

EAST BETHEL PLANNING COMMISSION MEETING

April 22, 2013

The East Bethel Planning Commission met on April 22, 2013 at 7:00 P.M. for their regular meeting at City Hall.

MEMBERS PRESENT: Tanner Balfany Eldon Holmes Lou Cornicelli
Brian Mundle, Jr. Glenn Terry Lorraine Bonin

MEMBERS ABSENT: Randy Plaisance

ALSO PRESENT: Colleen Winter, Community Development Director
Tom Ronning, City Council Member

Call to Order & Adopt Agenda

Balfany motioned to adopt the April 22, 2013 agenda, with the amendment of the addition of the public forum. Mundle seconded; all in favor, motion carries unanimously.

Public Forum

Opened at 7:02 p.m.

Robert Banks, 930 207th Ave NE – Regarding the IUP, will talk at that point.

Paul Erickson – Regarding IUP, will talk at that point.

Kevin – Here to listen to the meeting.

Closed at 7:03 p.m.

Interim Use Permit (IUP) for Creative Threads, a home-based embroidery and fabric cutting business located at

912 207th Ave. NE, East Bethel, MN

Public Hearing: Interim Use Permit for Creative Threads, a home-based embroidery and fabric cutting business

Requested Action:

Consider Granting an Interim Use Permit (IUP) for Cathryn Erickson for a Home Occupation in the R1 – Single Family Residential District.

Background Information:

Property Owner/Applicant:

Cathryn Erickson
912 207th Ave. NE
PIN 18-33-23-44-0027
East Bethel, MN 55011
Hidden Haven Country Club Estates
Lot 3 Blk 5

Property Location:

912 207th Ave. NE

The applicant, Cathryn Erickson, is requesting an IUP to operate a home-based business named “Creative Threads.” The business does contract embroidery on hat and garments, and also does fabric cutting for embroidery companies.

Business is conducted primarily by email and UPS so parking needs generated from the home occupation are small and shall be provided on-site, in the designated driveway.

Attachments:

1. Location Map
2. Application
3. City Code Appendix A, Section 10.19, Home Occupation

Recommendation(s):

Home occupations are a permitted use in the R1- Single Family Residential District as long as Ms. Erickson 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 conditions of the IUP are met. In the event the conditions are not being met, the IUP would be revoked.

Fiscal Impact:

Not Applicable

Recommendations:

Staff requests Planning Commission recommend approval to City Council for an IUP for a home occupation known as Creative Threads, located at 912 207th Street NE, Hidden Haven Country Club Estates, Lot 3 Blk 5, PIN 34-33-23-32-0015, 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. The area set aside for the home occupation in the principal structure

shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.

- 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. Violation of conditions and City Codes shall result in the revocation of the IUP.
 3. All conditions must be met no later than May 31, 2013. An IUP Agreement shall be signed and executed no later than May 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP.

Public hearing was opened at 7:05 p.m.

Robert Banks, 930 207th Ave. NE – He has the house east of the Erickson's. This is an R-1 residential neighborhood, he understands they are permitted. If they were to maintain it as a home-based business he wouldn't be here. They added a commercial-grade cutting machine that needs to be vented through the roof. The use of the machine has disrupted his household due to the noise. He likes to have the windows open, and it has caused sleepless nights. His family has put a hold on patio and screen porch, because the machine is loud and is humming. Yes there are other noises, such as Hidden Haven, Golf Course. But the lawn equipment doesn't bother him as they are far enough away from it and you expect such noises when you move into such neighborhoods. We didn't expect this kind of noise. They are not far enough away. We are in direct line of the vent and the noise is not short lived. The noise can last for five minutes, or five hours, it can run at anytime. We came here for quiet living, and we have industrial noise that we hear. It is a true annoyance. He has conveyed it to the Erickson's. He understands that noise can affect people on different levels. He knows that his children, wife, and friends have commented on it, so it is not just him. It is not a natural noise. If they want to sew, and embroider and fabric cutting that's fine. The vented industrial commercial machine is what he has a problem with. He has discussed it with the Erickson's. Their perception of business hours is different than his. He texted the neighbors when it was operating late into the hours. They don't perceive it the same way. To Mr. Erickson's credit, he had put an extension on the pipe. We have talked to the City about the problem and he will contact the Sheriff, but doesn't want to go down that route. He has on occasion, where there is a trampoline on his property. He had to yell to the kids, because it is difficult to hear. He is not here to take away from their business, if this was just embroidery and fabric cutting, but unfortunately the industrial machine is a nuisance. He has difficulty with this machine.

Terry asked if the sound is from the vent or from the walls. Banks said it is a cutting machine that causes so much heat, that it needs to be vented. Terry asked if the noise is vibrating. Banks said it is not vibrating, because the vent, it is a

just a loud machine. Holmes said it keeps you up at night. Banks said he has heard it well into one a.m.

Public hearing was closed at 7:12 p.m.

Rick and Cathy Erickson – Mr. Banks has complained to us, starting last fall. Erickson did change the direction of the vent. The Banks thanked him for changing it. He didn't know until recently that it was an issue again. He thought it was taken care of. It is not their practice to operate late into the morning. It doesn't happen very often. If anyone has ever owned a small business, you take a job that you have to do. If he knew it was bothering Mr. Banks as much as it is, he would have made a change. We went to a training this past week, and there is a new scrubber thing that would eliminate the sound. If Mr. Banks didn't hear that, it would be fine. It is a home type of a machine. It looks like a small chest freezer. Inside there is very little noise. It is the blower that is very loud. It is like standing next to a leaf blower. Yeah, you can hear it outside, depending on where you are located.

Mundle said concerning the noise, would you be ok with the scrubber that reduces the noise to a reasonable level? Can you limit the work hours until 6 p.m? Erickson said we have tried to limit the work until those hours. Banks said he would you be happy with that. Holmes asked if this machine is necessary to have? Erickson said it is about a 1/3 of our business, it is computerizing, embroidery contract. We don't have a showroom and very few customers come to our house. One-third of our business is fabric lettering, names and letters, and such. Holmes said it is sort of two businesses in one. Erickson said no, it is three. Holmes asked if this is causing a problem? Erickson said we thought we had the problem fixed last fall. That was three years after we installed the machine. We didn't understand that was causing an issue for the Banks family. We thought our correction worked. Holmes said is there any inkling on moving to a commercial place. Erickson said we did look for a commercial building – we have to look and regroup for SBA. We thought we would be in a position to move out at this point, but we aren't quite there. We were going to regroup and move out. We still would love to buy that building by Fat Boys, but we have to make the numbers work. The business, like any small business, you like to see it flourish, there is a point where it has to move out of the home. We are not always running the machines.

Balfany said there is a possible a solution for the noise. How soon could you have it corrected? It could be within a week, weather permitting. Cornicelli asked if anyone from the City listened to the noise? Winter said the City could go out and listen.

Holmes asked how long have you had the business at home? Erickson said for 7 years. Holmes said this is the first time you applied for the IUP. Erickson said we found out from someone that we had to have it. Holmes asked if you've seen the copy of the home occupation standards J and K that state no structural alterations. You can't make a change in the roof. A vent pipe is a structural alteration. Holmes said you already have it through the roof. Winter said people vent different things through the roof. She doesn't think it is a structural

alteration. Mundle said he doesn't think it would be. Terry said if that is a structural alteration, we should change the code. That should be changing the physical structure. Holmes said where in your house do you have this? Erickson said in the attached garage. It looks like another garage. There are no signs. Holmes said how many years do you think it will be before you move into a building. Cornicelli thinks the conditions are reasonable.

Mundle recommended approval to City Council for an IUP for a home occupation known as Creative Threads, located at 912 207th Street NE, Hidden Haven Country Club Estates, Lot 3 Blk 5, PIN 34-33-23-32-0015, 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. **The area set aside for the home occupation in the principal structure shall not exceed 50 percent of the gross living area of the principal structure and the area set aside for the home occupation in the attached or detached accessory structures or garages shall not exceed total accessory structure space.**
 - 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.**
1. **Violation of conditions and City Codes shall result in the revocation of the IUP.**

2. Further conditions work with City to address noise coming from the vent

All conditions must be met no later than May 31, 2013. An IUP Agreement shall be signed and executed no later than May 31, 2013. Failure to execute the IUP Agreement will result in the null and void of the IUP. Balfany seconded, all in favor, motion carries. (This goes before City Council on May 1, 2013.)

Conditional Use Permit (CUP) request by Paul Partyka, PVC Auto, for the use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel, MN for truck and trailer parking and storing auto parts indoors

Conditional Use Permit (CUP) Request by Paul Partyka, PVS Auto, for use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel for truck and trailer parking and storing auto parts indoors.

Requested Action:

Make recommendation to City Council for a Conditional Use Permit (CUP) Request by Paul Partyka, PVS Auto, for use of the former Lampert Lumber site at 1542 221st Ave. NE, East Bethel, MN; PID 08-33-23-12-0005.

Background Information:

At the regularly held Planning Commission meeting on September 25, 2012, Paul Partyka, owner of PVS Auto LLC and Harlan Meyer of Bentley Realty appeared before the Planning Commission to discuss their interest in purchasing the former Lampert Lumber site. At that time they were interested in purchasing the property for speculative purposes but wanted to be able to use the existing buildings for interior storage for new and used auto parts. *A copy of a letter dated September 12, 2012 is included in your packet describing their intended use.* The Planning Commission discussed their proposal and forwarded a recommendation to City Council. On December 5, 2012, the following motion was made and approved by the City Council:

Voss made a motion that based on the use that has been presented by PVS Auto, the City Council recognizes it is consistent with the B-2 zoning, understanding that the primary use is office use with storage within the buildings at 1542 221st Avenue NE. Anything else will have to come back to Council for review, Moegerle seconded. DeRoche, "I will not approve any outside storage." All in favor, motion carries.

Since that time their business plan has changed and based on discussions with City Staff it was determined that they would need to go through the process of obtaining a Conditional Use Permit. Their intent is to have an office there daily and sell new and used auto parts. All auto parts would be stored in existing buildings and would not be stored outside. This by itself is fine and a legal permitted use in the B-2 (Central Business) District as determined by Planning Commission and City Council action noted above. However, in addition to having the auto parts business, PVS Auto LLC also owns a transportation company (VIP Transfer) and that business has grown substantially to where they now have a need to park their empty trucks and trailers overnight. They currently do not have any room at their facility in Blaine, MN. They have a fleet of 9 trucks and that would be the maximum trucks parked at 1542 221st Ave. NE.

Please find attached a survey, along with a map that shows the location of the truck and semi-trailer parking. The site is currently zoned B-2, Central Business District and the following are permitted Conditional Uses in the District:

They would be storing 9 semi trailers on the the site. There should be a copy of a letter dated September 12. It states what his intention is with the property. The buildings are in good shape, one or two need to be demolished.

SECTION 46. - CENTRAL BUSINESS (B-2) DISTRICT

1. Purpose. The central business (B-2) district is intended to provide for the general retail shopping of persons living in East Bethel and surrounding trade area. The applicable development regulations within the B-2 district encourage high density commercial development with or without drive-thru services.

4. Conditional uses.

- A. Essential services—Utility substation.
- B. Place of worship.
- C. Schools.
- D. Drive-thru services.
- E. Licensed residential facility—Serving seven or more persons.
- F. Daycare facility—Licensed.
- G. Exterior storage associated with retail sales and services.**
- H. Hotel/motel.
- I. Funeral home.
- J. Crematorium.
- K. Veterinary services.
- L. Bed and breakfast inn.
- M. Nursing home.
- N. Recreation, commercial.
- O. Other uses similar to those permitted in this section as determined by the city council.**

The Conditional Use Permit is for the storage of operational trucks and semi-trailers that are used for VIP Transfer, a part of PVS Auto LLC.

Aerial photo shows where the truck parking would be. Anoka County Highway Department has received the information. They will also be reviewing it. At this time, Planning Commission recommends approval of the Conditional Use Permit for PVS Auto LLC/Paul Partyka to park operational trucks and semi-trailers at 1542 221st Ave. NE, PID No. 08-33-23-12-0005. Subject to the following conditions:

1. Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer - PVS Auto, LLC

2. All parking/exterior storage shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.
3. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five (5) feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in [Section 23](#). Screening Requirements [Regulations].
4. All equipment and materials within the storage area shall be arranged in a neat and orderly manner.

Keep in mind that the one part of the business was ruled a permitted use. That was approved by Council last year. Mundle said is overnight parking considered exterior storage? Bonin said it is overnight storage. Winter said they are parking there overnight and no more than nine vehicles. Bonin said it is overnight parking.

Partyka said we are going to have overnight parking, maybe two or three trucks. During the week there will be no trucks. He only has seven trucks and sometimes they come home for a couple days. Sometimes they have a meeting or appointment; there will not be more than nine trucks and trailers parked there. He doesn't think there will be nine during the week. Currently he has seven trucks and only one is parked now. Nine is for maximum capacity.

Cornicelli said is 221st Avenue built to sustain that truck traffic? But we do have Anoka County looking at the permit. Winter stated that Anoka County has received a copy for their review and comment. Holmes asked if all the trucks are 40 footer. Partyka said the trailer is 53 foot. Holmes asked which building are you planning on tearing down. Partyka said there is only one building that will have to go. It is not worth fixing and it is just a little shed. Winter said there is a map in there that will show the building they are planning on tearing down. Partyka said you can remodel, but it will be cost more than to repair. They just need new siding sheets, and they need to be cleaned up and painted. Holmes asked if he plans on building more buildings. Partyka said no he has plenty, he will just remodel some. Mundle asked if we are clear on the fact that it is just overnight. Winter stated a Conditional Use permit is the best way to handle this situation. Holmes said he stated if they are home for over the weekend. Bonin said they are not parked there indefinitely. Balfany said they would be behind the buildings. Holmes asked if he would be repairing the fencing. Partyka said he would be repairing the fencing. Balfany asked what hours the trucks will leave. Partyka said they will be leaving in the morning, and come back by 10 pm. There will only be one or two trucks coming in. Not a lot of traffic.

Terry asked why has the business plan shifted, what has happened in the few months. Partyka said when we first came in we had same thing, but we only had a couple of trucks. Our used parts business was a little weak, so we decided we could park the truck. We need a piece of paper that means the City let us park it. We don't want to get in trouble. Holmes said your business is strictly storage or are you going to have retail. Partyka said some people told us we have to have an office. People are going to come, we have a dealer license then, some people are

going to come and get parts. Winter said the auto parts would all be inside. The office will be open from 6 a.m. – 5 p.m. Bonin said if someone comes to Blaine, and you don't have it in Blaine, they would come here. Partyka said he could bring it to this location for them. Balfany said the reason you are here tonight is for the trucking business. Partyka said he has three brothers and we are partners. Holmes said the B2 district is retail. Partyka said we would not be doing repairs at this site; we do our repairs at the Blaine facility.

Aerial photo shows where the truck parking would be. Anoka County Highway Department has received the information. They will also be reviewing it.

Balfany motioned to recommend approval of the Conditional Use Permit for PVS Auto LLC/Paul Partyka to park operational trucks and semi-trailers at 1542 221st Ave. NE, PID No. 08-33-23-12-0005. Subject to the following conditions:

- 1. Parking shall be limited to 9 operational trucks and semi-trailers that are part of VIP Transfer - PVS Auto, LLC**
- 2. All parking/exterior storage shall not be allowed within the required setbacks, public right-of-way, private access easement, or within the required parking area.**
- 3. Screening of the exterior storage shall be installed and maintained along all property lines. The screening shall not be less than five (5) feet in height and shall preclude vision through the barrier. All screening shall meet the regulations in [Section 23](#). Screening Requirements [Regulations].**
- 4. All equipment and materials within the storage area shall be arranged in a neat and orderly manner**

Cornicelli seconded; all in favor, motion carries unanimously.

Discussion Regarding MIDS

Continue Review MIDS project that was discussed at a Special Planning Commission Work Session on March 19, 2013. Jay Michels of Emmons and Oliver was the presenter.

Background Information:

Utilizing the Community Assistance Package, we will be going over three specific issues:

What do we want to recommend be a part of a MIDS program?

1. Storm Sewer Plan: do we want a separate ordinance or include in one document?
2. Subdivision ordinance: do we want to include MIDS as part of this?

Design Standards

Nitty gritty on how we will administer it.

Inspections and recording keeping – The applicant is responsible for inspection and record keeping during and after construction for all privately owned

stormwater treatment practices on the site.

Community Inspections – The community shall conduct inspections on a regular basis to ensure that both stormwater and erosion and sediment control measures are properly installed and maintained prior to construction, during construction, and at the completion of the project. Mandatory inspections are required as follows:

1. Before any land disturbing activity begins;
2. At the time of footing inspections;
3. At the completion of the project; and
4. Prior to the release of financial securities.

Fees – A charge of whatever the city determines will be assessed to the applicant for any inspections under this section by the community.

Stop Work Orders

1. Construction Stop Work Order
2. Perimeter Breach
3. Actions to Ensure Compliance

Long Term Inspection and Maintenance of Stormwater Facilities

Private Stormwater Facilities

- Maintenance Plan Required
- Facility Access
- Removal of Settled Materials
- Inspections – All stormwater facilities within the community shall be inspected by the community during construction, during the first year of operation, and at least once every five years thereafter.

Public Stormwater Facilities

- Acceptance of Publicly Owned Facilities
- Inventory of Stormwater Facilities
- Maintenance – The community shall perform maintenance of publicly owned stormwater facilities in accordance with their comprehensive stormwater management plan and other regulatory requirements.

Permit Review Process

- Pre-Application Meeting

The community shall facilitate a pre-application meeting with the applicant, community, staff, and staff of partner agencies (MPCA, SWCD, WD, WMO, etc). The meeting shall be mandatory prior to submission of a permit application. The purposes of the meeting are: to understand the general parameters of the proposed project; and to convey the requirements of meeting the provisions of this ordinance.

- Application Completeness Review

The community shall make a determination regarding the completeness of the

permit application within ten (10) days of the receipt of the application and notify the applicant in writing if the application is not complete including the reasons the application was deemed incomplete.

- **Application Review**

The applicant shall not commence any construction activity subject to this ordinance until a permit has been authorized by the community.

- **Permit Authorization**

If the community determines that the application meets the requirements of this ordinance, the community may issue approval authorizing the project or activity.

- **Permit Denial**

If the community determines the application doesn't meet the requirements of this ordinance this application must be denied.

- **Plan Information Requirements.**

The minimum information requirements of the application shall be consistent with the most recent version of the NPDES/SDS Construction Stormwater General Permit requirements.

We want the permit/process to be ongoing to be a living, breathing document. As much as we pour into a plan, sometimes we see a project that was planned for in the spring, put it in in the fall, and that changes timelines and vegetations. Whenever we see a problem, we want the plan modified. Inspections and weather can have a big part of it. They would all be reasons to modify.

Financial Securities

- **Amount**

Michels said we had a project on Hwy 36 and County Road 5 before the Target and Cub Foods was there. The contractor was pulling his equipment off and we hadn't seen him for weeks. So we have an entire site sitting wide open. How do we pay for it?

Many communities will set a number for securities, such as \$3,000 to each acre disturbed or on a per house basis. It is left to the City to determine the amount. That doesn't mean we can't set an amount.

Mundle said would this be escrowed. Michels replied yes. Mundle said would that be the total amount of the project. Because you said a certain amount per acre. If you want the contractor to put up the amount before the project, he has to have twice the amount for the project.

Our goal is to release this as soon as possible. The financial security can be used by the City. The first \$5,000 is in cash, and the community will hold that. The remaining could be a letter of credit; negotiable bonds, cash and many developers will use a disbursing agreement. That letter of credit is being released, that can be tied into the financing agreements. These are all forms of security that are common.

Holmes asked if it is a state inspection, how could the City withhold that? Michels said it is a local inspection. Holmes said electrical is a state inspection. Mundle said some cities are doing their own. Winter said this is the ordinance related to storm water management and surface water management. This is part of the developer's agreement. In a case of a subdivision, if there would be utilities, they would be agreements with the other companies. She can't think of any developments that would be State. Holmes said electrical. Winter again stated this is related to storm and surface water management not electrical. She would have to check on who does the inspection for other items, such as electrical that may be part of a development.

- Actions against the financial security
- Abandonment

Failure to Implement the SWPPP or ESP Plan – The developer ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan

Failure to Perform – The developer fails to conform to the grading plan and/or the SWPPP as approved by the Community.

Failure to Reimburse the Community – The techniques utilized under the SWPPP fail within one year of installation.

- Proportional Reduction of the Financial Security

The developer fails to reimburse the community for corrective action taken.

- Returning the Financial Security
- Emergency Action

Enforcement Actions

- Notification of Failure to Permit

The community shall notify the permit holder of the failure of the permit's measures.

- Initial Contact
- Erosion Off-Site
- Erosion into Streets, Wetlands or Water Bodies
- Failure to do Corrective Work
- Enforcement
- Misdemeanor
- Right of Entry and Inspection

That brings us to the questions.

Terry said so we will be developing a police state over storm water. Michels said it is rare that it happens, but it is one of the enforcement actions. Terry didn't realize it was that serious. Michels said it doesn't happen very often, but you want to be protected. Cornicelli is it typically industrial or residential. Michels can't make a blanket comment on that. The one time that we did take enforcement action with the police on the site, it was a townhouse development in Savage. So we came in and took the action. It has to go through the judicial process.

Ronning said this thing looks really good, but there seems to be a void. Do we have anything this is for containing the run off, 99%; does anyone have data where we have run off problems in East Bethel? Ronning said you put the cost off onto the contractor and the buyer. Mundle stated when you take a backhoe and dig into the property, when you redevelop the property, the water ecological system changes. It use to flow one-way or the other, if elevations aren't set correctly they will run into a certain place. If you dig up a whole site, like they did in Club West, they had to come up with a new plan. Their plan was to bottle it all up in one area. That has changed over time. Now you want to contain all the water on your lot. You don't want it to run off on a lot. It has to follow a drainage plan. Ronning asked do we know how much of it there is here? Cornicelli said we are talking as the City grows. We are talking about new. Ronning said are we talking in a decade or century. Cornicelli said the future. Mundle said as soon as Blaine fills up there would be movement of people coming out here. Ronning said Blaine is sized for 80,000 now, and they only have 50,000 people.

If you think back on our first presentation, the water is generally going back down into the ground. When you change that with asphalt, rooftops and development that changes the run off. We also have to manage erosion and sediment control. Cornicelli said we went through that at our first meeting.

Ronning asked what percent of East Bethel is wetland. Cornicelli said about 50%, but that isn't the point, we are looking at the future. Ronning said this is just food for thought, and it is your job. You should make it as good as possible. Balfany said we are looking ahead to make sure we are doing it responsibly. Ronning said the potential for runoff that water in this area isn't going to go more than a quarter of a mile. Mundle said if you put a concrete slab on the hillside, that water will go and be run off. What do we do with that water when that concrete slab comes in? If and when it would come, how would we handle the run off from the concrete slab? It might not go more than a half-mile, on a dirt hillside it will take longer. Ronning said there is more run off on the roads and streets than on all the home properties. How effective would it be here? Balfany said Coon Lake there are drain ditches that run into the lake. But all the snow/rain that hits my roof and then there are 50 some other houses that run to those spots. That water never had the original opportunity to seep into the ground. Similar matter, corner of Hwy 65 and County Road 22 if there is a huge parking

lot, if it is already a wet area, we have now raised the water in the swamp land area. It could do a number of things. Projects like this will help maintain that. Does that give you a better perspective? Ronning asked what is the return for the cost. Ronning is suggesting when you put forth someone is going to think how much does it cost. If I am buying \$10 for an ice cream cone how much ice cream will be get.

Cornicelli said how many impaired waters are there in the State. We have 6000, and there are 12,000 lakes. We have to build strategies that are more contemporary. They may cost a little more upfront. The break even wasn't too far off. Ronning said if you were doing a cause and effect study what contributes. Terry said we are assuming impaired. An agency has declared them impaired. Cornicelli said there is more science to that. Michels said it is impaired at a certain place, not a whole river. Your 6,000 is a bit inaccurate. The Sunrise River is impaired, that is where 2/3 of your water ends up.

Bonin said where the water is going, you have to consider the fact that if you are changing things, that instead of going to the water supply, that is the real issue, from keeping the water from where it is suppose to go.

Terry said he is for a lot of ideas. He is concerned about the strong-arming and being guilty of a misdemeanor because the property floods. Some of the language concerns him. Michels said that is about a 1 in a million shot. You try to work through them with the other enforcement. A police presence can change the permittee compliance. You can take whatever parts of this that you want. Hopefully it will never happen in East Bethel. Balfany said if you don't create it, then someone would take advantage of your system. Holmes said the developers know what is going to happen. Most communities already have it, and it isn't a new idea to them.

Leon Mager said we did modeling and sediments, and came up with solutions, we put in 3 rain gardens \$20,000 came from grant money and \$30,000 was the total project. \$40,000 for Coon Lake this year and next year. Along the roads you can put in rain gardens. You can have pre-catch basins. That work will happen around Coon Lake.

Terry said if this is a serious problem for the City, why not divert Park Dedication fees to this and implement some of the solutions. It might be more effective. Winter said in other communities they have storm sewer dedication fees. It is something that be brought up. Cornicelli said we are looking at future development. Terry said if this is serious problem we should try to fix it.

Ronning said he is a tree hugger, and you have a lot of care and concern. You only have one strike. It has to make sense to make those that will answer to the rest of the residents. It sounds like a great thing.

Michels said the next step for discussion, where do we go with this in this pilot community. Our other pilot is the Chisago group. They decided to move to a common meeting of the council and get their feed back and go back to the planning commission for ordinance language. Rather than have it with a

horizontal landscape, in a word document. That would be the guidance, so he can work with Winter. Do we take it into that Word form? Should the Council be brought up to speed? We decided on a Saturday morning breakfast meeting on May for 4 for Chisago City. He is open to any suggestions. Balfany said the City Council should probably be brought up to speed. Winter stated the City Council needs to get involved as soon as possible. Cornicelli buy in is important. Ronning said education is needed.

Winter said the challenge is trying to schedule a meeting. The other challenge is to take advantage of their group we need to do it relatively soon. Winter would like to go to the May 4th meeting as see how it is received by the other Councils. Ronning bring it to the Council. Ronning is still green. Can we get a meeting with people? Open invitation, some of the people would go for it, but there is skepticism on it. Michels said we could do a separate meeting. We would do something separate for East Bethel. Ronning said he was thinking to hear from people outside the City we aren't just talking to ourselves. Balfany said you could reach out to the Council of Chisago. Winter said we need to get the meeting scheduled. Cornicelli likes evening meetings better. Michels said he could do 2.5 hours in the schedule. He knows where he can cut it and where he can hit. You have helped him know where to get to the point. We will get something set up.

Balfany said do we want to put more energy and effort into it. Homes said we have to do it. Everyone agreed.

Winter said she will put together a staff report for May 1st and will propose a couple dates to the City Council.

Electronic Version of Planning Commission Packets

Winter explained that the Council is receiving their packets electronically. She is suggesting Planning Commission go that route. If we could deliver everything online versus paper copies. The EDA has also gone this way. Cornicelli said he doesn't have a personal laptop and the wireless is spotty. Bonin doesn't have any connections like that at all. If you want it electronically, Winter can send it that way. The others she will send a hard copy. Terry said you could remove the last page. Holmes said the green sheets you can remove. Mundle said on the electronic copy you can make notes. Holmes said we are in a different game where we have to figure out distance. A paper copy is a necessity. He is just talking about what we actually do.

Approve March 26, 2013 Planning Commission Meeting Minutes

Terry page 25, third to last sentence on the bottom change adversarial to adverse consequences.

Mundle same page first paragraph, fourth sentence in, But some of the equipment was in his home, some of the equipment was at his home.

On the same paragraph further down, Mundle said some of his vehicles stored should be changed to park on his residential property.

Bonin said she had a comment to make, but she sees a lot of supposed sentences

that are clauses, that don't make sense.

That goes back to our discussion on verbatim, that you're working so fast to make sense of things some times. Winter said that seems to be beyond our choice. Cornicelli said it would save on paper.

Holmes motioned to approve the March 26, 2013 minutes with said changes. Terry seconded, all in favor, motion carries unanimously.

Other Business/City Council Report

Holmes said one item that we should look at when we are redoing our ordinances just happened to hit him when he was driving along. This LED billboard, he thought we put a foot-candle limit on billboards with the new LED lights. Cornicelli said yes they are bright. Holmes said they distract you on 35W this distracts them. Terry said non-information signs we had something on there. Holmes said he doesn't remember where foot-candles are discussed. It is something we should look at and limit. It is totally different than what it use to be. Winter said we are getting a new community sign that will be up very soon. Holmes said is it an LED sign. Winter said yes.

Ronning said there is intended update on the forcemain. Castle Tower and Whispering Aspen Update. The City and Met Council entered into a joint project. Our pipe will be used to sanitary water to the MCES. Their pipe will move treatment plant effluent. They rebid February 12th. The lowest bid was the recommended to the Met Council board. Our share will be \$1 million dollars. A lot of money. It will be 3200 linear feet. They have received bids and they will be opened May 9 and completion is in December. This is where they intend to go he is not sure why we do it. It looks like there are three crossings.

Some of what we have talked about is trying to help people ease into this. We have come up with a utility infrastructure loan program. The basic HRA will loan the EDA \$281,400 in seed money. The City repays the EDA. There will be an interest charge of 4%. A lot of us have heard if they are forced into this they will walk out. He is curious how many people are leasing than those that loan. Loan would be for five years. No penalty for early payment. Business would be required to apply for the loan. Application fee would pay for staff time. Also discourage those that are serious. The owner of record is the one that has to make application. At the point they do there is lien on the property. Instead of lost money it does into the tax base.

There are two basic priorities they have identified. One is the sewer water access charge, it is considered to be the SAC/WAC charges times 4 ERUS. The second is miscellaneous fees. The City will loan up to \$5,000.

They are encouraged to work with financial institutions. Some of them might not be interested in looking at it because it isn't a big enough amount. Five years for repayment. No penalty for early payment.

We are sharing a building official with Oak Grove and Bethel. They went through the cost for that. Balfany said it is a profitable program. Ronning said we have an extra inspector. Mundle said we have a building official and a building inspector. Ronning said the bottom line is still the bottom line. Balfany said we are still bringing in extra money, isn't that the bottom line. Ronning said the fee revenue is on pace to collect \$94,000. On the surface it looks like a positive deal.

Mandatory connections ordinance, not all of us were enthused about it. His own thought was, people might have known this coming. No eminent application. This is for the existing business. With the economy it hasn't been that great. North Suburban Lawn, John Deere dealer, said if they had mandatory hook up they wouldn't be in business. Terry said that existing businesses were told they would have a mandatory hook up. Balfany said isn't that what the loan program. Ronning said there are a lot of things that have been said about this thing. Balfany said what thing. Ronning said what is the most it can cost us if we don't hook up. Most of us won't hook up. They are general obligation bonds and they are guaranteed by us.

We have been to a League of Minnesota Cities session in February and one of the things that you can't raise the taxes more than the value it adds to the property. If it is for infrastructure it doesn't apply. The schedule for cash flow. We are negative \$935,556. There are federal tax credits that soften it up. There is supposed to be a rebate on the interest. Balfany asked for the summary. We don't need all the information. Ronning said we would go backwards each year. Balfany said you are talking if no one hooks up.

Ronning said that is too much good news for one night.

Adjournment

Holmes made a motion to adjourn the meeting at 9:15 p.m. Cornicelli seconded; all in favor, motion carries.

Submitted by:

Jill Anderson
Recording Secretary