

EAST BETHEL CITY COUNCIL MEETING

May 19, 2010

The East Bethel City Council met on May 19, 2010 at 7:30 PM for their regular meeting at City Hall.

MEMBERS PRESENT: Bill Boyer Steve Channer Greg Hunter (7:32 PM)
Kathy Paavola Steve Voss (7:35 PM)

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

Call to Order **The May 19, 2010 City Council meeting was called to order by Acting Mayor Boyer at 7:30 PM.**

Adopt Agenda **Paavola made a motion to adopt the May 19, 2010 City Council agenda with the addition of Consent Item G, Resignation of Lori Elfering, Administrative Assistant.** Channer asked to pull Consent Item C, Ordinance 22, Second Series, An Ordinance Providing for Amending Chapter 6, Alcoholic Beverages, Article III – Intoxicating Liquors, Section 6-52 License Required of the City Code. He said he wanted to address this separately so the residents know that we are looking at doing this. **Paavola amended her motion pulling Consent Item C, Ordinance 22, Second Series, An Ordinance Providing for Amending Chapter 6, Alcoholic Beverages, Article III-Intoxicating Liquors, Section 6-52 License Required of the City Code, to be addressed separately after the Consent Agenda. Channer seconded; all in favor, motion carries.**

Sheriff's Report Sell said Lieutenant Orlando could not be here tonight so Sergeant Hauger will be giving us our report. Sergeant Hauger said she has missed it here, it is home up here. She reported on the custodial arrests/significant arrests for the month of April 2010 as follows:

04-01-10 - Disorderly Conduct - Deputies were called on a juvenile male who was damaging his room. The male had locked the door to his room and barricaded it. The deputies were able to get the male to unlock the door and remove the items he had used to barricade. The parents did not want to pursue charges for damages the male made. The male was charged with disorderly conduct.

04-03-10 - 5th Degree Domestic Assault / Violation Order for Protection - Deputies responded to a 911 hang-up call. Upon arrival it was determined to be a boyfriend/girlfriend domestic, where the boyfriend had been yelling at the girlfriend, causing her to be in fear. There was also an order for protection where the boyfriend should not have been having any contact with the girlfriend. The boyfriend was arrested and taken to jail.

04-04-10 - 5th Degree Domestic Assault - Deputies were called to a domestic assault between an adult female and a juvenile female cousin. The adult has temporary guardianship over the juvenile. They were arguing over the juvenile's use of the phone at which time she punched the adult in the side of the face. The juvenile was arrested and taken to Lino Lakes Juv. Center.

04-16-10 - Motorcycle Personal Injury Accident - A motorcyclist traveling northbound on Hwy 65 rear-ended a Chevy Tahoe as it was beginning to accelerate after being stopped

at the red light. The motorcyclist was airlifted to HCMC with facial injuries and a broken arm.

04-23-10 - 5th Degree Domestic Assault / Damage to Property - Deputies were called on a male/female domestic assault. The male advised he had found some text messages on his girlfriend's phone that led him to believe she was cheating on him. The male became angry and punched the ceiling. The girlfriend advised she was in fear of her boyfriend. He was arrested.

04-26-10 - 5th Degree Possession of Controlled Substance - A deputy conducted a traffic stop after running the license plate and the owner, who matched the description of the driver, came back as revoked. While searching the vehicle, two Ziploc bags filled with marijuana were located. The marijuana weighed two ounces. The driver was arrested and taken to jail.

Sergeant Hauger said domestic calls (non-crime) for the month were nineteen (19) and DWI arrests for this month were six (6). Paavola said that sounds like a lot of domestics, has that picked up. Sergeant Hauger said it has picked up county wide, she doesn't think the weather and recession stuff helps. Hunter said you are involved with canines. Sergeant Hauger said yes, her last partner was canine Rocky. She said he was the canine that passed away last December. Sergeant Hauger said we currently have six (6) dogs. She said we have dogs on from 10:30 AM to 3:30 AM. Paavola asked is that a good number of dogs to have. Sergeant Hauger said three on the road is awesome, but she would like to increase the patrol units. She said our bomb dog graduated in November and has been very busy because not many other units have bomb dogs.

2009 CAFR
and Report by
Auditor

Sell said Mr. Jeff Wilson from the City's audit firm of HLB Tautges Redpath, Ltd., will review the 2009 Annual Financial Report with you and answer any questions you may have. Wilson thanked Council for allowing him the time and said he has the same presentation as he has had the last couple years. He said we have three reports, the Annual Financial Report, the Annual Management Report and the State Legal Compliance Report. Wilson said for the Annual Financial Report the City is responsible to write this and we review it. He said you got a clean opinion from us on this.

Wilson said the Annual Management Report covers six areas. Wilson said for 2009 the City received a federal grant in the amount of \$350,000. He said it is a reimbursement grant and you have until May 2013 to get the funds. Wilson said you need to stay on top of this. He said one other item is he told staff you might have an audit on these grants, because you have really been getting a lot of them. He said and the water and sewer funds have always had losses on operations, you don't have enough customers yet. Wilson said also the arena fund took another hit on cash, an unanticipated hits on repairs, we are hoping that fund will have positive on cash flow in the next couple years.

Wilson said we always have communication with those charged with governance, and we had no findings in those areas. He said all in all we had a clean opinion for 2009 for the City of East Bethel.

Hunter asked do you get to comment on the state giving the City money. Voss asked you can write a big IOU from the state to the City. Voss asked about the Ice Arena, we had a lot of anticipated expenses. Sell said we had an unanticipated cost for legal costs for the tower. He said that was related to the loss. Voss said we also had some equipment things. Sell said we had some equipment replacements; they will pay for themselves in three to four years. Voss said yes, and he wants the residents to know that those were good investments.

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, May 5, 2010, Regular Meeting; D) Purchase New Street Sweeper; E) Accept Resignation Fire Fighter; F) Soderville Athletic Association (SAA) - Field Request Agreement 2010; G) Accept Resignation Ms. Lori Elfering. Paavola seconded; all in favor, motion carries.

Channer said he pulled item C, Ordinance 22, Second Series, An Ordinance Providing for Amending Chapter 6, Alcoholic Beverages, Article III-Intoxicating Liquors, Section 6-52 License Required of the City Code because he wants the residents to know what this means. He said he wants the residents to know this is an amendment to the City code that will allow one more additional On Sale liquor license.

Voss made a motion to adopt Ordinance 22, Second Series, An Ordinance Providing for Amending Chapter 6, Alcoholic Beverages, Article III-Intoxicating Liquors, Section 6-52 License Required of the City Code, increasing On Sale Liquor Licenses from 6 (six) licenses to (7) licenses. Channer seconded. Boyer, nay; Channer hunter; Paavola and Voss, aye; motion carries.

Planning
Comm
Minutes

Sell explained that the unapproved meeting minutes from the April 27, 2010 Planning Commission Meeting are provided for your review and information.

Gerald Shern
& Cyndi
Dooley –
Finishing
Touch –
Variance
Request and
Review of Lot
1, Block 3,
West Side
Estates

Sell explained there are two actions required for this item. The first is approval of several variances for this proposed project. The second is approval of the site plan for this project.

The applicants, Gerald Shern and Cyndi Dooley, are requesting site plan approval to construct a commercial building on an existing lot in the West Side Estates subdivision. Finishing Touch is a landscape business that offers landscape design (specializing in native landscapes), hydro seeding, and retail of garden supplies and plants. The property is currently zoned Light Industrial and the proposed uses are allowed in this zoning district.

Variances

A portion of the property falls within the shore land overlay district as noted on Attach #10. These regulations limit impervious coverage of lots to not more than 25 percent of the lot area. The property owner is requesting a variance to increase the impervious coverage to 45.8 percent to allow for exterior storage on the site. The property is zoned light industrial which allows for uses that are commercial and general services related and/or of a light industrial nature. Exterior storage is a permitted use in the district. If the property was not located in the shore land overlay district, allowed impervious coverage is 80 percent of the lot area.

The property owner's hardship is based on the following:

1. For the business to be visible and viable, the building needs to be situated as close to Trunk Highway 65 as possible but meet the 100 foot setback requirement. This creates the need for a longer driveway leading to the parking lot. This increases the amount of impervious coverage on the lot.
2. Meeting the 25 percent impervious coverage may hinder the type of light industrial business that could occupy the lot since the majority of light industrial uses rely on exterior storage as a component to the business.
3. Meeting the 25 percent impervious coverage would require a loss of 7,730 square

feet of storage area. This would require the proposed business to store a portion of equipment and/or materials at a different location. It is economically feasible to store all equipment and materials on site.

The City Engineer has reviewed the impervious surface variance request and has provided comments in Attach #9. The City Engineer indicates in his letter that for water quality design purposes, the typical rainfall event that is analyzed is 2.5 inches. The proposed on-site infiltration pond will completely infiltrate up to a 3-inch rainfall. The on-site infiltration pond also provides a slight overall reduced volume of storm water runoff for the regional ponds, which are north of this lot. With the proposed infiltration pond, it is in his opinion that the increased impervious area will not have a negative impact on the storm water runoff quality leaving the site.

Kate Drewry, MNDNR Area Hydrologist, has reviewed the variance request and provided comments in Attach #11. Ms. Drewry stated that in view of the storm water management plan which included an infiltration basin, she has no objections to the variance request.

The Variance Findings of Fact were included with your agenda materials. The Planning Commission recommends approval of a variance to increase the impervious coverage in the shore land overlay district from 25 percent to 45.8 percent for the property owned by Mr. Gerald Shern, located in the West Side Estates with the condition outlined in your agenda materials.

Boyer made a motion to approve the request of Gerald Shern and Cyndi Dooley for a variance to allow increased impervious coverage for a new commercial business at the property known as West Side Estates, Lot 1, Block 3 (PIN 32 34 23 24 0013) based on the findings and facts as follows: 1) The strict enforcement of the zoning code may cause undue hardship. The property owner is not able to put the property to reasonable use as intended by City code. It is a 3.09 acre property, zoned light industrial with permitted exterior storage, and is located in the shoreland overlay district. The permitted uses per zoning code typically require larger building sites because of the larger scale of the business and the exterior storage associated with light industrial uses. According to zoning code, only 1.07 acres is usable (25% of the lot area). This particular site is 3.09 acres, yet the strict enforcement of the code only allows the use of 1.07 acres; hindering the rest of the lot as un-usable; 2) The circumstances requiring the variances are unique to the property and the other light industrial properties in the development know as West Side Estates. The subdivision consists of 9 residential lots and 6 light industrial lots. All the light industrial lists will encounter the same situation when they are developed; 3) The property owner did not create the unique situation himself. The property owner purchased the platted lot with the intention of someday developing the site as a commercial business; 4) The variance will not be harmful to neighboring properties nor will it depreciate values of neighboring properties; 5) The variance request is in keeping with the spirit and intent of the ordinance. The purpose of the shoreland regulations is to maintain water quality. According to Hakanson Anderson professionals (in the field of hydrology), with the proposed infiltration pond, in their opinions, the increased impervious area will not have a negative impact on the stormwater runoff quality leaving the site. Voss seconded.

Voss said he wants to make sure that if this wasn't in the shoreland district, there wouldn't be an issue with the impervious surface, this is because of the state regulations. Sell said that is correct, this is because of state regulations. Jochum said it is in your shoreland. Voss said this doesn't make any sense at all; it is so general in nature. He said it all seems too

general in the ordinance, but if we have no control, we have no control. Hunter said it is fun that we have a business coming to town. **All in favor, motion carries.**

Sell explained that with the approval of the variance, Planning Commission recommends approval of a site plan review for the construction of a commercial building. Applicants will construct the temporary 38 foot by 48 foot greenhouse on the property. The greenhouse will be in place from May 20, 2010 thru August 31, 2010. The greenhouse is part of the site plan request and will be placed on the property each year and disassembled at the end of the planting season. This temporary structure is provided for in City Code, Section 10.36

The proposed lighting plan provides for recessed lighting around the building and two downcast shielded lights mounted on a pole in the parking area. City Staff, for safety reasons, is recommending that additional lighting is added to the exterior storage area as such lighting will have a dampening effect on burglary and will aid in the safety of police and fire personnel when responding after dark. The City Engineer has completed his review and he has provided comments in Attach #9. The Applicant will need to continue to work with the City Engineer until all comments have been satisfactorily addressed.

The Applicant will comply with all landscaping requirements including a letter of credit or a cash escrow in the amount equal to at least 150 percent of the approved estimated landscaping cost.

The Planning Commission recommends approval of the site plan with the requirements outlined in your agenda materials.

Voss made a motion to approve the request of Gerald Shern and Cyndi Dooley for the property known as West Side Estates, Lot 1, Block 3 (PIN 32 34 23 4 0013) for site plan approval with the following conditions: 1) Applicant must continue to work with staff to satisfy all comments and concerns to staffs' satisfaction; 2) Variance Agreement must be executed prior to the issuance of a building permit; 3) Letter of credit or a cash escrow will be required by the owner in the amount equal to at least 150 percent of the approved estimated landscaping cost. The letter of credit must be provided prior to the issuance of a building permit and must be valid for a period of time equal to one full growing season. In addition to the letter of credit or cash escrow, the owner must submit an estimated landscaping cost for plantings and turf establishment; 4) Full set of the site plan must be signed by a licensed professional engineer; 5) Maintenance Agreement must be executed to ensure maintenance of the onsite pond is performed. Maintenance Agreement will be drafted by the City of East Bethel; 6) Additional lighting shall be installed in the designated exterior storage area; 7) Signage must meet requirements according to East Bethel City Code Chapter 54. Signs. Sign permits must be approved prior to the installation of signage on site; 8) Any modifications to the approved site plan shall be submitted to and approved by City Staff; 9) All conditions must be satisfied prior to the issuance of a building permit. Boyer seconded; all in favor, motion carries.

- Park Comm Minutes Sell explained that the unapproved meeting minutes from the April 14, 2010 Parks Commission meeting are provided for your review and information.
- Road Comm Minutes Sell explained that the unapproved meeting minutes from the April 13, 2010 Road Commission meeting are provided for your review and information.
- Street Light Plan 2010 Sell explained that the East Bethel Roads Commission, at their April 13, 2010 meeting, recommended approval for street lights to be installed in 2010 at 237th Avenue (County

Road 24) and Jackson Street, 229th Avenue (County Road 26) and Sunset Drive, 221st Avenue (County Road 74) and East Bethel Blvd. and East Bethel Blvd. and 216th Avenue (County Road 74). Total cost is estimated at \$4,747.69 including county permit fees and all sales tax. Following installation of these lights, the Street Lighting Plan as adopted by City Council on August 17, 2005 will be complete. The Roads Commission has requested direction from the City Council regarding the development of a new five year plan for street lights.

\$5,000 was appropriated for this activity in the 2010 Street Maintenance Budget.

Roads Commission recommends approval of the 2010 street lighting installation projects to include 237th Avenue (County Road 24) and Jackson Street; 229th Avenue (County Road 26) and Sunset Drive; 221st Avenue (County Road 74) and East Bethel Blvd.; and, East Bethel Blvd. and 216th Avenue (County Road 74).

Boyer made a motion to approve 2010 Street Light plan including 237th Avenue (County Road 24) and Jackson Street; 229th Avenue (County Road 26) and Sunset Drive; 221st Avenue (County Road 74) and East Bethel Blvd; and East Bethel Blvd. and 216th Avenue (County road 74) not to exceed \$4747.69. Paavola seconded.

Channer asked as far as the LED option, do they not offer it. Sell said they do not offer it. Channer asked what does it cost. Sell said it is significantly less. Voss said he thinks they are still working out the bugs on this. He said when we started on this we worked on the intersections where it was hard to see the turns. Voss said now we are getting to intersections where they are far less traveled. He said we have a lot of streetlights now; we are getting into a lot of neighborhood areas. Voss asked are these intersections where people are asking for streetlights. He said if the residents aren't asking for the streetlights, he is wondering if they should know about this. Voss said should we have some type of policy on this. He said take the streetlight proposed at 216th Avenue and East Bethel Blvd., which is not a busy intersection and he knows the resident that lives there, and we should probably talk to them before we put a streetlight in. Voss said to him it is where you can not see the turn off, put them in there.

Boyer said he would like to see accident data from night time, look at that and maybe look at putting these in where they are needed by that data. Voss said ten (10) years ago you flew above East Bethel and it was dark. He said he wants to put out a suggestion. Voss said have staff make sure residents are aware of it before we put them up and if there are objections then bring this back to Council. Sell said we did receive a request from resident for a streetlight at Yancy Street and 221st, in the middle of a development. He said the resident wants a light there because the kids are out there in the dark waiting for a bus. Sell said we told them it doesn't meet the equipments. He said the residents asked what if they put the streetlight up themselves. Voss said if they live on the corner, then Connexus can put it up in their yard, and then if it burns up Connexus takes care of it. Paavola said she doesn't think we want to start lighting up the neighborhoods.

Boyer said he thinks we want to pass this off to Roads Commission, just like street repairs. Voss said he thinks it comes down to what are the needs. Sell said he thinks Council just did this. He said to him it is more of on a case by case basis. Sell said we can put this on the roads budget and let them talk about it. Voss said he knows there is a motion on the table.
All in favor, motion carries.

Res. 2010-22
Accepting

Sell explained that the 2009 Annual Financial Report has been prepared, audited and is presented for your review and approval. Earlier, Mr. Wilson presented the auditors report on

Annual
Financial
Statements
and Auditor's
Annual Report

the statements. Resolution 2010-22 formally accepts and adopts the 2009 Annual Financial Report and directs the submission of the Annual Financial Report to the State Auditor.

Staff recommends adoption of Resolution 2010-22 Accepting the 2009 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2009 and direction to submit the report to the state Auditor.

Boyer made a motion to adopt Resolution 2010-22 Accepting the 2009 Annual Financial Report for operations and activities of the City of East Bethel for fiscal year 2009 and direction to submit the report to the State Auditor. Paavola seconded; all in favor, motion carries.

Boyer said he thinks we should have a collective pat on the back for wise fiscal management. He said we did this in another year where every time we turn around the Governor is taking money from us. Hunter said and staff does a good job, they deserve credit here. Sell said it is a collective effort. He said and Rita Pierce our Fiscal and Support Services Director deserves a lot of credit for doing a lot of work on the budget and keeping it all together. He said she does a really good job. Council said yes, Ms. Pierce does a great job.

Pay Estimate
No. 3 to
Project One
Construction
Company –
Cedar Creek
Pavilion

Sell explained that a copy of Pay Estimate No. 3 for the Cedar Creek Pavilion Project was included with your agenda materials. In general, all work is completed with the exception of the installation of the grill and minor punch list items. The Pay Estimate includes payment for work completed to date minus a five percent retainage. The City retains the 5% until the project is accepted and a final billing is approved for payment. Construction costs for this project are financed through the Cedar Creek appropriation in the amount of \$40,650, the Parks Maintenance Budget in the amount of \$2,650 and the Parks Capital Fund in the amount of \$6,850.

Staff recommends approval of Pay Estimate No. 3 in the amount of \$38,004.75 for the Cedar Creek Pavilion Project. Sell said if you haven't been out there, swing by and take a look at it, it is a beautiful building. Ken Langmade, Parks Commission members said it is going to be well accepted.

Boyer made a motion to approve Pay Estimate No. 3 in the amount of \$38,004.75 to Project One Construction Company for the Cedar Creek Pavilion Project. Paavola seconded. Hunter said that would be a great picture and a good story for the local paper. All in favor, motion carries.

Code
Enforcement
Report

Sell explained that the code enforcement report is provided for your review and information. He said we did receive a concession from Wells Fargo today on a property that we have been working on; they agreed to pay all costs and get the building raised.

Lot Definition
– Zoning
Code

Sell explained that at the May 5, 2010 City Council meeting, City Council approved Ordinance 19, Second Series, amending Appendix A, Zoning of the City of East Bethel City Code. A definition for a lot under Section 11 C was excluded from the approval with direction to continue working on an exception to lot sizes in instances when lot sizes have been reduced for donation purposes for a public use or a takings by a governmental unit. The City Attorney drafted revised language for Council consideration. That revised language was included in your agenda materials. Should the City Council accept the proposed changes, staff seeks direction to proceed with the public hearing notification and publication for the June 16, 2010 City Council meeting for the proposed changes to East Bethel City Code Appendix A, Zoning.

Voss said he likes this. He said his is only suggestion is in the exception text, third line, where it says reduced in size to two acres or less, is this correct. Boyer said the intent was when we were taking say thirty (30) feet for an easement we wanted to put a cap of what it would be reduced by. Randall said you had said at the last meeting that you wanted a cap, you used as an example a twenty (20) acre parcel that gave us fifteen (15) acres, you didn't want them to still have it used as twenty (20) acres. Voss said as long as the City Attorney thinks he can defend this as it is. Randall said you are giving them something, so this shouldn't be a problem.

Boyer made a motion to accept the language as submitted for Lot Definition Changes in city code Appendix A, Zoning and direct staff to proceed with the public hearing at the June 16, 2010 City Council meeting and to draft an Ordinance with the new language for Council adoption. Channer seconded; all in favor, motion carries.

Fire Department Reports

Sell explained that the monthly Fire Department reports are provided for your review and information.

Fire Department Standard Operating Guidelines (SOGs)

Sell explained that East Bethel City Code Chapter 2, Article VI, Division 3 requires the Fire Chief to prepare Standard Operating Guidelines (SOG's) that include policies and procedures for operating activities in the Fire Department. Over the past several years, a Fire Department committee has been working with the Chief on these SOG's. The purpose and intent of the SOG's is to establish a uniform set of operating procedures for firefighters of the East Bethel Fire Department based on a number of differing activities. A copy of these guidelines were included with your agenda materials.

Staff is recommends adoption of the proposed East Bethel Fire Department Standard Operating Guidelines (SOG's) and directs their implementation.

Boyer asked have these SOGs been reviewed by the general leadership of the fire fighters. Hunter said yes, this has been going on for a few years. Sell said it has been reviewed by all 35 of the fire fighters.

Boyer made a motion to approve the East Bethel Fire Department Standard Operating Guidelines (SOGs) and direction to implement. Paavola seconded; all in favor, motion carries.

Amendment to City's Personnel Policies – Fire Fighters

Sell explained that the East Bethel Fire Department "Paid on Call" firefighters are exempt from several sections of the City's Personnel Policy. This exemption is directly related to their on call status. The addendum proposed establishes additional personnel rules and regulations that apply to paid-on-call fire fighters and is supplemented by the Standard Operating Guidelines (SOG's) and the East Bethel Personnel Policies. In addition, we have attached position descriptions for those positions covered by this addendum.

Staff is recommending adoption of the proposed Addendum A to the City of East Bethel Personnel Policies affecting the East Bethel Fire Department and Fire Department position descriptions.

Sell said what is in this addendum was originally provided for in the SOGs, we took them out of the SOGs and put them in the Personnel policy, limit the SOG to SOG stuff get the personnel policy stuff in the personnel policy. Hunter said just like the SOGs the fire fighters have gone through these.

Boyer made a motion to approve the proposed Addendum A to the City of East Bethel Personnel Policies affecting the East Bethel Fire Department and the Fire Department position descriptions. Voss seconded; all in favor, motion carries.

Liquor License Renewal

Sell said liquor license renewal time is upon us, a letter was sent to one of the bars stating that to renew their license they would need to bring their property taxes up to date because that is required in the city code. He said he received a call from one of the partners asking if he would make a deal with them. Sell said he told him he did not have the authority to make a deal. He said the 2009 property taxes have not been paid; they became delinquent the first day after the 2nd half is due. Sell said they have been delinquent about 6 months. He said one of the owners wanted to know if Council would be agreeable to a deal, they would pay the first half of their 2009 property taxes by July 1, 2010, the second half of their 2009 property taxes by October 1 and 1st half of their 2010 property taxes by October 1. Sell said he told them Council is not in a position to be a bank, but if council wants to move in that direction maybe some type of surety should be provided.

Voss asked is this a city ordinance that the property taxes need to be up-to-date, not a state guideline. Sell said he is not aware of a state guideline. He said this is in city code, under Alcoholic Beverages, Section 6.57 and applies to anything where they are in arrears, taxes, assessments, etc. Voss asked is this also in the Tobacco section. Sell said he knows it is a requirement for Outdoor Entertainment permits.

Voss said he is trying to figure out why we have this. He said the county is responsible for property taxes. Sell said for the collection of property taxes. Voss said if this business leaves and has back taxes, will the back taxes get paid by the new property owner. Sell said he is not sure. Boyer said the state trumps us, they get their money first. Randall said if it is not paid the property goes forfeit. Sell said if it goes tax forfeit or sheriff's sale, then some dollars are generated. Randall asked have they talked to the county about a confession of judgment, they can set up a payment plan with the county and he thinks it takes them out of the status of delinquent. He said that would take the City out of it. Boyer said he has no interest in doing this, setting up a plan with them. Sell said he hates to be in a position to offer legal advice to them. Hunter said if we did work out something, the unfortunate thing is we would be setting precedence like this.

Liquor License – Violation of City Code

Sell said on same note, we have an issue with this liquor licensee. He said they had an issue with their permit to purchase liquor for resale at a retail outlet, the business has admitted their wrongdoing and they have paid a fine to the state. Sell said originally we passed this off to the City prosecutor; the courts have rejected the complaint because obviously it doesn't fit into one of their little boxes. He asked how Council would like to handle this, a full hearing at a Council meeting, a full hearing before a Council meeting, or third, the prosecuting attorney and city administrator meet with them and negotiate with them.

Voss asked how we found out about this. Sell said from the sheriff's office. Voss asked is the sheriff watching this. Sell said the state watches them. Hunter said so it is a violation of the state laws. Sell said yes. He said and it is a violation of our City code and our code states that it is a misdemeanor but Anoka County court system isn't honoring that. Voss said to him it seems that they already went through the process with the state and paid their fine, he doesn't know why we would we go after them again. Channer said because they are in violation of our liquor ordinance. Hunter said he would be in favor of the City Administrator and City Prosecutor working something out and bringing it back to Council. Boyer said he wants the information on the events, when the happened, what happened, before he wants to considered anything that is negotiated. He said he wants to know the sales tax owed to the state, the arrears, financial amounts, etc. Boyer said he wants that

information maybe in their update. He said but he is okay with the City Administrator working with them to negotiate something.

Advertising
for Open
Position

Hunter said he has one thing. He asked the position that Ms. Elfering resigned, will that be advertised. Sell said we have an obligation to the union by contract to post it for five (5) days in case one of the employees internally wants to apply for the position. Sell said then we will put an ad in the Union since that is our official newspaper, advertise on the LMC web site and the City web site and then we will go from there.

Fireworks

Hunter said also on Saturday night we had a rather lengthily display of fireworks are these licensed through the county or state. Voss said it was fun to watch. Hunter said at 12:30 a.m. it was getting pretty late. He asked is there a way to find out when this is going to happen. Sell said the sheriff's office things the City issued them a permit; we didn't issue them a permit. He said the Fire Chief went out there and did some measuring of safe zones, etc. Sell said maybe they need an outdoor entertainment permit. He said a few years ago the resident who does this asked if he needed an outdoor entertainment permit but it was small enough at that time that he didn't, but now it has really gotten a lot bigger and he probably needs one now.

Voss said it is not a club, but a few people that get together once in a while. He said he knows because they invited him over. Voss asked did we get complaints or calls, because he didn't. Sell said he got three (3) about how late it went and the noise. Hunter said it would be nice to know when it is going to happen. Boyer said he is a little concerned that we are going out and laying out safe zones for someone that doesn't have a permit that to him is a tactic stamp of approval. Sell said there is a licensure through the state. He said there was a fire department vehicle there through the end. He said he wants to sit down with Lt. Orlando and the fire chief so the sheriff's department and the city know how this is going to be handled. Sell said we will get something worked out, some kind of neighbor notification. Boyer said it is easy to do an outdoor entertainment permit. Sell said he doesn't know that you have to make changes to outdoor entertainment permit; you can already set the hours with what you currently have.

Adjourn

Boyer made a motion to adjourn at 8:44 PM. Channer seconded; all in favor, motion carries.

Attest:

Wendy Warren
Deputy City Clerk