

**City of East Bethel**  
**Planning Commission Agenda**  
**Planning Commission Regular Meeting**  
**Date: March 28, 2023 at 7 p.m.**



Two or more Council Members and/or the Mayor may be in attendance at this meeting.  
If two or more Council Members and the Mayor attend the event, there will be a quorum of Council Members.

This meeting may be monitored live via the following means:  
Cable Channel 10, MidcoTV Channel 77, or the City of East Bethel YouTube channel  
([www.youtube.com/channel/UC8\\_7ShcME-XG14pN5JrmBGg/live](https://www.youtube.com/channel/UC8_7ShcME-XG14pN5JrmBGg/live))

1. Call To Order
2. Adopt Agenda
3. Approval of Minutes: February 28, 2023 (Pg. 1-10)
4. Planning Commission Appointment of Chair Person and Vice Chair Person (Pg. 11)
5. **Public Hearing:** Variance – Setback for Septic Drainfield Placement – 19141 E. Front Boulevard NE. (Pg. 12 - 39)
6. Other Business
7. Adjourn

1 **DRAFT MINUTES: NOT YET APPROVED**

2  
3 EAST BETHEL PLANNING COMMISSION MEETING  
4 February 28, 2023

5  
6 MEMBERS PRESENT: Chair Tanner Balfany, Glenn Terry, Sharon Johnson, and Gabriel Hanschen

7  
8 MEMBERS ABSENT: Sherry Allenspach and Randy Plaisance

9  
10 ALSO PRESENT: Jack Davis, City Administrator  
11 Aaron Berg, Zoning Administrator/City Planner  
12 Tim Harrington, Mayor  
13 Kevin Lewis, City Council Liaison  
14

15 **1.0 Call to Order**

16 Chair Balfany called the Planning Commission regular meeting to order at 7:00 pm.

17  
18 **2.0 Adopt Agenda**

19 **Commissioner Johnson moved and Commissioner Terry seconded to adopt the agenda as**  
20 **presented.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany  
21 asked any opposed? That motion passes. **Motion passes unanimously.**

22 **3.0 Approve January 24, 2023 meeting minutes**

23 Terry requested on Page 5, paragraph 3, third sentence, last words should be “thorough, fair.”

24 **Commissioner Johnson moved and Commissioner Terry seconded to approve the January 24,**  
25 **2023 regular meeting minutes as corrected.** Balfany asked any discussion? To the motion, all in favor  
26 say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes unanimously.**

27 **4.0 Planning Commission Appointment of Chairperson and Vice Chairperson**

28 Berg recommended the Commission appoint a Chairperson and Vice Chairperson to serve a one-year  
29 term ending January 31, 2024.

30 Johnson requested this be discussed at next month’s meeting when all of the Commissioners are present.

31 **Commissioner Balfany moved and Commissioner Hanschen seconded to table to the next meeting.**  
32 Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any  
33 opposed? That motion passes. **Motion passes unanimously.**

34 **5.0 Candidate Interviews – Wanda McLaurin, Narendra Ramnarine, and Joe Reiter**

35 Berg reviewed staff’s report stating on January 31, 2023, the term of Commissioner Karen Krepis  
36 expired. Although the Planning Commission recommended the reappointment of Commissioner Krepis  
37 to an additional term, the City Council did not approve the reappointment. This created an open position  
38 on the Planning Commission to be filled.

39 Berg indicated staff advertised the opening and have received three (3) resumes including Wanda  
40 McLaurin, Narendra Ramnarine, and Joe Reiter.

41 Berg requested the Commission interview the applicants and make a recommendation to City Council to  
42 fill the vacant seat in which the terms will expire on January 31, 2026.

43 Balfany requested the applicants who are not being interviewed to leave the Chamber until they are  
44 called.

45 Balfany asked Wanda McLaurin to approach the podium.

46 Balfany asked Ms. McLaurin why she wanted to be the Planning Commission for East Bethel.

47 Ms. McLaurin responded she originally joined the City Commissions as an EDA member and when they  
48 started working on the Comprehensive Plan she moved to the Planning Commission. She indicated she  
49 was on the Planning Commission for almost three years and chaired the Commission for two of those  
50 three years at which time she was appointed to City Council. She stated when she ran for reelection to  
51 the Council, she was not reelected and now she would like to stay involved in the City.

52 Ms. McLaurin believed the City was a “diamond in the rough” and there was still a lot that could be  
53 done and accomplished. She noted there are some problems and things that are not right, but she  
54 thought the Planning Commission was where everything started. She noted it starts with what they  
55 agreed to, the Ordinance changes, and the precedence that are set. She stated the Commission made  
56 decisions on things that did not fit, which set precedence and she wanted to be a part of that again.

57 Johnson asked Ms. McLaurin what strengths and abilities she would bring to the Planning Commission.  
58 Ms. McLaurin responded she has sat on the Commission for a number of years, chaired it for a number  
59 of years, and she had the familiarity of that. She stated she was also privileged to sit on the City Council  
60 for a year and that gave her a great deal of background knowledge of how the City runs and what  
61 happens.

62 Ms. McLaurin stated she came with critical thinking skills and she can think on her feet. She stated she  
63 can look at the bit picture and not just a narrow scope of what they have. She indicated she also knew  
64 most of the Commissioners and she knew their strengths and weaknesses and they knew her strengths  
65 and weaknesses also. She believed this worked out to be a very good team.

66 Terry asked Ms. McLaurin what issues she was most interested in pursuing or promoting as a  
67 Commission member. McLaurin responded that she believed they needed to look at how they are going  
68 to keep rural rural and the Highway 65 corridor moving forward. She indicated they needed to look at  
69 how they bring new businesses into town and they have to be able to keep the taxes and levies down.  
70 She indicated residential did, but in order to take some of the pain off of the residential people, she  
71 wanted to look at the right businesses in the right places along the corridor. She stated they had a gem,  
72 but unfortunately with the City being north of Ham Lake and south of Isanti, the City was getting  
73 squeezed in where it was becoming, “let’s get proactive and let’s decide what we want instead of these  
74 people coming to us and saying I want to build on this corner and fitting all of the criteria.” She  
75 indicated at that time their hands were tied.

76 Hanschen asked Ms. McLaurin what her vision was for the Highway 65 corridor. Ms. McLaurin  
77 responded the Highway 65 corridor was a unique area. She noted they had water and sewer on the north  
78 end with Whispering Aspens. They had water and sewer on the south end. They had the stubs coming  
79 across Viking Boulevard. She indicated it would take a lot of decisions to make it the right fit. She  
80 stated the City does not need any more storage units or Dollar Generals. She noted what they put along  
81 that corridor represents the City and they don’t need the ugly car lot south of Route 65. She stated they  
82 really had to look at what is coming in and maybe search for what they want there as opposed to them  
83 coming to the City and fitting all of the criteria and the City having their hands tied.

84 Balfany asked Ms. McLaurin if there were any local issues that could place her in a conflict-of-interest  
85 situation (i.e. a situation where she would be financially benefiting by a Planning Commission action or  
86 on a specific topic). Ms. McLaurin responded no.

87 Johnson asked Ms. McLaurin if she had any questions for them or if there was anything she would like  
88 to add. Ms. McLaurin stated she had nothing to add, but she would be honored to be back on the  
89 Commission. She stated the Commission had done a lot of really good work in the years she was on it  
90 and it was extremely challenging. She indicated the years she chaired were the years of the zoom  
91 meetings and it was difficult, but they managed to do a lot of good work.

92 Balfany noted Narendra Ramnarine was not able to make the meeting tonight.

93 Balfany asked Joe Reiter to approach the podium.

94 Balfany asked Mr. Reiter why he wanted to be on the Planning Commission for East Bethel. Mr. Reiter  
95 responded the reason he was applying for the Commission was because he had a vision for East Bethel  
96 that combines economic growth and development with preserving the rural aspect. He did not think it  
97 was one or the other and he believed they could have a solid mix. He noted a lot of the discussion he  
98 has heard is how do they do “this” on Highway 65 and do “this” in the rural areas and he did not think  
99 that was the right way to approach it. He asked how did they make sure the businesses matched the City  
100 and how they would make sure the businesses actually served the work force that they have.

101 Mr. Reiter indicated right now the average commute was 40 minutes and that meant they are missing  
102 some things as far as economic development went. He asked how they would bring those businesses to  
103 the City and to make sure people didn’t have to commute that far. He asked how they could ensure the  
104 City was relevant for the workforce.

105 Mr. Reiter stated the reason he was there was because he felt his vision was slightly different. He did  
106 not think the vision was completely wrong but he felt his perspective was a little bit different and he  
107 could maybe be a diverse voice on the Planning Commission.

108 Johnson asked Mr. Reiter what strengths and abilities he would bring to the Planning Commission. Mr.  
109 Reiter responded that his strengths he knew he had was data collection and analysis. He noted in his  
110 professional career he had been an analyst working with computers and databases as well as working on  
111 a GIS (i.e. mapping software), and figuring out trends. He stated he would be a good addition for  
112 bringing in numbers and analysis for the group. He indicated he did try to find moderation in a lot of the  
113 things that he did and often he found that when there was difficulty it was usually just due to  
114 miscommunication and he was aware of that. He stated another thing was that he was very dedicated to  
115 studying the City and he spent a lot of time looking at the maps and trying to figure out ways things can  
116 be improved; interacting with the public on social media and trying to get people involved. He believed  
117 at some of the City Council meetings there have been more people showing up and he believed it was  
118 important to have civic engagement and engaging with people on a civil aspect was important.

119 Mr. Reiter believed it was better if he collaborated with the Planning Commission on what was going on  
120 there to make sure everyone was aware. He stated unfortunately he has been a single voice by himself.  
121 He believed if he was on the Commission there would be a lot more collaboration and moderation of  
122 viewpoints as well a solid vision and message going out to the community so people would know what  
123 to expect.

124 Terry asked Mr. Reiter what issues he was most interested in pursuing or promoting as a Commission  
125 member. Mr. Reiter responded that the thing that really got him involved in politics in the City was the  
126 water treatment facility on the south end of the City. He noted this was a huge infrastructure investment  
127 and he felt it was sold in and he is worried right now with the economy and interest rates that  
128 development is not going to come for a long time so he wants to see ways that they can reduce the  
129 impact of that infrastructure on the rest of the community. He stated he felt like adding high-density  
130 townhomes and apartments might not be the best approach but he knew the businesses in Soderville  
131 wanted a connection and right now the Met Council seemed to be the hold up by asking the City to  
132 change all of their rules and abide by the plan. He stated from what he knew of Ham Lake, they are not  
133 interested in that so he believes the Planning Commission should be figuring out ways those businesses  
134 can connect while reducing any impact from Ham Lake. He asked how they can get those connections  
135 in a way that was sustainable for the community but also reduce the taxes that the residents on the other  
136 side of town have to pay for. He stated his house would never connect to that and he feels it is unfair to  
137 other residents who are never going to connect to have to pay for it. He indicated he tried to start a

138 discussion on some of the zoning in the water district. He noted they had land investment companies  
139 come in after that development occurred and bought up large portions of land. They knew the land was  
140 undervalued at the time and his feeling is that now they have the land, they can take out loans and can  
141 basically get tax free loans without having to pay taxes. He believed adjusting the zoning to make it  
142 more appropriate for the improvement development going on there might be something that should be  
143 examined. He believed the assessor was missing opportunities. He summarized certain business  
144 properties where the tax rates did not match.

145 Hanschen asked Mr. Reiter was his vision was for the Highway 65 corridor. Mr. Reiter responded his  
146 personal vision would be to see it “skinnied up” a little bit. He noted everyone was asking for rural  
147 preservation and having a mile on each side of Highway 65 seemed a little wide to him. He wanted to  
148 focus development on the corners would be better and zoning those correctly so zoning could occur  
149 would be useful. He believed with the zoning being the same all of the way up was preventing  
150 development from happening where they needed it. He did not think this was well planned. He  
151 indicated in the past the Planning Commission had a City vision plan done but for some reason that plan  
152 was abandoned. He believed a lot of the developers wanted to do something in the City and they were  
153 being restricted due to land values being too high.

154 Balfany asked Mr. Reiter if there were any local issues that could place him in a conflict of interest  
155 situation (i.e. a situation where he would be financially benefiting by a Planning Commission action or  
156 specific topic). Mr. Reiter responded he did not own any property and he did not work for any  
157 businesses that would enrich him. He indicated he wanted to enrich everybody in the City and he  
158 wanted to make the properties more valuable without increasing taxes. He summarized some of the  
159 things that could be done such as ditch improvement, drainage issues corrected, and improving Coon  
160 Lake.

161 Johnson asked Mr. Reiter if he had any questions for them or if there was anything he would like to add.  
162 Mr. Reiter responded by addressing some of the social media and the discussion on it. He noted he has  
163 tried to start a discussion which seldom turned out to be a disagreement. He indicated it often turns out  
164 to be in-fighting. He stated he has been trying to get more residents involved in the community and  
165 make them aware of what is going on, but it always seems to evolve into interpersonal conflict. He  
166 stated he does have a love for the City and he has a lot of friends in the community. He asked how did  
167 the City preserve the things that the people value and he wanted to make sure he can work to preserve  
168 that as well as improve economic development and create jobs that are relevant, but at the same time to  
169 make sure everything is balances and that was his motivation for coming to the meeting tonight.

170 Terry asked if this decision should be postponed to give Mr. Ramnarine more time to show up. Berg  
171 stated when he spoke with him on the phone this morning it was left open that they would be meeting at  
172 7 p.m. and he described a conflict with childcare and was unsure if he could make it. He indicated he  
173 had not received a definite answer from him as to attendance.

174 Balfany stated he was comfortable moving this to after Item 7.

175  
176 **6.0A Public Hearing – Interim Use Permit/Home Occupation – Innovations Plus, LLC – 23911 Johnson**  
177 **St NE, PUL Moon-Pruitt**

178 (28:58.1)

179 Berg reviewed staff’s report stating the applicant, Paula Moon-Pruitt, is the owner of Innovations Plus,  
180 LLC. Innovations Plus, LLC is a small family owned, full-service, custom order promotional products  
181 and decorated apparel businesses. Innovations Plus, LLC specializes in advertising, promotional items,  
182 embroidery, custom T shirts and provide service to numerous customers and communities throughout  
183 the Twin Cities area.

184 Berg noted the business hours of operation are Monday through Friday from 9 am to 4 pm, which are  
185 within the identified hours of the City Noise Ordinance. Eighty-five percent of business is generated  
186 through online sales therefore, traffic generated is less than that of a typical retail storefront business.  
187 There is adequate off-street parking for anticipated customer traffic on the existing driveway on the  
188 property. There is no anticipated effect on groundwater, surface water, and air quality as none of the  
189 processes used by the business use water, generate wastewater for disposal or create air pollutants.  
190 Waste or refuse generated by the business is minimal as boxes received in shipment are reused for  
191 outgoing distribution of outgoing merchandise and apparel. Other refuse generated is not more than  
192 regular weekly household waste disposal volumes or bi-weekly recycling.

193 Berg stated the location, 23911 Johnson St NE, is a residence located in a Light Industrial Zone of the  
194 city. Light manufacturing and retail sales are identified as permitted uses in the Light Industrial Zone.  
195 This zoning designation is consistent with the 2040 Comprehensive Plan and will not require rezoning  
196 or create a further nonconforming use.

197 Berg requested the Planning Commission hold a public hearing and recommend approval to the City  
198 Council for an IUP to allow the home occupation of operating an apparel and promotional items  
199 business with the conditions set forth in the resolution.

200 Balfany opened the public hearing at 7:32 p.m.

201 There were no comments made.

202 Balfany closed the public hearing at 7:32 p.m.

203 Berg stated he had received one phone call from a neighbor who was in support of this.

204 Johnson asked why was an IUP required if it was in the light industrial district. Berg responded this was  
205 designated as a residence and not a light industrial use so it has to be declared as one or the other and it  
206 cannot be both in the zoning district. He indicated they needed permission to allow for one or other in  
207 this zone.

208 **Commissioner Terry moved and Commissioner Hanschen seconded to recommend to the City**  
209 **Council approval of Resolution No. 2023-13, A Resolution Granting an Interim Use Permit for a**  
210 **Home Occupation, located at 23911 Johnson St NE, PIN: 29-34-23-31-10009, Legally Described as**  
211 **Lot 6, Block 2, Wargo Pond, Anoka County, Minnesota.** Balfany asked any discussion?

212 Hanschen asked if once this gets approved would this change how they are taxed. Berg responded he  
213 understood that they would be taxed based on the zone currently assigned to their zone.

214 To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.  
215 **Motion passes unanimously.**

216 This item goes before City Council on March 13, 2023.

## 217 **6.0 B Public Hearing – Variance – Detached Accessory Structure Placement – 23911 Johnson St NE –** 218 **Paula Moon-Pruitt**

219 Berg reviewed staff's report stating this property is located in the (I) Light Industrial Zoning District and  
220 is located within the Wargo Pond Subdivision. The property owner is requesting a variance to keep a  
221 detached accessory structure closer to the street than the primary structure.  
222  
223

224 Berg indicated zoning Appendix A. General Regulations – Section 14-2.F states “No accessory building  
225 or detached private garage shall be located nearer the front lot line than the principal building except  
226 when the lot is three acres or greater and the existing principal building is located a minimum of 200 feet  
227 from the lot line. Then the accessory building or detached private garage may be located closer to the

228 front lot line than the principal dwelling, but not closer than 50 percent of the principal dwelling's  
229 setback. This property is 3.93 acres, with the primary structure set back approximately 149.39 feet from  
230 the front lot line. This request does not meet the criteria set forth to allow the structure to be placed  
231 closer to the road, so a variance would be required for the placement of a detached accessory structure.

232 Berg indicated consideration of a variance requires the Planning Commission to consider a three-factor  
233 test for practical difficulties:

- 234 • The first factor, a test of reasonableness, means that the landowner would like to use the property  
235 in a practical way but cannot do so under the rules of the ordinance. It does not mean that the  
236 land cannot be put to any reasonable use whatsoever without the variance. For example, if the  
237 variance application is for a building too close to a lot line or does not meet the required setback,  
238 the focus of the first factor is whether the request to place a building there is reasonable. In this  
239 case:
  - 240 ○ ***The property owner is requesting a variance to keep a detached accessory structure in which***  
241 ***she can continue operating a home occupation - light manufacturing and retail business. This***  
242 ***use is listed as a permitted use in the (I) Light Industrial Zoning District.***
  - 243
  - 244 • The second factor is that the landowner's problem is due to circumstances unique to the property  
245 and not caused by the landowner. The uniqueness generally relates to the physical characteristics  
246 of the particular piece of property, that is, to the land and not personal characteristics or  
247 preferences of the landowner. When considering the variance for a building to encroach or  
248 intrude into a setback, the focus of this factor is whether there is anything physically unique  
249 about the particular piece of property, such as sloping topography or other natural features like  
250 wetlands or trees. In this case:
    - 251 ○ ***This property is partially located in the Minard Lake - Shoreland Overlay with specific setback***  
252 ***requirements.***
    - 253 ○ ***This property is an irregular shape with approximately three fourths of which are Wargo***  
254 ***Pond or a designated Drainage and Utility Easement. These features limit the buildable area***  
255 ***available in the rear or side yard for new construction.***
    - 256 ○ ***The Subsurface Sewage Treatment System (SSTS) and Well are located in the side yard,***  
257 ***opposite of Wargo Pond and the Drainage and Utility Easement, preventing access to the rear***  
258 ***yard for accessory building placement and use.***
    - 259
    - 260 • The third factor is that a variance would not alter the essential character of the neighborhood.  
261 This factor is used to consider whether the resulting structure will be out of scale, out of place, or  
262 otherwise inconsistent with the surrounding area. For example, when thinking about the variance  
263 for an encroachment into a setback, the focus is how the particular building will look closer to a  
264 lot line and if that fits in with the character of the area. In this case:
      - 265 ○ ***Standing tree growth between the primary residence and the front property line will screen it***  
266 ***from view from the public roadway therefore not altering the characteristics of this***  
267 ***neighborhood.***
      - 268 ○ ***Accessory uses permitted in the (I) Light Industrial Zone include other uses customarily***  
269 ***associated with a permitted use as determined by the planning commission and approved by***  
270 ***the city council.***
      - 271

272 Berg requested the Planning Commission hold a public hearing and make a recommendation to the City  
273 Council for a variance for the placement of a detached accessory structure nearer to the front lot line  
274 than the primary structure with conditions as written in Resolution 2023-14.

275 Balfany opened the public hearing at 7:40 p.m.  
276 There were no comments made.  
277 Balfany closed the public hearing at 7:40 p.m.  
278 Hanschen asked if this was to keep the existing structure or were they adding to the structure. Berg  
279 responded there request is to keep the existing accessory structure in its location in front of the  
280 residence.  
281 Balfany asked how long this structure has been in place. Berg responded he was not sure but it was  
282 prior to 2021.  
283 Terry stated he did not remember a variance coming before the Planning Commission previously on this  
284 property.  
285 Balfany asked how long the current property owner has lived there. Berg responded he did not know  
286 but he could find that out that information.  
287 Terry stated part of the issue was if the Commission allowed this and the building remainder where it is,  
288 this is not something he would think of as setting a precedence as it has so many unique factors to it. He  
289 indicated he would not want to use that as a reason to deny (the fear of setting a precedence. He  
290 indicated he wanted to evaluate each item on its own merits and not be locked into decision making  
291 because of things that are not relevant to things that are specific to this. Berg indicated there were  
292 zoning regulations regarding wetland setbacks. He stated he was not confident that matched the 25-foot  
293 setback for wetland. He stated there are zoning regulations that also need to be applied for wetland.  
294 Balfany stated this was an extremely unique property and a complex situation. He asked if this would  
295 have been someone to come before the Commission previously, would they have allowed it at that time.  
296 Terry stated if this was before them previously, he would have recommended it be rotated 90 degrees  
297 and the driveway rotated 90 degrees, which would not involve cutting down trees to make it fit. Berg  
298 noted there were a number of options that could potentially work.  
299 Hanschen stated he understood this is not something the Commission needs to be concerned about.  
300 Berg stated they needed to be concerned about whether it was in front of the primary residence or not  
301 and not the existing location, although the applicant had applied for that. He stated this department was  
302 willing to work with the applicant to get this to comply with the Zoning Code.  
303 Terry asked if their intention would be to move the existing building rather than rebuild something in a  
304 different location. Berg responded the applicant had indicated she was not interested in moving the  
305 building, but rather wanted a variance.  
306 Terry stated if there was nothing special about the dimensions of the building, it would be easier to have  
307 it sized differently so it fit better. Berg responded he did not want to speak for the applicant but this was  
308 the building she purchased. He noted the building was not on a permanent foundation and could be  
309 moved.  
310 Johnson stated she had no issues with it being in front of the home.  
311 Hanschen stated if the Commission said no, there was no other place for the building to go.  
312 Balfany noted the Commission had just recently had another front yard accessory structure request based  
313 on a similar unique property so if they were talking along those lines, he could agree they had approved  
314 similar unique situations. Berg stated the applicant was notified of the violation and in terms of  
315 rectifying the situation she has made the application to make things right.

316 **Commissioner Terry moved and Commissioner Johnson seconded to recommend to the City**  
317 **Council approval of Resolution No. 2023-14 with conditions, a Resolution Granting a Variance for**  
318 **the Placement of a Structure Nearer to the Front Property Line than the Principal Structure on**  
319 **Property Located at 23911 Johnson St NE, PIN 29-34-23-31-0009, legally described as: Lot 6,**  
320 **Block 2 Wargo Pond, Anoka County, Minnesota.** Balfany asked any discussion? To the motion, all  
321 in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes. **Motion passes**  
322 **unanimously.**

323  
324 This item goes before City Council on March 13, 2023.

325  
326 **7.0A Conditional Use Permit Amendment – Site Expansion: Wasche Commercial Finished – 2133**  
327 **Aberdeen St NE – Matt Wasche**

328 Berg reviewed staff's report stating Mr. Wasche is requesting an amendment to the CUP to expand the  
329 business known as Wasche Commercial Finishes, Inc. The business has been in operation since 1986  
330 and has been operating out of the current East Bethel location since 2004. In 2004, the existing zoning in  
331 the Neighborhood Center allowed Construction, Trade and Service Businesses with Limited Outdoor  
332 Storage as a CUP; therefore a CUP was approved to allow for the business to operate from its current  
333 location. For your review, Attachment 4 is the original CUP and meeting minutes.

334 Berg stated the business has outgrown the indoor and outdoor space and would like to remain in the City  
335 East Bethel. The owner purchased the 1.03 acre parcel to the east of the site and was approved on  
336 September 12<sup>th</sup>, 2022 under resolution 2022-50 to build a 7,200 square foot building and a fenced  
337 storage area. The storage area will be used for the parking of work vehicles, including trailers. All  
338 products will be stored within the building.

339 Berg indicated Mr. Wasche has applied to amend the CUP further to construct a 1400 square foot  
340 unconditioned addition, for storage, to his existing building.

341 Berg noted an amendment to the original CUP is required for the following reasons:

- 342 1. The business is a legal nonconforming use. This means the business is legal because a CUP was  
343 previously approved, however, current city code does not allow for this type of business in the B2  
344 – Central Business district; therefore it is nonconforming. City Council has the authority to  
345 determine if a legal nonconforming use can be expanded.
- 346 2. When a conditional use expands its footprint, an amendment to the original CUP is required.

347 Berg stated if the CUPA is approved, a site plan review is not required prior to issuance of a building  
348 permit for new construction or additions to commercial buildings greater than 25 percent of the existing  
349 building footprint (Appendix A, Sec. 04, 12. – Site Plan Approval). The existing building footprint is  
350 6800 square feet and the proposed addition of 1400 square feet will not exceed 25 percent. A formal  
351 building application will be submitted for review and approval by the Community Development  
352 Department Staff.

353 Berg requested the Commission review the CUPA request and make a recommendation to City Council,  
354 with the conditions set forth in attached Resolution 2023-16.

355 **Commissioner Johnson moved and Commissioner Balfany seconded to open discussion on the**  
356 **CUP request.** To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
357 motion passes. **Motion passes unanimously.**

358 Hanschen noted this had come before the Commission last fall and at that time the plan was to turn it  
359 into additional parking. Balfany believed it was for parking and to expand the building.

360 Terry stated he did not have any issues with this. Johnson agreed.

361 Balfany believed the neighbor also did not have any issues with this proposal.

362 **Commission Johnson moved and Commissioner Balfany seconded to recommend to the City**  
363 **Council approval of Resolution 2023-16 with conditions, a Resolution Approving a Conditional**  
364 **Use Amendment to Allow the Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St**  
365 **NE, East Bethel, PIN 08-33-23-43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel**  
366 **Center.** Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany  
367 asked any opposed? That motion passes. **Motion passes unanimously.**

368 This item goes before City Council on March 13, 2023.

369  
370 **7.0B Site Plan Review – Wasche Commercial Finishes – 2133 Aberdeen St NE – Matt Wasche**

371 Berg reviewed staff's report stating on September 12<sup>th</sup>, 2022, under Resolution 2022-50, an expansion of  
372 an existing Conditional Use Permit (CUP) was amended and approved with the following three  
373 conditions:

- 374 1. Prior to construction of the new facility, a site plan review must be reviewed and approved by  
375 the Planning Commission and City Council.
- 376 2. Exterior storage is limited to commercial vehicles and trailers associated with the principal use  
377 of the business.
- 378 3. Ingress/egress from the site shall be from Davenport St NE.

379 Berg indicated although Mr. Wasche is not ready to begin the construction of the previously approved  
380 expansion, he is applying for a smaller addition to the existing building for storage. Additionally, he is  
381 requesting to begin the site preparations, to include clearing and leveling of the lot, fencing, ponding, in  
382 addition to constructing the driveway entrance from Davenport St NE for the previously approved  
383 expansion.

384 Berg stated staff has reviewed the site plan and support the configuration of the site. All City Engineer  
385 comments will need satisfactorily addressed prior to the issuance of any building permits.

386 Berg noted the City Engineer comments regarding grading and drainage will need satisfactorily  
387 addressed prior to the issuance of building permits.

388 Berg stated an easement for grading City Owned Lot 1, Block 1, East Bethel Commercial Center will be  
389 required.

390 Berg indicated the landscaping plan will be required at time of application for a building permit of the  
391 new facility and need to meet the requirements of city code. Requirements for plantings are based on the  
392 square footage of the building.

393 Berg stated the future building shall meet established building design and architectural standards.

394 Berg noted a lighting plan will be required at time of application for a building permit of the new  
395 building and need to meet the requirements of city code.

396 Berg recommended the Commission review the site plan and makes a recommendation of approval to  
397 City Council, with the conditions set forth in the Resolution.

398 **Commissioner Johnson moved and Commissioner Hanschen seconded to recommend to the City**  
399 **Council approval of Resolution No. 2023-17, A Resolution Approving the Site Plan Review for the**  
400 **Expansion of a Legal Non-Conforming Use at 21335 Aberdeen St NE, East Bethel, PIN 08-33-23-**  
401 **43-0015, Legally Described as Lot 4, Block 1, Linges East Bethel.** Balfany asked any discussion? To

402 the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That motion passes.  
403 **Motion passes unanimously.**

404 This item goes before City Council on March 13, 2023.  
405

406 **5.0 Continuation of Candidate Interviews – Wanda McLaurin, Narendra Ramnarine, and Joe Reiter**

407 Balfany requested each Commissioner place their vote for an additional Planning Commission member.

408 Berg tallied the votes and indicated Wanda McLaurin was recommended by a vote of 4-0 to the  
409 Planning Commission.

410 **Commissioner Balfany moved and Commissioner Johnson seconded to recommend to the City**  
411 **Council appointment of Wanda McLaurin to the Planning Commission.** Balfany asked any  
412 discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any opposed? That  
413 motion passes. **Motion passes unanimously.**  
414

415 **8.0 Updates**

416 There were no Council liaison updates.  
417

418 **9.0 Adjournment**

419 **Commissioner Johnson moved and Commissioner Hanschen seconded to adjourn at 8:18 pm.**  
420 Balfany asked any discussion? To the motion, all in favor say aye. **All in favor.** Balfany asked any  
421 opposed? That motion passes. **Motion passes unanimously.**

422 Submitted by:

423 Kathy Altman

424 *TimeSaver Off Site Secretarial, Inc.*  
425

**City of East Bethel  
Planning Commission Regular Meeting  
Agenda Item Information**



**Date:** March 28, 2023

**Agenda Item Number:** 4.0

**Agenda Item:** Tabled from February 28th, 2023 - Appointment of Chairperson and Vice Chairperson

**Background Information:**

City Code Section 2 – 73 requires the appointment of a chairperson to serve for a one (1) year term. City code states the following:

**Sec. 2-73. - Chairperson.**

The chairperson shall be chosen from the committee or commission membership annually to serve for one year; provided, however, that no chairperson shall be elected who has not completed at least one year as a member of the committee or commission.

Also, a Vice Chairperson is to be appointed to act as the chairperson in the event that particular individual is absent from a meeting.

**Recommendation:**

The Commission is requested to appoint a Chairperson and Vice Chairperson to serve the term of one (1) year, ending January 31, 2024.

**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

No Action Needed: \_\_\_\_\_

**City of East Bethel  
Planning Commission Meeting  
Agenda Item Information**



**Date:** January 24th, 2023

**Agenda Item Number:** 5.0

**Agenda Item:** Public Hearing - Variance – Reduction of Side and Front Yard Setbacks for Drain Field Placement – 19141 E. Front Blvd. NE.

**Background Information:** On May 16, 2022, the city received an application from the owner of 19141 E. Front Blvd. NE, to allow the upgrade an existing outhouse to a Type III for a Subsurface Sewage Treatment System (SSTS), to make the cabin a habitable residence. Due to the size of the .17 Acre Lot, the proposed system design included the placement of a box mound which encroached on property lines and required city permission or variance for its use. City Staff subsequently approved the permit, and the system was installed in July of 2022. During a final inspection, it was noted the installed septic box mound was constructed in the required front and side yard setbacks. A variance for a reduction of the side and front yard setbacks should have been sought and approved prior to installation.

The applicant applied for a variance, after the fact, for the setback encroachments. City Staff began gathering information in preparation for a variance public hearing. Inconsistencies were discovered in the existing survey (2004) on file and the drawing submitted with the septic system permit application. A site visit was conducted for the purposes of confirming measurements, and City Staff concluded the site didn't match either the 2004 survey or the drawing submitted in the application. City Staff contacted the applicant and requested a new certificate of survey be completed (Attachment 4). The new survey identified that the new septic box mound was not only encroaching on the front and side yard setbacks, but a portion of it was also in the city right of way. City Staff consulted with the City Attorney to determine the best course of action to address the circumstances. It was the recommendation of the City attorney that in addition to obtaining variance approval, a License and Use Agreement would need to be drafted to authorize the use the portion of the E. Front Blvd. City Right-of-Way.

The applicant is requesting a variance to reduce the Southern side yard setback standard from 10 feet to 0 - 3 feet, the Northern side yard setback from 10 feet to 6 - 7 feet and the Western front property line from 10 feet to -0.6 feet and -1.7 feet for the placement of a septic box mound.

The system meets setback requirements of neighboring deep wells.

Consideration of a variance requires the following three-factor test for practical difficulties:

- The first factor, a test of reasonableness, means that the landowner would like to use the property in a practical way but cannot do so under the rules of the ordinance.

In this case:

***Septic systems are required for a home to be considered habitable. The approval of the variance would allow this property to be used as a residential use.***

- The second factor is, a test of uniqueness, the issue for the variance is due to circumstances unique to the property and not caused by the landowner. The uniqueness generally relates to the physical characteristics of the particular property.

In this case:

***The property has limited space for a drain field due to the lot sizes created by this 1920's era plat.***

***There is an eight (8) foot change in elevation from the front lot line (E. Front Blvd. NE) to the Ordinary High Water Level (OHWL) at the shoreline.***

***Minn. R. 7080.1500 requires that a SSTS constructed in a Shoreland area must have at least three (3) feet of vertical separation distance between "redox features" (evidence of groundwater) and wastewater saturated soils (distribution medium). This properties redox feature was located at one and half (1.5 feet or 18 inches) below the existing grade at its deepest uphill location.***

***Current setback requirements for wells and structures and DNR lakeshore regulations.***

- The third factor is, that a variance would not alter the essential character of the neighborhood. This factor is used to consider whether the resulting structure or improvement will be out of scale, out of place, or otherwise inconsistent with the surrounding area. When applying this test to a setback reduction, the visual impact or use of the building or improvement relative to the surrounding dwellings is the emphasis of assessment. For example, when thinking about the variance for an encroachment into a setback, the focus is how the particular building will look closer to a lot line and if that fits in with the character of the area.

In this case:

***The Coon Lake Residential District has had a significant number of septic variances issued due to smaller lot sizes and the age of this neighborhood.***

***A neighboring property (4640 E. Front Blvd. NE) was granted a license in April 2012 (Attachment 8) to use a portion of Sylvan St. for placement of a septic tank, piping and a new deep well, in order to upgrade a failing septic system on the property due to limited lot size. In 2012, setback requirements were narrower than current regulations.***

**Recommendations:** Planning Commission is requested to hold a public hearing regarding a variance for the installation of a septic box mound within side yard and front yard setbacks at 19141 E. Front Blvd. NE.

Staff recommends Planning Commission make a recommendation to the City Council on Resolution 2023-19, granting a variance to the standard allowing for the installation of a septic mound at the southern side yard setback standard from 10 feet to 0 - 3 feet, the northern side yard setback from 10 feet to 6 - 7 feet and the western front property line from 10 feet to -0.6 feet; -1.7 feet for the placement of a septic box mound at 19141 E. Front Blvd. NE with the following conditions:

1. A Certificate of Survey must be submitted indicating the septic system location to verify setbacks.
2. A Monitor and Mitigation Plan must be submitted and approved.

**Attachments:**

1. Resolution 2023-19, Approving Variance to the standard for the installation of a septic mound within side and front yard setbacks.
2. Location Map
3. Aerial of Property
4. Certificate of Survey

- 5. 19141 E. Front Blvd. NE - License & Use Agreement
- 6. Comparison Map
- 7. 4640 E. Front Blvd. NE - Septic As Built
- 8. 4640 E. Front Blvd. NE - License & Use Agreement

**Planning Commission Action:**

Motion by: \_\_\_\_\_

Second by: \_\_\_\_\_

Vote Yes: \_\_\_\_\_

Vote No: \_\_\_\_\_

**CITY OF EAST BETHEL  
COUNTY OF ANOKA  
STATE OF MINNESOTA**

**RESOLUTION NO. 2023-19**

A RESOLUTION **GRANTING** VARIANCE FOR THE REDUCTION IN SETBACK FROM THE FRONT PROPERTY LINE FROM TEN FEET TO ZERO FEET FOR THE INSTALLATION OF A SEPTIC SYSTEM DRAINFIELD PROPERTY LOCATED AT 19141 E. FRONT BLVD. NE (PIN 25-33-23-42-0012), LEGALLY DESCRIBED AS:

COON LAKE EAST FRONT LOT 41 COON LAKE E FRONT INCL ABUTTING  
30FT OF VACATED ST. INCLUDING STRIP OF LAND VACATED 4/19/68  
ADJOINING LAKE & ADJ TO SD LOT

WHEREAS, the property owner requested a variance for a reduction in setbacks from the south side yard property line from 10 feet to 0 to 3 feet; north side yard property line from 10 feet to 6 to 8; front yard setback from 10 feet to 0 feet for the placement of a septic system box mound, and;

WHEREAS, the Minnesota Septic Code requires the approval of a variance to the standards by the governing municipality, per Minnesota Rule Chapter 7080; and,

WHEREAS, the Planning Commission held a public hearing on March 28th, 2023; and,

WHEREAS, the Planning Commission finds the request:

1. Is a reasonable request:
  - Minnesota Septic Code allows municipalities to grant variances to the standards.
  - The issuance of a variance for the drain field box mound installation is necessary for this home to continue to be a habitable structure.
2. Is due to circumstances unique to the property, not caused by the landowner;
  - Because of existing lot sizes within this subdivision, setback requirements from wells and residences, and the high water table in this area, the property has limited space for a compliant drain field.
3. Will not have a negative effect on the characteristic of the neighborhood;
  - The Coon Lake Beach neighborhood has had numerous septic variances issued.
  - With a number of the older systems needing to be replaced in this area, this variance request is quite common and granting this variance will not change the essential character of the Coon Lake Beach neighborhood.

WHEREAS, the City Council approves of the variance request.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of East Bethel hereby approves the variance to the standards to allow for the installation of a septic system box

mound, 0 feet to 3 feet from the south side yard property line, 6 feet to 8 feet from the north side yard property line and 0 feet from the front yard setback on property located at 19141 E. Front Blvd. NE. with the following conditions:

1. A Certificate of Survey must be submitted indicating the septic system location to verify setbacks.
2. A Monitor and Mitigation Plan must be submitted and approved.

Adopted this 10<sup>th</sup> day of April, 2023 by the City Council of the City of East Bethel.

CITY OF EAST BETHEL

ATTEST

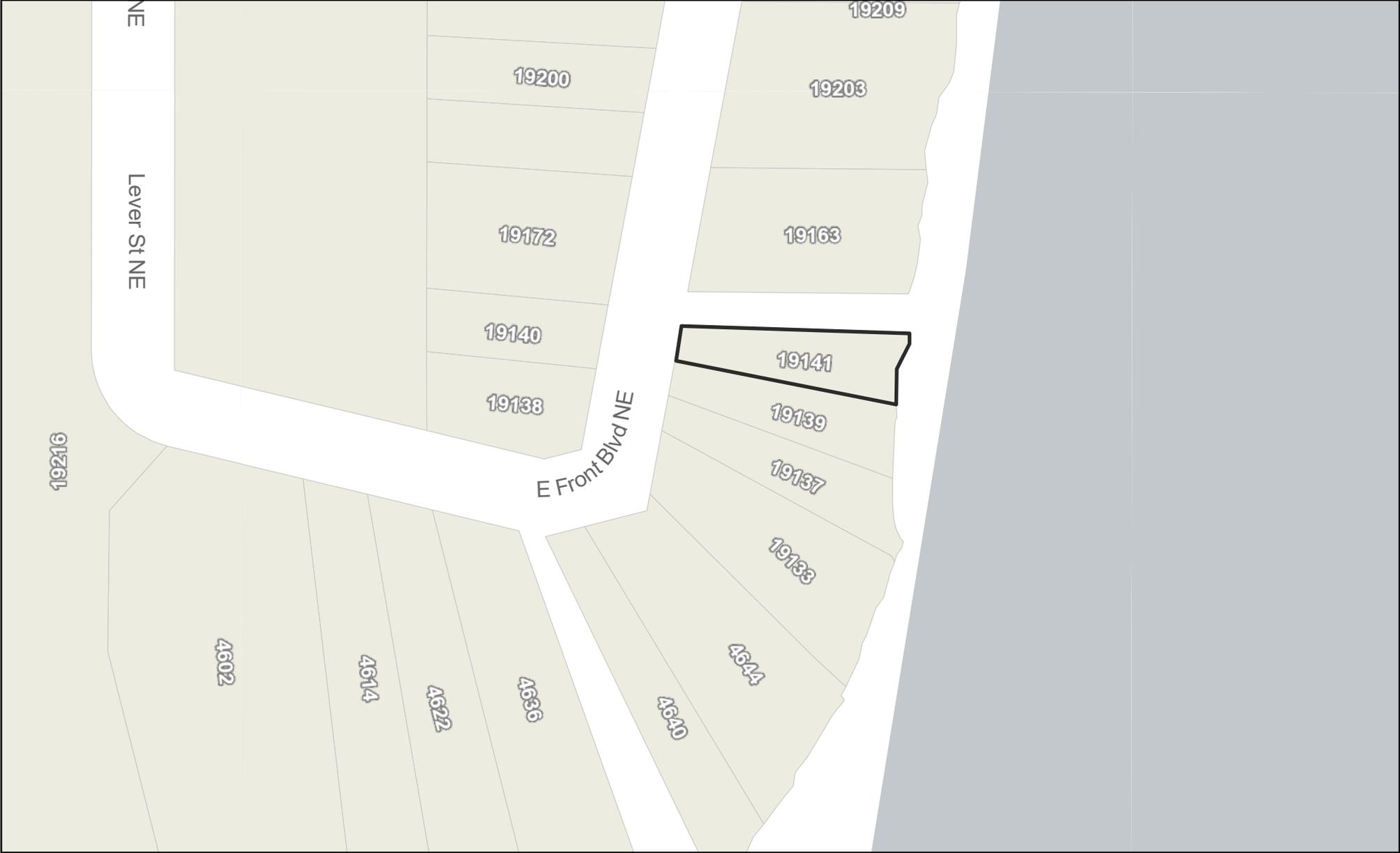
---

Tim Harrington, Mayor

---

Jack Davis, City Administrator

# 19141 E. FRONT BLVD. NE



1 inch equals 106 feet



Address Labels

City Mask

19141 E. FRONT BLVD. NE



1 inch equals 53 feet



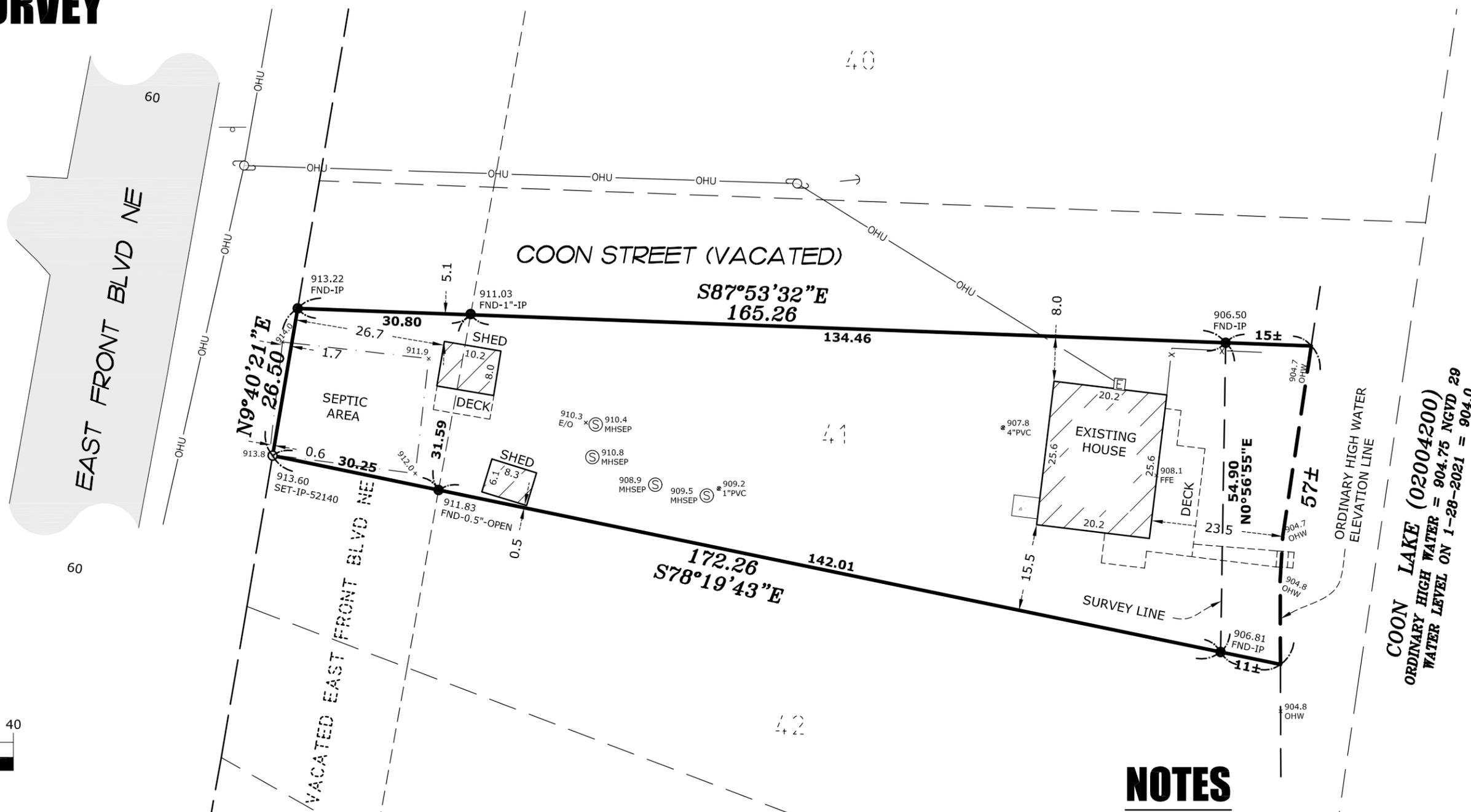
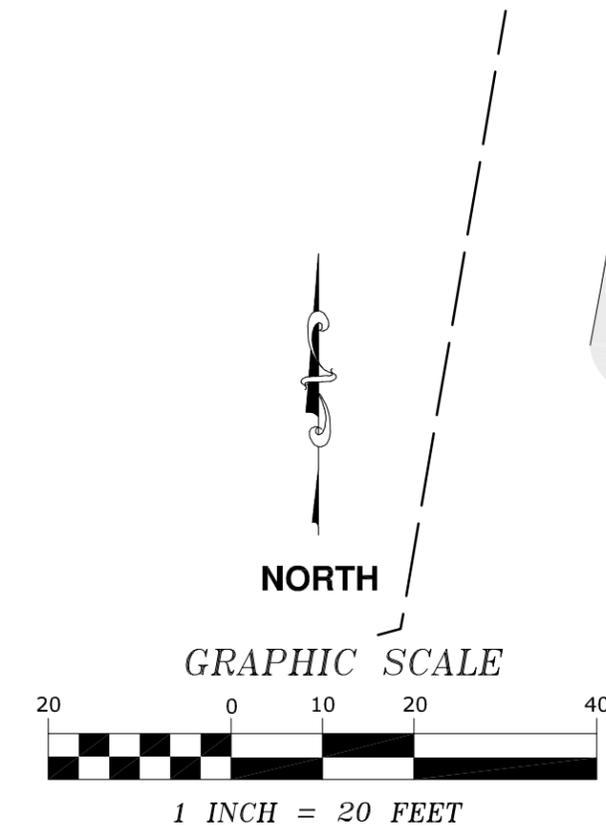
Parcels  
 City Mask

# CERTIFICATE OF SURVEY

~for~ JIM MOSKALIK  
 ~of~ 19141 EAST FRONT BLVD.  
 EAST BETHEL, MN

## IMPERVIOUS SURFACE CALCULATIONS

TOTAL LOT AREA ..... 7,488 S.F.  
 HOUSE ..... 518 S.F.  
 SHEDS ..... 132 S.F.  
 CONCRETE ..... 17 S.F.  
 TOTAL IMPERVIOUS SURFACE ..... 667 S.F.  
 PERCENT IMPERVIOUS ..... 8.9%



**COON LAKE (02004200)**  
 ORDINARY HIGH WATER = 904.75 NGVD 29  
 WATER LEVEL ON 1-28-2021 = 904.0

## NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 11/02/22.
- Bearings shown are on Anoka County datum.
- Parcel ID Number: 25-33-23-42-0012.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

## LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- x 952.36 DENOTES EXISTING SPOT ELEVATION
- ✓ DENOTES GUY WIRE
- ⊕ DENOTES POWER POLE
- ⊖ DENOTES SIGN
- Ⓢ DENOTES SANITARY SEWER MANHOLE
- x—x— DENOTES FENCE
- OHU— DENOTES OVERHEAD UTILITY
- ▨ DENOTES CONCRETE SURFACE

**Lot 41, COON LAKE EAST FRONT, adjacent vacated East Front Boulevard NE, and strip of land adjacent to said Lot 41 and Coon Lake, Anoka County, Minnesota.**

I hereby certify that this plan, survey or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.  
 By: *D. S. K.*  
 Minnesota License No. 52140  
 Dated 15th day of November 2022.

BEARING DATUM: <u>Anoka</u>		SCALE: 1" = <u>20'</u>	
REVISIONS		JOB NO. <u>221152AB</u>	
1		DATE: <u>11-03-22</u>	
2		DRAWN BY: <u>BCD</u>	
3		CREW: <u>TBD</u>	
NO.	DATE	DESCRIPTION	BY

**E. G. RUD & SONS, INC.**  
 EST. 1977  
 Professional Land Surveyors  
 6776 Lake Drive NE, Suite 110  
 Lino Lakes, MN 55014  
 Tel. (651) 361-8200 Fax (651) 361-8701  
 www.egrud.com

---

Return to:

LICENSE AND USE AGREEMENT

Eric Larson  
Eckberg Lammers, P.C.  
1809 Northwestern Avenue  
Stillwater, MN 55082

PID# 253323420012

DRAFT

## LICENSE AND USE AGREEMENT

This license and use agreement (this “License Agreement”) is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota (the “City”), and Molly and James Moskalik, wife and husband, (the “Moskalik’s” or “License Holders”).

### RECITALS

A. License Holders are the fee owner of Real Property (“License Holders’ Property”), 19141 East Front Blvd, Lot 41, Coon Lake East Front Subdivision, City of East Bethel, Anoka County, Minnesota, PID No. 253323420012, and legally described in **Exhibit A** attached hereto and incorporated herein by reference.

B. License Holders’ Property is contiguous with the dedicated right of way of East Front Boulevard, which is a public street right of way. The License Holders have requested that they be permitted to use a portion of such right of way for the uses and purposes stated in this License Agreement. That portion of such right of way be used by the License Holders is graphically depicted in **Exhibit B** attached hereto and incorporated herein by reference and is herein referred to as the “License Area”.

C. The City has agreed to grant to the License Holders a license Area for such expressed limited uses and purposes and upon the terms and conditions stated in this License Agreement.

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein and made a part of this License Agreement, and of the terms and conditions hereinafter stated, the City and License Holders agree as follows:

1. **License.** Subject to all of the terms and conditions stated in this License Agreement, the City hereby grants to the License Holders a nonexclusive license (the “License”) for the uses and purposes stated in Paragraph 2 of this License Agreement, in under, over and across the License Area. The City hereby authorizes the License Holders to use the License Area on a nonexclusive basis, limited to and solely for the uses and purposes and on the terms and conditions set forth in this License Agreement. The License granted by this License Agreement shall continue for the term stated in Paragraph 4 of this License Agreement. By granting the License and entering into this License Agreement, the City makes no warranty that it has good and marketable title to the License Area and the City does not agree to, and will not, warrant or defend the License or the License Holders’ interest from other parties who may claim any right, title or interest in the License Area. The License is appurtenant to License Holders’ Property, and may not be transferred or assigned except to an owner of License Holders’ Property in connection with a lawful, and duly recorded, conveyance of License Holders’ Property.

2. **Purpose of License and Use of License Area.** The License is granted for the sole purpose of permitting the License Holder’s to construct, install, and maintain a private septic or sewage treatment system and water well and associated underground piping within the License Area to provide sanitary sewer and drinking water service for the residential structure located on the Licenses Holders’ Property that is and remains in conformance with all applicable rules, regulations, and laws. Moreover, such septic system and well shall be constructed, maintained and installed in compliance with applicable state and local ordinances and regulations and in a location approved by the City. The License and License Holders’ use of the License Area are limited to the specific purposes and uses stated in this License Agreement. No other use of or encroachment within the License Area is permitted by this License Agreement.

3. **No Property Interest.** This License Agreement and the License are personal to the

License Holders. No interest in the title to the public right of way of East Front Boulevard is granted, created or transferred by this License Agreement. This License Agreement and the License are subject and subordinate to the prior, superior and continuing right of the City to use such public right of way as a street and for other public uses and purposes consistent with the dedication of Sylvan Street as a public street.

**4. Term.** The term of this License Agreement and the License shall begin on the date stated in the first paragraph of this License Agreement and shall continue until the earlier of the following dates (which earlier date is herein referred to as the "Termination Date"), namely: a) the date on which public sanitary sewer service has been extended to and is available for immediate connection to the residence located on the License Holder's property; b) the date on which the City has decided to open and improve the right of way of East Front Boulevard as it abuts License Holder's Property by the construction of public street improvements within the right of way; (c) the date upon which the city council decides to vacate the right of way pursuant to Minn. Stat. 412.851; (d) the date upon which the city council determines that it has a public use to which the land needs to be applied which is determined by the city council to be inconsistent with the purpose of this License Agreement; or (e) the variance permitting the installation of placement of the septic drain field is revoked, cancelled, or no longer legally valid. From and after the Termination Date, either party may terminate this License Agreement upon thirty (30) days written notice to the other party. Except for subdivision (e) of this section, upon which Termination shall be immediately effective, should either party wish to terminate the License Agreement and the License, such party shall serve written notice of termination on the other party and this License Agreement and the License shall terminate and be of no further effect thirty (30) days after the date on which notice of termination is given. The recordation of an Affidavit by either party that such notice of termination has been given shall conclusively

establish that this License Agreement and the License have been terminated.

**4. Waiver.** License Holders understand that the City is an “acquiring authority” within the meaning of Minn. Stat. § 117.50-117.56. License Holders represents to the City that they understand that this license is not a property right and that in the event of an exercise of eminent domain, License Holders are not entitled to just compensation or relocation benefits respecting the private septic or sewage treatment system and water well and associated underground piping within the License Area and to the extent License Holder may or would later be entitled to such compensation or relocation benefits License Holders agree that this License Agreement provides just compensation as well as covers Relocation rights and benefits in full and waives any and all rights, if any, to such relocation benefits.

**5. Restoration.** Upon termination of this License Agreement and License, License the License Holders’ or their successors in title to License Holders’ Property shall, if so directed by the City, immediately remove all of the well and septic system improvements from the License Area at their sole expense, restoring the License Area to substantially the same condition that existed prior to installation of the well and septic system improvements. This License Agreement does not in any way obligate License Holders to maintain the License Area or any part of the right of way of East Front Boulevard except as otherwise required by applicable state and local ordinances and regulations and except for License Holders’ repair, maintenance, and replacement of the well and septic systems improvements to be installed within the License Area.

**6. Identification.** The License Holders agree they will defend, indemnify and hold harmless the City, its officers, agents and employees from and against any and all claims, liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, be require to pay arising out of the construction and placement and repair and

replacement of the well and septic system improvements within the right of way of East Front Boulevard.

**7. Notice.** All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be regular mail, hand delivered or sent by certified mail, return receipt requested, to the following addresses:

All notices to Licenses Holder's shall be given to this party listed as the owner and taxpayer in the real property taxation records maintained by Anoka County, Minnesota, and delivered to the address on file in such records for the owner and taxpayer of License Holder's Property.

If to City: City of East Bethel  
Attention: City Clerk  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

Hand delivered notice shall be deemed to have been given on the date of delivery. If notice is given by certified mail, then such notice shall be deemed to have been given on the next business day following the date of mailing. If notice is given by regular mail, then such notice shall be deemed to have been given three days following the date of mailing.

**8. Miscellaneous.**

- a. This License Agreement is made and executed in the State of Minnesota, and shall be construed and enforced according to the laws of Minnesota. Any and all legal actions, claims, or disputes between License Holders and the City shall be initiated, filed, and venued exclusively in the State of Minnesota, Anoka County, and shall not be removed therefrom to any other federal or state court.

- b. The invalidity or unenforceability of any provision of this License Agreement shall not affect or impair the validity of any other provisions, all of which shall remain in full force and effect.
- c. The paragraph or section titles and captions in this License Agreement are for convenience and reference only and do not define, limit or construe the contents of the sections and paragraphs of this License Agreement.
- d. This License Agreement shall be binding upon and inure to the benefit of the parties hereto and, subject to the restrictions and limitations herein contained their respective successors and assigns.
- e. Any modification to this License Agreement shall only be effective if in writing and signed by all the parties to this License Agreement.

IN WITNESS WHEREOF, the City and License Holder's have executed this License Agreement effective as of the date first above written.

City of East Bethel, Minnesota

By: \_\_\_\_\_  
Tim Harrington, Mayor

By: \_\_\_\_\_  
Jack Davis, Administrator

Property Owners:

By: \_\_\_\_\_  
James M. Mosalik

By: \_\_\_\_\_  
Molly E. Mosalik

THIS INSTRUMENT DRAFTED BY:

Eric D. Larson  
Eckberg Lammers, P.C.  
1809 Northwestern Avenue  
Stillwater, MN 55082

DRAFT

**EXHIBIT A**

Legal Description

COON LAKE EAST FRONT LOT 41 COON LAKE E FRONT INCL ABUTTING  
30FT OF VACATED ST. INCLUDING STRIP OF LAND VACATED 4/19/68  
ADJOINING LAKE & ADJ TO SD LOT

DRAFT

**EXHIBIT B**

DRAFT



 Parcels  
 City Mask

1 inch equals 252 feet



FILE COPY,

**Lashinski Services, Incorporated****M.P.C.A. Certificate # 65**1326 161<sup>st</sup> Ave. Andover, MN 55304

Office: (763) 434-3915

Fax: (763) 434-7152

August 23, 2011

XXXX XXXXXX

4640 East Front Blvd NE

East Bethel, MN 550292

XXX.XXX.XXXX

The onsite sewage treatment system at 4640 East Front Blvd in East Bethel is designed for a type II, two bedroom home in accordance with the Minnesota Pollution Control Agency (M.P.C.A.) chapter 7080 and local ordinances.

The above lot is 33' wide at the street. There is currently a shallow well and a noncompliant septic system on the property that both need to be abandoned and replaced. Because of the small lot size, a standard septic system and well cannot be installed while maintain all required setbacks. Furthermore, the lot directly to the South of this property, 4644 East Front Blvd., also has a shallow well and noncompliant septic system that cannot be replaced without the shallow well at this property being abandoned and sealed. The City of East Bethel is considering vacating the City-owned lot to the South of the property. By doing so, the homeowner would be able to installed a compliant well and septic system while maintaining all required setbacks. ?

The existing septic tank(s) are to be replaced. The tank(s) must be pumped and abandoned as per MPCA chapter 7080. A new 1650-gallon (minimum) double-compartment tank will need to be installed using the smaller compartment as a pumping chamber to lift the effluent to the proposed drainfield location. The main line from the house to the tank must be replaced with 4" SCH #40 PVC. The manhole covers on each tank must be brought to the surface for future maintenance. An effluent filter is required either in the outlet of the septic tank or the discharge of the lift tank.

The proposed soil treatment system must be at least 50-feet from the well, 20-feet from the house and 5-feet from the property line. The entire rockbed must be installed level and the rock materials clean as per MPCA chapter 7080. The homeowner is responsible for establishing a ground covering over the tanks and drainfield after construction is complete. Failure to do so can result in erosion and/or winter freezing problems.

The deep well to be drilled must be at least 50-feet from the tank and drainfield locations. The supply line from the tank to the drainfield must be at least 20-feet from the well location and air-tested as per MPCA chapter 7080. The existing shallow well must be sealed by a state-licensed well driller. All neighboring wells appear to be greater than 100-feet from the proposed ISTS location. **The homeowner is responsible for locating and disclosing any wells within 100-feet from the proposed ISTS location.**

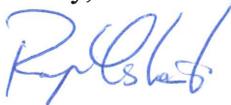
The power supply and switches for the lift pump must be located outside the manhole and pumping chamber in a weatherproof enclosure. A warning device must be installed with both audible and visual alert in case of pump failure. The pressurized force main from the pump to the treatment area must be sloped to allow for drain back and prevent freezing.

**Keep all heavy equipment off the proposed treatment area before and after construction.** The treatment area should be marked off before construction. **Failure to protect the site of the proposed treatment area can result in this design being invalid and the system will need to be relocated.**

Nothing other than human waste, toilet tissue, laundry, showers, water softeners, etc. should be disposed into the septic tanks. **Iron filters must be diverted out of the system.** Garbage disposals are not recommended due to adding more solids and fine solids passing through the tanks and into the treatment area. Excessive amounts of soaps, especially anti-bacterial soaps, cleaning agents, and chlorine may kill the bacteria needed to treat septic effluent, limit the use of these cleaning agents. We recommend using liquid laundry and dish soap instead of powder. **Additives generally should not be used.**

**Each tank should be pumped and cleaned through the manhole cover one year after construction, then at least once every three years thereafter by a state licensed professional.** With proper installation and maintenance, this system should have no problem treating effluent properly.

Sincerely,



Ryan Lashinski

RECEIVED



# City of East Bethel As-Built Form

MAY 04 2012

OWNER: [Redacted] PARCEL ID NO.: [Redacted] BY: Red 6/4/12

STREET/CITY/ZIP CODE: 4640 E Front Blvd

DESIGNER: Lashinski ADDRESS: 1326 161 A PHONE: 434-3915 LICENSE: 65

INSTALLATION DATE: 5-8-12 INSTALLER: Lashinski LICENSE: \_\_\_\_\_

Is the system in Shoreland, serving an MDH facility, or in a Wellhead Protection area?  YES  NO

Number of Bedrooms/Flow Rate: 2) 300 #/gpd Septic Tanks, No. & Size: 1650 Split #/gal

Pump Tank Size: 600 gal Tank Manufacturer: K+S

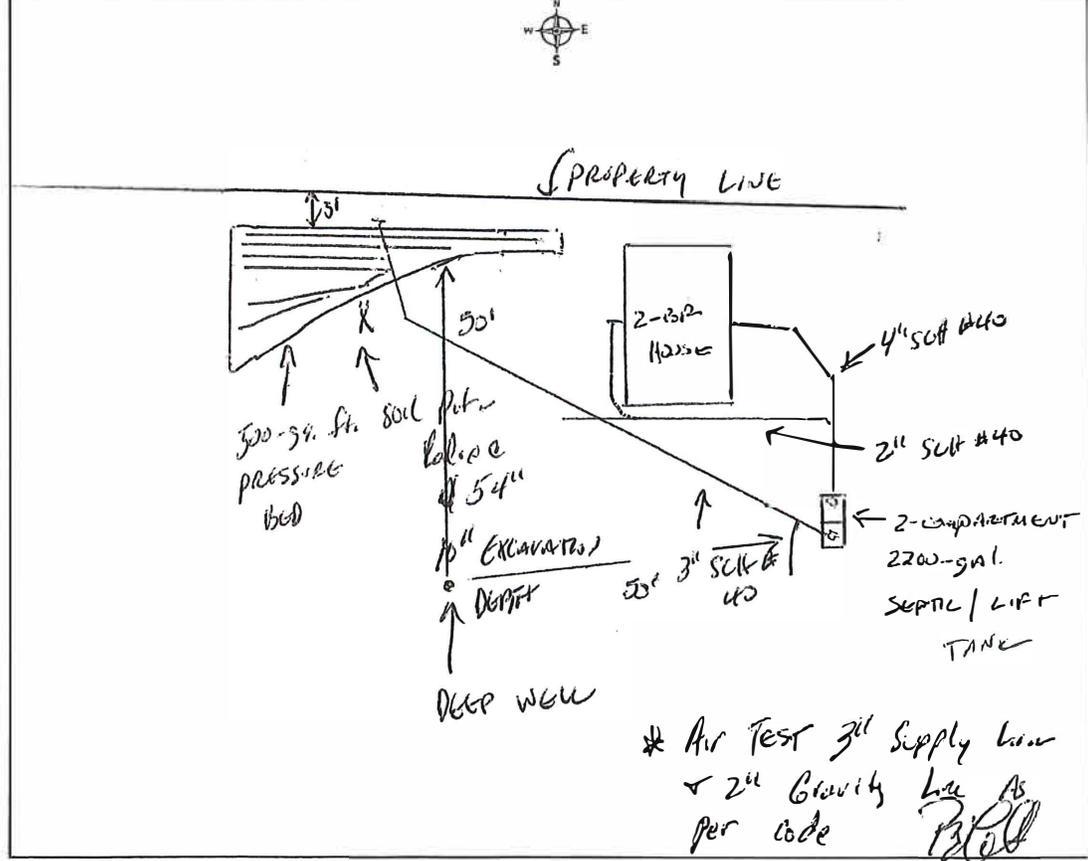
Pump Size: 1/3 hp 3 gpm 15 ft of TDH Limiting Layer Elevation/Depth: 53' from grade / benchmark

- TYPE I  TYPE II  TYPE III  TYPE IV  TYPE V
- TRENCH  BED  MOUND  AT-GRADE  ALTERNATIVE, OTHER & PERFORMANCE
- WARRANTIED

Depth from surface: 16" max in Rockbed size: 15" x 3" Describe: \_\_\_\_\_  
 Rock or slat depth: 6" in Absorption width: N/A \_\_\_\_\_  
 Diameter of gravelless: N/A in Sand depth: N/A \_\_\_\_\_  
 Trend width: \_\_\_\_\_ ft  
 Bottom Square Feet Area 501 ft<sup>2</sup>

DESIGN VARIANCES: SHALLOW WELL MUST BE SEAL BEFORE INSTALLATION OF NEW SYSTEM

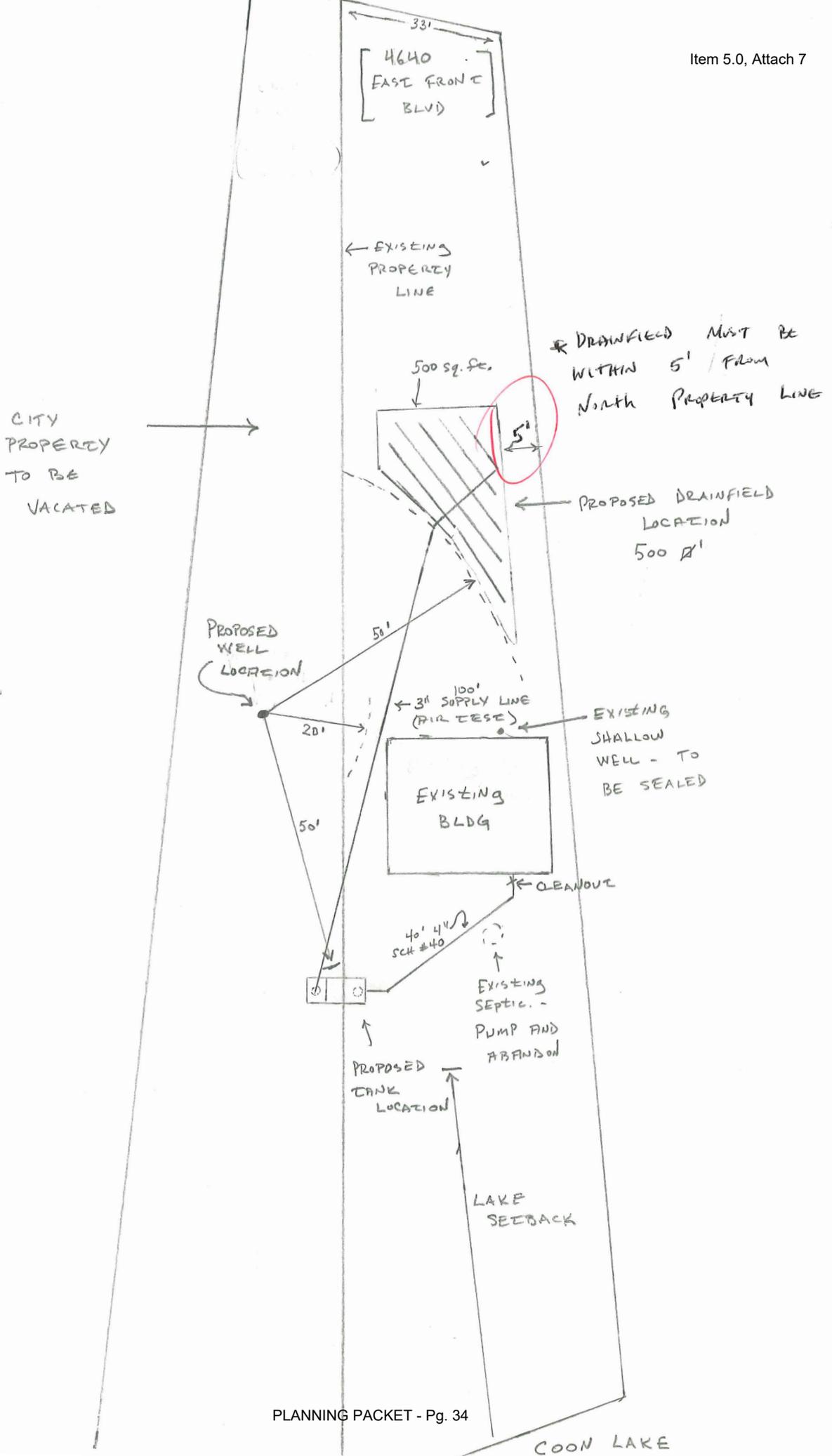
### SITE DRAWING



- Items to be identified:**
1. Septic, holding, and pump tanks, piping, and soil configuration. Label bed or trench width and length or rockbed size, absorption width, and final dimensions. Indicate alarm location.
  2. Show all setbacks from tank and soil system.
    - a) Property boundaries
    - b) Buildings
    - c) Wells
    - d) Water bodies
    - e) Road right-of-way
  3. Improvements: present and future
  4. Benchmark location and distance of tank and soil system from benchmark.
  5. Alternate site.
  6. Abandoned system.

I hereby certify that I have completed this work in accordance with applicable ordinances, rules, and laws.  
 \_\_\_\_\_ Installer 65 License # \_\_\_\_\_ Date 5-12-12

-over-



**LICENSE AND USE AGREEMENT**

This License and Use Agreement (this "License Agreement") is made and entered into this 6<sup>th</sup> day of April, 2012, by and between the City of East Bethel, a municipal corporation under the laws of the State of Minnesota (the "City"), and XXXXXX X. XXXXXX (the "License Holder").

**RECITALS**

A. License Holder is the fee owner of Real Property ("License Holder's Property") situated in the City of East Bethel, Anoka County, Minnesota, and legally described in Exhibit A attached hereto and incorporated herein by reference.

B. License Holder's Property is contiguous with the dedicated right of way of Sylvan Street, which is a dedicated but unimproved public street right of way. The License Holder has requested that he be permitted to use a portion of such street right of way for the uses and purposes stated in this License Agreement. That portion of such street right of way to be used by the License Holder is graphically depicted in Exhibit B attached hereto and incorporated herein by reference and is herein referred to as the "License Area".

C. The City has agreed to grant to License Holder a License to use the License Area for the uses and purposes and upon the terms and conditions stated in this License Agreement.

NOW, THEREFORE, in consideration of the foregoing Recitals, which are incorporated herein and made a part of this License Agreement, and of the terms and conditions hereinafter stated, the City and the License Holder agree as follows:

1. **License.** Subject to all of the terms and conditions stated in this License Agreement, the City hereby grants to License Holder a nonexclusive license (the "License") for the uses and purposes stated in Paragraph 2 of this License Agreement, in, under, over and across

the License Area. The City hereby authorizes the License Holder to use the License Area on a nonexclusive basis, solely for the uses and purposes and on the terms and conditions set forth in this License Agreement. The License granted by this License Agreement shall continue for the term stated in Paragraph 4 of this License Agreement. By granting the License and entering into this License Agreement, the City makes no warranty that it has good and marketable title to the License Area nor does the City agree to warrant or defend the License or License Holder's interest from other parties who may claim any right, title or interest in the License Area. The License is appurtenant to License Holder's Property, and may not be transferred or assigned except to an owner of License Holder's Property in connection with the conveyance of License Holder's Property.

2. **Purpose of License and Use of License Area.** The License is granted for the sole purposes of permitting License Holder to construct, install and maintain a private septic or sewage treatment system and water well and associated underground piping within the License Area to provide sanitary sewer and drinking water service for the residential structure located on License Holder's Property. Such septic system and well shall be constructed, maintained and installed in compliance with applicable state and local ordinances and regulations and in a location approved by the City. The License and License Holder's use of the License Area are limited to the specific purposes and uses stated in this License Agreement. No other use of or encroachment within the License Area is permitted by this License Agreement.

3. **No Property Interest.** This License Agreement and the License are personal to License Holder. No interest in the title to the public right of way of Sylvan Street is granted, created or transferred by this License Agreement. This License Agreement and the License are subject and subordinate to the prior, superior and continuing right of the City to use such public right of way as a street and for other public uses and purposes consistent with the dedication of Sylvan Street as a public street.

4. **Term.** The term of this License Agreement and the License shall begin on the date stated in the first paragraph of this License Agreement and shall continue until the earlier of the following dates (which earlier date is herein referred to as the "Termination Date", namely: a) the date on which public sanitary sewer service has been extended to and is available for immediate connection to the residence located on License Holder's property or b) the date on which the City has decided to open and improve the right of way of Sylvan Street as it abuts License Holder's Property by the construction of public street improvements within the right of way; (c) the date upon which the city council decides to vacate the right of way pursuant to Minn. Stat. 412.851; or (d) the date upon which the city council determines that it has a public use to which the land needs to be applied which is determined by the city council to be inconsistent with the purpose of this License Agreement. From and after the Termination Date, either party may terminate this License Agreement upon thirty (30) days written notice to the other party. Should either party wish to terminate the License Agreement and the License, such party shall serve written notice of termination on the other party and this License Agreement and the License shall terminate and be of no further effect thirty (30) days after the date on which notice of termination is given. The recordation of an Affidavit by either party that such notice of

termination has been given shall conclusively establish that this License Agreement and the License have been terminated.

5. **Restoration.** Upon termination of this License Agreement and the License, License Holder or his successors in title to License Holder's Property shall, if so directed by the City, immediately remove all of the well and septic system improvements from the License Area, at his or their sole expense, restoring the License Area to substantially the same condition that existed prior to installation of the well and septic system improvements. This License Agreement does not in any way obligate License Holder to maintain the License Area or any part of the right of way of Sylvan Street except for the routine maintenance of the well and septic system improvements to be installed within the License Area.

6. **Indemnification.** License Holder agrees he will defend, indemnify and hold harmless the City, its officers and employees from and against any and all liability, loss, costs, damages and expenses which the City, its officers or employees may hereafter sustain, incur, be required to pay arising out of the construction, maintenance and placement of the well and septic system improvements within the right of way of Sylvan Street.

7. **Notices.** All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be hand delivered or sent by certified mail, return receipt requested, to the following addresses:

All notices to License Holder shall be given to the party listed as the owner and taxpayer in the real property taxation records maintained by Anoka County, Minnesota, and delivered to the address on file in such records for the owner and taxpayer of License Holder's Property.

If to City:

City of East Bethel  
Attention: City Clerk  
2241 221<sup>st</sup> Avenue NE  
East Bethel, MN 55011

Hand delivered notices shall be deemed to have been given on the date of delivery. If notice is given by certified mail, such notice shall be deemed to have been given on the next business day following the date of mailing.

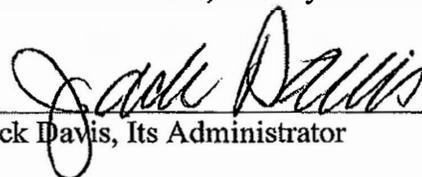
**8. Miscellaneous.**

- a. This License Agreement is made and executed in the State of Minnesota, and shall be construed and enforced according to the laws of Minnesota.
- b. The invalidity or unenforceability of any provision of this License Agreement shall not affect or impair the validity of any other provisions, all of which shall remain in full force and effect.
- c. The paragraph or section titles and captions in this License Agreement are for convenience of reference only and do not define, limit or construe the contents of the sections and paragraphs of this License Agreement.
- d. This License Agreement shall be binding upon and inure to the benefit of the parties hereto and, subject to the restrictions and limitations herein contained their respective successors and assigns.
- e. Any modification to this License Agreement shall only be effective if in writing and signed by all of the parties to this License Agreement.

IN WITNESS WHEREOF, the City and License Holder have executed this License Agreement effective as of the date first above written.

City of East Bethel, Minnesota

By   
Richard Lawrence, Its Mayor

By   
Jack Davis, Its Administrator