:30 P.M – 7:00 P.M.
- Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY

There are no issues with parking accommodations since there is a concrete driveway and parking between the house and the shop that can accommodate student and customer parking (see attachment 3 for details).

Mr. Martin, Building Official, conducted a site visit to ensure the building is suitable for classes. Mr. Martin provided staff with a list of what is required for Mr. Hartin to instruct classes in the building (attachment 5). Mr. Hartin has addressed and satisfied Mr. Martin’s comments.

Home Occupations are a permitted use in the R1- Single family Residential District as long as the Applicant can meet the requirements of the City Code and complies with the conditions of the IUP. The proposed home occupation will meet requirements of the ordinance so long as the IUP conditions are met. In the event the conditions are not being met, the IUP would be revoked.

Attachments:

- 1. Application
- 2. Property Location
- 3. Site Map
- 4. Class Schedule
- 5. Building Official Comments

Fiscal Impact:

Not Applicable

Recommendations:

Planning Commission recommends approval to City Council for an IUP for a home occupation known as Hartin Services, Inc., located at 2110 Deerwood Lane NE, Pine Grove Estates, Lot 9, Block 2, PIN 33-33-23-34-0034.

- 1. Home Occupation shall meet the specific home occupation standards set forth in the City Code Appendix A Section 10-18:
 - a. No more than three (3) persons, at least one (1) of whom shall reside within the principal dwelling, shall be employed by the Home Occupation.
 - b. No traffic shall be generated by any home occupation in a significantly greater volume than would normally be expected from a single-family residence.
 - c. Any sign associated with the home occupation shall be in compliance with the East Bethel City Code Chapter 54. Signs. Home occupation signage must be no larger than two (2) square feet (City Code Chapter 54-4.3).
 - d. The home occupation shall not generate hazardous waste unless a plan for off-site disposal of the waste is approved.
 - e. A home occupation at a dwelling with an on-site sewage treatment system shall only generate normal domestic household waste unless a plan for off-site disposal of the waste is approved.
 - f. The home occupation shall not constitute, create, or increase a nuisance to the criteria and standards established in this ordinance.
 - g. There shall be no outdoor display or storage of goods, equipment, or materials for the home occupation.
 - h. Parking needs generated by the home occupation shall be provided on-site.

- i. A home occupation shall occupy no more than fifty (50) percent of the floor area of the structure. This shall include offices of professionals, home beauty shops, and other such occupations that by custom are an accessory use.
 - j. No structural alterations or enlargements shall be made for the sole purpose of conducting the home occupation.
 - k. There shall be no detriments to the residential character of the neighborhood due to the emission of noise, odor, smoke, dust, gas, heat, glare, vibration, electrical interference, traffic congestion, or any other nuisance resulting from the home occupation.
2. Mr. Hartin must supply staff with a yearly schedule of classes.
 3. Class size is limited to twelve (12) persons.
 4. Class schedule is limited to two (2) weekend days per month, from 8:00 AM – 4:30 PM.
 5. Changes to hours of operation or class schedules must be approved by staff.
 6. Hours of operation for the Federal Firearms License are limited to the following:
 - Monday, Wednesday, & Friday: 3:00 P.M. – 7:00 P.M.
 - Saturday: 4:30 P.M – 7:00 P.M.
 - Tuesday, Thursday, & Sunday: BY APPOINTMENT ONLY
 7. Violation of conditions and City Codes shall result in the revocation of the IUP.
 8. All conditions must be met no later than April 17, 2010. An IUP Agreement shall be signed and executed no later than April 17, 2010. Failure to execute the IUP Agreement will result in the null and void of the IUP.

City Council Action

Motion by: _____ Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



LAND USE APPLICATION

OFFICE USE ONLY	
Date Rec'd	1/26/10
By	JDB
Fee \$	150 App 300 Escrow

Check appropriate box: VARIANCE CUP IUP FINAL PLAT
 BUSINESS CONCEPT PLAN PRELIMINARY PLAN SITE PLAN REVIEW OTHER _____

Application shall include the following items and be submitted thirty (30) days prior to scheduled meeting date.
 Application is hereby made for FIREARMS SALES/CLASSES (provide narrative below describing proposed use).
SEE ATTACHED

LOCATION: PID 33-33-23-34-0134 Legal: Lot 9 Block 2 Subdivision Pine Grove Est
 PROPERTY ADDRESS: _____ PRESENT ZONING: R-1

PROPERTY OWNER

CONTACT NAME TERRY W. HARTIN PHONE 763-454-7591
 ADDRESS 2110 DEERWOOD LN NE FAX 763-434-7591
 CITY/STATE/ZIP EAST BETHEL, MN 55892-9607 E-MAIL TWHARTIN1@AOL.COM

APPLICANT

CONTACT NAME Same Above PHONE _____
 ADDRESS _____ FAX _____
 CITY/STATE/ZIP _____ E-MAIL _____

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

Terry W. Hartin Property Owner's Signature TERRY W. HARTIN Printed Name 1/26/10 Date

OFFICE USE ONLY - DO NOT COMPLETE			
	Received	Approved/Denied	Notes
Community Dvlp.	<u>1/26/10</u>	_____	
Planning Commission	<u>2/23/10</u>	<u>Approved</u>	
City Council	<u>3/17/10</u>	_____	
<u>3/27/10</u> 60 Day		120 Day	

Attachment #1

Hartin services, inc.
2110 Derwood Lane Ne
Wyoming, Mn. 55092-9607
612-290-9076

Interim Use Permit Application

NARRATIVE DESCRIBING PROPOSED USE

I AM A CERTIFIED NRA: Basic Pistol

Personal Protection In The Home

Personal Protection Outside The Home

MPPA Certified instructor: MINN. Permit To Carry A Handgun

LICENSED INSTRUCTOR: Utah Concealed Firearms Permit

To the rear of my home I have a 24' x 40' workshop, with concrete drive and adequate parking. Any business related to this application will be conducted in that building. I currently use this building for hobbies. Between my driveway to the house and the driveway and parking area to and between my house and shop, I can provide off street parking for all students or customers.

I will be conducting: Handgun Safety, NRA Classes , AND PERMIT TO CARRY CLASSES In This Building. I schedule 2 classes per month. Normally on Saturdays, the exception to the Saturday schedule is a class by appointment for persons who typically work weekends. A ideal class would be 12 students, however, we have been experiencing classes ranging from 1 to 8 students . October, November, and December, I canceled 3 classes for lack of interest and had three classes of 1 student each.

NRA BASIC PISTOL CLASSES RUN 8 AM TO 4:30 PM

NRA PERSONAL PROTECTION IN THE HOME CLASSES ARE DONE IN TWO SESSIONS, AND ARE done BY REQUEST, NOT ON A REGULAR BASIS

NRA PERSONAL PROTECTION OUTSIDE THE HOME ARE TUN IN THREE SESSIONS AND ARE DONE BY REQUEST, NOT ON A REGULAR BASIS

UTAH CONCEALED FIREARMS PERMIT CLASSES START AT 8 AM AND RUN UNTIL 4:30 PM WITH RANGE TIME BY APPOINTMENT

MINN. PERMIT TO CARRY CLASSES START AT 10 AM AND RUN UNTIL 4:30 PM WITH RANGE TIME BY APPOINTMENT

The live fire exercise required by the state of Mn. For the permit to carry is conducted at Beaverbrook Tri-County Sportsmens Club during the summer months and at Bills Gun Shop & Range, Circle Pines, during the winter months

IN AN EFFORT TO PROVIDE TO OUR STUDENTS, QUALITY EQUIPMENT AT A AFFORDABLE PRICE MY TRAINING PARTNER AND MYSELF ARE APPLYING FOR A FEDERAL FIREARMS LICENSE. We will be purchasing Firearms and associated shooting supplies at wholesale and retailing to our students primarily, but also to the public. Proposed hours of operation are: Monday, Wednesday & Friday; 3 pm to 7 pm; Saturday 4:30 pm to 7 pm Tuesday, Thursday & Sunday by appointment only. An appointment would run approximately one half hour; time needed to complete form BATFE 4473, do background check and make transfer.

I WILL PROVIDE A PROPER SAFE STORAGE FOR ANY FIREARMS STORED ON SITE.



CITY OF EAST BETHEL
 2110 Deerwood Ln, Terry
 Hartin

PARCEL INFORMATION:

PIN - 333323340034
 Owner Info:
 Name 1 - HARTIN TERRY W & MARY E
 Name 2 -
 Owner Address - 2110 DEERWOOD LN NE
 Owner CSZ - WYOMING, MN 55092
 Site Address - 2110 DEERWOOD LN
 Legal Description: PINE GROVE ESTATES LOT 9, BLK 2,
 PINE GROVE ESTATES(SUBJ TO EASE AS SHOWN ON
 PLAT)

MAP COMMENTS:

0.51 acres

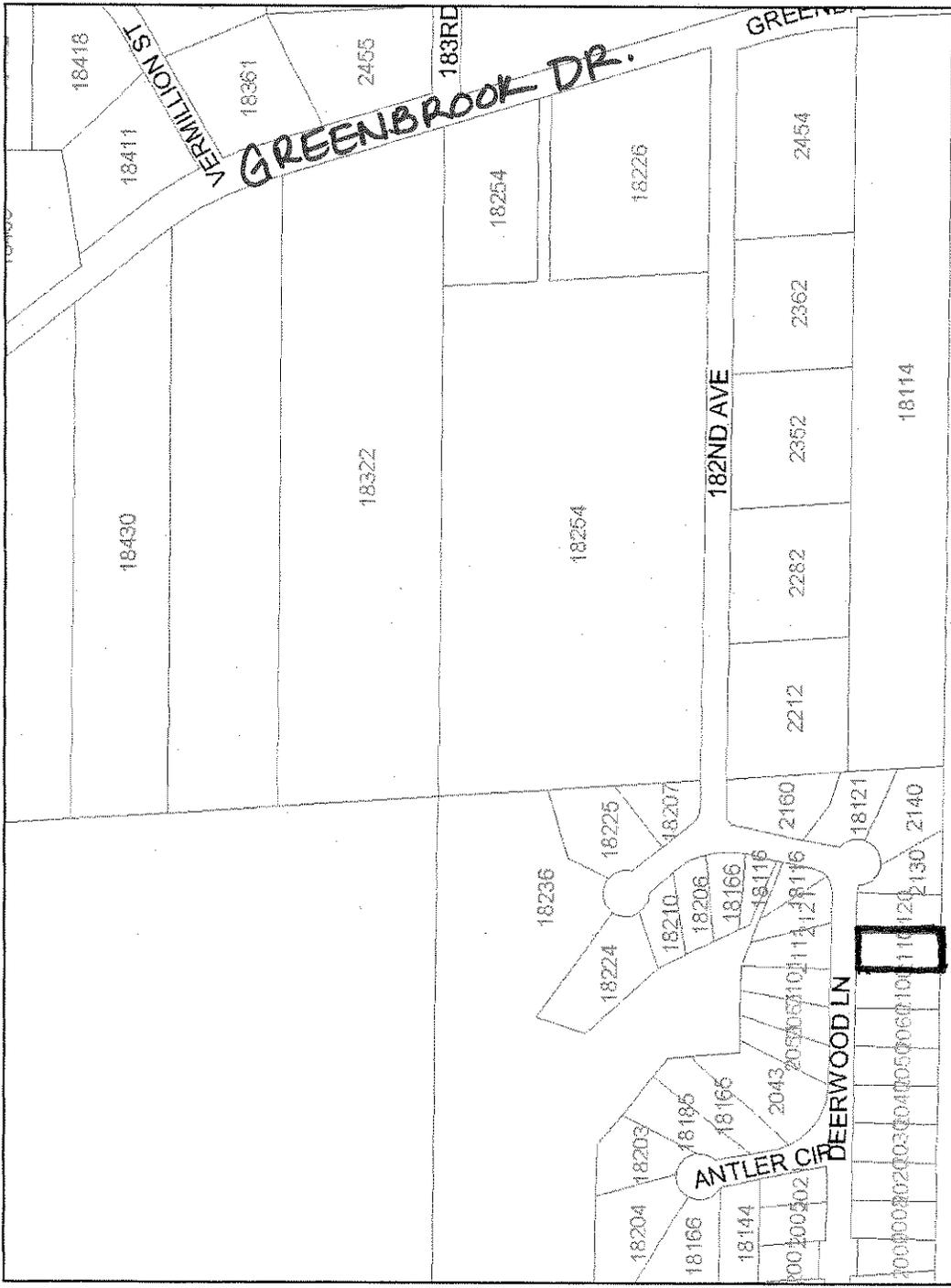
MAP LEGEND:

- WATER
- PARKS
- PARCELS



Map Scale: 1 inch = 455 feet
 Map Date: 1/28/2010
 Data Date: November 23, 2009
 Sources: EAST BETHEL GIS AND ANOKA COUNTY

Disclaimer:
 Enter Map Disclaimer Here



Reference Map



Copyright ©2007 Pictometry International Corp.

Attachment #3

Stephanie Hanson

From: TERRY [twhartin1@aol.com]
Sent: Wednesday, February 03, 2010 12:23 PM
To: Stephanie Hanson
Subject: SCHEDULE

I KEEP MY SCHEDULE ON MY WEB SITE WWW.HARTINSERVICES.COM

IT HAS TYPICALLY BEEN THE SECOND AND FOURTH SATURDAY OF EACH MONTH. THIS CAN VARY BECAUSE OF HOLIDAYS OR VACATIONS, AND CONFLICTS IN THE RANGE USE AT BEAVERBROOK

THIS YEAR:

FEB. 13TH, 27TH
MARCH 13TH, 27TH
APRIL 10TH, 24TH
MAY 8TH, 22ND
JUNE 12TH
JULY 17TH, 31ST
AUGUST 14TH, 28TH
SEPTEMBER 4
OCTOBER 23
NOVEMBER 13TH, 27TH
DECEMBER 4TH 18TH

OUT OF TOWN ON THE 26TH, NO CLASS
CONFLICT AT BEAVERBROOK ON 10TH & 24TH

CONFLICT AT BEAVERBROOK THE REMAINING SATURDAYS
OUT OF TOWN 1ST TO 14TH

ANYTHING ELSE I CAN HELP WITH, PLEASE LET ME KNOW

THANK YOU,

TERRY W. HARTIN

WWW.HARTINSERVICES.COM

Attachment #4

Stephanie Hanson

From: Larry Martin
Sent: Tuesday, February 02, 2010 1:27 PM
To: Stephanie Hanson
Subject: Home Occupation

1. One 10 pound ABC fire extinguisher located at the service door on the latch side hung on the wall at a height not to exceed 42 inches above finished floor.
2. Provide battery powered emergency lighting such that it provides a means of egress illumination. Emergency lighting shall be arranged to provide illumination that is at least an average of one foot candle measured along the path of egress.
3. Maintain a 36" clear path of travel from the classroom seating area to the exit. Area shall not be used as storage.
4. Hazmat shall be located in one control area. Verify storage method and location with the Building Safety Department.

L. Martin, Building Official
2241 221st Ave.NE.
East Bethel, MN 55011
larry.martin@ci.east-bethel.mn.us
763)367-7860 (work)
612)328-6831 (cell)



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 7.0 A.3

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.

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

Fiscal Impact:

None at this time

Recommendation(s):

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

City Council Action

Motion by: _____

Second by: _____

Vote Yes:_____

Vote No:_____

No Action Required:_____

ORDINANCE NO. 19, Second Series

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

The City Council of the City of East Bethel ordains:

SECTION 01: 9. Definitions.

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

Composting:

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

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

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

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

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

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

Portable swimming pool: Any artificially enclosed body of water contained within a rubber or plastic vessel which can be erected without permanent support.

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.

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 artificially enclosed body of water contained by steel, concrete, or fiberglass vessel and includes, but is not limited to, a portable swimming pool, such swimming pools being used for swimming or bathing, and capable of containing over 18 inches in water depth, or with a surface area exceeding 150 square feet.

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 working 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 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, and sewage treatment 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 six foot barrier constructed in such a way that items cannot be passed through the barrier. Outdoor dining areas not serving alcoholic beverages shall be enclosed with a minimum of a four-foot barrier such as fencing and/or landscape hedges.
- 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 or exceeding a capacity of 5,000 gallons.

B. All swimming pools of a water depth greater than 18 inches must be enclosed by a fence as regulated by 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 agricultural and residential districts.

A. The retreat center must be located on a minimum of five acres.

B. Retreat centers are allowed with an approved CUP.

C. Single family homes may be converted, renovated, or enlarged for the purpose of providing additional guest rooms after a CUP 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.

36. Temporary/seasonal sales.

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 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 ten acres.

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

C. Procedure.

7) Certificate of approval. Following city council approval, payment of park dedication fees and compliance with or proper securing of any conditions(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 or 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
Less than 1.0 acres	580 square feet	10 feet*
1.01 to 2.0	960 square feet	12 feet*

acres

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 motor trucks, semi-tractors and/or semi-trailers on individual properties longer than 24 hours continuously 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 12,000 pounds, 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 12,000 pounds GVWR, may be parked without screening if the vehicles relate to the principal use. Vehicles over 12,000 pounds 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. All swimming pools or portable swimming pools of a water depth greater than 18 inches shall be completely enclosed by a type of fence resistant to being climbed unless specifically exempted from this subsection (3).

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 a minimum No. 11 gauge woven wire mesh corrosion-resistant material, or other materials approved by the building 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 convey the message 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 in the Shoreland District.

Fences constructed within the shoreland setback area shall not exceed a maximum of four feet in height and shall maintain a see-through visibility level equal to that of a chain link-type fence.

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 grass 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 grass 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. Retreat center.
- I. 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.

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 plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.

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:

<i>Classes of Public Waters</i>	<i>Setbacks</i>		
	<i>Structures</i>		<i>Sewage Treatment System</i>
	<i>Sewered</i>	<i>Unsewered</i>	
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
North Metro Area Hydrologist
DNR Waters

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 that items cannot be passed through the barrier....”
- 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.

Zoning Code Amendment - Comments

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

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

GMR

November 18, 2009

RANDALL and GOODRICH, P.L.C.

ATTORNEYS AT LAW

2140 FOURTH AVENUE NORTH
ANOKA, MINNESOTA 55303-2268

GERALD M. RANDALL
WILLIAM K. GOODRICH

CLAIRE D. HELMER
CHRISTIAN R. PETERSON

TELEPHONE (763) 421-5424
FACSIMILE (763) 421-4213

geraldr@anokalaw.com

Tara K. Jacob, Paralegal
taraj@anokalaw.com

January 11, 2010

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

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

Re: Zoning Code Amendments

Dear Stephanie:

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

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

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

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

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

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

Attachment #4

Stephanie Hanson

January 11, 2010

Page 2

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

Yours truly,

A handwritten signature in cursive script, appearing to read "Gerald M. Randall". The signature is written in black ink and is positioned above the printed name.

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;

A handwritten signature in cursive script that reads "Lt. Shelly Orlando".

Lt. Shelly Orlando

Attachment #5



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.

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.

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

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.

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?

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.

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 yards 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.

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

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT

EAST BETHEL PLANNING COMMISSION MEETING

November 24, 2009

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

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

ALSO PRESENT: Stephanie Hanson, City Planner

Adopt
Agenda

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

Public
Hearing
Variance –
Oversized
Garage

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

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

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

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

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

It was discussed at the October Planning Commission meeting.

Variance Findings of Fact:

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

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 easier 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 many 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

Date:

March 17, 2010

Agenda Item Number:

Item 7.0 A.4

Agenda Item:

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

Requested Action:

Consider adopting the Summary of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code and direction to publish.

Background Information:

City Council has adopted Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code. State law requires publication of adopted ordinances or a summary of an amended ordinance. A summary of Ordinance No. 19 will be published upon approval of the summary by City Council.

Attachments:

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

Fiscal Impact:

None at this time

Recommendation:

Staff recommends adoption the Summary of Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning, of the East Bethel City Code and direction to publish in the City's official newspaper.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: _____

ORDINANCE NO. 19, SECOND SERIES

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

SUMMARY OF ORDINANCE

City of East Bethel, Anoka County, Minnesota

At a regular session on March 17, 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 2.

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 3.

Amends Section 5. Nonconformities as to nonconforming lots of record.

SECTION 4.

Amends Section 10. General Development Regulations as to agricultural composting, driveway standards, motor vehicle repair (major and minor), outdoor dining, and temporary/seasonal sales. Adds provisions relating to pools and retreat centers.

SECTION 5.

Amends Section 12. Platted and Unplatted Land by deleting provisions relating to divisions of land by metes and bounds descriptions.

SECTION 6.

Amends Section 13. General Residential Building Standards relating to accessory

structures, addresses of single-family dwellings, and garages.

SECTION 7.

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 8.

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 9.

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 10.

Amends Section 25. Fence Regulations relating to fences around swimming pools, placement of fences, and construction of fences in the Shoreland District.

SECTION 11.

Amends Section 27. Landscaping Regulations as to new subdivisions, landscape guarantees, and retaining walls.

SECTION 12.

Amends Section 35. Grading, Filling, and Excavation as to required permits and administrative permit applications and review.

SECTION 13.

Amends Section 41. Agricultural District (A) as to permitted and accessory uses.

SECTION 14.

Amends Section 42. Rural Residential (RR) District as to conditional uses, interim uses, certificates of compliance, and development regulations (maximum height).

SECTION 15.

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 16.

Amends Section 44. Single-Family and Townhome Residential (R-2) District as to development regulations (setbacks and building height), and maximum lot coverage.

SECTION 17.

Amends Section 45. Limited Business (B-1) District as to certificates of compliance.

SECTION 18.

Amends Section 46. Central Business (B-2) District as to certificates of compliance and development regulations (maximum lot coverage).

SECTION 19.

Amends Section 47. Highway Commercial (B-3) District as to interim uses, certificates of compliance, and development regulations (maximum lot coverage).

SECTION 20.

Amends Section 48. Light Industrial (I) District as to interim uses, certificates of compliance, and development regulations (side yard and maximum lot coverage).

SECTION 21.

Amends Section 49. City Center (CC) District as to certificates of compliance.

SECTION 22.

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. _____, 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 ____ day of _____, 2010.

ATTEST:

Mayor

City Clerk

Introduced: _____

Approved as to form:

Public Hearing: _____

Adopted: _____

Published: _____

City Attorney



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 7.0 B.1

Agenda Item:

Park Commission Meeting Minutes for February 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:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

Hagenson made a motion to accept the Park Financial Information as submitted. Butler seconded; all in favor, motion carries.

Election of
Chair and Co-
Chairperson

Hoffman nominated Langmade for Chair, Butler seconded the nomination. Hoffman nominated Harvey for Co-Chairperson, Butler seconded the nomination. Langmade asked if there were any other nominations.

Hoffman made a motion to appoint Langmade Chair of the Park Commission and Harvey Co-Chairperson. Butler seconded; all in favor, motion carries.

SAA Lease

This is an item that has been discussed for the last two meetings. Staff was directed to prepare a lease. It was prepared and discussed with the City Administrator and he suggested bringing it back to the Park Commission for recommendations. The lease is essentially what the lease was before with a few changes and clarifications. There is also an Indemnification and Insurance portion that was added by the League of Minnesota Cities.

The basic changes to this lease are two things, one was SAA will work with the City to reserve four Friday's so they are available for other tournament uses; we identified the cost for the lease in here, they were based on the cost for field maintenance and an inflation factor. There is no term defined in here of an extension of the lease for another fifteen years. The City Council and City Administrator think a three to five year lease, along the lines of what the Park Commission wanted.

Hagenson wanted clarification on number 2, section B. The first sentence after July 31st does not make sense. Davis said we should probably remove "of each of the lease".

Hagenson also wanted clarification that SAA would be paying \$1,000 for the concession stand and \$6,500 for the fields.

Hoffman asked how is the insurance different than what is required. Davis thinks it is identical, but our insurance company wants this in the lease. Hoffman said it doesn't have an amount. Davis said it is \$1,000,000 minimum. He doesn't think they wanted a dollar amount in there so it can be changed without changing the lease.

Harvey asked for clarification on Friday's. Davis said once SAA submits the schedule to us, we will figure out what other people have requested for tournaments and work out a schedule.

Davis said Greg Zimmer is here tonight. He offered Zimmer the opportunity to address any concerns with the lease to the Commission.

Butler stated the requested action is to consider approving a lease with SAA for the Booster West baseball/softball facilities. Prior to this meeting the Commission asked for the City Administrator/Attorney to contact SAA and work out a lease. Davis said the reason it is before you is that City Council thought it should come before you, you are not negotiating the lease, just giving advice on it.

Davis said he and Greg met about this and he also met with the City Administrator. Greg

did get a copy of the proposed lease agreement.

Butler had another question on the lease it seems as though we are charging the rental fee at the \$6,500 level and then increasing it by \$500 per year, but why. Davis said that was a suggestion that was thrown out there; if you have any other input please put it out there. Boyer said speaking from a Council perspective it is very unlikely that the fees would be reduced. He believes it would be extremely unlikely that they would be reduced. Butler said to put an amount to the increase at this point, is like putting the cart before the horse. Boyer said there is two ways to look at it, \$500 is roughly a 7% increase, and there is nothing to say that fees wouldn't go up more than that for the ball fields. SAA would be taking a set price and they would have access to the fields for the term. Langmade stated if you were looking at the labor, the costs would increase. Boyer said that is the essence of a negotiation.

Butler said it is his experience in the private sector if someone enters into a lease of any length they get a reduced rate. He said with an extended lease agreement the City receives a guarantee that someone would be using the field.

Davis said the only other thing as far as fees go, as from what he was directly has heard and worked up, that number is not set in stone, but it is probably what Council wants to shoot for, the only other thing that would impact the amount is if SAA came in with a reduced schedule. If they did 50 days, versus 75 days, that would adjust the cost based on the city fee schedule.

Butler wanted to know how many man hours are being used, if SAA doesn't want to use the field what is the impact. Davis said the cost of maintaining the fields for just SAA's use is about \$6,500. Butler said there is a person that does the work on the fields. If the employee is not going to be doing that work, will they still work for the City. Davis said yes, there are a lot of maintenance activities that are required during that same time period. Jefferson said under the old lease, SAA was supposed to do everything but mow. Davis said yes, but the City ended up doing it all and that was the best for liability issues. Plus the City no longer allows other groups to use the equipment. Davis said he doesn't know to what degree SAA actual did work on the fields. He believes it is a City responsibility to maintain the fields.

Zimmer questioned pertaining to the insurance he was wondering if SAA would be liable for any damage for what happens at the Booster Park. He stated they do not own that land, they are just leasing it for kids to play fast-pitch and baseball. Boyer said if someone lighted the concession stand up when you were using the field, you would be responsible for it. Hoffman clarified it is liability insurance only. Zimmer said SAA's kids are insured through SAA if they get hit with a ball or a bat.

Zimmer went on to comment about the lease. He said there are a few things that have changed, including the cost for the use of the fields. Currently SAA doesn't pay anything at Booster West, since it was built as a joint effort. The amount of \$6,500 is too much and unacceptable for SAA to enter into an agreement for. SAA's goal was to build that park up with the donations that the kids raise. The money amount is a big issue for SAA. Additionally the \$1,000 is too much for the concession stands. He believes SAA would be better off to rent the fields on a nightly basis. St. Francis wouldn't be able to pay this kind of money to lease those fields. SAA could never agree to a lease agreement to pay that

kind of money. Zimmer offered to answer any questions that the Commission has.

Harvey said she did the math and figured out how much it would cost SAA to rent the fields, and the cost would be more than the \$6,500. Davis said it would be about \$80.00 per day, but it would be about 12 weeks so the cost would be \$4,800 with the fees that we have listed on the City fee list. The rates for the Booster West would be \$20.00 per field per day. That is if they used all four fields. There are occasions that SAA does not use all four fields. Zimmer said St. Francis used some of the fields across the street. Zimmer stated at this time in any given year he doesn't know what the registration numbers will be.

The question was posed as to what would be the total cost if they used all four fields, five days a week, for fifteen weeks. The answer is \$6,000

The other option than other than a fixed cost lease is to rent the fields as individual use.

Zimmer said we want a lease. Davis said the reason SAA is looking for a lease, is so they know they fields are available. Boyer this is where we get confused. Boyer stated Zimmer made the statement that SAA would be better off without the lease. Zimmer said they would like a lease for 10 years. Zimmer said he and Davis have talked about some ideas for the fields to be completed by donations such as making a raise mound for the older boys, and putting in lights.

Hagenson said the Commission thought SAA and the City were going to negotiate a lease agreement. She said we want to please SAA and have SAA use the fields in East Bethel, but it seems like initially you didn't have a problem with the lease. If money is the huge issue, that is what the lease is all about. She asked what is your suggestion with what the dollar amount should be? Zimmer said SAA wouldn't enter into a lease agreement when we have to pay a set amount. If you want to recommend that amount with a \$500 increase you can do that.

Harvey believes it is great that SAA came to the Commission, but we do not have any power to do anything. A representative from SAA stated there is not another program in East Bethel. Harvey said SAA is asking us to drop the fee and we cannot do that. The City has a set fee schedule. Davis said the City has a set fee schedule; we cannot waive the fee for SAA. That sets a dangerous precedence.

Davis said the options for the Park Commission are, the Commission approves the terms of the lease or SAA can elect to rent the fields per the field cost schedule. Boyer said he would remind the Commission that we didn't pull a number out of our hat, this amount is what we figure the fields cost to maintain. We have subsidized the kids at \$185,000 a year. He would suggest the Commission doesn't go down that same road. Zimmer said maybe we are at an impasse here, who do you want to run your youth athletic fields. Davis said the cost we figured were above the basic costs. We have to do field dragging, clean up, etc on the fields, which we would not have to do at the rate we are doing it. That is not to say we do not appreciate what you do for the City.

Zimmer said this number here is not right. Langmade said SAA was supposed to have done a number of things for the fields. There are no records of them doing things. He said this would be a fair way to do it. Zimmer said there are sketchy records. The bleachers and fencing were donated by SAA. Whatever was above and beyond that he doesn't

know. Boyer said the issue is very simple. You guys didn't pay us \$6,500 last year, and that is what it cost the City to operate the fields. It is our facility that we allow you to use. Zimmer said we gave you \$4,000. Boyer said so we subsidized you. Davis said you paid us \$2,900 for other field usage, not for the fields we are discussing. We are coming to a place where times are tough for everybody.

A representative of SAA asked does the City have any obligation to pitch in for its residents. Harvey said the fee schedule is based on resident usage.

Butler reiterated this is not a forum to negotiate use. He believes this whole item should be tabled until the City and SAA have come to agreement on a lease. The Commission cannot negotiate this. We have no power to negotiate this, if there is not a lease. There is no lessor or lessee. This needs to be put back to the City Administrator and all the powers that be, with SAA to reach some sort of a lease agreement.

Butler motioned this item be tabled until the City and the Board of SAA have come to some kind of lease agreement that both parties are agreeable to, at which time it will come back to the Parks Commission. Harvey seconded.

Boyer said what the City Administrator is looking for is more information added to the lease. Hagenson wanted to know if there was any legality in reducing the fees if you sign a lease and wonder if we can reduce it. If you sign a lease, does that enable us to offer a discount. Davis said the only problem there is you are setting a precedent to reduce the cost. Hagenson said what would be the problem with that. Davis said the fees are set to break even. The door is open for them to logically argue that you can charge less than what it pays them to cost to operate the facility. Butler said there is a benefit to having someone lease the building. Davis said then the City might need to get out of the arena business. If we are set to break even, then charging a reduced fee for rental won't pay even an electric bill. For example the electric bill at the ice arena is \$70,000. Hagenson said she thinks we are talking apples and oranges because all you are setting is a precedence of lease.

All in Favor, Motion carries.

Council
Report

Boyer said the only discussion to report on is the 224th section of the trail and putting it all on one side of the street versus splitting it. They did not feel three feet was an adequate separation on the side of the road.

Booster
East/Cedar
Creek Trail
Funding
Report

Parks Commission approved the first phase of the Booster East to Cedar Creek Trail on August 12, 2009. Phase I begins in Booster Park East, connects to 224th Avenue and then to Xylite Street. From Xylite Street, the trail follows 222nd Lane and Bataan Street and then to 229th Avenue. This matter was presented to City Council on September 2, 2009, again on September 16, 2009 and again on October 7, 2009. City Council directed that the 2010 Trail CIP projects move forward as presented including the Booster Park East to Cedar Creek trail, Phase 1.

As previously presented, trail alignment will require a 20' x 300' easement to connect Booster Park to 224th Avenue. On 224th Avenue, the trail would proceed east along the south side of 224th Avenue to Xylite Street. The trail would proceed in an easterly direction along Xylite Street and 222nd Lane. These two streets would be widened by approximately 3' on each side and a 4' wide pedestrian way would be marked and striped

on both sides of the street so that users would face oncoming traffic. At the intersection of 222nd Lane and Bataan Street, the trail would proceed north on Bataan Street and remain on the west side of Bataan Street to the intersection of 229th Avenue. With the exception of the Xylite Street and 222nd Lane segment of this project, the trail would be separated along 224th Avenue and Bataan Street.

The plan for the future trail connection to Fish Lake trail head at the Cedar Creek Ecosystem and Scientific Reserve (CCESR) would involve a road crossing on 229th Avenue at a point to be determined. The trail would then enter the CCESR property and proceed east along the 229th Avenue right of way to Durant Street and then north paralleling Durant Street to the Fish Lake parking lot and pavilion. This phase is scheduled for 2011 and would only be a natural surface trail at this time. City crews are projected to perform the clearing work on this phase.

Parks Commission recommended approval of the plan design for the trail at their January 13, 2010 meeting. There were no changes in the route that was approved by City Council on October 7, 2009.

The preliminary cost estimate for the Booster Park East to Bataan Street segment of this project is \$171,000 not including any easements that may be required. There is currently \$63,553 in the Trails Capital Fund with an additional \$62,139.00 scheduled to be transferred to this fund in 2010. This results in a shortfall for Phase 1 of the project of \$45,308. The amount of the funding is insufficient to complete this phase in 2010 and it is proposed to complete this project in budget years 2010 and 2011.

As previously indicated there is \$125,692.00 available for this project. These funds would cover the cost of the Booster East and 224th Avenue phase and leave a balance of \$20,692 for the 2011 section of this project. In addition it is anticipated the City Council will approve a transfer of \$62,139 to the Trails Capital Fund in 2011, providing \$88,831 to fund the second phase, Xylite and 222nd Ave, of this trail section. The engineering for this section, Xylite and 222nd Ave., would be completed and no easements are required so only construction costs are required to complete remainder of the project. Estimated construction costs for this section are projected to be \$87,000. It is projected that \$88,831 would be available for this section providing adequate funding to complete this project.

The Bataan Street segment of the trail will be financed with MSA funds as part of the resurfacing project for this street and is projected to cost \$ 271,000 and is scheduled to be completed in 2010.

If Phase 1 is scheduled over a two-year period, 2010 would include the trail across the Oney easement and 224th Avenue to Xylite and, 2011 would include Xylite to 222nd Lane to Bataan Street, the costs can be managed within budget. It is recommended that engineering for this entire segment, Booster East to Bataan Street, be included in the 2010 budget for this project as it more cost effective to perform the survey and related design work at the same time. The project costs for phasing this project over a two year period would be as follows:

Trail Capital Fund

Project Year 2010, Booster East and 224th Avenue Trail

Estimated Construction Costs	\$62,000
Engineering (2010 and 2011)	\$22,000
Easements	<u>\$15,000</u>
Total Estimated Cost Trail Capital Fund 2010	\$99,000

Project Year 2011, Xylite across 222nd Lane to Bataan Street

Estimated Construction Costs	\$87,000
Engineering (Included in 2010)	
Easements (None required)	
Total Estimated Costs Trail Capital Fund 2011	<u>\$87,000</u>

MSA Fund

Bataan Street to 229th Avenue

Estimated Constructed Costs	\$205,000
Engineering	\$ 41,000
Easements and Wetland Credit Purchase	<u>\$ 25,000</u>
Total Estimated Costs MSA Fund 2010	\$271,000

Final Plans and Specifications for the 2010 and 2011 projects will be returned to Council for review and direction to solicit bids. It is anticipated that the Plans and Specifications for the Trail Capital Fund portion of Phase 1 in 2010 will be completed and returned no later than April 2010. The MSA Fund Plans and Specifications for the Bataan Street portion of these improvements in 2010 will be completed and returned no later than May 2010.

City Council requested additional information on the types of easements that will be required on the Bataan Street section of the plan and will reconsider this project at their February 17, 2010 meeting.

All the engineering would be done for the second phase while the first phase is being completed. With the transfer from City Council, there should be \$87,000 for the second phase. The Bataan segment would be done as part of an MSA road project. The trail would not be completed until 2011. The street would function as a trail. The gap between the two segments could still be utilized. Until we can find another funding source, this is the plan for now. We want to get this ready for bid within the next two months. Once it goes to bid we will know the final costs are. We probably won't know anything until we get the bids on this project.

Butler said when he did the math on the second page, the numbers do not add up. We are estimating we are going to spend \$99,000 out of \$125,692, leaving a balance of \$26,000. There will be enough to do the second phase in 2011 according to Davis. We just wanted to get you up to date on the financials.

Other

Butler wanted to discuss Klondike and Beaverbrook. Butler said the usage of Klondike is about 800 vehicles per day. Butler said the vehicles do not come from the Beaverbrook gun club. The maximum number of teams they had was in 2008, at 57 teams, if nobody car pools; you might have 300 cars coming in and 300 cars going out. He understands there are major events in the fall, such as 4-H, which about 790 kids and an estimate of 400 car. Also there is a Pheasants Forever event. Davis said these numbers are taking over a three day average. The City has double the amount of traffic from Palisade to Hwy 65 versus the other direction. There is also now a disk golf club. Additionally there is also a

lot of traffic to the sod farms. When we say the gun club is significant traffic generator, it is not negative on the gun club. Butler said the club wants to be a responsible citizen. Davis said he has sent them a letter asking for their assistance. It was asked why this pertains to the Park Commission. Boyer said there has been discussion on trading a trail easement to a City landlocked property, but Beaverbrook had concerns about their own liabilities.

Adjourn **Hagenson made a motion to adjourn the February 10, 2010 meeting at 8:13 PM. Hoffman seconded; all in favor, motion carries.**

Submitted by:
Jill Teetzel
Recording Secretary

DRAFT



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 7.0 C.1

Agenda Item:

Road Commission Meeting Minutes for February 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.

Fiscal Impact:

None

Recommendation(s):

Information Only

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required: X

EAST BETHEL ROAD COMMISSION MEETING
February 9, 2010

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

MEMBERS PRESENT: Pat Monnier Deny Murphy Roger Virta Jeff Jensen Al Thunberg

MEMBERS EXCUSED: Michael Warsko No members absent

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

Adopt Agenda The February 9, 2010 meeting was called to order by Chairman Jensen at 6:31 PM.

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

Approve – January 12, 2010 Meeting Minutes Monnier questioned the \$400,000 carryover. Thunberg asked if there was a concern of the City Council taking the money if it is sitting there. Davis said he thinks it is a good thing to keep it carrying over. Davis said we are running about even with the MSA funds. It is nice to have a reserve, because you never know what is going to come up or what you will need in terms of matching funds, new projects or emergency needs.

Monnier made a motion to approve the January 12, 2010 minutes as written. Thunberg seconded; all in favor, motion carries.

Road Financial Information – Roads Davis said the final budget report for 2009 will not be available until the next meeting. All final expenditures will be taken care of at the next Council meeting. Jensen said we are projected to be under budget so that is good.

Capital Funds Summary Thunberg asked if the City is going to purchase \$325,000 worth of equipment this year. Davis said yes some of those funds are for a plow truck and some of it will be used for a new street sweeper. The City has three options for replacing the street sweeper - we can contract the sweeping service out, purchase a used one or purchase a new one. Davis is planning on recommending buying one, because the City uses it more than just in the spring to clean up roads. Virta asked if it would be used more with the new sewer system coming in. Davis explained it is used after Booster Days, after events, cleaning the streets on a regular basis, etc. Murphy asked what the life expectancy is. Davis explained 15 years for a new one, 5-8 years for a used one. Davis said we could get a mechanical sweeper for a good price and we are going to start looking into that. Monnier asked what they cost. Davis said a reasonable used one is about \$50,000 and a new one is about \$180,000. Thunberg said he would recommend buying new because you are buying someone else's problems when you buy used. Jensen said they now sell high speed mobile ones that are really nice. Monnier asked if the City would trade this one in. Davis explained it would be sold at auction. Davis reiterated these are high maintenance machines.

Davis explained on the last page of the financial report, he clarified some of the information. There are two sources of funds: street capital and MSA capital. The outstanding projects are listed in the document, including Klondike and Jackson. Jackson and Klondike 2nd phase will not happen for a while.

Jensen asked for clarification on where the sewer and water was going to run by the trailer park. Virta explained he went to the Met Council public meeting on this and he got the impression that they were going to go ahead, if they were going to go into service January 2011. Davis said the plan to have the plant operational by the end of 2012. They have awarded the design contract for the plant and construction will happen in 2011. The plant will be located between the theater and the trailer court. Virta said there would be extensive truck traffic out of the plant on a daily basis. They will treat the sewage at these sites and pump it to the other areas. Since it is just water, it will just percolate into the ground. Thunberg said it is a large drain field correct. The first infiltration site will be right behind the ice arena. Jensen said this is sewage correct.

Davis said the water plant location has not been determined at this point. Davis said Met Council might assist the City with this. Davis explained to have a sewer system work you need to have a water system. The two need to go hand in hand. Thunberg asked how the City is planning on paying for the project. It has explained pretty much that it will be charged to those who use it. Davis explained service would be to the users on Hwy 65, such as the businesses, and the trailer court. Davis said the engineers said have projected this project to be cash flowing. After the first phase is in, the rest will be developer driven. Jensen said he believes there will be about a \$20 million dollar bill for this project.

Virta asked if there would be public meetings on the water system. He said this is the first he has heard about the water portion being separate and not part of what Met Council is paying for. Davis said there should be public meetings. Paavola agreed there should be public meetings. Thunberg clarified that since the sewer system is going in, we for sure will need a water system. Paavola asked if there has been anything received of late from Bolton and Menk. Davis answer he had not heard anything recently.

Jensen said he was reading about the system. He said all the talk of late has been how Met Council will be paying for this whole system. He is hoping Met Council will assist us with the collection system. He believes the systems will be put in the same trench. The deepest part of this line is about 40 feet deep, but most of the sewer lines are 20 feet deep. Thunberg wanted to know if we would be using any of the Hwy 65 right of way. Davis said MN DOT probably will allow that, but the only draw back is when MN DOT has a road project they want you to move the items right away and at your own cost. Davis said he would get more information to Virta on the water project. He reiterated it is proposed to cash flow. Paavola asked if Sell heard anything from Bolton and Menk. Davis said he has not heard.

Monnier asked if the Roads Commission is now paying for Bataan trail. Davis said it is a mode of transportation, and it is a separated path. Murphy said it has been Council's policy that if a MSA road is being resurfaced, a trail can be put in. Monnier asked how much extra does it add to the resurfacing project. Davis stated quite a bit. Murphy asked why is it listed as \$315,000, why is it coming out of MSA capital, and then why is it listed again. Davis explained because it is a different portion of Bataan. That can confuse people because there are different portions of many streets through out the City.

Election of
Chair and
Co-
Chairperson

Virta asked if members have been reappointed. Davis said yes they have been. Jensen said they are now advertising for the vacancy on the Commission. Monnier wanted to know if anyone wanted to volunteer. Virta said from a historical perspective we have not had rules on who is chairman, but have always had a notion that it should rotate from person to person. The discussion from the past that it makes the committee stronger, you get a different perspective of what is going on when you chair it and it is a good experience. Let your interest be known, if anyone wants to have the chairmanship. Thunberg asked if Virta has done it. He explained he has been the Co-Chairperson. Thunberg said he is interested in being chair.

Virta nominated Thunberg for Chair. Monnier seconded; all in favor, motion carries. Monnier nominated Virta for Co-chairperson. Thunberg seconded; all in favor, motion carries.

JPA
Projects

Projects for the JPA Street Maintenance Project have been submitted to the City of Coon Rapids. Bids will be opened on February 26, 2010 and a 20 days comment period will be open for members to alter their quantities of materials or services. A letter of concurrence must be submitted by March 18, 2010 to the City of Coon Rapids indicating the City's level of participation in the program. Bids will be awarded on April 6, 2010 and projects will commence in the first week of June 2010.

The projects submitted by the City of East Bethel are the Roads Capital Improvement Projects approved by the Roads Commission in September 2009. In 2008 44,000 SY of roads were submitted for seal coating. This was increased to 68,000 SY in 2009 and the submission for 2010 is 120,000SY. The City has \$500,000 to spend on this project. Davis has also included a few streets that were done on different years and has added another \$88,000 to the project. If the group gets a good low price the City can have those other projects to consider.

Thunberg said prices look pretty good again this year. Davis said yes it might be a good time to get more done while prices are depressed. The City does not have to accept the bid when the prices come in. Murphy asked how does that work out for anybody then. Davis explained the communities go out to bid together; there is a certain amount of square yardage that is presented to go to bid. Davis said historically there isn't big changes with all of the communities, it increases the volume so much, so there will be economies of scale. Most of the cities are pretty realistic in what they submit. Jensen explained you can reduce, but you cannot add to the project, so you bid high. Davis explained Sunset would be done in conjunction with Linwood, so that price only is half the projected cost.

Thunberg asked how often does the City seal coat from construction. Davis explained the City does a street analysis yearly. Paavola wonders if we never get sewer and water out at Coon Lake, when the roads out at Coon Lake would get done, they are really in need of getting reconstructed. Monnier said they would need to get bumped up. Davis explained the City is looking at some grant funds to move forward on the phase of the sewer/water to Coon Lake Beach. Davis said if we heard it is going to be some time, like five or ten years, then we might need to look at an alternative plan. They have been put off under the premise that sewer and water is coming to the area. Thunberg said a lot of the streets need overlay. Davis explained they would need reconstruction at Coon Lake Beach.

Virta asked what the status of Jackson is; it has also been in this limbo for years. Davis said Jackson Street would be done in 2011. The City should know if it will be part of the sewer project, but right now all indications are that it will not be part of the sewer project. Virta said it gets a lot of bypass traffic.

Murphy asked if everything just happened, how soon would the sewer/water project happen. Davis said it could be operational by the end of 2012. Paavola said there are about 250 homes in the Coon Lake Beach area. Jensen said if the City is talking user paid fees, the service needs to be brought to that area. Paavola said when the sewer and water issues started about six years ago, the Coon Lake Beach residents were on the bandwagon, and we need to preserve that body of water. Residents knew there was sewage going into the lake, there are many sewers that have failed and the new homes do not have enough room for their drain fields. She couldn't tell you how many holding tanks are out there. Davis said anything new is a holding tank there now. Virta said that is the area where the sewage system makes a lot of sense.

Paavola said we pushed really hard for this. Monnier said there are a lot of people pushing hard for this. Davis said the area around Coon Lake is the most densely populated area in East Bethel. Where there is this type of density there is potential and it makes this project more feasible.

Davis explained the City is looking at some grant possibilities and it would decrease the assessments these people would need to pay.

We have been able to keep our cushion, and keep staying in budget, we are doing well. Jensen said that JPA has helped us out a lot. Davis said the City saves about 20% on the construction costs and lower market prices probably result in another 10-20 % reduction.

2009 Certification of Mileage

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. There are no streets that are only that long. It might take three or four years to get the whole street listed.

Roads that merit consideration for this designation include but are not limited to Palisade St., 241st Ave. 183rd Ave., 209th Ave. and Longfellow and Lincoln Avenue. Palisade is a major street and is in good shape, any construction would be years away. 241st is by the where the Castle Towers sewer plants is. The road serves about 250 homes. It will be awhile before anything is done. 209th street it would tie the ice arena to Davenport, it is a short stub street.

Davis' recommendation would be to look at Lincoln and Longfellow. This road will need to have something done to it within the next couple of years. Jensen said all the other streets are new construction. Wouldn't you want to get roads that are in much worse shape. Davis said those ones are logical for MSA, but would not be at the top. Paavola said Lincoln and Longfellow is not a good area. He would need to see what the traffic count for the area is but he is thinking about 2,000 cars a day. It is another road that has been postponed for the future sewer project. There would need to be development, like 15 – 20 years down the road. Davis recommendation would be Longfellow.

Thunberg said what about 183rd. Davis said that is in decent shape and is along the sewer route. Virta said so we will be getting quarter mile increments each year. Davis explained

yes there would be increments done. If we could get at least a ½ mile done, that would decrease the street capitol funds that we have to use. Thunberg asked what the non-existing roads are. Davis explained such as the service road going north of day care center to 221st. Jensen if we can get some money from MSA that sounds great. Obviously the engineer did this, do we need a recommendation to Council. Davis said this is something that would come from Roads Commission as a recommendation to Council. This is not critical to do it tonight, you can think about it. Jensen said he agrees with Davis. Virta agreed.

Thunberg said we could assume there will be a lot of truck traffic when the project comes. Davis said that wouldn't be an issue. Jensen said this isn't a project right now. It is so we can get an area designated and gets the money for when the project comes up. Davis said we are continually patching patches. Paavola said there might not need any straightening. Davis said we could fix some of the curves. Jensen said the areas by the lake are not populated right now. Paavola said there really isn't that much area to build up. Davis said there are some low areas and wetlands. Davis said when the sewer and water comes in; you will see a lot of redevelopment down there. If there is sewer and water down there, that won't matter. The lots will be valuable and it will change the whole complexion of the place.

Virta motioned recommending to the City Council 0.25 miles of Longfellow from Lexington to the west be designated as an MSA Street. Monnier seconded; all in favor, motion carries.

Other

Monnier asked for an update on the signal at 221st. Davis said the only update is on the timeline, since it is a Federal project, the City taking the lead may not speed up the project. The city engineer advised it may not drastically alter the timeline. But the City has not given up on that idea yet. Anoka County doesn't sound like they want to relinquish control at this time, so it looks like we are still on that 2013 schedule. Hopefully, we will get a schedule from the County Engineer before the next meeting.

Thunberg said so at least they didn't expand the schedule. Jensen said he doesn't think they will expand the time frame. Murphy said we just had another big accident the night before last. Davis said this is a Federal grant project and the monies are pretty well earmarked for this project. The only thing we want to do is make sure it doesn't slip to 2014. We want to make sure it is there priority project. Monnier asked if we could twist Oberstar's arm to move this project up. Davis said the City might be in his district with the next redistricting. Monnier said on Christmas eve there was a major accident there, but Davis didn't think it was a fatality. Monnier asked how many fatalities is it going to take. Paavola said you couldn't put a price on a life. Jensen said it is very rare that money gets filtered through the County.

Paavola said the City needs to keep on the County. We cannot sit here and be quiet. It is in the intention of City staff to keep inquiring on the status of the project and reinforcing that we want to move it up. Thunberg said the monthly contact is huge. Monnier said he wishes we had someone high to put some pressure on the County.

Adjourn

Virta made a motion to adjourn the February 9, 2010 meeting at 7:55 PM. Murphy seconded; all in favor, motion carries.

Submitted by:

Jill Teetzel
Recording Secretary

DRAFT



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 8.0 A.1

Agenda Item:

Resolution 2010-12 Accepting Municipal Agreement Program Funds

Requested Action:

Consider Adoption of Resolution 2010-12 Accepting Municipal Agreement Program Funds

Background Information:

Resolution 2010-12 provides the background for the proposed service road project from 215th Avenue NE to 221st Avenue NE. The City requested state participation in the upgrading and construction of this frontage road along the east side of Trunk Highway 65 to consolidate access points onto TH 65.

A grant application was submitted which included the closure of the median at 217th Avenue NE and closure of the direct access to TH 65 at 215th Avenue NE and 217th Avenue NE. The application also included construction of a new service road from 215th Avenue NE to 221st Avenue NE. As outlined in Mr. Bob Vasek’s letter dated March 4, 2010, the City’s request for \$594,000 was approved.

Mn/DOT is requesting written confirmation from the City that the funds approved are accepted and that the City intends to proceed with the project as outlined in the grant application.

The total estimated project cost could reach \$1,846,414 if the City is required to pay for ROW. If, as the City has been able to coordinate in the past the ROW is dedicated and the property owners are not charged for street construction, the City’s estimated project cost would be \$1,370,381. This would reduce the City share from MSA Construction Funds to \$776,381. The project cost is broken down as follows:

Construction		\$1,155,266
Overhead and Contingency		\$ 215,115
	Total	\$1,370,381
<u>If Required</u>		
Right of Way		\$ 476,033
	Total	\$1,846,414

Attachment(s):

1. Improvement Layout
2. Bob Vasek Letter dated March 4, 2010

3. Resolution 2010-12 Accepting Municipal Agreement Program Funds

Fiscal Impact:

As noted above

Recommendation(s):

Staff recommends approval of Resolution No. 2010-12 accepting the proposed grant funds for the construction of a service road from 215th Avenue NE to 221st Avenue NE.

City Council Action

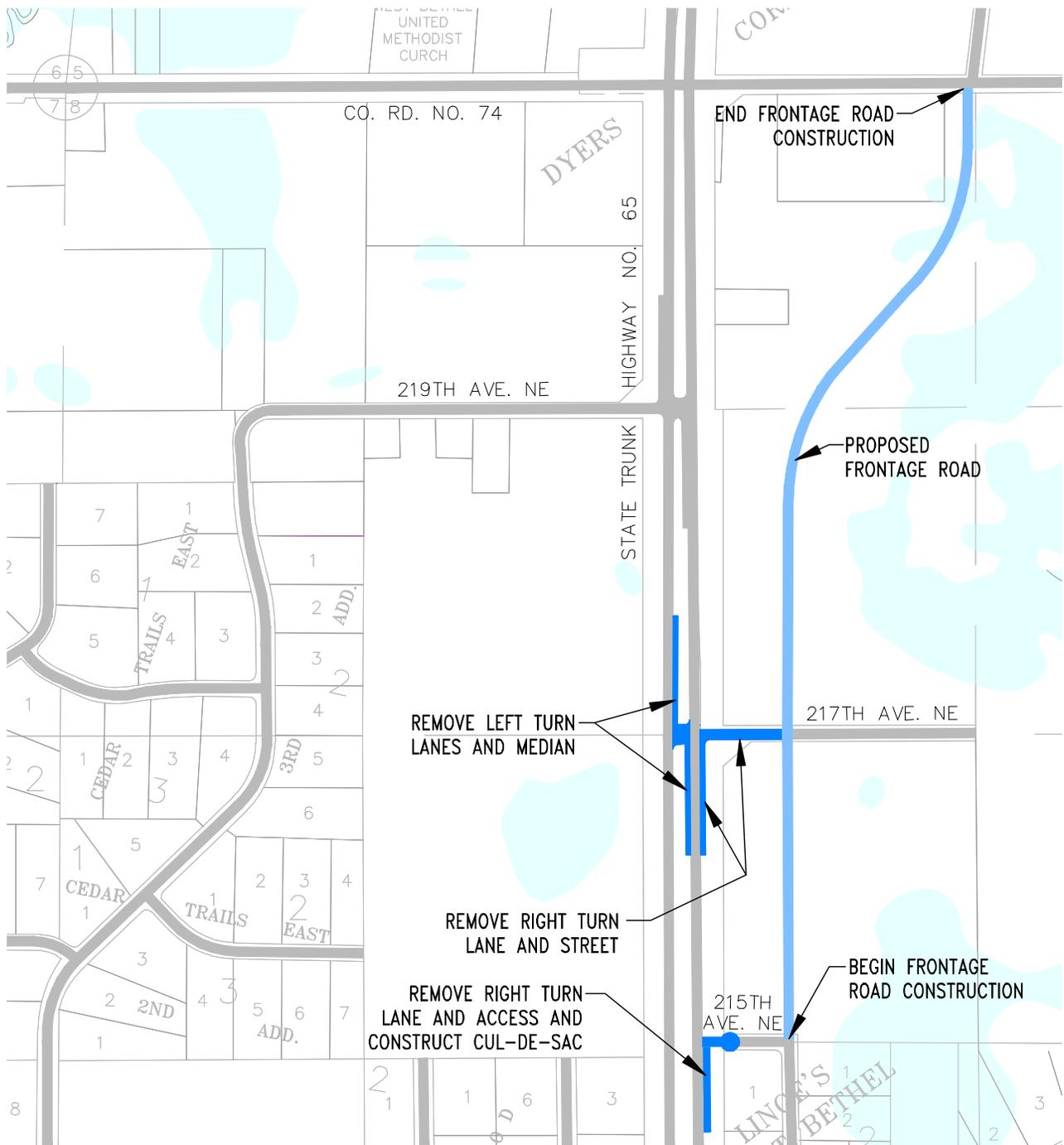
Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____



LEGEND

-  DENOTES 100% STATE FUNDING
-  DENOTES 100% STATE FUNDING BASED ON A 32-FOOT FRONTAGE ROAD
-  DENOTES EXISTING STREETS
-  DENOTES WETLAND



SCALE IN FEET

**EXHIBIT 1
IMPROVEMENT LAYOUT AND
PROPOSED COST PARTICIPATION**

CITY OF EAST BETHEL



**Hakanson
Anderson
Assoc., Inc.**
Engineers, Surveyors & Landscape Architects
3601 Thurston Ave., Anoka, Minnesota 55303
612-427-5360 FAX 612-427-0520



Minnesota Department of Transportation

Metro District
Office of State Aid
1500 West County Road B2
Roseville, MN 55113-3174

Office Tel: 651-234-7780
Office Fax: 651-234-7765
robert.vasek@dot.state.mn.us

March 4, 2010

Mr. Douglas Sell
City Administrator
City of East Bethel
2241 221st Avenue NE
East Bethel, MN 55011

RE: Request for FY 2011 Municipal Agreement Program Funding
TH 65 East Frontage Road from 215th Avenue NE to 221st Avenue NE/County Road 74
in the City of East Bethel

Dear Mr. Sell:

I am writing to inform you of the decision reached on January 26, 2010 by the Fiscal Year (FY) 2011 Municipal Agreement Program Selection Committee regarding the above referenced project.

After considering 13 candidates submitted for inclusion in the FY 2011 Program, the Selection Committee has decided to offer a maximum contribution by Mn/DOT of \$594,000 (this includes \$44,000 for Construction Engineering and Inspection). The award is for the construction of an east frontage road as referenced above along with access closures at 215th and 217th Avenue NE. The proposal was categorized as a Community Development and Safety project due to those being the primary benefits and was 2nd out of 7 projects selected for funding.

The referenced funding amount is the maximum amount of Mn/DOT Metro Municipal Agreement funding available for this project. Municipal Agreement funds can only be used for construction items that can be justified in accordance with the Mn/DOT Cost Participation Policy. If the cost of eligible items falls below this maximum amount, the funds awarded will be reduced to match the cost of the eligible items. A copy of the Mn/DOT Cost Participation Policy can be viewed at http://www.dot.state.mn.us/stateaid/forms/ds12_1.pdf

If this funding is accepted by your agency you will be expected to provide project plans and specifications to my office that conform to a Mn/DOT format. They will be reviewed and commented on by Mn/DOT functional groups. Please contact the Metro functional groups directly for specific questions relating to their area and copy the State Aid Project Manager on correspondence. We will provide the Municipal Agreement Program process information upon request. All Right-of-Way costs and acquisition, Utility Relocation as applicable and Preliminary Engineering are the responsibility of the local agency. An agreement will be written by Mn/DOT's Office of Technical Support and must be fully executed prior to award of the project. To receive the funds, this project must be let by June 30, 2011. After that date the money becomes unavailable to our office.

Please reply in writing by April 6, 2010 if East Bethel would like to accept this funding. The written confirmation should include acceptance of the conditions of Right-of-Way, Utility Relocation and Design along with the funding level proposed. If funding is accepted by the city a State Aid Project Manager will be assigned and we will contact you to set up a project kickoff meeting.

If you have any questions about the selection process or funding situation please feel free to contact me.

Mr. Douglas Sell
Page 2
March 4, 2010

Sincerely,



Robert (Bob) Vasek, P.E.
Cooperative Agreement Engineer

cc: Greg Coughlin, Mn/DOT-Metro State Aid *
Wayne Norris, Mn/DOT-North Area Manager *
Mark Lindeberg, Mn/DOT-North Area Engineer *
File

* Electronic Copy Only

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

RESOLUTION 2010 - 12

**RESOLUTION ACCEPTING FY 2011 MUNICIPAL AGREEMENT PROGRAM FUNDS
FOR THE UPGRADING AND CONSTRUCTION OF A FRONTAGE ROAD ALONG
TH #65 TO CONSOLIDATE ACCESS POINTS ONTO TH #65**

WHEREAS, City Council, per Resolution 2009-89, requested State participation in the construction of a frontage road extension along the east side of TH #65 between 215th Avenue NE and 221st Avenue NE; and

WHEREAS, such construction would eliminate the median opening at 217th Avenue NE and Trunk Highway 65 and eliminate the direct access onto TH #65 at 215th Avenue NE and 217th Avenue NE; and

WHEREAS, the City understands that all right of way, utility relocation and design costs are City responsibilities; and

WHEREAS, the State has approved the City's request for such participation.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EAST BETHEL, MINNESOTA THAT: the City of East Bethel hereby accepts grant funds in the amount of \$594,000 for the construction of the improvement as outlined in the grant application dated September 28, 2009.

Adopted this 17th day of March, 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:

March 17, 2010

Agenda Item Number:

Item 8.0 B.1

Agenda Item:

Whispering Aspen/Castle Towers Boundary Fence Line

Requested Action:

Informational Only

Background Information:

The City Attorney will have updated information for Council regarding this issue on Wednesday. He has been working with the Castle Towers (Bethel Properties) Attorney, Mr. Speeter, to bring this matter to closure.

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:

March 17, 2010

Agenda Item Number:

Item 8.0 D.1

Agenda Item:

2010 Joint Powers Agreement (JPA) Street Maintenance Projects

Requested Action:

Consider approving the bids and directing participation in the contract for the 2010 Joint Powers Agreement for Street Maintenance Projects

Background Information:

At the February 17, 2010 meeting, Council directed that staff submit the projects identified in the 2010 CIP and the 2010 Street Maintenance Budget for inclusion in the plans and specifications to be bid as part of the 2010 JPA Street Maintenance Projects. These projects are reflected in Attachment 1.

Linwood Township has indicated it will participate in the Sunset Road project and has provided a signed agreement to pay half the cost of this project. This agreement is Attachment 4.

Total project costs were estimated at \$292,000. Funds have been identified in the Street Capital Fund along with crack sealing an additional 20,000 L.F. and striping an additional 32,000 LF as provided in the General Fund Street Maintenance budget. Unit prices for 2010 items were greater than those for 2009, all of the proposed projects will total \$266,494.00 for the quantities submitted.

This amount is \$38,065 less than the 2010 CIP projection of \$292,000 for these projects. The General Fund Street Maintenance Budget would be charged \$16,666.25 for 20,000' of crack sealing and 32,000' of striping. The Street Capital Fund would be charged \$249,827.75 for crack sealing and seal coating. Funds have been appropriated for these purposes.

A summary of the bids is included as Attachment 2. A letter of concurrence is required such that the City of Coon Rapids can proceed with the final contract for these services. A copy of the proposed letter is Attachment 3.

Attachments:

- Attachment 1: Location map for seal coating
- Attachment 2: Bid Summary
- Attachment 3: Letter of Concurrence
- Attachment 4: Linwood Township Agreement

Fiscal Impact:

As noted above.

Recommendation(s):

Staff recommends acceptance of the 2010 JPA Street Maintenance Agreement bids and authorization to submit a letter of concurrence to the City of Coon Rapids indicating our participation in these projects in an amount not to exceed \$292,000.

City Council Action

Motion by:_____

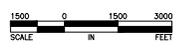
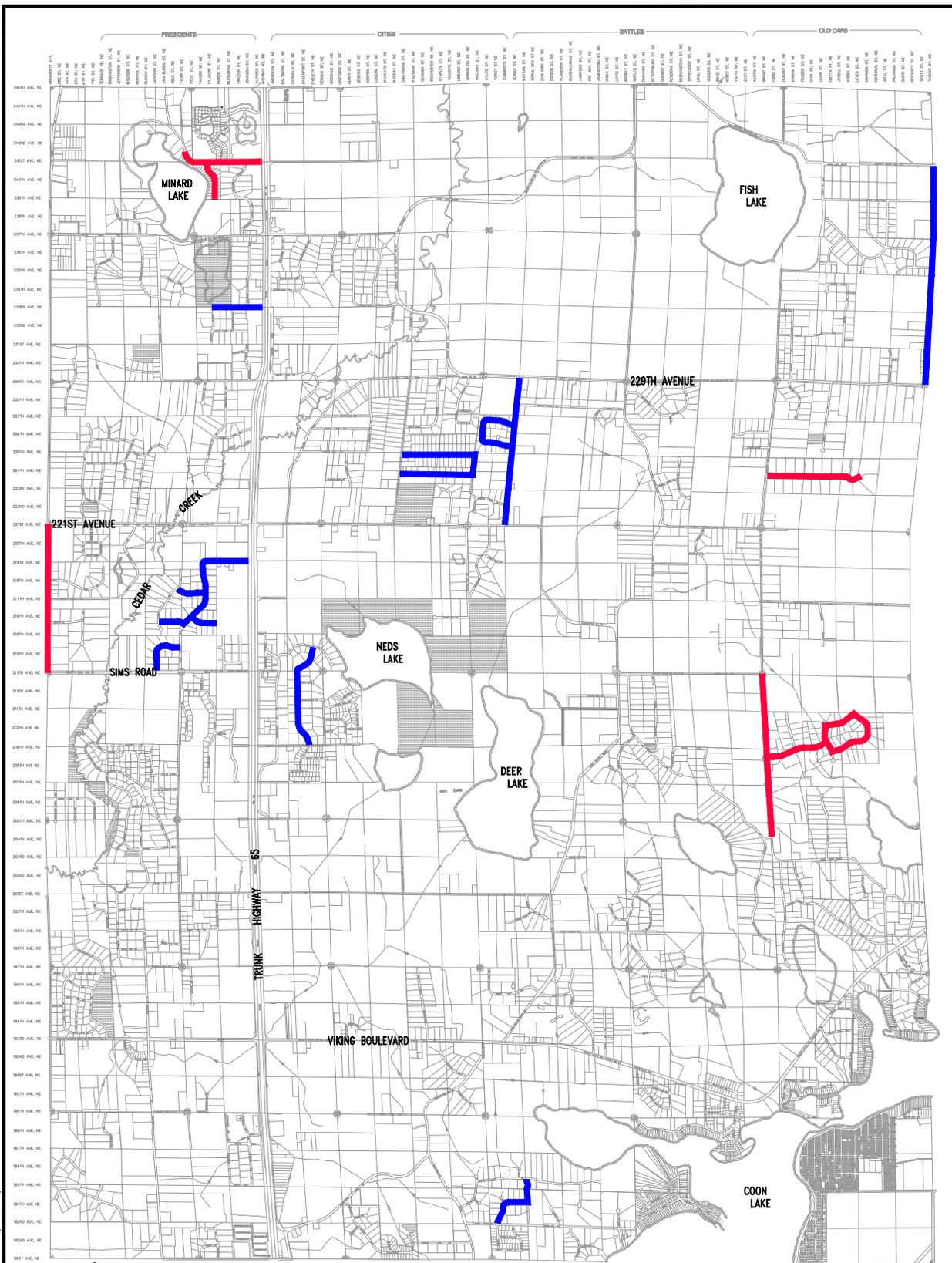
Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

16. 03. 2010 - 04:16
A:\GIS\PROJECTS\MANUAL\1601-2010\Map\1601-2010_04_Street Projects Label.mxd



LEGEND

-  CRACK SEAL AND SEAL COAT
-  CRACK SEAL ONLY

**2010
CITY OF EAST BETHEL
JPA STREET PROJECTS**



March 18, 2010

Mr. Steve Gatlin
Director of Public Services
City of Coon Rapids
11155 Robinson Drive
Coon Rapids, MN 55433-3761

RE: JPA Letter of Concurrence in Award of Bids

Dear Mr. Gatlin:

At the regular City Council meeting on March 17, 2010, the City Council directed that a letter be drafted indicating approval to participate in the JPA Street Maintenance Project agreement for 2010. The City of East Bethel will participate in the Agreement at the bid rates for the following quantities for the 2010 Street Maintenance Materials Project 10-5 bid which was received and opened by your office on February 26, 2010.

- 1.) Seal Coating.....120,000 SY
- 2.) Crack Sealing.....120,000 LF
- 3.) Striping..... 32,000 LF

Thank you for your assistance and we look forward to working with you and the consortium.

Sincerely yours,

Douglas Sell
City Administrator

**AGREEMENT BY AND BETWEEN THE CITY OF EAST BETHEL AND THE
TOWNSHIP OF LINWOOD FOR RESURFACING OF SUNSET ROAD NE**

Whereas, the City of East Bethel has scheduled a patch, crack seal and seal coat project for Sunset Road. The work will be performed between 229th Avenue NE and Fawn Lake Drive NE; and

Whereas, the easterly portion of this roadway lies within the corporate boundaries of Linwood Township while the westerly portion lies within the corporate boundaries of the City of East Bethel; and

Whereas, the City and the Township have mutual maintenance responsibilities for the road; and

Whereas, the City of East Bethel will let the work described as patch, crack seal and seal coat through a Joint Powers Agreement (JPA) with seven north metro cities; and

Whereas, Linwood Township has indicated a willingness to participate in the cost of this work at fifty percent of the final bid price plus the share of administrative costs attributed to this project by the JPA

Now therefore the parties hereby agree as follows:

The estimated cost of the project is \$58,000.

The City of East Bethel hereby agrees to pay \$29,000.00 for its share of the project.

Linwood Township hereby agrees to pay \$29,000.00 for its share of the project with payment to the City of East Bethel within 15 days of the date of a detailed invoice from the City of East Bethel for these services.

The City of East Bethel and the Township of Linwood reserve the right to opt out of the JPA project bid should the bid, including the administrative charges, exceed \$58,000.00

The City of East Bethel will provide the bid costs to the Township of Linwood by March 3, 2010.

The City of East Bethel shall be responsible for securing, scheduling, monitoring and inspecting all work on this project.

The Township of Linwood and the City of East Bethel agree to indemnify and hold harmless the other party for all claims of whatever nature arising or related to this project.

For the Township Lynwood

BY [Signature]

Vice Chair Philip Osterhus

BY Jadith K Hanna

[Signature]
Township Clerk

3-10-2010
Date

For the City

BY Greg Hunter

[Signature]
Mayor

BY [Signature]

Douglas Sell
City Administrator

3/3/2010
Date



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 8.0.E.1

Agenda Item:

Code Enforcement Report

Requested Action:

Informational Only

Background Information:

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

Attachments:

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 03/17/10

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	Owner contacted Building Official and stated that he has a purchase agreement pending. Council granted an extension for removal of dangerous conditions until May 31, 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, 03/15/10.

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	Property owner appeared in court on 3/4/10 and was ordered to clean up property. Owner has started removing debris from property. However, owner indicated that the property is in foreclosure and the lender will take possession in the near future.
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	Contacted contractor on 01/11/10 regarding building permit application. Contractor stated that insurance co. is currently reviewing proposal.
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	Building and Fire department responded to the property to investigate a call that an uninhabited home may have had the water left on. Upon arrival it was determined that the home was abandoned and that running water had caused extensive damage. Staff forced entry and secured the water. Contact has been made with representatives for the lender and staff is tracking progress.
775 199 th Ave NE.	02/17/10 Residential structure posted as Unfit to Occupy	02/22/10 Sent abatement letter to mortgage company	Tracking	Building 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:

March 17, 2010

Agenda Item Number:

Item 8.0 E.2

Agenda Item:

Ordinance 20, Second Series, an Ordinance Amending Chapter 70 of the East Bethel City Code

Requested Action:

Consider Approval of Ordinance 20, Second Series, an Ordinance Amending Chapter 70 of the East Bethel City Code

Background Information:

It was brought to the attention of staff of an existing conflict in language between Chapter 70, Article II, Parking Regulations and Appendix A, Zoning, Section 22, Off-Street Parking and Loading Requirements regarding semi truck and tractor parking in the R1 and RR zoning districts.

City Council directed staff to correct the conflict. Both documents have been amended to correct the inconsistencies.

Changes to Chapter 70 are as follows:

Section 70-24 Definitions: Additional definitions were added to the document. The new definitions were obtained from Minnesota Statutes. Added definitions include bus, motor truck, semi-tractor, and semi-trailer. These words have been in use in the code; however they were not defined.

Section 70-29. Parking and standing: Bus, motor truck, truck-tracker or commercial vehicles are allowed to be parked in residential districts for no more than 24 hours and are allowed to be parked on the streets. According to the zoning code, parking was prohibited in the R1 and R2 residential districts. In the proposed Ordinance 20, changes have been made to allow the parking in the rural residential areas for no more than a 24 hour period and excludes parking of these types of vehicles on city streets.

Attachment(s):

1. Redlined tracked changes of Ordinance 20, Second Series, an Ordinance Amending Chapter 70 of the East Bethel City Code
2. Ordinance 20, Second Series, an Ordinance Amending Chapter 70 of the East Bethel City Code

Fiscal Impact:

Not Applicable

Recommendation:

Staff recommends City Council approval of Ordinance 20, Second Series, an Ordinance Amending Chapter 70 of the East Bethel City Code and direction to publish in the City's official newspaper.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

ORDINANCE NO. 20, Second Series

AN ORDINANCE AMENDING CHAPTER 70 OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

Sec. 70-24. - Definitions.

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

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

Formatted: Underline

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

Formatted: Underline

Formatted: Underline

Motor vehicle means any vehicle included within such definitions as contained in Minn. Stats. ch. 169.

Parked or parking means stopping or allowing any motor vehicle to stand upon any public street.

Public street means the entire width between boundary lines of any way or place within the city limits when any part thereof is open to public use for vehicular traffic and shall include public ways commonly referred to as "alleys," "avenues," or "boulevards."

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.

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.

Formatted: Underline

Formatted: Font: Times New Roman, Strikethrough

Formatted: Font: Times New Roman, Bold

Formatted: Font: Times New Roman, Underline

Formatted: Font: Times New Roman, Bold

Formatted: Font: Times New Roman, Strikethrough

Formatted: Font: Times New Roman, Underline

Formatted: Font: Times New Roman, Underline

Formatted: Font: Times New Roman, Underline

Formatted: Strikethrough

Formatted: Font: Bold

Sec. 70-29. Parking or standing.

It is unlawful for any person owning, driving or in charge of any bus, motor truck, truck-tractor or commercial vehicle to cause or permit the same to be parked or stand longer than 24 hours continuously on, in front of, or beside any property in ~~any the Rural #~~ Residential district, except for the purpose of loading or unloading. Parking of buses, motor trucks, semi-tractors and/or semi-trailers on city streets is prohibited. ~~For the purposes of this article, the term "bus" means a vehicle designed for carrying passengers and having seating capacity of more than 12 persons and the term "motor truck," "truck tractor" or "commercial vehicle" means a vehicle having either a capacity of more than one ton or a weight of more than 5,000 pounds or both,~~

Formatted: Strikethrough

Formatted: Font: Bold

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

For the City:

Greg Hunter, Mayor

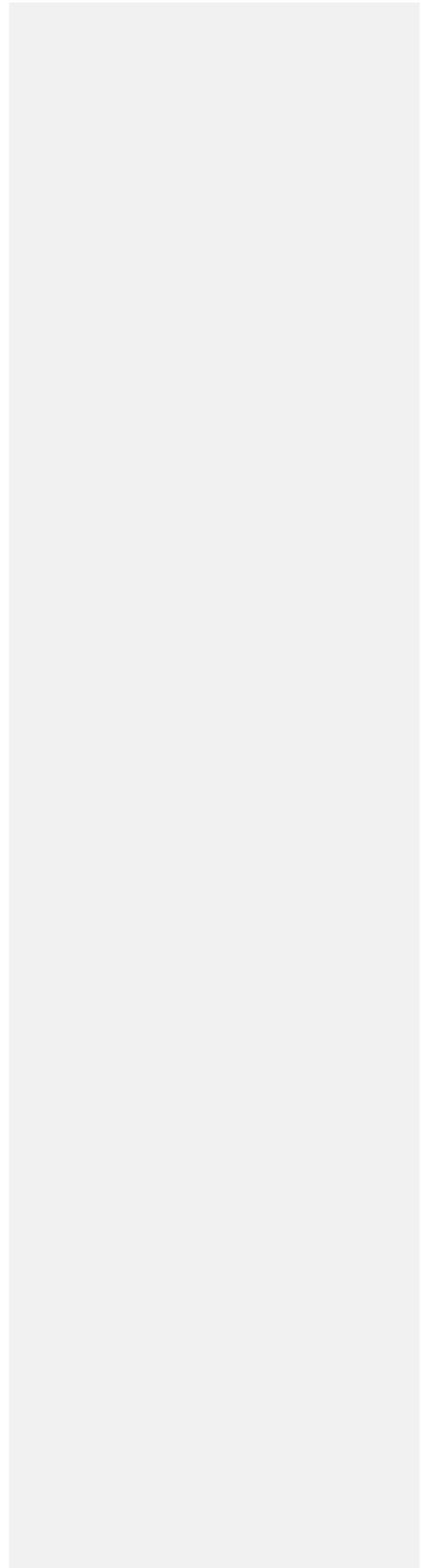
ATTEST:

Douglas Sell, City Administrator

Adopted: March 17, 2010

Published:

Effective:



ORDINANCE NO. 20, Second Series

AN ORDINANCE AMENDING CHAPTER 70 OF THE EAST BETHEL CITY CODE

The City Council of the City of East Bethel ordains:

Sec. 70-24. - Definitions.

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

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

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

Motor vehicle means any vehicle included within such definitions as contained in Minn. Stats. ch. 169.

Parked or parking means stopping or allowing any motor vehicle to stand upon any public street.

Public street means the entire width between boundary lines of any way or place within the city limits when any part thereof is open to public use for vehicular traffic and shall include public ways commonly referred to as "alleys," "avenues," or "boulevards."

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.

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.

Sec. 70-29. Parking or standing.

It is unlawful for any person owning, driving or in charge of any bus, motor truck, truck-tractor or commercial vehicle to cause or permit the same to be parked or stand longer than 24 hours continuously on, in front of, or beside any property in the Rural Residential district, except for the purpose of loading or unloading. Parking of buses, motor trucks, semi-tractors and/or semi-trailers on city streets is prohibited.

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)



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 8.0 F.1

Agenda Item:

Fire Department Staff Monthly Meeting Notes and Reports

Requested Action:

Informational only

Background Information:

March Fire Department Monthly Meeting Notes and February Reports are included for your review.

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

Fiscal Impact:

None

Recommendation(s):

Informational only.

City Council Action

Motion by: _____

Second by: _____

Vote Yes: _____

Vote No: _____

No Action Required: _____

INCIDENT TYPE CODES

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

EAST BETHEL > View Station Info

I want to:

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

Search (Station Name):

Station Number	Station Name	Address	City	State	Zip	Phone	Status
 40	Day All Stations (Weekdays)	2751 Viking Blvd	East Bethel	MN	55011		Active
 1	East Bethel Fire Department #1	2751 Viking Blvd	East Bethel	MN	55011	763-367-7885	Active
 2	East Bethel Fire Department #2	2375 221st Avenue NE	East Bethel	MN	55011		Active
 3	East Bethel Fire Department #3	342 Forest Rd	East Bethel	MN	55092		Active
 11	Station 1 Day (Weekends)	2751 Viking Blvd	East Bethel	MN	55011		Active
 12	Station 1 Night	2751 Viking Blvd	East Bethel	MN	55011		Active
 21	Station 2 Day (Weekends)	2375 221st Avenue NE	East Bethel	MN	55011		Active
 22	Station 2 Night	2735 221st Avenue NE	East Bethel	MN	55011		Active

Records 1-8 of 8

Goto Page: 1



Fire Incident By Street Address
 From 02/01/10 To 02/28/10
 Report Printed On: 03/04/2010

Incident Number	Incident Date	Alarm Time	Location	Primary Station	Incident Type
EAST BETHEL					
087	02/27/2010	22:03	18164 Hwy 65 NE	1	321 EMS call, excluding vehicle accident with injury
086	02/27/2010	20:17	Hwy 65 NE	2	300 Rescue, EMS incident, other
085	02/27/2010	17:46	19801 Hwy 65 NE	1	142 Brush or brush-and-grass mixture fire
084	02/27/2010	10:57	111 Bryant LN NE	1	321 EMS call, excluding vehicle accident with injury
083	02/27/2010	05:44	330 Laurel RD	1	611 Dispatched and cancelled en route
082	02/26/2010	06:40	321 Laurel RD NE	40	321 EMS call, excluding vehicle accident with injury
081	02/24/2010	14:30	19443 East Front BLVD NE	40	321 EMS call, excluding vehicle accident with injury
080	02/23/2010	23:57	411 206th AVE NE	2	321 EMS call, excluding vehicle accident with injury
079	02/23/2010	22:03	18164 Hwy 65 NE	1	321 EMS call, excluding vehicle accident with injury
078	02/23/2010	18:01	523 238th LN NE	2	412 Gas leak (natural gas or LPG)
077	02/23/2010	07:53	-	2	611 Dispatched and cancelled en route
076	02/22/2010	16:53	24355 Hwy 65	2	321 EMS call, excluding vehicle accident with injury
075	02/21/2010	20:20	18164 Hwy 65	1	736 CO detector activation due to malfunction
074	02/20/2010	13:52	2212 182nd AVE NE	1	321 EMS call, excluding vehicle accident with injury
073	02/19/2010	13:09	22435 Palisade ST NE	2	321 EMS call, excluding vehicle accident with injury
072	02/19/2010	11:26	22824 Taylor ST NE	2	321 EMS call, excluding vehicle accident with injury
071	02/18/2010	08:15	Hwy 65	2	322 Motor vehicle accident with injuries
070	02/17/2010	22:47	4440 235th LN NE	2	321 EMS call, excluding vehicle accident with injury
069	02/17/2010	16:23	775 199th AVE NE	1	520 Water problem, other
068	02/17/2010	12:30	1640 207th LN NE	1	321 EMS call, excluding vehicle accident with injury
067	02/16/2010	16:55	24425 Durant ST NE	2	321 EMS call, excluding vehicle accident with injury
066	02/15/2010	17:17	23705 Hwy 65	2	600 Good intent call, other
065	02/15/2010	16:50	24355 Hwy 65	2	321 EMS call, excluding vehicle accident with injury
064	02/13/2010	18:36	4222 229th AVE NE	2	321 EMS call, excluding vehicle accident with injury
063	02/11/2010	18:55	3530 Viking BLVD NE	1	321 EMS call, excluding vehicle accident with injury
062	02/09/2010	11:28	18153 Fillmore ST NE	1	321 EMS call, excluding vehicle accident with injury
061	02/08/2010	10:38	24355 Hwy 65 NE	2	321 EMS call, excluding vehicle accident with injury
060	02/07/2010	21:20	209th AVE NE	1	322 Motor vehicle accident with injuries
059	02/07/2010	20:43	2615 185th LN NE	1	321 EMS call, excluding vehicle accident with injury
058	02/07/2010	18:51	Hwy 65 NE	2	322 Motor vehicle accident with injuries
057	02/06/2010	20:49	3250 Luan DR NE	2	321 EMS call, excluding vehicle accident with injury
056	02/06/2010	17:17	22572 7th ST NE	2	321 EMS call, excluding vehicle accident with injury
055	02/05/2010	14:47	Hwy 65 NE	1	322 Motor vehicle accident with injuries
054	02/05/2010	12:30	Durant ST NE	1	322 Motor vehicle accident with injuries
053	02/04/2010	15:06	213 Ulyssees ST NE	2	131 Passenger vehicle fire
052	02/02/2010	09:21	Hwy 65	1	611 Dispatched and cancelled en route
051	02/02/2010	07:28	3844 189th AVE NE	2	611 Dispatched and cancelled en route
050	02/01/2010	13:13	Hwy 65 NE	2	322 Motor vehicle accident with injuries
Total					38

Search Criteria	
Dates	From 02/01/2010 To 02/28/2010
Service	EAST BETHEL
Incident Address	All
Staff	All
Apparatus	All
Station	All
Alarm Type	All
Zone/District	All

 [Report Description](#)

City of East Bethel

Subject: Fire Inspector Report

February 1 – 28, 2010

City of East Bethel Fire Inspection List		
Name	Address	Comments
Corner Express	4825 Viking Blvd	Extinguisher need to be mounted in appropriate areas
Classic Construction	18542 Ulysses St.	NO VIOLATIONS
S&S Industrial Supply	18541 Hwy 65	NO VIOLATIONS
R.L. Automotive Inc.	1835 Viking Blvd	NO VIOLATIONS
Saarela Insurance	1535 Viking Blvd	Exit Signs need to be repaired
G & K Machining	18529 Hwy 65	Emergency lighting needs to be repaired, spill control for oils and lubricants need to be installed
Landmark Concrete Inc.	18600 Ulysses St.	Fire extinguisher needs to be installed
Shade Tree Companies	23035 Ulysses St.	Emergency lights need to be repaired
LB Liquors	3255 Viking Blvd	Fire extinguisher needs to be installed
A Blast	21473 Johnson St	NO VIOLATIONS
American Tool	23773 Johnson St.	Emergency lights needs to be repaired, Clear snow away from exit, fire extinguishers
Gymnastics Galaxy	23815 Johnson St	Responded to complaint about blocked exits 2/12/10. Notified the owner that all emergency exits must remain clear of obstructions.
Saarela Insurance	1535 Viking Blvd	NO VIOLATIONS
Route 65 Pub & Grub Info meeting with owner	18407 Hwy 65	Chief 1 & Building Inspector met with owners about outdoor patio heating. The owners were advised to get a propane type heater for their patio.
NOTE: First Inspections Unless Noted		

14 Businesses Inspected

Reported by: Mark Duchene
Fire Inspectors

East Bethel Fire Department

Monthly Staff Meeting

March 1, 2010

Call to Order:

Chief DuCharme called the meeting to order at 7pm. There were 27 Fire Fighters (including the day staff) and Council Liaison, Steve Channer present for the meeting. Shelly and Kim from the Sheriff's Department were also present for the beginning of the meeting to discuss procedures.

Meeting minutes from February 1, 2010 were posted previously.

Sheriff Report:

There was discussion on who is supposed to take on specific roles at the scene of an accident. Both the Fire Department and the Sheriff's Department agreed that there is a lack of communication on the scenes and we need to focus on improving the communication lines. Since no two accidents are the same we need to designate one person from each Department to communicate with each other.

Kim stated that she witnessed first hand last weekend the chaos and the lack of communication and those individuals have been talked to on their end. She thanked our Department for taking control of the other two victims and for providing the lighting on the scene.

Chief's Report:

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

The schedule for this month is:

March 1	Meeting and payroll signing
March 2	Explorers
March 3	NIMS 300 & 400
March 8	Training NFIRS Dispatch
March 15	Maintenance Night
March 17	St. Patrick's Day
March 29	Officer Meeting
March 31	NIMS 300 & 400

The schedule for April is:

April 5	Meeting & payroll signing
April 12	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

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

Explorers

Meeting Tuesday, March 2, 2010 – By-laws

Turn out gear and mask inspections will be held on March 16, 2010

SCBA Drill and getting to know the trucks will be in April.

Congratulations & Anniversaries

Arden Anderson	28 years
Randy Vados	12 years

Mask Inspection

East Bethel monthly mask inspection sheets have been placed in each of your lockers. Please make sure that you are up to date on your testing.

Incident & Medical Forms

Chief DuCharme thanked the Fire Fighters for their extra effort in making sure the forms are being completely filled out. The narratives have greatly improved and are much more descriptive. It makes it a lot easier when we receive phone calls from Insurance Agencies looking for information.

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.

FIT Testing

FIT Testing will not be done by Med Compass this year. Anoka County Emergency Management will be doing our FIT Testing. The date and time are to be determined.

Budget Update

There are going to be more budget cuts at the State level. They are proposing a \$9,000 tax cut to the State Aid that is received. It has been decided that the cuts will be made to the Conferences and Training budget item.

We are fortunate that we have received the SAFER Grant money to off set these cuts within the Fire Department.

Review of Calls

February calls: 38 calls for the month

21 Medical	= 58%
8 Canceled	= 22%
6 Vehicle Crashes	= 17%
3 Fire	= 3%

Chief DuCharme provided a year to date call comparison for the last 5 years.

2010=87	2009=69	2008=82	2007=81	2006=57
---------	---------	---------	---------	---------

Rumor Control

Weekend set up for responding to calls is changing to 5am Saturday morning until 5am Monday morning. There was a large discussion on how to make it fair and this was the decision that was made. Tammy Schutta is reviewing at this time.

Administration Report

Nothing

Chief 2 – Ardie

Nothing

Chief 3 – Ron

Everything is excellent.

Chief 4 - Dan

Need 3 volunteers to get our photo wall in the hallway up to date. We also need to make sure that all the Retirees photos with their dates of service are up there as well. Troy stated that his wife could take new photos.

Booster Day is July 17, 2010. Dan passed around a sign up sheet for volunteers for the dance. High Noon will be playing again this year.

Inspection Report

Mark Duchene reported that there were 13 inspections.

Training Report

NIMS 300 & 400 is required for all supervisory positions

Relief Association Presentation: Troy Lachinski

Troy Lachinski gave an educational training session on the Relief Association and answered any questions that the Fire Fighters had. Lachinski encouraged the Fire Fighters to get involved and attend the meetings.

Old Business

None

New Business

Percentages will be included on your timesheets shortly.

Sanow asked if Chief can call Theresa to get results of the Fire Fighters Certifications. Chief advised he would call her Tuesday, 3/2/10.

Council Report

Steve Channer stated that the Council is looking at alternative monies to accelerate the improvements to the Hwy 65 and 221st Ave NE intersection.

Adjournment – The meeting was adjourned at 8:30pm



City of East Bethel City Council Agenda Information

Date:

March 17, 2010

Agenda Item Number:

Item 8.0 G.1

Agenda Item:

Sunrise River WMO Joint Powers Agreement (JPA)

Requested Action:

Consider approving the amended JPA with the Sunrise River WMO

Background Information:

More than two years ago, we received a proposed amendment to the JPA with the Sunrise River WMO (SRRWMO). This amendment provided for language that included appointment procedures for member City's when appointing members of the WMO; the blanket authority to levy property taxes by the WMO for projects and activities the WMO deemed appropriate without review/approval by the member cities; the requirement that the City of East Bethel annual audit and Comprehensive Annual Financial Report (CAFR) be their CAFR and annual audit; authority to act as a Water Management District; and a number of other items that were different from the original intent of the WMO.

WMO's were originally established as an agency to prepare a comprehensive water management plan for the area governed by the WMO. This plan was fairly simply and required participating communities to adopt the WMO plan as their plan or, at a minimum, adopt a plan that incorporated the principles identified by the WMO for water management plans. The City of East Bethel has adopted its own water management plan that incorporates the SRRWMO principles. The SRRWMO has approved the City's water management plan and recently advised that with several changes to EPA and BWSR regulations, the City must update its plan.

We responded that the JPA presented to the City was not in the City's best interest and afforded the WMO authorities that were never envisioned by the City when the original JPA was adopted. The original JPA provided for development of a water management plan and a process to allocate the cost of that plan development and maintenance.

The plan included with your agenda materials represents an agreement that incorporated the Council direction from the July 2, 2008 meeting. Direction was given to return the document to the WMO, with Council recommended changes, for review and approval. That review and approval has been completed and the final version is presented for your approval.

Staff shared this document with other member communities, City of Ham Lake, City of Columbus and the Township of Linwood. They have reviewed and approved the agreement.

Attachment(s):

1. Final Draft SRRWMO JPA

Fiscal Impact:

None at this time.

Recommendation(s):

Staff is recommending approval of the Sunrise River WMO Joint Powers Agreement with direction to execute the agreement.

City Council Action

Motion by:_____

Second by:_____

Vote Yes:_____

Vote No:_____

No Action Required:_____

AMENDED

SUNRISE RIVER WATERSHED MANAGEMENT ORGANIZATION

JOINT POWERS AGREEMENT

THIS AMENDED JOINT POWERS AGREEMENT made and entered into as of the date of execution by and between the Local Government Units of the City of Columbus, City of East Bethel, City of Ham Lake and Linwood Township. The purpose of this Joint Powers Agreement is to establish a Water Management Organization to assist the member local units of government with surface water, ground water, water quality and water usage issues.

WHEREAS, the parties to this Agreement have authority pursuant to Minnesota Statutes, Chapter 471.59, to jointly or cooperatively, by agreement, exercise any power common to the contracting parties. Pursuant to Minnesota Statutes, Chapters 103B.201 to 103B.255, these local units of government have authority to jointly or cooperatively manage or plan for the management of surface water within a defined watershed; and

WHEREAS the parties to this Agreement desire to prepare a surface water management plan for the purpose of management and implementation of the programs identified by Minnesota Statutes, Chapters 103B.201 through 103B.255.

NOW, THEREFORE, the parties to this Agreement do mutually agree as follows:

SECTION I

General Purpose

1.1 It is the general purpose of the parties to this Agreement to establish a Water Management Organization to jointly and cooperatively develop a Watershed Management Plan for the purposes of (a) protecting, preserving, and using natural surface and groundwater storage and retention systems in the Sunrise River Watershed; (b) minimizing public capital expenditures needed to correct flooding and water quality problems; (c) identifying and planning for means to effectively protect and improve surface and groundwater quality; (d) assist with establishing more uniform local policies and official controls for surface and ground water management; (e) preventing erosion of soil into surface water systems; (f) promoting groundwater recharge; (g) protecting and enhancing fish and wildlife habitat and water recreational facilities; and (h) securing other benefits associated with the proper management of surface and groundwater. The plan and programs shall operate within the boundaries of the Sunrise River Watershed as set forth in Appendix 1 and 2, attached hereto (hereinafter "Area").

SECTION II

Sunrise River Watershed Management Organization

2.1 Establishment: There is hereby established the "Sunrise River Watershed Management Organization" whose membership shall be appointed in accordance with the provisions of this section and whose duties shall be to carry out the purposes contained herein. The Sunrise River Watershed Management Organization (hereinafter "Organization") shall be constituted as described in Section 2.2.

2.2 Membership Appointment: Each party to this Agreement shall appoint two (2) representatives to serve as members of the Organization board. Each representative of a party to this agreement who is current in the payment of operating costs shall have one (1) vote. Representatives appointed to the Organization board shall be evidenced by a resolution or certified copy of official meeting minutes of the governing body of each party and filed with the Organization.

2.3 Alternate Members: One alternate member of the Organization board may be appointed by appropriate resolution or certified copy of official meeting minutes of the governing body of each party to this Agreement filed with the Organization. The alternate member may attend any meeting of the Organization board when a regular member representing that party is absent and vote on behalf of the party the member represents. If an Organization board member is also an officer of the Organization, the alternate member shall not be entitled to serve as such officer.

2.4 Term: The members of the Organization board shall be filled by the governing body of the party whose membership position on the board is vacant. Removal of a board member or alternate board member shall be at the sole discretion of the appointing authority. The term of appointment is at the sole discretion of the appointing authority.

2.5 Vacancies: The Organization shall notify the Board of Water and Soil Resources of member appointments and vacancies in member positions within 30 days. A vacancy on the Organization board shall be filled by 90 days after the vacancy occurs by the governing body of the party whose membership position on the board is vacant.

Vacancies resulting from expiration of members' terms or other reasons shall be filled only after published notice of the vacancy once a week for two (2) successive weeks in a newspaper of general circulation in the watershed management organization area. The notices must state that the party is considering applications for appointment of a member to the Organization board and that persons interested in being appointed to serve on the board may submit their names to the appointing authority for consideration. A vacancy shall not be filled until at least 15 days have elapsed after the last published notice.

2.6 Compensation and Expenses: The Organization members shall not be entitled to compensation or reimbursement for expenses incurred in attending meetings, except to the extent that the governing body of a party may determine to compensate or reimburse the

expenses of the member(s) it appoints, in which case the obligation to make such payments shall be that of the party and not that of the Organization.

2.7 Officers: The Organization board shall elect from its membership a chair, a vice-chair, a secretary, and a treasurer. All such officers shall hold office for a term of one (1) year and until their successors have been qualified and duly elected by the board. An officer may serve only while a member of the Organization. A vacancy in an office shall be filled from the membership of the board by election for the remainder of the unexpired term of such office.

2.8 Duties of Officers: The duties of the officers of the Organization shall be as outlined in Parts 40 and 41, Article VII, Robert's Rules of Order, as the board deems necessary.

2.9 Quorum: Voting members of the Organization board representing a majority of the parties to this Agreement shall constitute a quorum. Less than a quorum may adjourn a scheduled meeting.

2.10 Meetings:

A. Meetings of the Organization board will be scheduled as needed, with the annual meeting held in February at the East Bethel City Hall, 2241 221st Avenue NE, East Bethel, MN 55011. Notice of all regular meetings shall be provided with a minimum of thirty (30) days advance notice of the meeting by the secretary of the Board to all parties to this Agreement. Such meeting notice shall be posted on the official notification board for each party to this agreement.

At the annual meeting the board, at a minimum, shall:

1. Elect officers for the next fiscal year;
2. Establish the annual budget and work plan;
3. Hear recommendations on amendments to this agreement and the watershed management plan;
4. Biennially renew or decide on contracts for professional, legal, and administrative services; and
5. Decide on meeting dates.

B. Special meetings may be held at the call of the chair or by any three (3) members of the board giving not less than 72 hours written notice of the time, place, and purpose of such meeting delivered by mailed or email to the residence of each Organization member and delivered to the City or Town Hall of each party to this Agreement.

C. All meetings of the board are subject to Minnesota Statutes, Section 13D and the notice provisions contained therein. Posted notice, when required, shall be given separately to each party to this Agreement.

2.11 Conduct of Meetings: The Organization board shall adopt rules of order and procedure for the conduct of its meetings; the board may adopt any such rules as a

majority of all voting members shall agree. Decisions by the board may not require more than a majority vote, except a decision on a capital improvement project may require a unanimous vote by all parties.

2.12 Organization Office: The office of the Organization shall be the East Bethel City Hall, 2241 221st Avenue NE, East Bethel, MN 55011. All notices to the Organization shall be delivered or served at said office.

SECTION III

Organization Powers and Duties

3.1 Authority: Upon execution of the Agreement by all parties, the Organization shall have authority provided for in Minnesota Statutes, Chapter 103B.211 through 103B.255, unless otherwise limited by this Agreement that provides for, in part:

A. The authority to prepare, adopt and implement a plan for the Sunrise River Watershed meeting the requirements of Minnesota Statutes, Chapter 103B.231.

B. The authority to review and approve local water management plans as provided in Minnesota Statutes, Chapter 103B.235, Subd. 3, Review.

C. Other powers necessary to exercise the authority under clauses A and B, including the power to enter into contracts for the performance of functions with governmental units or persons.

3.2 Watershed Management Plan: The Organization shall prepare a Watershed Management Plan for the Sunrise River Watershed. The plan shall be in compliance with Minnesota Statutes, chapter 103B.231, Subd. 4 as from time to time amended. This Chapter describes plan contents to include but not limited to the following:

A. Description of the existing physical environment, land use and development in the Sunrise River Watershed. It shall further describe the environment, land use and development proposed in existing local and metropolitan comprehensive plans; and

B. Present information on the hydrologic system in the Sunrise River Watershed and its components, including any drainage systems previously constructed under Minnesota Statutes, Chapter 103E, and existing and potential problems relating thereof; and

C. State objectives and policies, including management principles, alternatives and modifications, water quality, and protection of natural characteristics; and

D. Set forth a management plan, including the hydrologic and water quality conditions that will be sought and significant opportunities for improvement; and

E. Describe the effect of the Watershed Management Plan on existing drainage systems; and

F. Describe conflicts between the Watershed Management Plan and existing plans of local government units; and

G. Set forth an Implementation Program consistent with the Watershed Management Plan, which may include a Capital Improvement Program; and

H. Set out a procedure for amending the Watershed Management Plan. The plan shall be amended as required from time to time.

3.3 Employment: The Organization may contract for services, may contract services from parties to this Agreement, or may employ such other persons as it deems necessary. Where staff services of a party are contracted, such services shall not reduce the financial commitment of such party to the operating fund of the Organization unless the Organization so authorizes.

3.4 Committees: The Organization may appoint such committees and subcommittees as it deems necessary. The Organization shall establish a citizen advisory committee and technical advisory committee and promote other means of public participation.

Citizen and/or technical advisory committees will be formed from time-to-time as deemed appropriate by the Organization board and shall be issue-specific. Committees may be formed that include both citizens and technical experts. Committees shall operate by seeking consensus, while noting any dissenting opinions. Committee findings shall be reduced to writing and submitted to the Organization board. In all cases, committees shall be advisory in nature and their findings shall be referred to the Organization board. Issues that may warrant formation of advisory committees include but are not limited to amendments or updates to the Organization's Watershed Management Plan; lake level or water quality issues; a total maximum daily load (TMDL) impaired waters study or implementation of the study; capital improvement projects; major hydrological changes in the watershed and others as deemed appropriate by the Organization board.

Technical advisory committees shall include technical experts in areas relating to land use, natural resources, pollution control, and soil and water resources.

Citizen advisory committees shall include residents and elected officials from the affected area including but not limited to homeowners; business owners; lake association or lake improvement district representatives; and, others, as deemed appropriate by the Organization Board.

All advisory committees shall include at least one Organization board member.

3.5 Rules and Regulations: The Organization may prescribe and promulgate such rules and regulations as it deems necessary or expedient to carry out its powers and duties and the purpose of the Agreement.

3.6 Review and Recommendations: Where the Organization is authorized or requested to review and make recommendations on any matter relating to the Watershed Management Plan, the Organization shall act on such matter within 60 days of receipt of the matter referred. Failure of the Organization to act within 60 days shall constitute approval of the matter referred, unless the Organization requests and receives from the referring unit of government an extension of time to act on the matter referred. Such extension shall be in writing and acknowledged by both parties.

The Board shall adopt an appeal procedure for any party aggrieved by a decision of the Board or an alleged failure to implement the Plan pursuant to Minnesota Statutes, Chapter 103B.231, Subd. 13.

3.7 Ratification: The Organization may, and where required by this Agreement shall, refer matters to the governing bodies of the parties for review, comment or action

3.8 Financial Matters:

A. Method of Operation: The Organization may collect and receive money and contract for services subject to the provision of the Agreement from the parties and from any other sources approved by the Organization. The organization may incur expenses and make disbursements necessary and incidental to the effectuation of the purposes of this Agreement. Funds may be expended by the Organization in accordance with procedures established herein. Checks shall be signed by the chair or treasurer. Other legal instruments shall be executed on behalf of the Organization by the chair or vice-chair and an appointed Board member.

B. Operating Funds. On or before June 1st of each year, the Organization shall prepare a work plan and operating budget for the following year. The annual budget shall provide details to support the proposed revenues and expenditures for the Organization. This detail shall be sufficient to meet standard budget and/or accounting principles generally recognized for governmental organizations. Expenditures may include administrative expenses, plan development costs, review expenses, capital improvement costs authorized in Section 3.12, and insurance costs as authorized in Section 3.14. Upon the approval of a majority of the partners of this agreement, the budget shall be recommended to the parties for ratification along with a statement showing each party's proposed share of the budget. The budget shall be implemented only after ratification by all parties to this Agreement. Failure to ratify or pay its share of the budget by any party to this Agreement shall be subject to the procedures in Section 3.6. Each party's share of the operating cost is based on 50% of their portion of the watershed's Total Market Value (TMV) and 50% of their portion of the Total Taxable Watershed Acreage (TWA).

Work Plan - $((PA / WA) + (PV / WV)) / 2$ = the party's percentage share of the organization's operating budget.

PA = Party's area within the watershed organization area

WA = watershed organization area

PV = party's market valuation within the watershed organization area

WV = market valuation of the watershed organization area

Operating Costs - Total amount to be divided equally between members of the Joint Powers Agreement. Operating costs per the operating budget are defined as copies, postage, recording secretary fees, insurance, and administrative fee charged to each member community.

After ratification by the organization, the Organization Secretary shall certify the recommended budget to each party on or before June 1 of each year together with a statement showing the budgeted amounts applicable to each party. Each party shall pay over to the Organization the amount owing based on invoices presented for services rendered. Amounts due and owing shall be paid by parties to this Agreement within 30 days of the invoice.

C. Review Services: When the Organization is authorized or requested to undertake a review and submit recommendations to a party as provided in this Agreement, the Organization shall conduct such review, without charge, except as provided below. Where the project size and complexity of review are deemed by the Organization to be extraordinary and substantial, the Organization may charge a fee for such review services, the amount to be based upon direct and indirect costs attributable to that portion of review services determined by the Organization to be extraordinary and substantial. Where the Organization determines that a fee will be charged for extraordinary and substantial review services, or where the flowage enters the Sunrise River, but the party is not a member of the Sunrise River Watershed Management Organization, the party to be charged shall receive written notice from the Organization of the services to be performed and the fee therefore, prior to undertaking such review services. Unless the party to be charged objects within fifteen (15) days of receipt of such written notice to the amount of the fee to be charged, such review services shall be performed and the party shall be responsible for the cost thereof. If the party to be charged objects to the proposed fee for such services with fifteen (15) days and the party and the Organization are unable to agree on a reasonable alternative amount for review services, such extraordinary and substantial review services shall not be undertaken by the Organization. Payment for such services shall be in advance of any work performed.

3.9 Annual Audit. The Organization shall annually prepare a comprehensive financial report on operations and activities. An annual audit, by an independent accounting firm or the State Auditor, shall be provided for that includes a full and complete audit of all books and accounts the Organization is charged with maintaining. Such audit shall be conducted in accordance with generally accepted auditing principles and guidelines. A copy of the annual financial report and auditor's statement shall be provided to all parties to this agreement and to the Board of Water and Soil Resources no later than June 30th of each year. The report to the Board of Water and Soil Resources shall include an annual

activity report. All of its books, reports and records shall be available for and open to examination by any party at all reasonable times.

3.10 Gifts, Grants, Loans. The Organization may, within the scope of this Agreement, accept gifts, may apply for and use grants of money or other property from the United States, the State of Minnesota, a local government unit or other governmental unit or organization or any person or entity for the purpose described herein. The Organization may enter into any reasonable agreement required in connection therewith. The Organization shall comply with any laws or regulations applicable to grants, donations and agreements. The Organization may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, or agreement relating thereto.

3.11 Contracts. The Organization may make such contracts and enter into any such agreements as it deems necessary to make effective any power granted to it by this Agreement. Every contract for the purchase or sale of merchandise, materials, or equipment by the Organization shall be let in accordance with the Uniform Municipal Contracting Law, Minnesota Statutes, Section 471.345 and the Joint Exercise of Powers Statute, Minnesota Statutes, Section 471.59. No member or employee of the Organization or officer or employee of any of the parties shall be directly or indirectly have an interest in any contract made by the Organization.

3.12 Works of Improvement: Works of improvement for protection and management of the natural resources of the Area, including, but not limited to, improvements to property, land acquisition, easements, or right-of-way, may be initiated by:

- A. Recommendation of the Organization to a party or parties; or
- B. Petition to the Organization by the governing body of a party or parties.

Where works of improvement are recommended by the Organization, the Organization shall first determine whether such improvement will result in a local or regional benefit to the area. Where the Organization determines that the benefits from the improvement will be local or not realized beyond the boundaries of the party in which the improvement is to be established, the Organization may recommend such improvement to the governing body of the unit of government which the Organization determines will be benefited. The recommendation shall include the total estimated cost of the improvement and a detailed description of the benefits to be realized.

Where the Organization determines that the benefits from the improvement will be beyond the local unit or beyond the boundaries of the party in which the improvement is to be established, the Organization may recommend such improvement to each party to this Agreement which the Organization determines will be benefited thereby. The recommendation of the Organization shall include the total estimated cost of the improvement, a description of the extent of the benefits to be realized by each party to this Agreement and the portion of the cost to be borne by each party benefited in accordance with the benefit of party to this Agreement.

Each party to whom the Organization submits such recommendation shall respond within 60 days from receipt of such recommendation. Where the Organization determines that the benefits of such improvement will be local, the unit of government to whom such recommendation is made may decline to ratify and undertake said improvement. Where the Organization determines that the benefits of such improvement will be regional, all Parties to this Agreement must ratify the project proposal before any project is moved forward by the Organization. Should the project not be ratified by all Parties to this Agreement, the Organization shall continue to review and recommend alternative methods of cooperation and implementation among those parties ratifying the recommendation of the Organization, unless and until the Organization determines that said improvement is no longer feasible.

When works of improvement are initiated by a Party to this Agreement, a copy of the proposed project shall be submitted to the Organization for review and comment. The Organization shall review and make recommendations on the proposed improvement and its compliance with the Organization's management plan in accordance with the provisions of Section 3.5 of this Agreement.

When a proposed improvement may be eligible for federal or state funds as a cost-share project, the Organization shall receive the approval of all Parties to this Agreement prior to submission of any grant request. No member Party shall unreasonably withhold approval for a grant application. All improvements that are considered for state or federal grant funding that have a local or member share (matching funds) must be submitted for approval in advance of the proposed grant award. All improvements that are considered for state or federal grant funding shall be presented to each Party to the Agreement for review, comment and approval and shall provide details to include projects scope, estimated cost, estimated matching share, benefits to be derived and project timing.

3.13 Claims. The Organization or its agents may enter upon lands within or without the Sunrise River Watershed to make surveys and investigations to accomplish the purpose of the Organization. The Organization shall be liable for actual damages resulting there from. But every person who claims damages shall serve the Chairperson or Secretary of the Organization with a notice of claim as required by Minnesota Statutes, Section 466.05. The Organization shall obtain court orders authorizing and directing such entries when necessary due to refusals of landowners to allow the same.

3.14 Indemnification and Insurance. Any and all claims that arise or may arise against the Organization, its agents or employees as a consequence of any act or omission on the part of the Organization or its agents or employees while engaged in the performance of this Agreement shall in no way be the obligation or responsibility of the parties. The Organization shall indemnify, hold harmless and defend the parties, their officers and employees against any and all liability, loss, costs, damages, expenses, claims, or actions, including attorney's fees which the parties, their officers, or employees may hereafter sustain, incur, or be required to pay, arising out of or by reason of any act or omission of the Organization, its agents or employees in the execution, performance, or failure to

adequately perform the Organization's obligations and understandings pursuant to the Agreement.

The Organization agrees that in order to protect itself as well as the parties under the indemnity provision set forth above, it will at all times during the term of this Agreement keep in force the following insurance policies in the limits specified.

A. Commercial General Liability/Professional Liability: \$1,250,000 per incident and shall include the following endorsements:

B. Automobile Coverage (\$0)

C. Worker's Compensation Coverage (statutory minimum)

The minimum liability limits shall be increased to the statutory limits provided for member local units of government in Minnesota Statutes.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed or not renewed without a minimum of thirty (30) days prior notice thereof to each of the parties.

Prior to the effective date of this Agreement, and as a condition precedent to this Agreement, the Organization will furnish the parties with certificates of insurance listing each party to the Agreement as an additional insured.

3.15 General: The Organization may take all such other actions as are reasonably necessary and convenient to carry out the purpose of this Agreement.

SECTION IV

Mediation

4.1 The parties agree that any controversy that cannot be resolved between parties shall be submitted to for mediation. Mediation shall be conducted by a mutually agreeable process by all parties.

SECTION V

Termination of Agreement

5.1 This Agreement may be terminated by approval of two-thirds vote of the governing bodies of each party hereto, provided that all such approvals occur within a ninety (90) day period. Withdrawal of any party may be accomplished by filing written notice with the Organization and the other parties sixty (60) days prior to the effective date of termination. No party may withdraw from this Agreement until the withdrawing party has met its full financial obligations through the effective date of such withdrawal.

SECTION VI

Dissolution of Organization

6.1 The Organization shall be dissolved under any of the following conditions:

- A. Upon termination of this Agreement;
- B. Upon unanimous agreement of all parties; or
- C. Upon the membership of the Organization being reduced to fewer than three (3) parties.

D. Process. At least 90 days notice of the intent to dissolve shall be given to affected counties and the Board of Water and Soil Resources. Upon dissolution, all personal property of the Organization shall be sold, and the proceeds thereof, together with monies on hand after payment of all obligations, shall be distributed to the parties. Such distribution of Organization assets shall be made in proportion to the total contributions to the Organization for such costs made by each party. All payments due and owing for operating costs under Section 3.8, B, or other unfilled financial obligations, shall continue to be the lawful obligation of the parties.

SECTION VII

Amendment

7.1 The Organization may recommend changes and amendments to this Agreement to the governing bodies of the parties. Amendments shall be adopted by all governing bodies of the parties. Adopted amendments shall be evidenced by appropriate resolutions or certified copies of meeting minutes of the governing bodies of each party filed with the Organization and shall, if no effective date is contained in the amendment, become effective as of the date all such filings have been completed.

SECTION VIII

Counterparts

8.1 This Agreement shall be executed in several counterparts and all so executed shall constitute one Agreement, binding on all of the parties hereto. Each party to the agreement shall receive a fully executed copy of the entire document following adoption by all parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the ____ day of _____, 2010.

CITY OF COLUMBUS

By: _____
Mayor

Dated: _____

By: _____
City Clerk

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the ____ day of _____, 2010.

CITY OF EAST BETHEL

By: _____
Mayor

Dated: _____

By: _____
City Administrator

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the ____ day of _____, 2010.

CITY OF HAM LAKE

By: _____
Mayor

Dated: _____

By: _____
City Clerk

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of
the ____ day of _____, 2010.

LINWOOD TOWNSHIP

By: _____
Board Chair

Dated: _____

By: _____
Township Clerk

Appendix 1

SUNRISE RIVER WATERSHED MANAGEMENT ORGANIZATION
LEGAL DESCRIPTION OF SUBJECT PROPERTY

All of Linwood Township, Anoka County.

That part of East Bethel Township, Anoka County lying Easterly of the following described line:

Beginning on the Anoka and Isanti County Line at the Northwest corner of East Half of East Half of Section 25, Township 34 North, Range 23 West, Anoka County, Minnesota; thence South along the West line of East Half of East Half of Section 25 and East Half of East Half of Section 36 to the Southeast corner of Northwest Quarter of Northeast Quarter of Section 36; thence Southwesterly in a straight line to the intersection of Durant Street and 231st Lane NE on the East line of Section 35, Township 34 North, Range 23 West, thence South along Durant Street to 229^h Avenue at the Northeast corner of Section 2, Township 33 North, Range 23 West; thence West along 229^h Avenue and North line of Section 2 to East Bethel Boulevard at the Northwest corner of Section 2; thence Southerly along East Bethel Boulevard to 221st Avenue and the North line of Section 11, Township 33 North Range 23 West; thence in a straight line to East Bethel Boulevard at the Northwest corner of the Southwest Quarter of Section 11; thence Southerly along East Bethel Boulevard to the center of Section 22, Township 33 North Range 23 West; thence in a straight line to the Northwest corner of the Southeast quarter of the Southwest Quarter of Section 22. Thence South along the West line of East Half of Southwest Quarter of Section 22 and the East Half of Northwest Quarter of Section 27 to the Southwest corner of East Half of Northwest Quarter Section 27;

Thence West along the North line of Southwest Quarter Section 27 to the West line of Section 27; thence South along the West line of Sections 27 and 34 to the Northeast corner of the Southeast Quarter of Section 33, Township 33 North, Range 23 West:

Thence West along the North line of the Southeast Quarter of Section 33 to the centerline of County Road No. 68 (Greenbrook Drive); thence Southerly along the centerline of County Road No. 68 to the South line of Section 33, which is also the South line of East Bethel, and the North line of Ham Lake; and there terminating.

That part of Columbus Township, Anoka County lying Northerly of the following described line:

Beginning at the West line of Section 6, Township 32 North, Range 22 West, at the Northwest corner of the South Half of Section 6, which is the Northerly line of Coon Creek Watershed District; thence Easterly along the Northerly line of the South Half of Section 6 to the Southwest corner of East Half of Northeast Quarter of Section 6; thence North along the West line of East Half of Northeast Quarter to the Northwest

corner of the East Half of Northeast Quarter; thence East along the North line of Section 6 to the Southwest corner of Section 32, Township 33 North, Range 22 West;

Thence North along the West line of Section 32 to the Northwest corner of the South Half of the South Half of Section 32, thence Easterly along the North line of South Half of South Half to the East line of Section 32; thence Southerly along the Easterly line of Section 32 and Section 5, Township 32 North, Range 22 West, to the Southwest corner of Northwest Quarter of Section 4: thence Easterly along the South line of the Northwest Quarter to Northwest corner of East Half of Southwest Quarter; thence Southerly along the West line of East Half of Southwest Quarter to South line of Section 4; thence Easterly along the South line of Section 4 to the Northeast corner of Northwest Quarter of Section 9;

Thence Southerly along the East line of Northwest Quarter to Northeast corner of Southwest Quarter, of Section 9; thence, departing from the boundary of Coon Creek Watershed District to follow the Northerly line of Rice Creek Watershed District, Southerly on the East line of the Southwest Quarter to the Southeast corner of the Northeast Quarter of the Southwest Quarter; thence Easterly on the North line of the South Half of the Southeast Quarter to the Northeast corner of the South Half of the Southeast Quarter of Section 9; thence Northerly on the West line of Section 10 to the Northwest corner of the South Half of the Northwest Quarter of Section 10;

Thence Easterly on the North line of the South Half of the North Half of Section 10 and South Half of the Northwest Quarter of Section 11 to the Northeast corner of the South Half of the Northwest Quarter of Section 11; thence Northerly on the West line of the East Halves of Sections 11 and 2 to the Northwest corner of South Half of Southeast Quarter of Section 2; thence Easterly on the South line of North half of Southeast Quarter of Section 2 to a point of intersection with the Southerly extension of the East line of Lot 1, Block 2, (Hansen Farms); thence North on said line to the Northeast corner of Lot 1, Block 2, (Hansen Farms); thence Northeasterly to the Southeast corner of Lot 8, Block 1, (Hansen Farms); thence North along the East line of Lot 8, Block 1, (Hansen Farms) to the Northeast corner of Lot 8, Block 1, (Hansen Farms) at the North line of South Half of Section 2; thence Easterly on the North line of the South Halves of Section 2 and 1 to the Northeast corner of the Southwest Quarter of Section 1; thence Southerly on the East line of the Southwest Quarter to the Southeast corner of the Southwest Quarter; thence Easterly on the North line of Section 12 to the Northeast corner of the West Half of the Northeast Quarter of Section 12;

Thence Southerly on the East line of the West Half of the Northeast Quarter to the Southeast corner of the West Half of the Northeast Quarter; thence Easterly on the North line of the Southeast Quarter to the Northeast corner of the Southeast Quarter; this point being on the East boundary of Columbus Township, and the East boundary of Anoka County; and there terminating.

That part of Ham Lake, Anoka County described as follows:

Government Lot 1 and Government Lot 2 Section 1, the Northeast Quarter of Section 1, the Northwest Quarter of the Southeast Quarter of Section 1, the Southeast Quarter of the Northwest Quarter of Section 1, the North Half of the Southwest Quarter of Section 1, the Southwest Quarter of the Southwest Quarter of Section 1 and that part of Government Lot 1 of Section 2 lying North of the Southeast Quarter, Government Lot 3 and Government Lot 4, Section 2 and Government Lot one and Government Lot 3 in Section 3, the Southeast Quarter of the Southeast Quarter of Section 3, that part of Government Lot 2 in Section 3 lying East of the West Half of the Northeast Quarter, all in Township 32 North, Range 23 West.

That part of Forest Lake Township, Washington County lying Westerly of the following described line:

The center line of Elmcrest Ave N within the Northeast Quarter of Section 6, Township 32 North, Range 21 West.

Appendix 2

