

## EAST BETHEL CITY COUNCIL MEETING

March 17, 2010

The East Bethel City Council met on March 17, 2010 at 7:30 PM for their regular meeting at City Hall.

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

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

Call to Order **The March 17, 2010 City Council meeting was called to order by Mayor Hunter at 7:30 PM.**

Adopt Agenda **Channer made a motion to adopt the March 17, 2010 City Council agenda. Voss seconded; all in favor, motion carries.**

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

**02-13-10 - GM DUI / Warrant Arrest** - Deputies were called to an address on a male threatening with a baseball bat. While en route, it was reported that the male had left. The suspect vehicle was located in the area and the male driver was subsequently arrested for DUI and had a warrant.

**02-21-10 GM DUI / Refusal to Test** - On a quiet Sunday morning at 9:15 a.m. deputies were called on a vehicle stuck in a snow bank at a residence. Upon arrival the homeowners did not know the person stuck in their snow bank. The female driver turned out to be intoxicated. She was taken to jail where she refused to take a test.

Lt. Orlando said domestic calls (non-crime) for the month were thirteen (13) and DWI arrests for this month were seven (7).

Hunter asked did Mr. Houle get his answer from the sheriff about the graphics. Orlando said she told him to leave it. Channer said since we are on the air can you make a comment about passing on the shoulder. Lt. Orlando said it is always illegal. She said there is never a time when it is a good idea. Channer said on Jackson and Viking they are doing this almost every day and it is very dangerous. He said in his gutsiness, some times he moves to the right. Voss said he also sees it a lot. Lt. Orlando said if you see the statue it is very poorly written. She said but it is always illegal.

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, March 3, 2010, Regular Meeting; C) Meeting Minutes, March 3, 2010, Joint Work Meeting; D) Wild Rice Drive – Material Testing Contract; E) Personnel Policy Amendment – Health Insurance. Paavola seconded; all in favor,**

**motion carries.**

Planning  
Comm  
Minutes

Terry & Mary  
Hartin – 2110  
Deerwood  
Lane –  
IUP/Home  
Occupation

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

Sell explained that the property owners/applicants Terry and Mary Hartin, 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. A Class 1 FFL allows for the sales of pistols, rifles, and shot guns. Mr. Hartin intends to sell accessories such as lock boxes, holsters and cleaning supplies. Two classes are scheduled per month with a class size of 12 students. The proposed class schedule for 2010 was attachment #4.

Home Occupations are a permitted use in the R1- Single family Residential District so long as the Applicant can meet the requirements of the City Code and complies with the conditions of the IUP. Planning Commission recommends approval of an IUP for a home occupation for Hartin Services, Inc. at 2110 Deerwood Lane NE with the conditions outlined in your agenda materials as 1 through 8 on pages 35 and 36.

**Boyer made a motion to approve the request of Terry & Mary Hartin of 2110 Deerwood Lane NE (PIN 33 33 23 34 0034) for a Interim Use Permit (IUP) for a home occupation known as Hartin Services, Inc. Paavola seconded.**

Voss said we just had this discussion an hour ago. Boyer said yes, about vehicle impact on neighborhoods. He said and we patted ourselves on the back about not allowing major impacts on neighborhoods, only allowing two vehicles with businesses in neighborhoods. Voss said this type of business with firearm classes raises issues for him in a residential neighborhood. He said this could make a noticeable affect on the neighborhood, this is something the neighborhood would notice this type of class. Voss said this type of training/class would normally be in a commercial area. Hunter said but the fact that he is limiting it to 12 if the issue is truly the impact on the neighborhood maybe we have him cut the class size down. He said he doesn't have an issue with the class size, but he has an issue with the sale of firearms in a residential area.

Boyer said what mitigates this is it is only twice a month, it is different than it being all the time. Hunter and it is on the weekends. Voss said as far as the classes why can't they be done at the community center. He said he thinks he has seen years back, we have licensed fire arm dealers in the City that have come in as a business. Boyer said years back someone had come in with a request to set up an archery range, it was a similar impact. Hunter said that was during the week. He said it is just the classroom that is being done here, not the shooting. Voss said you do your classes up at Whispering Aspen. Schutta said the rental fee is \$50 for a business. **Voss, nay; Boyer, Channer, Hunter and Paavola, aye; motion carries.**

**Boyer made a motion to approve the request of Terry & Mary Hartin of 2110 Deerwood Lane NE (PIN 33 33 23 34 0034) for a Interim Use Permit (IUP) for a home occupation known as Hartin Services, Inc. reiterating that all conditions from pages 35**

**& 36 apply as follows and one additional condition listed as number 9: 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; 9) IUP is approved for one year, then will be reviewed by staff and if everything is found to be in compliance, it will come back to Council for approval for a period of three years, and then they will need to come in every three years for renewal. Paavola seconded. Voss, nay; Boyer; Channer, Hunter and Paavola, aye; motion carries.**

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

Sell explained that East Bethel zoning regulations were adopted on September 14, 2007. Staff has had the opportunity to apply these regulations for two years. During this period, staff has discovered several areas in the zoning code that need to be refined and other areas that require change. The proposed changes will ensure staff has the ability to apply the regulations effectively and efficiently.

**Boyer made a motion to table Ordinance 19, Second Series, An Ordinance Amending Appendix A, Zoning of the East Bethel City Code until Council is finished with their review of the ordinance. Voss seconded. He said we had a work meeting prior to this meeting and have another meeting schedule April 7<sup>th</sup> following the HRA meeting. Voss said we just are not quite done with our work on this. All in favor, motion carries.**

March 17, 2010  
Summary for  
Publication of  
Ord.19,  
Second Series  
Park Comm  
Minutes

This item cannot be addressed until the Ordinance has been adopted. Since the Ordinance was tabled tonight, the summary will not be acted on.

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

Road Comm  
Minutes

Sell explained that the unapproved meeting minutes from the February 9, 2010 Road Commission meeting are provided for your review and information.

Resolution  
2010-12  
Acceptance –  
MnDOT  
Cooperative  
Agreement

Sell explained that Resolution 2010-12 provides the background for the proposed service road project from 215<sup>th</sup> Avenue NE to 221<sup>st</sup> 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.

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 to a maximum of \$594,000. The total estimated project cost could reach \$1,846,414 if the City is required to pay for ROW. Estimated project cost would be \$1,370,381 without ROW acquisition. City share of funds is available in the City's MSA fund.

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

**Voss made a motion to adopt Resolution 2010-12 Accepting the Proposed Grant Funds for the Construction of a Service Road from 215<sup>th</sup> Avenue NE to 221<sup>st</sup> Avenue NE. Channer said he will gladly second that motion.** Voss said this is a good thing. He said this is progress, momentum. **All in favor, motion carries.**

Update –  
Whispering  
Aspen/Castle  
Towers  
Boundary  
Adjustment

Sell explained that the City Attorney has updated information regarding the settlement of the boundary line issue. Randall said he hoped to have an escrow agreement to hold until October 15 when all the taxes will be paid. He said he expects to have this on the agenda for your next meeting. Randall said this is just a technicality, exchanging deeds, paying fees. He said we have an approved agreement and it has been forwarded to Mr. Mundel's attorney and we expect them to approve it. Randall said it should all be done in April.

2010 JPA  
Agreement

Sell explained that 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 and in the General Fund Street Maintenance budget. The proposed projects for 2010 will total \$266,494.00 for the quantities submitted. 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.

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 \$266,494.

**Boyer made a motion to approve 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 \$266,494. Paavola seconded.** Hunter asked when it went out to bid. Sell said it already did, that is why we know the exact number. **All in favor, motion carries.**

Code Enforcement Report

Sell explained that the code enforcement report is provided for your review and information. Boyer said we haven't seen our prosecuting attorney who has been handling this for a while. He asked can we have him stop by a Council meeting. Sell said sure, we can have him stop by.

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

Sell explained that there is a 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, R2 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 were identified in your agenda materials and include additional definitions and regulations that bring the Parking Regulations and Zoning Code in synch.

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.

Voss said he knows we had this issue of conflicting ordinances, so this is the attempt to resolve the conflict, correct. Sell said correct. Voss said so what we have on page 133, this is the conflict. He said in Section 70-29 it appears to only apply to Rural Residential. Voss asked are there other sections of the code where it says the same thing. Boyer said he believes other sections of the code were the same. Voss said so the other sections, R1 and R2, it may be repeated in those sections. Voss said the way he reads this, it is not allowed in the district. He said what if they had a large garage and it was parked inside the garage and it doesn't affect the neighbors.

Boyer said it seems to him that the City could allow residents that had large vehicles like this to park them at the Ice Arena. Voss said he doesn't think we want to go there, because we used to have an issue with them parking at Ampride. He said we used to have a neighbor who drove so slow and was so quiet you didn't even know he was coming in. Hunter said he doesn't see a problem with them parking a truck, but maybe a truck and trailer. Sell said in City Code, under R1 and R2 parking a truck is prohibited. Boyer said he doesn't have an issue with this we have this big thing called Rural Residential and it encompasses a big part of the City. Hunter said if you are going to do this, you might as well throw motor homes in there. Sell said what we tried to do is we looked at what dually included and we looked at 20,000 gvwr or less being allowed, but anything greater than that not allowed.

Voss said he is thinking about the drivers. Boyer said it also hit an issue for him with trailers

that never move. Voss said if you are parking in front of a driveway all year long he would have a problem with it. He said if we could allow it and make it an IUP he wouldn't have a problem with it. Voss said we could make it a home business, put some conditions on it. Hunter said it wouldn't be a home occupation if you are running and only home on the weekends. Sell said and what if it isn't yours and you are bringing it home on the weekends. Boyer said we had this issue with people where they are driving it home because it is more convenient for them. He said if you are an employee the truck has to have a home somewhere. Voss said if you were you going to add an IUP, where would you add it. Sell said we would add it under 70-29; add something like "Unless the property owner obtains an Interim Use Permit for a home occupation".

**Voss made a motion to adopt Ordinance 20, Second Series, An Ordinance Amending Chapter 70 of the East Bethel City Code with the added language "unless the property owner obtains an Interim Use Permit for a home occupation". Hunter seconded.** Sell said this is similar to the horse owners that didn't have IUP's. Hunter said for the RV's, some are Class A's and some are Class 1's, and just because it is not a home occupation, it is a home, what will they do. Sell said he is going to bet that this is going to require a change to the zoning code which will require a public hearing. **All in favor, motion carries.**

Fire  
Department  
Reports

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

Sunrise River  
WMO Joint  
Powers  
Agreement  
(JPA)

Sell explained that more than two years ago, we received a proposed amendment to the JPA with the Sunrise River WMO. 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. The City of East Bethel has adopted a water management plan that incorporates the SRRWMO principles. The SRRWMO has approved the City's water management plan. Recently, the WMO advised that with several changes to EPA and BWSR regulations, the City must update its plan. The City Engineer is in the process.

We responded that the JPA presented to the City was not in the City's best interest. The proposed JPA 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.

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

**Paavola made a motion to adopt the Sunrise River WMO Joint Powers Agreement with direction to execute the agreement. Boyer seconded; all in favor, motion carries.**

Military  
Service

Boyer said he was at a meeting last night and was having a conversation with some people, they were talking about some neighbors whose son is getting deployed to Afghanistan and we aren't doing anything and he would like to do something. He said Ken Langmade is very active in this type of service. Boyer said maybe we could do a plaque with one side those that are currently serving and the other side, those who have served.

Voss asked what about doing the same kind of thing, but running a column in the newsletter. He said what will happen is if this gets out to the residents and they know one person and they will contact us and tell us. Boyer said other cities have set up volunteer lists to help people who have their significant others that have family members deployed. Paavola said along with the newsletter let's also get this on the web site once we decide what we are doing. She said we should put this on the agenda for the next meeting. Channer said we should incorporate this into Booster Day. Hunter said it is just a matter of trying to compile a list.

Cedar Creek  
Ecosystem  
Science  
Reserve  
(CCESR)

Boyer said he had a good meeting with Jeff Corney from Cedar Creek Ecosystem Science Reserve (CCESR). Hunter asked did you talk about traffic. Boyer said we talked about access on Fawn Lake Drive. Sell said and we talked about security issues. He said and soon we will be getting CSO's out there. Hunter asked did you talk about the controlled burns over there and when they will happen. Boyer said yes, but they seemed surprised that spring is coming.

Anoka County  
Meeting  
Traffic Signal  
221<sup>st</sup> and TH  
65

Channer said we met with representatives of Anoka County this afternoon about the traffic signal at 221<sup>st</sup> Avenue NE and Truck Highway 65 NE. He said think we got some good talking points in with them, they are looking at different things. Channer said our willingness to work with them is a good point in our favor. He said they are still looking at 2013 or 2014. Channer said we met with Doug Fischer and Dick Lang. He said we emphasized that we are willing to assist in pushing this project forward.

Channer said the County engineer does not disagree that this needs to be done. He said they are going to talk to the state to see what additional funds can be gotten from the state. Voss said the county has to cut staff; they lost 5% from the state. He said they appreciate the fact that the City is proactive. Sell said they are in the process of developing their 2011-2015 CIP. He said we made it very clear that the City is willing to participate even financially, but we will need assistance, we don't have a dog in the fight. Sell said it was a very bad year in 2005 in terms of accidents there. He said it moved that project much further up the list. Hunter said it is sad that it takes things like that to move a project up a list.

North Anoka  
County Food  
Shelf

Hunter said a week from tomorrow, March 25<sup>th</sup>, there is a fundraiser at the Don Hansen VFW in Ham Lake for the North Anoka County Food Shelf. He said the contact number is 763-757-3832.

Adjourn **Boyer made a motion to adjourn at 8:28 PM. Paavola seconded; all in favor, motion carries.**

Attest:

Wendy Warren  
Deputy City Clerk